

# Evaluation of the EU Occupational Safety and Health Directives

## *COUNTRY SUMMARY REPORT FOR ITALY*

VC/2013/0049



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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

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## Evaluation of the EU Occupational Safety and Health Directives

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## ABBREVIATIONS USED

AP	Autonomous Provinces
ASL	Local Health Agency (“ <i>Azienda Sanitaria Locale</i> ”)
CEI	Italian Electrotechnical Committee (“ <i>Comitato Elettrotecnico Italiano</i> ”)
CENSIS	Study Centre and Corporate Investments (“ <i>Centro studi e Investimenti Sociali</i> ”)
CONTARP	Technical Consultancy Risk Assessment and Prevention (“ <i>Consulenza Tecnica Accertamento Rischi e Prevenzione</i> ”)
CPMs	Common Processes and Mechanisms
DGCIA	Directorate General for the Co-ordination of the Inspection Activities
DM	Ministerial Decree
DPCM	Decree of the President of the Council of Ministries
DPI	Personal Protective Equipment (“ <i>Dispositivo di Protezione Individuale</i> ”)
DPR	Decree of the President of the Republic
ESPP	External Service for Protection and Prevention
INAIL	Italian Workers’ Compensation Authority (“ <i>Istituto Nazionale per l’Assicurazione contro Gli Infortuni Sul Lavoro</i> ”)
IPSEMA <sup>1</sup>	Social Security Institute for the Maritime Sector (“ <i>Istituto di Previdenza per il Settore Marittimo</i> ”)
IRES	Institute for Economic and Social Research (“ <i>Institut de Recherches Economiques et Sociales</i> ”)
ISFOL	Institute for the Development of Vocational Training for Workers (“ <i>Istituto per lo sviluppo della formazione professionale dei lavoratori</i> ”)
ISPESL <sup>2</sup>	National Institute for Occupational Safety and Prevention (“ <i>Istituto Superiore Prevenzione e Sicurezza sul Lavoro</i> ”)
ISPP	Internal Service for Protection and Prevention
L.D.	Legislative Decree
MC	Competent medical officer
MMC	Manual Handling of Loads
OSH	Occupational Safety and Health
PNP	National Prevention Plan (“ <i>Piano Nazionale della Prevenzione</i> ”)
PRP	Regional Prevention Plan (“ <i>Piani Regionali della Prevenzione</i> ”)
ReNAM	Italian National Mesothelioma Registry (“ <i>Registro Nazionale dei Mesoteliomi</i> ”)
RLST	Territorial Workers Safety Representative (“ <i>Rappresentante dei lavoratori alla sicurezza</i> ”)
RSPP	Prevention and Protection Service Manager (“ <i>Responsabile del Servizio Prevenzione e Protezione</i> ”)

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<sup>1</sup> Since Law 122/2010, the functions have been taken over by INAIL.

<sup>2</sup> Since Law 122/2010, the functions have been taken over by INAIL.

SIMLII	Italian Society of Occupational Medicine and Industrial Hygiene (“ <i>Società Italiana di Medicina del Lavoro ed Igiene Industriale</i> ”)
SPRESAL	Service of Workplace Prevention and Safety (“ <i>Prevenzione e Sicurezza Ambienti di Lavoro</i> ”)
SSN	National Health Service (“ <i>Servizio Sanitario Nazionale</i> ”)

## INTRODUCTION

### General introduction to the report

This report presents a review of the main features of the practical implementation of 24 EU occupational safety and health (OSH) Directives in Italy. The information in this report has been gathered between October 2013 and June 2014. This Country Summary Report, together with the Summary Reports prepared for each other Member States, aims at mapping the implementation of the OSH Directives in the EU as a whole. It is based on a desk-study and interviews with national stakeholders (see Annex II for details on interviews carried out) and is one of the sources of information for the overall evaluation of the implementation. The Country Summary Reports will form an Appendix to the Final Report, which will compile the results of the evaluation and the associated recommendations.

This review is based on seven key mapping questions, which will inform the evaluation of the implementation of the OSH Directives in all Member States and the EU in general. The seven general Mapping Questions (MQs), which have been defined by the Commission and are answered in this Country Summary Report are the following:

Mapping question
<b>MQ1:</b> “Across the Member States, how are the different 'common processes' and 'mechanisms' foreseen by the Directives put in place and how do they operate and interact with each other?”
<b>MQ2:</b> “What derogations and transitional periods are applied or have been used under national law under several of the Directives concerned?”
<b>MQ3:</b> “What are the differences in approach to and degree of fulfilment of the requirements of the EU OSH Directives in private undertakings and public-sector bodies, across different sectors of economic activity and across different sizes of companies, especially for SMEs, microenterprises and self-employed?”
<b>MQ4:</b> “What accompanying actions to OSH legislation have been undertaken by different actors (the Commission, the national authorities, social partners, EU-OSHA, Eurofound, etc.) to improve the level of protection of health and safety at work and to what extent are they actually used by companies and establishments to pursue the objective of protecting health and safety of workers? Are there any information needs that are not met?”
<b>MQ5:</b> “What are the enforcement (including sanctions) and other related activities of the competent authorities at national level and how are the priorities set among the subjects covered by the Directives?”
<b>MQ6:</b> “What are the differences of approach across Member States and across establishments with regard to potentially vulnerable groups of workers depending on gender, age, disability, employment status, migration status, etc., and to what extent are their specificities, resulting in particular from their greater unfamiliarity, lack of experience, absence of awareness of existing or potential dangers or their immaturity, addressed by the arrangements under question?”
<b>MQ7:</b> “What measures have been undertaken by the Member States to support SMEs and microenterprises (e.g. lighter regimes, exemptions, incentives, guidance, etc.)?”

The template is structured according to these mapping questions.



# 1 MAPPING QUESTION 1: STRUCTURAL COMPONENTS OF HEALTH AND SAFETY DIRECTIVES

This first section focuses on how the national legal and institutional frameworks have been designed to reflect the main common processes and mechanisms (CPMs) of each Directive. It includes:

- A review of the national transposing legislation and the general structure of the legal framework;
- Mechanisms of coordination amongst the different authorities responsible for the implementation of the directives;
- The identification of any delays in transposing directives, focusing on most recent ones;
- Differences between the Directives' requirements and the national ones, looking at observed discrepancies, more stringent and more detailed provisions;
- Interactions between CPMs as embedded in the legislation.

## 1.1 GENERAL LEGAL FRAMEWORK

The various European OSH Directives led to a new concept of safety and health at work in Italy, which is now more focused on prevention and less on imposition. Such a change was expressed both at cultural and legislative terms in the national transpositions.<sup>3</sup> The relevant national legislation was the Legislative Decree no. 626 of 19 September 1994, which transposed a number of OSH Directives, including the Framework Directive that set down general principles. L.D. 626/1994 evolved with the introduction of implementations of specific OSH individual Directives related to the different risks/hazards at workplace.

The Legislative Decree no. 626 has been repealed by the current Legislative Decree no. 81 of 9 April 2008 – as updated and amended. L.D. 81/2008 coordinates and restructures in a single regulation all relevant legal provisions on occupational health and safety. It is the main piece of legislation on the obligations of employers and employees in relation to health and safety at work. Employers, managers, and officers are no longer the only actors to be committed to check the compliance with safety rules but the entire organization system is deputed to act, in an integrated way, to constantly check workplaces, to assess the risks and plan prevention and protection measures to be implemented in order to improve, over time, working conditions.

The current regulations concerning the protection of health and safety at work are hence contained in the Legislative Decree no. 81/2008. Italy has chosen to have one single legislative framework to rule the whole of the matter in order to give to all concerned stakeholders one clear legislative set. The aim of the Italian framework legislation is to create an efficient net of interventions but not an overlap from public authorities.

L.D. 81/2008 re-organises and updates all provisions relating to health and safety at work and has introduced novelties and new obligations for employers. These apply to all kinds of activities and risks, as well as to all workers, employees or self-employed, and to whoever carries out his activity in the employer's organisation. The main provisions are related to the organisation of thorough procedures to improve health and safety. The employer is required, in particular, to organise within the enterprise a protective and preventive service responsible for identifying risk factors and for their elimination or reduction to a minimum. The Decree also contains a number of stipulations on medical surveillance, designating a doctor responsible for the regular assessment and certification of workers' physical fitness to perform the tasks assigned to them. Another of its important provisions concerns the election or appointment of a workforce representative on matters of health and safety who enjoys

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<sup>3</sup> [http://oshwiki.eu/wiki/OSH\\_system\\_at\\_national\\_level\\_-\\_Italy](http://oshwiki.eu/wiki/OSH_system_at_national_level_-_Italy)

particular information and consultation rights. In addition, the employer is under an obligation to provide workers with all general information on the risks present in the workplace and specific information on the risks associated with performance of the tasks assigned to individuals. Lastly, workers must receive adequate health and safety training specific to their own particular job at the time of their recruitment, in the event of a transfer or change of job, and in the event of the introduction of new work equipment or any new technology. There is also a provision for special and appropriate training for safety representatives. Omission of the necessary precautions entails criminal liability for the employer and the right of the employer to ask damages. Additionally, from 16 May 2009, the Risk Evaluation Document must have a fixed date and also contain an evaluation of the stress-related risks. The Italian legislation in the area of occupational health and safety covers all types and sectors, without distinction, including the public sector and SMEs.

Directives 92/29/EEC (medical treatment on board vessels), 93/103/EC (work on board fishing vessels), 92/85/EEC (pregnant/breastfeeding workers), and 91/383/EEC (temporary workers) have been transposed into national legislation through several pieces of Legislative Decrees and specific Laws.

Numerous infringement cases were initiated against Italy in relation to different OSH-related directives, in particular Directive 89/391/EC (Framework Directive), Directive 1999/92/EC (ATEX), Directive 2003/10/EC (noise), Council Directive 98/24/EC (chemical agents at work), Directive 92/57/EEC (temporary or mobile construction sites) and Directive 93/103/EC (work on board fishing vessels). Four cases are linked to late transposition but the cases are now closed as national measures have been adopted and notified following a reasoned opinion or a letter of formal notice. Two infringement cases against Italy are still open and relate to non-conformity of national measures transposing certain provisions of Directive 93/103/EC (work on board fishing vessels) and the Framework Directive.<sup>4</sup> All other closed infringement cases relate to non-conformity or bad application of the Directives.

The following table provides an overview of the approach to transposition, indicating whether there is one law covering all OSH issues (O) as opposed to transposition spread over different acts (S). It then lists transposing national legislation per directive, specifying whether there was legislation existing prior to transposition. Finally, it identifies any infringement proceedings, which were mentioned in an overview table provided by the Commission.

**Table 1- 1 General Legal Framework**

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
<b>Directive 89/391/EEC</b> (Framework Directive)	O		L.D. 81/2008 <sup>5</sup> Comprehensive Law on health and safety at work (and subsequent amendments and additions) ( <b>L.D.81/2008</b> )  L.D. 626/94 <sup>6</sup> transposing OSH Directives on the improvement in the	Y	Infringement case 1993/032 on non-communication – case closed  Infringement

<sup>4</sup> Infringements no. 2010/4227 and no. 2011/2098 have been closed by the Law 161/2014 of October 30th, 2014 art. 13 and 15 – after this report was delivered.

<sup>5</sup> *DECRETO LEGISLATIVO 9 aprile 2008, n. 81 -- Attuazione dell'articolo 1 della legge 3 agosto 2007, n. 123, in materia di tutela della salute e della sicurezza nei luoghi di lavoro – (Implementation of Article 1 of Law 3 August 2007, No. 123, concerning the protection of health and safety on the workplace) -- O.J. 30.04.2008, No. 101, O.S. No. 108*

<sup>6</sup> *DECRETO LEGISLATIVO 19 settembre 1994, n. 626 -- Attuazione delle direttive 89/391/CEE, 89/654/CEE, 89/655/CEE, 89/656/CEE, 90/269/CEE, 90/270/CEE, 90/394/CEE, 90/679/CEE, 93/88/CEE, 95/63/CE, 97/42/CE, 98/24/CE, 99/38/CE, 99/92/CE, 2001/45/CE, 2003/10/CE, 2003/18/CE e 2004/40/CE riguardanti il miglioramento della sicurezza e della salute*

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			<p>safety and health of workers at work (modified by L.D. 242/1996<sup>7</sup> and L.D. 195/2003<sup>8</sup>) (<b>L.D. 626/94</b>) - repealed by L.D. 81/2008</p> <ul style="list-style-type: none"> <li>L.D. 242/1996 amendments and integrations to L.D. 626/1994 transposing OSH Directives on the improvement in the safety and health of workers at work</li> </ul> <p><b>Other relevant national legislation:</b>            Law 1/2002<sup>9</sup> - Law conversion with amendments, of Law Decree of 12 November 2001 n. 402<sup>10</sup>, containing urgent provisions relating to health of personnel (<b>L 1/2002</b>)</p> <p>Law 3 August 2007, n. 123<sup>11</sup> - Measures for the protection of health and safety at work and delegation to the Government for the reorganisation and reform of OSH legislation (<b>L 123/2007</b>) – partly repealed by L.D. 81/2008</p> <p>Law Decree 69/2013<sup>12</sup> on urgent measures to re-launch the economy (converted in Law 98/2013<sup>13</sup>) (<b>Law Decree 69/2013</b>)</p>		<p>cases 1995/2137, 2006/4223, 2006/4224 and 2013/4117 on non-conformity – cases are now closed</p> <p>Infringement cases 2000/4194 and 2005/5074 on bad application of the Directive – cases are now closed</p> <p>Open infringement procedure 2010/4227: case of non-conformity – EU-PILOT 953/10/EMPL<sup>14</sup> - reasoned opinion 258 (ex226) given<sup>15</sup></p>
<b>Council</b>	O		<b>L.D.81/2008</b>	Y	

dei lavoratori durante il lavoro – (Implementation of Directives 89/391/EEC, 89/654/EEC, 89/655/EEC, 89/656/EEC, 90/269/EEC, 90/270/EEC, 90/394/EEC, 90/679/EEC, 93/88/EEC, 95/63/EC, 97/42/EC, 98/24/EC, 99/38/EC, 99/92/EC, 2001/45/EC, 2003/10/EC, 2003/18/EC and 2004/40/EC concerning the improvement of the safety and health of workers during work) -- O.J. 12.11.1994, No. 265, O.S. No. 141

<sup>7</sup> DECRETO LEGISLATIVO 19 marzo 1996, n. 242 -- Modifiche ed integrazioni al decreto legislativo 19 settembre 1994, n. 626, recante attuazione di direttive comunitarie riguardanti il miglioramento della sicurezza e della salute dei lavoratori sul luogo di lavoro -- O.J. 06.05.1996, No. 104, O.S. No. 75

<sup>8</sup> DECRETO LEGISLATIVO 23 giugno 2003, n. 195 -- Modifiche ed integrazioni al decreto legislativo 19 settembre 1994, n. 626, per l'individuazione delle capacita' e dei requisiti professionali richiesti agli addetti ed ai responsabili dei servizi di prevenzione e protezione dei lavoratori, a norma dell'articolo 21 della legge 1 marzo 2002, n. 39 -- O.J. 29.07.2003, No. 174

<sup>9</sup> LEGGE 8 gennaio 2002, n. 1 -- Conversione in legge, con modificazioni, del decreto-legge 12 novembre 2001, n. 402, recante disposizioni urgenti in materia di personale sanitario – O.J. 10.01.2002, No. 8

<sup>10</sup> DECRETO-LEGGE 12 novembre 2001, n. 402 -- Disposizioni urgenti in materia di personale sanitario – O.J. 12.11.2001, No. 263

<sup>11</sup> LEGGE 3 agosto 2007, n. 123 -- Misure in tema di tutela della salute e della sicurezza sul lavoro e delega al Governo per il riassetto e la riforma della normativa in materia – O.J. 10.08.2007, No. 185

<sup>12</sup> DECRETO-LEGGE 21 giugno 2013, n. 69 -- Disposizioni urgenti per il rilancio dell'economia – (Urgent provisions to relaunch the economy) – O.J. 21.06.2013, No. 144, O.S. No. 50

<sup>13</sup> LEGGE 9 agosto 2013, n. 98 -- Conversione in legge, con modificazioni, del decreto-legge 21 giugno 2013, n. 69, recante disposizioni urgenti per il rilancio dell'economia – O.J. 20.08.2013, No. 194, O.S. No. 63

<sup>14</sup>

[http://scienzepolitiche.unicat.it/bacheca/archivio/materiale/462/OMBUDSMAN%20UE/Lettera\\_parere\\_motivato\\_infrazione\\_2010-4227\\_Bazzoni.pdf](http://scienzepolitiche.unicat.it/bacheca/archivio/materiale/462/OMBUDSMAN%20UE/Lettera_parere_motivato_infrazione_2010-4227_Bazzoni.pdf), Ref. Ares(2012) 1386695 – 23/11-2012. See also : <http://ec.europa.eu/social/main.jsp?catId=89&langId=en&newsId=1727&furtherNews=yes>

<sup>15</sup> Infringement no. 2010/4227 has been closed by the Law 161/2014 of October 30th, 2014 art. 13– after this report was delivered.

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
<b>Directive 89/654/EEC</b> (workplace)			<b>L.D. 626/94</b> (modified by L.D. 242/1996 and L.D. 195/2003 <sup>16</sup> ) - repealed by L.D. 81/2008  <b>Other relevant national legislation:</b> <b>Law Decree 69/2013</b>		
<b>Directive 2009/104/EC</b> (work equipment)	○		<b>L.D.81/2008</b> transposes Directive 89/655/CEE and later amendments.	Y	
<b>Council Directive 89/656/EEC</b> (PPE)		S	<b>L.D.81/2008</b>  L.D. 475/1992 <sup>17</sup> on transposition of Directive 89/686/EEC on personal protective equipment ( <b>L.D. 475/1992</b> )  <b>L.D. 626/94</b> (modified by L.D. 242/1996) - repealed by L.D. 81/2008	N	
<b>Council Directive 92/58/EEC</b> (OSH signs)	○		<b>L.D.81/2008</b> – All. XXIV-XXXII  L.D. 493/1996 <sup>18</sup> on transposition of Directive 92/58/EEC on the minimum requirements for the provision of safety and/or health signs at work - repealed by L.D. 81/2008	N	
<b>Directive 1999/92/EC</b> (ATEX)		S	<b>L.D.81/2008</b>  L.D. 233/2003 <sup>19</sup> on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres ( <b>L.D. 233/2003</b> )	N	Infringement case 03/0776/IT on non-communication – Case closed: national measures adopted and notified following reasoned opinion
<b>Council Directive 90/269/EEC</b> (manual)	○		<b>L.D.81/2008</b>  <b>L.D. 626/94</b> - repealed by L.D. 81/2008	N	

<sup>16</sup> *DECRETO LEGISLATIVO 23 giugno 2003, n. 195 -- Modifiche ed integrazioni al decreto legislativo 19 settembre 1994, n. 626, per l'individuazione delle capacita' e dei requisiti professionali richiesti agli addetti ed ai responsabili dei servizi di prevenzione e protezione dei lavoratori, a norma dell'articolo 21 della legge 1 marzo 2002, n. 39 -- O.J. 29.07.2003, No. 174*

<sup>17</sup> *DECRETO LEGISLATIVO 4 dicembre 1992, n. 475 -- Attuazione della direttiva 89/686/CEE del Consiglio del 21 dicembre 1989, in materia di ravvicinamento delle legislazioni degli Stati membri relative ai dispositivi di protezione individuale – O.J. 09.12.1992, No. 289, O.S. No. 128*

<sup>18</sup> *DECRETO LEGISLATIVO 14 agosto 1996, n. 493 -- Attuazione della direttiva 92/58/CEE concernente le prescrizioni minime per la segnaletica di sicurezza e/o di salute sul luogo di lavoro – O.J. 23.09.1996, No. 223, O.S. 156 – This legal act was repealed by Legislative Decree 81/2008*

<sup>19</sup> *DECRETO LEGISLATIVO 12 giugno 2003, n. 233 -- Attuazione della direttiva 1999/92/CE relativa alle prescrizioni minime per il miglioramento della tutela della sicurezza e della salute dei lavoratori esposti al rischio di atmosfere esplosive – O.J. 26.08.2003, No. 197*

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
handling of loads)					
<b>Council Directive 90/270/EEC</b> (display screen equipment)	O		<p><b>L.D.81/2008</b></p> <p><b>L.D. 626/94</b> (modified by L.D. 242/1996 and L.D. 195/2003) - repealed by L.D. 81/2008</p> <p><b>Other relevant national legislation:</b>            Law 422/00<sup>20</sup> Fulfilment of obligations deriving from Italy's participation to the European Community - Community Law 2000</p> <p>Law 14/2003<sup>21</sup> laying down provisions for the fulfilment of obligations deriving from Italy's membership of the European Community, 2002 Community Law</p>	N	
<b>Directive 2002/44/EC</b> (vibration)	O		<p><b>L.D.81/2008</b></p> <p>L.D. 187/2005<sup>22</sup> Transposing Directive 2002/44/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) - repealed by L.D. 81/2008</p>	N	
<b>Directive 2003/10/EC</b> (noise)		S	<p><b>L.D.81/2008</b></p> <p>L.D. 195/2006<sup>23</sup> transposing Directive 2003/10/EC on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise)</p>	N	Infringement case 06/457/IT on non-communication – Case closed: national measures adopted and notified following letter of formal notice
<b>Directive 2004/40/EC</b> (electromagnetic fields)		S	<p><b>L.D.81/2008</b></p> <p>L.D. 257/2007<sup>24</sup> transposing Directive 2004/40/EC on the minimum health and safety requirements regarding</p>	N	

<sup>20</sup> LEGGE 29 dicembre 2000, n. 422 -- Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee - Legge comunitaria 2000 – O.J. 20.01.2001, No. 16, O.S. No. 14

<sup>21</sup> LEGGE 3 febbraio 2003, n. 14 -- Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee. Legge comunitaria 2002 – O.J. 07.02.2003, No. 31, O.S. No. 19

<sup>22</sup> DECRETO LEGISLATIVO 19 agosto 2005, n. 187 -- Attuazione della direttiva 2002/44/CE sulle prescrizioni minime di sicurezza e di salute relative all'esposizione dei lavoratori ai rischi derivanti da vibrazioni meccaniche – O.J. 21.09.2005, No. 220 – This legal act was repealed by Legislative Decree 81/2008

<sup>23</sup> DECRETO LEGISLATIVO 10 aprile 2006, n. 195 – Attuazione della direttiva 2003/10/CE relativa all'esposizione dei lavoratori ai rischi derivanti dagli agenti fisici (rumore) – O.J. 30.05.2006, No. 124

<sup>24</sup> DECRETO LEGISLATIVO 19 novembre 2007, n. 257 -- Attuazione della direttiva 2004/40/CE sulle prescrizioni minime di sicurezza e di salute relative all'esposizione dei lavoratori ai rischi derivanti dagli agenti fisici (campi elettromagnetici) – O.J. 11.01.2008, No. 9

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
			the exposure of workers to the risks arising from physical agents (electromagnetic fields)		
<b>Directive 2006/25/EC</b> (artificial optical radiation)	○		<b>L.D.81/2008</b>	N	
<b>Directive 2004/37/EC</b> (carcinogens or mutagens)	○		<b>L.D.81/2008</b> transposes the requirements from Directive 90/394/EEC as amended by Directives 97/42/CE and 1999/38/CE.  The Directives 1999/45/EC and 67/548/EEC cited in art. 2 are transposed respectively by L.D. 65/2003 <sup>25</sup> and L.D. 52/ 1997 <sup>26</sup> .	Y	
<b>Council Directive 98/24/EC</b> (chemical agents at work)	○		<b>L.D.81/2008</b>  L.D. 25/2002 <sup>27</sup> transposing Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work ( <b>L.D. 25/2002</b> ) – now incorporated in L.D.81/2008  <b>Other relevant national legislation:</b> Ministerial Decree (Ministry of Labour) of 4 February 2008 <sup>28</sup> on the second list of indicative occupational exposure limit values  Ministerial Decree (Ministry of Labour) of 6 August 2012 <sup>29</sup> on the third list of indicative occupational exposure limit values	Y <sup>30</sup>	Infringement case 01/371/IT on non-communication – Case closed: national measures adopted and notified following reasoned opinion.  Infringement procedure with regard to Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit

<sup>25</sup> *DECRETO LEGISLATIVO 14 marzo 2003, n. 65 -- Attuazione delle direttive 1999/45/CE e 2001/60/CE relative alla classificazione, all'imballaggio e all'etichettatura dei preparati pericolosi – O.J. 14.04.2003, No. 87, O.S. No. 61*

<sup>26</sup> *DECRETO LEGISLATIVO 3 febbraio 1997, n. 52 -- Attuazione della direttiva 92/32/CEE concernente classificazione, imballaggio ed etichettatura delle sostanze pericolose – O.J. 11.03.1997, No. 58, O.S. No. 53*

<sup>27</sup> *DECRETO LEGISLATIVO 2 febbraio 2002, n. 25 -- Attuazione della direttiva 98/24/CE sulla protezione della salute e della sicurezza dei lavoratori contro i rischi derivanti da agenti chimici durante il lavoro – O.J. 08.03.2002, No. 57*

<sup>28</sup> *DECRETO 4 febbraio 2008 -- Recepimento della direttiva 7 febbraio 2006, n. 2006/15/CE. Direttiva della Commissione che definisce un secondo elenco di valori indicativi di esposizione professionale, in attuazione della direttiva 98/24/CE del Consiglio, e che modifica le direttive 91/322/CEE e 200/39/CE – O.J. 26.02.2008, No. 48*

<sup>29</sup> *DECRETO 6 agosto 2012 -- Recepimento della direttiva 2009/161/UE della Commissione del 17 dicembre 2009 che definisce il Terzo elenco di valori indicativi di esposizione professionale in attuazione della direttiva 98/24/CE del Consiglio e che modifica la direttiva 2009/39/CE della Commissione – O.J. 18.09.2012, No. 218*

<sup>30</sup> *Decreto Interministeriale del 6 agosto 2012, recepimento direttiva 2009/161/UE della Commissione del 17 dicembre 2009, che definisce il terzo elenco dei valori indicativi di esposizione professionale in attuazione della direttiva 98/24/CE del Consiglio e che modifica la direttiva 2009/39/CE della Commissione.*

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
					values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC – case closed <sup>31</sup>
<b>Directive 2009/148/EC</b> (asbestos)	○		<b>L.D.81/2008</b> transposes the requirements of Directive 83/477/EEC as amended by the Directives 91/382/EEC and 2003/18/EC.	Y	
<b>Directive 2000/54/EC</b> (biological agents)	○		<b>L.D.81/2008</b>	N	
<b>Council Directive 92/57/EEC</b> (temporary or mobile construction sites)	○		<b>L.D.81/2008</b>  L.D. 494/1996 <sup>32</sup> transposing Council Directive 92/104/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites - repealed by L.D. 81/2008  <b><u>Other relevant national legislation:</u></b> <b>Law Decree 69/2013</b>	Y	Case 2005/2200 on non-conformity – case closed
<b>Council Directive 92/104/EEC</b> (surface and underground mineral-extracting industries)	○		L.D. 624/1996 <sup>33</sup> transposing Council Directive 92/104/EEC on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries ( <b>L.D. 624/1996</b> )	N	
<b>Council Directive 92/91/EEC</b> (mineral-extracting industries through drilling)	○		<b>L.D. 624/1996</b>	N	

<sup>31</sup> Infringement cleared by the Decree of Labour Ministry of 6 August 2012

<sup>32</sup> *DECRETO LEGISLATIVO 14 agosto 1996, n. 494 -- Attuazione della direttiva 92/57/CEE concernente le prescrizioni minime di sicurezza e di salute da attuare nei cantieri temporanei o mobili – O.J. 23.09.1996, No. 223, O.S. 156*

<sup>33</sup> *DECRETO LEGISLATIVO 25 novembre 1996, n. 624 -- Attuazione della direttiva 92/91/CEE relativa alla sicurezza e salute dei lavoratori nelle industrie estrattive per trivellazione e della direttiva 92/104/CEE relativa alla sicurezza e salute dei lavoratori nelle industrie estrattive a cielo aperto o sotterranee – O.J. 14.12.1996, No. 293, O.S. No. 219*



	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
<b>Council Directive 92/29/EEC</b> (medical treatment on board vessels)		S	L.D. 271/1999 <sup>34</sup> Adaptation to occupational health and safety regulations of seafarers on board of merchant shipping and fishing vessels ( <b>L.D. 271/1999</b> )  Decree of Ministry of Health 13/06/1986 <sup>35</sup> on establishment of medical services on board of the Italian Merchant Marine navigating in Mediterranean Sea  Decree of Ministry of Health 20/12/1996 n° 708 <sup>36</sup> on medical and first aid training of maritime workers  Decree of Ministry of Health 28/02/2012 <sup>37</sup> on minimum requirements for medicinal supplies on board  Law 13/09/2013 n. 113 <sup>38</sup> on ratification of Labour Marine Convention 2006	N	
<b>Council Directive 93/103/EC</b> (work on board fishing vessels)		S	<b>L.D.81/2008</b>  <b>L.D. 626/94</b> - repealed by L.D. 81/2008  <b>L.D. 271/1999</b>  L.D. 298/1999 <sup>39</sup> transposing Council Directive 93/103/EC concerning the minimum safety and health requirements for work on board fishing vessels ( <b>L.D. 298/1999</b> )  D.P.R. 324/2001 <sup>40</sup> on the minimum level of training of seafarers	N	Open infringement procedure No. 2011/2098: non-conformity of national measures transposing certain provisions of Directive 93/103/EC – Reasoned opinion given

<sup>34</sup> *DECRETO LEGISLATIVO 27 luglio 1999, n. 271 -- Adeguamento della normativa sulla sicurezza e salute dei lavoratori marittimi a bordo delle navi mercantili da pesca nazionali, a norma della legge 31 dicembre 1998, n. 485 – O.J. 09.08.1999, No. 185, O.S. No. 151*

<sup>35</sup> *DECRETO 13 giugno 1986 – Istituzione del servizio medico di bordo su navi della Marina mercantile italiana addette alla navigazione nel mare Mediterraneo – available at [http://www.salute.gov.it/resources/static/uffici/DM13\\_06\\_1986.PDF](http://www.salute.gov.it/resources/static/uffici/DM13_06_1986.PDF)*

<sup>36</sup> *DECRETO 20 dicembre 1996, n. 708 -- Regolamento concernente l'istituzione e la disciplina dei corsi di aggiornamento di pronto soccorso per il personale appartenente alla gente di mare – O.J. 24.11.1997, No. 274*

<sup>37</sup> *DECRETO 28 febbraio 2012 -- Modificazioni delle disposizioni concernenti i medicinali, gli oggetti di medicatura e gli utensili di cui devono essere provviste le navi nazionali destinate al traffico mercantile, alla pesca e al diporto nautico – O.J. 07.08.2012, No. 183*

<sup>38</sup> *LEGGE 23 settembre 2013, n. 113 -- Ratifica ed esecuzione della Convenzione dell'Organizzazione internazionale del lavoro (OIL) n. 186 sul lavoro marittimo, con Allegati, adottata a Ginevra il 23 febbraio 2006 nel corso della 94ma sessione della Conferenza generale dell'OIL, nonche' norme di adeguamento interno – O.J. 09.10.2013, No. 237, O.S. No. 68*

<sup>39</sup> *DECRETO LEGISLATIVO 17 agosto 1999, n. 298 -- Attuazione della direttiva 93/103/CE relativa alle prescrizioni minime di sicurezza e di salute per il lavoro a bordo delle navi da pesca – O.J. 27.08.1999, No. 201*

<sup>40</sup> *DECRETO DEL PRESIDENTE DELLA REPUBBLICA 9 maggio 2001, n. 324 -- Regolamento di attuazione delle direttive 94/58/CE e 98/35/CE relative ai requisiti minimi di formazione per la gente di mare – O.J. 13.08.2001, No. 187, O.S. No. 209 – This legal act was repealed by Legislative Decree 136/2011*



	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
					258 (ex226) <sup>41</sup>
<b>Council Directive 92/85/EEC</b> (pregnant/breastfeeding workers)		S	<p><b>L.D.81/2008</b></p> <p>L.D. 645/1996<sup>42</sup> on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (<b>L.D. 645/1996</b>) – repealed by L.D. 151/2001</p> <p>Law 53/2000<sup>43</sup> Provisions for the support of maternity and paternity, the right to care and training</p> <p>L.D. 151/2001<sup>44</sup> Comprehensive law on support and protection of maternity and paternity (<b>L.D. 151/2001</b>)</p>	Y	
<b>Council Directive 91/383/EEC</b> (temporary workers)		S	<p>This directive has still not been formally transposed into national law. Nevertheless some provisions related to temporary workers have been spread over the following acts :</p> <p><b>L.D.81/2008</b></p> <p>L.D. 242/1996 (transposition of Directive 91/383) which amended L.D. 626/1994</p> <p>Law 196/1997<sup>45</sup> Regulations on the promotion of employment</p> <p>L.D. 61/2000<sup>46</sup> transposing Directive 97/81/CE framework agreement on temporary work</p> <p>L.D. 276/2003<sup>47</sup> (Biagi Reform) Proxy implementation with regard to labour market (<b>L.D.276/2003</b>)</p>	N	

<sup>41</sup> Infringement no. 2011/2098 has been closed by the Law 161/2014 of October 30th, 2014 art. 15 – after this report was delivered.

<sup>42</sup> *DECRETO LEGISLATIVO 25 novembre 1996, n. 645 -- Recepimento della direttiva 92/85/CEE concernente il miglioramento della sicurezza e della salute sul lavoro delle lavoratrici gestanti, puerpere o in periodo di allattamento – O.J. 21.12.1996, No. 299*

<sup>43</sup> *LEGGE 8 marzo 2000, n. 53 -- Disposizioni per il sostegno della maternita' e della paternita', per il diritto alla cura e alla formazione e per il coordinamento dei tempi delle città' – O.J. 13.03.2000, No. 60*

<sup>44</sup> *DECRETO LEGISLATIVO 26 marzo 2001, n. 151 -- Testo unico delle disposizioni legislative in materia di tutela e sostegno della maternita' e della paternita', a norma dell'articolo 15 della legge 8 marzo 2000, n. 53 – O.J. 26.04.2011, No. 96, O.S. No. 93*

<sup>45</sup> *LEGGE 24 giugno 1997, n. 196 -- Norme in materia di promozione dell'occupazione – O.J. 04.07.1997, No. 154, O.S. No. 136*

<sup>46</sup> *DECRETO LEGISLATIVO 25 febbraio 2000, n. 61 -- Attuazione della direttiva 97/81/CE relativa all'accordo-quadro sul lavoro a tempo parziale concluso dall'UNICE, dal CEEP e dalla CES – O.J. 20.03.2000, No. 66*

	O	S	Transposing National Legislation	Legislation prior to transposition (Y/N)	Infringement proceedings
<b>Council Directive 94/33/EC</b> (young people at work)		S	<b>L.D.81/2008</b>  Law 977/1967 <sup>48</sup> (amended by L.D. 345/1999 <sup>49</sup> on young practitioner and L.D. 262/2000 <sup>50</sup> ) ( <b>Law 977/1967</b> ) ( <b>L.D. 345/1999</b> )	Y	

## 1.2 GENERAL INSTITUTIONAL FRAMEWORK

This section presents key policy documents and describes the institutional structure together with roles and responsibilities of the main authorities and other stakeholders. It reviews all mechanisms and structures for coordination amongst those authorities in the framework of the transposition and implementation of the directives. Control and enforcement authorities will be covered under Section 5 below.

Although the Standing Advisory Committee in Italy, which has a tripartite composition, has issued a large number of policy documents, the National Strategy for Occupational Health and Safety was still in its proposal phase in 2013. The only other strategic planning document on OSH dates back to 2007.

Competences over OSH in the private and public sector are divided between the Ministry of Labour and Social Policy, and the Ministry of Health at the national level. At the territorial level, the Regions and Autonomous Provinces of Trento and Bozen have legislative OSH powers. Their responsibilities include delivering advice for legislative developments, supervision, promoting health and assisting businesses. In addition, the Standing Advisory Committee on Health and Safety at Work is dedicated to the implementation of legislation on safety and health at the workplace, to the elaboration of guidance documents (e.g. standardized procedures for conducting the risk assessment, qualification of businesses and self-employed), and to the promotion of a culture of prevention and good practices.

The local health authorities (ASL) have the primary responsibility for the supervision and control over health and safety at work. The Ministry of Labour and Social Policy is responsible for the inspection activity with regard to the implementation of legislation on health and safety at work. It is specifically aimed at reducing workplace accidents. The inspection is carried out by the inspection services of the Provincial Work Directorates only with reference to certain specific matters which relate in particular to the construction industry.

### 1.2.1 Key policy documents

In Italy, the strategic planning of policies on occupational health and safety has been developed over the years within the framework of national health plans and general plans for prevention. The only strategic planning document specifically dedicated to occupational health and safety goes back to 2007 with the "**Pact for Health**" enacted by Decree 17/12/2007. Against this background, the Standing Advisory Committee has developed in 2013 a document containing a number of proposals for the development of a **national strategy for occupational health and safety**. This document was published by the Ministry of Labour and has been approved on 29 May 2013. With these proposals for

<sup>47</sup> *DECRETO LEGISLATIVO 10 settembre 2003, n. 276 -- Attuazione delle deleghe in materia di occupazione e mercato del lavoro, di cui alla legge 14 febbraio 2003, n. 30 – O.J. 09.10.2003, No. 235, O.S. No. 159*

<sup>48</sup> *LEGGE 17 ottobre 1967, n. 977 -- Tutela del lavoro dei bambini e degli adolescenti – O.J. 06.11.1967, No. 276*

<sup>49</sup> *DECRETO 23 luglio 1999, n. 349 -- Regolamento recante norme per la gestione ed il funzionamento del Fondo nazionale di garanzia per il consumatore di pacchetto turistico – O.J. 12.10.1999, No. 240*

<sup>50</sup> *DECRETO LEGISLATIVO 18 agosto 2000, n. 262 -- Disposizioni integrative e correttive del decreto legislativo 4 agosto 1999, n. 345, in materia di protezione dei giovani sul lavoro, a norma dell'articolo 1, comma 4, della legge 24 aprile 1998, n. 128 – O.J. 25.09.2000, No. 224*

a national strategy, the Standing Advisory Committee has sought to enhance the dissemination of the culture of health and safety at work, the promotion and dissemination of safe behaviours, improve monitoring activities and support the effectiveness of prevention activities.<sup>51</sup> Both musculoskeletal and neoplasms disorders are considered priorities for supervisory action to encourage the reduction of occupational diseases.

The main lines of action set out by the Standing Advisory Committee are the following:

- to prepare and disseminate tools freely available online on governmental websites or dedicated websites to support firms, particularly with respect to small, medium and micro enterprises (good practices, guidelines, operating procedures, informative material).
- to deliver training for OSH-related professional profiles identified by Legislative Decree 81/2008 and develop new professional profiles (such as, for example, developers and auditors of management systems) to support the improvement of the management of health and safety in the workplace;
- to carry out systematic informative campaigns on OSH both to the general public and targeted groups or economic sectors; to strengthen the information system with the aim of identifying regional needs differentiated by gender;
- to programme and plan actions for increasing the levels of safety in the workplace through the improvement of inspective services as well as information and assistance to workers and enterprises;
- to promote and disseminate Corporate Social Responsibility;
- to develop a National plan on Asbestos aiming to support the exposed workers and to increase the reclamation of contaminated sites.

In order to achieve a coherent **planning of inspection activities** on the Italian territory, the Ministry of Labour and Social Policies annually publishes a programming document. The "Programming Document of the supervision activity for the year 2013"<sup>52</sup> outlined specific targets for intervention, the modalities of technical surveillance and the promotion of prevention activities. It also defined the project for the quality, transparency and uniformity of the inspection system. Specific reference is made to inspections that verify the implementation of Law 68/99 on the protection of workers with disabilities.

### 1.2.2 Main authorities and stakeholders

After the reform of Title V of the Constitution on the regulation of the health and safety of workers, the exclusive legislative powers of the State (Article 117, paragraph 2 of the Constitution) and concurrent powers of the Regions (Article 117, paragraph 3 of the Constitution) have been integrated with a strong predominance of the former.

The following aspects are the exclusive legislative competence of the State: representation and collective protection of worker's safety, the criminal and administrative penalty system, the determination of the basic level of benefits relating to civil rights, etc.

The Regions, on the other hand, are competent for the following aspects: promotion of the culture of safety and prevention (as provided in art. 11 of L.D. 81/2008 and s.m.i.), the improvement of the quality of surveillance activities, etc.

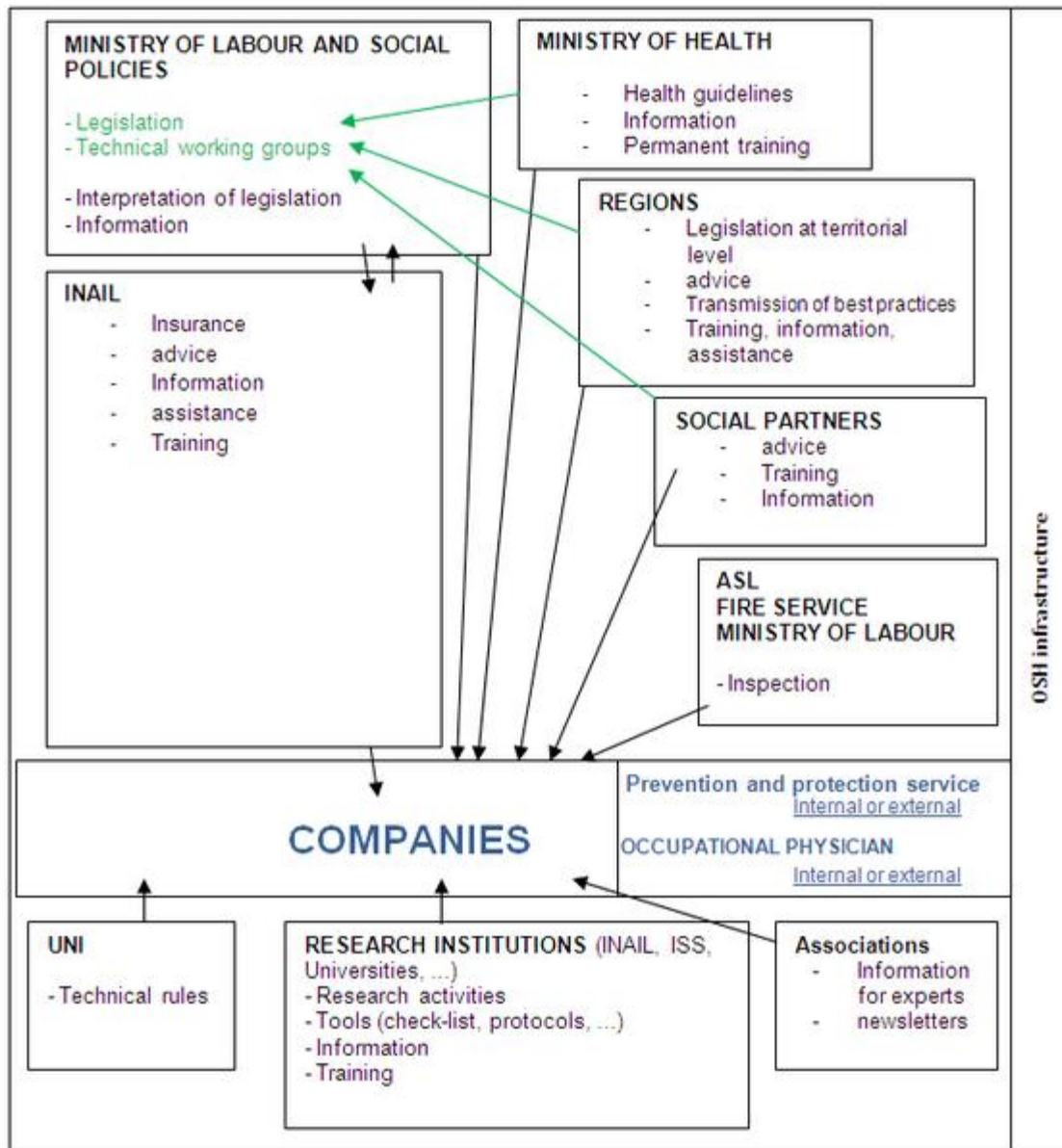
The main institutions and stakeholders who are responsible for the development and implementation of OSH policy in Italy include the Ministry of Labour and Social Policy, the Ministry of Health and

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<sup>51</sup> [http://www.lavoro.gov.it/SicurezzaLavoro/Documents/Documento\\_29\\_maggio\\_2013\\_Strategianazionale.pdf](http://www.lavoro.gov.it/SicurezzaLavoro/Documents/Documento_29_maggio_2013_Strategianazionale.pdf)

<sup>52</sup> [http://www.lavoro.gov.it/md/AreaLavoro/Vigilanza/Documents/Vigilanza/Documento\\_programmazione\\_vigilanza\\_2013.pdf](http://www.lavoro.gov.it/md/AreaLavoro/Vigilanza/Documents/Vigilanza/Documento_programmazione_vigilanza_2013.pdf)

other ministries with competence on the subject, the Health Technical Committee, the Standing Advisory Committee on Health and Safety at work, the State-Regions Conference, the Regions and autonomous Provinces, and the social partners.



The OSH infrastructure in Italy, available on [http://oshwiki.eu/wiki/OSH\\_system\\_at\\_national\\_level\\_-\\_Italy](http://oshwiki.eu/wiki/OSH_system_at_national_level_-_Italy)

The **Ministry of Labour and Social Policy** is the Ministry in charge of improving employment and labour conditions in general as well as OSH more specifically. The Ministry of Labour and Social Policy is delegated to issue secondary legislation on safety and health at work.

Division VI of the Ministry of Labour and Social Policy deals with all aspects of health and safety of workers, in particular through participation in community work and the preparation of the texts for the transposition of directives. In addition, it expresses opinions on the application of the relevant legislation with particular regard to L.D.81/2008 (workplaces, use of equipment and personal protective equipment, chemical, physical and biological agents; etc.). Also, it manages the Standing Advisory Commission on health and safety at work as provided by art. 6 L.D. 81/2008.

In reference to the health sector, we highlight the responsibilities of the **Ministry of Health** - Directorate-General for preventive health care, Office II - Environment Living and Working Conditions, which is responsible for the quality of living and working environments, climate change, radiation protection and electromagnetic fields as well as road and domestic accidents.

The **Committee for the direction and assessment of active policies and national coordination of inspection activities in the OSH field** (*Comitato per l'indirizzo e la valutazione delle politiche attive e per il coordinamento nazionale delle attività di vigilanza in materia di salute e sicurezza sul lavoro*) was established by Article 5 of L.D. 81/2008. This Committee has been recently incorporated by DPR 44/2013 within the **Health Technical Committee** established by the same Decree.

This Committee is assigned with the tasks of directing and assessing the drawing up of active policies on OSH as well as programming and coordinating nationwide activities of inspection services on safety and health at work. Furthermore it is called to ensure the coordination among the different public stakeholders in order to assess and develop policies as well as to implement concrete actions. It is, also, the place where public authorities at national and regional level are able to discuss and coordinate their respective roles and develop common lines of action aimed at putting in place a National Strategy for Occupational Health and Safety. This Health Technical Committee is joined by representatives of key Ministries (Ministry of Labour and Social Policy, Ministry of Internal Affairs and Ministry of Transport and Infrastructures), five representatives of Regions and a representative of the National Institute for Insurance against Accidents at Work (INAIL).

The **Committees for Regional Coordination**, established by art. 7 of L.D. 81/2008, assure the due coordination and correct implementation on the territory of the political guidance provided by the Committee, so that a coherent approach is guaranteed at the different levels.

The **Queries Commission** (*Commissione per gli Interpelli*) (provided for by Article 12 of L.D. 81/2008), formed by State and Region representatives, responds to general queries on the interpretation of health and safety provisions, thereby providing guidance to surveillance bodies nationwide. This Committee, established by Decree of 28 September 2011, is embedded within the Ministry of Labour and Social Policy<sup>53</sup>.

Also, the **Standing Advisory Committee on Health and Safety at work** addresses problems related to the implementation of laws on health and safety at work and formulates proposals for the development and improvement of existing legislation. Moreover, it validates good practices, draws up an annual report on the state of implementation of OSH legislation and its possible development, and draws up every five years a report on the effective implementation of European Directives on OSH. It identifies the voluntary norms and codes of conduct, identifies simplified standards for health and safety management systems targeted to SMEs, as well as the preventive actions and educational programmes eligible for financial incentives (Art. 6 L.D. 81/2008).

The Committee is composed of the following members:

- Ministry of Labour and Social Policy;
- Ministry of Health;
- Ministry of Economic Development;
- Ministry of Internal affairs;
- Ministry of Defence;
- Ministry of Transport and Infrastructures;
- Ministry of Agriculture;
- Presidency of the Council of Ministries;

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<sup>53</sup> National Implementation Report for Italy, Part I, Section 1.

- Representatives of regions and autonomous provinces designated by the State-Regions Conference;
- Representatives of major social partners (employers' associations and Trade Unions).

The activities of the Standing Advisory Committee are spread over 9 “technical” groups:

- Group 1 : validation of good practice in health and safety at work;
- Group 2: elaboration of standardized procedures for risk assessment;
- Group 3: qualifying businesses (identify which businesses can operate and under what conditions, with reference to factors relating to health and safety at work);
- Group 4: safety management systems;
- Group 5 : training in health and safety;
- Group 6: identification of methodological guidelines for the assessment of work-related stress;
- Group 7: temporary and mobile sites and DPI;
- Group 8: work equipment and DPI;
- Group 9: chemical, physical and biological agents.

The **State-Regions Conference** (established by Legislative Decree 281/1997) provides mandatory opinions on law, legislative decree or regulation proposals drafted by the Government on matters of regional competence and arranges agreements between the State and Regions with the aim of promoting the coordination of their activities and carrying out shared activities affecting common interests. The Regions and Autonomous Provinces (AP) are required to adopt the implementation measures of the national framework laws within the areas of regional competence (training, inspections and promotion of good practices and culture of safety and health at the workplace). Furthermore, Article 10 of LD 81/2008 provides Regions and APs with the task of providing information, assistance, counselling, and training to SMEs and employers' associations. Regions and APs are also in charge of carrying out inspections on OSH by means of Local Health Services.

The **Labour Inspectorate** is under the responsibility of the Ministry of Labour and Social Policy and has two sections: labour inspectors (*ispettore del lavoro*) who deal with employment and labour issues and technical labour inspectors (*ispettore tecnico*) who specialise in occupational health and safety and prevention at the workplace. A **Tripartite Committee for the Support of Labour Inspection** was established at the beginning of 1980s in order to assist the labour inspectorates. The most representative social partners (trade unions and employers' organisations) are represented in this committee and are thus informed and consulted on a regular basis on the different labour inspection programmes. According to Law No. 833 of 1978, the inspection activities related to the hygiene, health and safety at the workplace are carried out by Local Health Services which are currently referred to as Local Health Agencies (ASL) and which act under the responsibility of Regional Directorates for Prevention. Nevertheless, according to Article 13 of Legislative Decree 81/2008, the inspections related to compliance with health and safety legislation are also carried out by the Inspectors under the Ministry of Labour in the following undertakings:

- a) undertakings in the field of construction or civil engineering. More particularly in undertakings related to building, maintenance, demolition, restoration and conservation of fixed, permanent or temporary constructions made of masonry or reinforced concrete as well as road, railway, hydraulic construction, excavations, assembly and disassembly of prefabricated elements, underground works and tunnels, also involving the use of explosives;
- b) diving work and underwater caisson work;
- c) additional undertakings involving particularly high risks

**INAIL** is the national workers compensation authority. Art. 9 of L.D. 81/ 2008 confers to INAIL the following specific tasks in the field of OSH improvement:

- to provide technical assistance and consulting services in particular to micro-enterprises and SMEs;
- to provide training for workers in charge of carrying out activities related to the protection and prevention of occupational risks;
- to provide information to develop policies and legislation on safety and health at work;
- to promote and disseminate the culture of occupational safety and health.

Furthermore, Article 11 of L.D. 81/2008 provides INAIL with the task of co-funding (by means of funds provided to INAIL by the Ministry of Labour) projects of investment in the field of occupational health and safety at work carried out by small, medium and micro enterprises as well as training projects addressed to SMEs. INAIL provides incentives to promote the adoption of good practices in SMEs.

The **Regions and Autonomous Provinces** are required to adopt the implementation measures of the national framework laws within the areas of regional competence (training, inspections and promotion of good practices and culture of safety and health at the workplace). Furthermore Article 10 of L.D. 81/2008 provides Regions and APs with the task of providing information, assistance, counseling, training to SMEs and employers' associations. Regions and Autonomous Provinces are also in charge of carrying out inspections on OSH by means of Local Health Services.

With specific regard to the transposition of European directives, Law 234 of 2012 radically changed the way community law is implemented in Italy, making transposition more timely and effective. The older "Community Bill", which was introduced before Parliament at the end of each year and included provisions to implement EU legislation was divided into two separate legislative instruments. A European Delegation Bill is now introduced by the Government by 28 February each year, and includes legislative delegation for the implementation of directives. If necessary, a further European Delegation Bill may be introduced by 31st of July of each year.

The Government may then introduce a European Law, including all amendments to current national legislation that are necessary in consideration of pending infringement proceedings or rulings of the Court of Justice, as well as measures for the implementation of other EU acts and of international treaties negotiated and signed by the EU. An emergency procedure exists for the adoption of transposing measures for which an infringement procedure is running or if a judgment of the Court requires modification of legislation.

Finally, directives that affect the exclusive competence of the regions and autonomous provinces (Trento and Bolzano) are implemented in the legal order of the region concerned through its regional institutions.

In case of non-implementation by the Regions and Autonomous Provinces of European directives on matters within their exclusive jurisdiction, it is expected that the government exercises a replacement power (Art. 120 of the Constitution) which is achieved through a supplementary intervention, in order to avoid exposing Italy to infringement procedures for failure to transpose by the regions.

### ***Social dialogue***

Social partners also are involved in the development of occupational health and safety legislation and policies. With this aim, they have an advisory role which is set out in Art. 6 of L.D. 81/2008. According to this provision, ten representatives each from both trade unions and employers' associations are involved in the Standing Advisory Committee on Health and Safety at Work. Such representatives are designated by the main trade unions and employers' associations and appointed for five years by the Ministry of Labour and Social Policy.

Social partners are active in the implementation of legislations at national and regional level. Many agreements related to health and safety at work are made through collective bargaining, as stated in



L.D. 81/2008. Social partners also play an active role in the implementation of policies supporting employment. The main social partners in Italy include Confindustria<sup>54</sup>, Confagricoltura<sup>55</sup> and the National Confederation of Crafts and Small and Medium Enterprises<sup>56</sup> for the employers' side and the Italian General Confederation of Labour<sup>57</sup>, the Italian Confederation of Workers Trade Unions<sup>58</sup> and the Italian Labour Union<sup>59</sup> on the workers' side.

Finally, Italy also knows some specific research institutes on OSH. The National Health Institute (ISS)<sup>60</sup> is the leading research institution for the protection of public health. It is a technical-scientific body of the National Health Service. The Institute conducts scientific research in a wide variety of fields, from cutting-edge molecular and genetic research to population-based studies of risk factors for disease and disability. Furthermore the Institute plans, implements and evaluates training activities in risk assessment and safety and health at workplaces.

In addition, ISFOL<sup>61</sup>, the Institute for the Development of Vocational Training of Workers, is a national research institute operating in the field of education, vocational training and labour policies as to contribute to the improvement of employment conditions, of human resources and social inclusion and to local development, within a European and international perspective. In such a framework ISFOL provides technical support to the Ministry of Labour, Health and Social Policies, the Regions, the Autonomous Provinces and local bodies.

And the Prevention and Protection Unit of the National Research Centre (CNR)<sup>62</sup> provides guidelines and advice to improve the work environment and working conditions.

### 1.2.3 Coordination

All the main competent authorities as well as main stakeholders are involved in the **Standing Advisory Committee on Health and Safety at work** where they can interact to provide common advice and proposals in order to improve policies and legislation on health and safety at work. The Committee decisions can be transposed by the secondary laws issued by the Ministry of Labour and Social Policy. The interaction aimed at coordinating the activities between State and Regions takes place in the State-Regions Conference.

The **Committee for the direction and assessment of active policies and national coordination of inspection activities in the OSH field** is the place where public authorities at national and the regional level exchange information in order to promote a uniform implementation of the legislative framework, discuss and coordinate their respective activities and develop common lines of action aimed at putting in place a National Strategy for Occupational Health and Safety. This committee is also the place where they interact in order to provide a shared planning and to set up coordination of inspection activities. To this aim the Committee takes in account the information provided by the Regional Committees.<sup>63</sup>

#### *Results of stakeholder interviews*

<sup>54</sup> <http://www.confindustria.it/>

<sup>55</sup> <http://www.confagricoltura.it/ita/>

<sup>56</sup> <http://www.cna.it/>

<sup>57</sup> <http://www.cgil.it/>

<sup>58</sup> <http://www.cisl.it/>

<sup>59</sup> <http://www.uil.it/>

<sup>60</sup> <http://www.iss.it/>

<sup>61</sup> <http://www.isfol.it/>

<sup>62</sup> <http://www.mi.cnr.it/servizi-di-area/servizio-prevenzione-e-protezione>

<sup>63</sup> LD 81/2008 Art. 5



### **Efficiency of coordination mechanisms in place**

In the opinion of the majority of interviewed stakeholders, the Advisory Committee is not as effective as it should be. The main problems lay with the unclear definition of its role and with its functioning mechanisms. Trade unions outline that the Committee's advisory role has been fading in favour of its technical duties. In their opinion this trend is evidenced by the amendments to Art. 6 L.D. 81/2008, which have given the Committee the task of drawing up the standardized procedures for conducting the risk assessment, the criteria for the qualification of OSH trainers and the guidelines for risk assessment of work-related stress. In trade unions' opinion, the Committee's relevance to determine the general policies framework on OSH has been weakening over time because of this shift of the focus of the Committee's duties.

Furthermore, one of the trade unions' representatives stated that the role of the Committee's members has been diminished by the fact that the main part of the work in drafting technical guidance is delegated to technical experts in OSH. The Committee's capacity in fostering the social dialogue and providing shared decisions is more appreciated by institutions and workers' associations. Nevertheless, all the stakeholders agree that the effectiveness and efficiency of the Committee have to be improved. To this purpose, the main problem to be addressed is the excessive length of time which the Committee takes to deliver its decisions due to the need of taking in account and mediating between the different viewpoints and interests. In the view of many stakeholders the Committee should be able to carry out its duties in a timelier manner in order to better support the implementation of OSH legislation.

It has also been highlighted that the Committee's delays in providing results affects its role as coordination body. In support of this view, reference is made to the case of the guidelines for the assessment of work related stress. During the nearly three years that were needed for the Committee to issue the national mandatory guidelines to assess work related stress, some regions issued their own guidelines. This lack of coordination created some problems as some companies carried out the risk assessment of work related stress according to Regional guidelines which were later changed by the Committee.

Almost all stakeholders give a negative opinion on the work done by the Section of the Health Technical Committee that has recently inherited the duties of the former Committee for active policies and inspection services on OSH established by Article 5 of L.D. 81/2008. The results of its assessment activity are not known and their contribution to the improvement of OSH policies is generally not perceived. In the opinion of almost all stakeholders it also failed in providing a national coordination to inspection services that are under the responsibility of regions as well as in addressing the problems entailed by the Regional jurisdiction over active policies for OSH. In particular, it is highlighted that the Technical Committee was not able to really influence the activity of Regional Coordination Committees which are in charge of planning and coordinating the inspection services at regional level.

As examples of the ineffectiveness of the Committee in carrying out this task, the interviews pointed out the differences existing among the Regions in terms of criteria adopted by the different Regional Inspection Services for assessing the compliance as well as in terms of inspector's number and competence. As outlined by some of interviews these problems have been also reported by the 3rd interim report of the Parliamentary Inquiry Commission on injuries at work delivered in 2012.

As reported by the National Authorities, in order to overcome such problems it is planned to bring all the Inspection services under the direct control of the State and set up a national Agency delegated to manage them directly. This restructuring of Inspection services seems to be widely shared among the social partners. At the same time, they hope to be involved in this new Agency.

Eventually, the majority of stakeholders have not expressed an opinion on the State-Regions Conference. Their attention was more focused on the problem of the Regions' jurisdiction on OSH

and on the impact of this decentralized jurisdiction on the effectiveness and homogeneity of OSH legislation enforcement throughout the various parts of the country. In general, the State Regions Conference is not seen as a coordination mechanism able to contribute to address this issue in an effectively and timely manner.

The lack of an effective coordination between the action carried out by the regions has been widely highlighted by the interviewees. Some examples of the problems caused by this lack of coordination have also been provided. In this regard, they outline, for example, the fact that the Regional training systems don't recognise each other's training qualification or the fact that the procedures for requiring authorisations or complying with notification requirements related to OSH are different by Regions.

### **1.3 LEGAL COVERAGE, OBSERVED DISCREPANCIES AND MORE STRINGENT MEASURES**

#### **1.3.1 Observed discrepancies, more stringent and more detailed measures**

The following tables describe observed discrepancies between the Directive's requirements and the transposing legislation and cases where the national legislation provides for more stringent, broader or more detailed measures than the Directive's ones. There is one table per directive.

Observed discrepancies between the Directive's requirements and the transposing legislation cover instances where the text of the national transposing legislation is different from the transposed Directive's provisions. This difference could lead to the non-application or partial application of the relevant CPM due to contradiction between the national provision and the corresponding one in the Directive. They are considered for each CPM, scoping requirements and limit values when relevant (tables 1-2 to 1-25).

More stringent provisions set requirements which go beyond the requirements of the Directive e.g. more severe limit values. This review covers systematically the scope and relevant definitions as well as provisions setting limit values.

The identification of more specific requirements is different from more stringent measures, as it relates to the extent to which national law includes more detailed mechanisms for the implementation of the CPMs. In such cases, the main requirements of the Directive are fully and effectively transposed and the Member States have set up more detailed rules on e.g. procedures, responsibilities, etc.

In addition, the following observed discrepancies have also been noted: while the Framework Directive only includes exceptions with regard to certain public sector activities, L.D. 81/2008 seems to allow some exceptions for archives, libraries and museums if they are subject to restrictions for the protection of artistic and cultural heritage. Art. 3 of LD 81/2008 establishes that the Italian OSH legislation shall take into account the characteristics peculiar to these buildings as it does for the characteristics peculiar to armed forces and some other public services. Nevertheless, it has to be pointed out that the same L.D. provides that the OSH provisions have to be adapted to activities undertaken within such buildings by means of a Ministerial Decree.

Further, the definition of night work in Directive 94/33/EC (young people at work) differs from the definition given in the national law. Also, the legislation transposing Directive 98/24/EC (chemical agents at work) failed to include a limit value, leading to an observed discrepancy. Finally, the scope of the Italian legislation transposing Directive 92/57/EEC (temporary or mobile construction sites) is more limited, as, according to Art. 88 L.D. 81/2008, the provisions related to temporary or mobile construction sites are not applied to some activities.

L.D. 81/2008 includes several more stringent or more detailed measures, and this impacts the transposition of the Framework Directive and numerous OSH individual Directives. The risks to be taken into account in the risk assessment are always described in a more specific manner than in the respective Directive, including the risks related to physical and biological agents, dangerous substances and explosive atmospheres. The risk assessment shall also always cover work-related stress and risks to pregnant workers as well as risks related to gender, age, place of origin and contractual status of the worker. For all major risk factors, the risk assessment criteria are identified by L.D. 81/2008 and related implementing norms and regulations. Standardised and simplified procedures for the risk assessment apply to businesses employing up to 10 workers but can also be used by companies up to 50 workers. In addition, skills, education and training required for the employers, the manager of preventive and protective services and the MC (competent medical officer) are further detailed by L.D. 81/2008. With regard to the preventive and protective services, L.D. 81/2008 specifies those undertakings where the employer may himself take responsibility of preventive and protective services and the minimum skills, education and training required to be appointed as manager in charge for preventive and protective services or to be entitled to work in these services is also further detailed in Italian legislation. For each OSH Directive, the transposing national legislation details the content of the information and of the training to be given to the workers, as well as the specific requirements as to the competence of the trainers. With regard to health surveillance, the results of health surveillance must be filed in the worker's personal health and risk folder kept by the MC and an annex of L.D. 81/2008 details the content of the worker's personal health and risk folder. Also, a preventive medical examination is mandatory for workers whose exposure exceeds the upper exposure action values as part of general health surveillance procedures. Furthermore, L.D. 81/2008 provides that the employer shall adapt the protective and preventive measures to take care of specific needs of exposed workers who are particularly sensitive to risk (i.e. pregnant women and minors). In many cases, the periodicity of health surveillance is set at once a year, but this frequency can be modified by the MC on the basis of the risk assessment. Finally, L.D. 81/2008 provides for a national information system for prevention in the workplace (SINP).

More specifically, without giving an exhaustive list, in relation to Directive 89/654/EEC (workplace), the transposing Law does not make any difference between workplaces used for the first time after 1992 and workplaces already in use before that date. In relation to Directive 92/58/EEC (OSH signs), the employer shall take the proper measures to provide information or instructions about dangerous situations that are not covered by means of signs according to good practices, specific characteristics of the activity and experience. Also, the risk assessment under Directive 1999/92/EC (ATEX) shall be supplemented by an 'explosion protection document', in the same way that the national legislation transposing Directive 2004/37/EC (carcinogens or mutagens) obliges employers to keep a registry of workers exposed to health risks from carcinogens and mutagens. In addition, the scope of the national legislation transposing Directive 90/269/EEC (manual handling of loads) is broader as it covers the prevention of diseases caused by biomechanical overload (which are defined as diseases affecting the musculoskeletal, musculotendinous and neurovascular structures). The scope of L.D. 645/1996, transposing Directive 92/85/EEC (pregnant/breastfeeding workers) is also broader as the breastfeeding period lasts up to seven months after giving birth and the provisions for the protection of the health and safety of pregnant and breastfeeding workers are also applied to women who have taken in adopted or foster children until they turn seven months. Also the health surveillance under Directive 90/270/EEC (display screen equipment) is broader as the transposing legislation entitles workers to a more comprehensive medical examination regarding not just eyes and eye sight but also the musculoskeletal disorders. The daily work routine is, on the other hand, more stringent because workers who use display screen equipment are entitled at least to a break of fifteen-minutes every two hours. With regard to limit values, it can be noted that the national legislation generally includes more stringent limit values (but no limit value related to Cyanamide is set in relation to Directive 98/24/EC (chemical agents at work). Finally, Italian labour legislation has introduced a peculiar kind of employment relationship, namely the project-based employment relationship (regulated by L.D. 276/2003) where the work performance is carried out in a workplace belonging to the employer.

The Italian implementation of the legal provisions for employers' representatives remains different from and incompatible with the provisions of the EU Directive - according to the statement nr. 65/01 issued by the EU Court of Justice.

Nevertheless, it has to be pointed out that Italy, with the law n. 98/2013 – which aimed to reduce the administrative burden in OSH -, has began a process of simplification of the OSH legislation in order to address the several cases of more stringent or more detailed measures.

According to such a process, the following laws and decrees have been discussed in order to address the issue of the simplification:

- Ministerial decree of Ministry of Labour about sectors of activity at a low risk profile;
- Ministerial decree of Ministries of Labour, Health, Agriculture for simplifying risk assessment in agriculture;
- Ministerial decree of Ministries of Labour and Public Service, April 18th 2014: information to local authorities concerning construction in industrial sites;
- Ministerial decree of Ministry of Labour September, 9th 2014: simplified models for the adoption of operational plan for safety;
- Ministerial decree of Ministries of Labour and Health: simplified models for information, training and health control for the performing of short activities.

#### *Results of stakeholder interviews*

Interviews outlined some general contradictions between European legislation on OSH and the national transposing legislation which cannot be considered as real observed discrepancies but which are worth reporting on:

- the Italian legislation places an unnecessary administrative and bureaucratic burden on enterprises that exceeds the European requirements. Some specific cases to support this statement are provided. In Italy it is required to put a "certain date" on a document such as the risk assessment (paragraph 2, art. 28 of Legislative Decree no. 81/2008) which by its nature should be an evolving document and not just a formal self-certification of compliance with law provisions.
- in Italy, the risk assessment is not intended as a means to identify problems and fix them. The risk assessment document is primarily aimed at providing to the inspection authorities a statement of full compliance with OSH law requirements. Enterprises are only allowed to adopt improvement measures starting from a situation of initial full compliance. For this reason, the risk assessment becomes a bureaucratic act in which the enterprises state a level of compliance which is often not really achieved.
- according to Article 2087 of the Civil Code, enterprises in Italy are obliged to adopt the best available technologies to protect the safety and health of workers. It means that enterprises are not only expected to demonstrate compliance with specific law requirements but also the adoption of BAT in order to be exonerated from civil liability when their workers suffer from injuries/health problems.
- in Italy some provisions that have been outdated by the most recent legislation are still in force. It is the case of a Circular on aromatic amines dating back to 1979. It has been outdated by the further legislation transposing the EU Directives but never formally abrogated. In order to comply with this circular (and more in general with all outdated regulations still persisting), firms are therefore required to duplicate the formalities required by the Directives on the exposure to chemical agents and carcinogens and mutagens at work.

**Table 1- 2 Directive 89/391/EEC (Framework Directive) – Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions (Art.1 and 3)	<p>Art.2</p> <p>1. All sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).</p> <p>2. Not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it.</p> <p>Art.3</p> <ul style="list-style-type: none"> <li>• Apply to any person employed by an employer, including trainees and apprentices but excluding domestic servants;</li> <li>• Employer: any natural or legal person who has an employment relationship with the worker and has responsibility for the undertaking and/ or establishment;</li> </ul>	<p>The transposing law (L.D. 81/2008) establishes that for activities carried out in historical buildings (archives, libraries and museums) its provisions are applied taking into account the needs related to the conservation of artistic and cultural heritage. This provision does not seem to be justified as the Framework Directive limits public sector exceptions to those situations in which the characteristics of the public service activities would inevitably conflict with it.<sup>64</sup></p>	<ul style="list-style-type: none"> <li>• Are specific public service activities (such as armed forces or police) included in the scope of the legislation which are not in the Directive?</li> </ul> <p>Yes. The transposing Law (L.D. 81/2008) is applied to all sectors though some specific adaptations are established for certain public services: armed forces, the firefighters, the police and civil protection activities (Decree 28<sup>th</sup> of November 2011 n. 231) for activities undertaken abroad by the national civil protection body (Decree of 16<sup>th</sup> of February 2012, n. 51) and by armed forces.</p> <p>Some special provisions are also provided by the Decree of the Ministry of Labour of 13 April 2011 for volunteer organisations that act to protect public safety in emergency or disasters and social cooperatives. As regards social cooperatives, Art. 7 of the Decree provides guidance for applying the provisions of L.D. 81 to cooperatives' members and workers.</p> <p>Moreover the transposing law (L.D. 81/2008) establishes that its provisions have to be applied to such organisations as education and high-education institutions as well as universities, by taking into account the characteristics of the service provided and their organisational peculiarities. Two Decrees of the Ministry of Labour (approved by State – Regions Conference on 3 March 2011) provide the guidance for the adaptation of L.D 81 to these organisations. The</p>

<sup>64</sup> The L.D. 81/2008 allows some exceptions for archives, libraries and museums if they are subject to restrictions for the protection of artistic and cultural heritage. Art. 3 of LD 81 says that the Italian OSH legislation takes into account the characteristics peculiar to these buildings as it does for the characteristics peculiar to armed forces and some other public services. Nevertheless, it has to be pointed out that the same L.D. provides that the OSH provisions have to be adapted to activities undertaken within such buildings by means of a Ministerial Decree.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Decreets provide guidance for identifying the employer, the manager of preventive and protective services and the workers' representatives. Furthermore, some more stringent rules are provided for checking work equipment. These rules are aimed at giving reinforced protection to workers in such organizations.</p> <ul style="list-style-type: none"> <li>• Does the legislation include domestic servants in its scope?</li> </ul> <p>No, the legislation excludes domestic servants and other domestic staff from its scope.</p> <ul style="list-style-type: none"> <li>• Is the definition of employer broader than the Directive's?</li> </ul> <p>No, but the legislation contains more specific requirements for the identification of the employer in the public sector.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>Yes, detailed requirements are established for rail transport (according to the Law 191/74), fishing boats (according to the L.D. 298/99), maritime transport (according to the Legislative Decree 271/99) and port-related activities (according to the L.D. 272/99).</p>
<b>Conducting a risk assessment Art. 6(3), 9(1)(a)</b>	<p>Art.6</p> <ul style="list-style-type: none"> <li>• The employer must, taking into account the nature of the activities of the enterprise and/or establishment evaluate the risks to the safety and health of workers, inter alia in the choice of work equipment, the chemical substances or preparations used, and the fitting-out of work places.</li> </ul> <p>Art.9</p> <ul style="list-style-type: none"> <li>• The employer shall be in possession of an assessment of the risks to safety and health</li> </ul>	<p>An observed discrepancy is related to the 90 days period granted by art. 28 (3-bis) L.D. 81/2008 to new undertakings to provide the risk assessment document and the 30 days period granted by art. 29 (3) L.D. 81/2008 to all undertakings to provide the revision of the risk assessment document. (EC reasoned opinion - Violation n. 2010/4227 with regard to Art. 9 FD) In order to amend this observed discrepancy a new provision is going to</p>	<ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>Yes, all major risks to be taken in account are listed by L.D. 81/2008. Furthermore the Decree identifies and describes in a detailed manner the risks related to physical and biological agents, dangerous substances and explosive atmospheres. (see below)</p> <p>The L.D. 81/2008 establishes that the assessment shall also cover work related stress and risks to pregnant workers as well as risks related to</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>at work, including those facing groups of workers exposed to particular risks.</p>	<p>be established aimed at pushing employers to give immediate evidence of the risk assessment.<sup>65</sup></p> <p>In addition, another observed discrepancy is related to the need to provide evidence of the cooperation between undertakings which share a workplace in implementing the OSH provisions, according to Art 6 (4) Directive 89/391. (EC reasoned opinion - Violation n. 2010/4227)<sup>66,67</sup></p>	<p>gender, age, place of origin and contractual status of the worker. Also risks related to unexploded second world war bombs discovered at construction sites have to be taken in account.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>Yes, the L.D. 81/2008 details the content of the risk assessment. For all major risk factors, the assessment criteria are identified by L.D. 81/2008 and related implementing norms and regulations. Hazardous substances and activities, as well as methodologies to measure risk exposure of workers and exposure limits are identified where needed. The criteria to be taken into account to assess work related stress are also detailed.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>Yes. In the L.D. 81/2008 the main steps of the risk assessment procedure are identified. The employer is called upon to draw up, with the support of the manager of preventive and protective services, the workers' representative and the competent medical officer<sup>68</sup> (MC) (for</p>

<sup>65</sup> Infringement no. 2011/2098 has been closed by the Law 161/2014 of October 30th, 2014 art. 15 – after this report was delivered.

<sup>66</sup> Infringement no. 2010/4227 has been closed by the Law 161/2014 of October 30th, 2014 art. 13 – after this report was delivered.

<sup>67</sup> Art.26 of L.D. 81/2008 allows the main contractor who shares with one or more subcontractors a workplace where low risks activities are carried out to replace the requirement of drafting a single interference risk assessment document (DUVRI) with the appointment of a qualified OSH coordinator. This provision exempts contracting undertakings to provide a written evidence of measures taken to prevent risks from interference with the activities carried out by subcontracting undertakings. It is reported by the national authorities that a new provision is going to be adopted in order to avoid this observed discrepancy: according to this new provision, risks from interference will be assessed, on their own, by each low risks undertakings which share a workplace.

<sup>68</sup> As provided by Art. 38. Titles and requirements of the competent medical officer (Legislative Decree 81/2008): “1. In order to fulfil the function of the competent medical officer, an individual must meet the following eligibility requirements:

a) specialization in occupational medicine or in preventive medicine for workers and psycho-techniques;

b) doctorate in occupational medicine or preventive medicine and psycho-techniques, or industrial toxicology, or industrial hygiene or physiology and occupational hygiene or in clinical occupational.;

c) authorisation as provided for in Article 55 of legislative decree No 277 of 15 August 1991;

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>establishments where the health surveillance is mandatory), a document containing the following information:</p> <ul style="list-style-type: none"> <li>a) the identification of health and safety risks in the establishment</li> <li>b) the protection and prevention measures adopted</li> <li>c) a plan for the continuous improvement of health and safety in the establishment</li> <li>d) the procedures and responsibilities for the implementation planned measures</li> <li>e) the name of the manager of preventive and protective services, the workers' representative and the MC who were involved in the assessment</li> <li>f) the identification of activities exposed to specific risks which have to be undertaken by workers with proper professional skills and experience as well as adequate education and training</li> </ul> <p>(Article 28 L.D. 81/2008)</p> <p>Standardised and simplified procedures for the risk assessment<sup>69</sup> apply to businesses employing up to 10 workers (Article 29 paragraph 5 of L.D.81/2008 as amended) but can also be used by companies up to 50 workers (Article 29 paragraph 6 of the Legislative Decree no. 81/2008)</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in</li> </ul>

d) specialisation in preventive health and medicine or in legal/insurance medicine.

d-a) with particular reference to the role of the medical staff of military members including Carabinieri Corps, Policemen and financial police, at least 4 years related work experience in occupational medicine.”

<sup>69</sup> Are excluded from this provision: undertakings that are called to carry out the risk assessment because of particular risk condition or size, in accordance with article 28 of L.D. 81/2008.



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</p> <p>Yes. Skills, education and training required for the employers, the manager of preventive and protective services and the MC are detailed by L.D. 81/2008/2008. L.D. 81/2008/2008 specifies in some cases the source of information to be used for undertaking the risk assessment (e.g. the information provided by the products' manufacturer has to be used for the assessment of risks related to chemical substances). Furthermore, some relevant information is provided by the L.D. 81/2008/2008 and related implementing norms and regulations (classification of dangerous substances, dangerous manufacturing processes and operations, exposure limits, assessment criteria, preventive and protective measures)</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>L.D. 81/2008 establishes that the employer shall adopt an occupational health and safety management system according to National UNI-INAIL Guidelines or British Standards OHSAS 18001:2007 to be discharged from any liability arising from the non-compliance with the OSH law provisions. (Art. 30 L.D. 81/2008)</p>
<b>Ensuring preventive and protective services Art.7(1)</b>	<ul style="list-style-type: none"> <li>• The employer shall designate one or more workers to carry out activities related to the protection and prevention of occupational risks for the undertaking and/ or establishment.</li> <li>• Designated workers may not be placed at any disadvantage because of their activities related to the protection and prevention of</li> </ul>	<p>An observed discrepancy is related to the exemption from liability of the employer which delegates or sub-delegates some of his duties in the field of health and safety at the workplace. Art 16 of L.D. 81/2008 lays on the employer the duty of surveillance on the delegate but it does not explicitly</p>	<ul style="list-style-type: none"> <li>• Does the legislation define in more specific terms who shall be designated?</li> </ul> <p>Yes. The employer has to set up a prevention and protection service and designate the manager of this service. With the exception of some special cases listed by art. 31 (6) of the L.D. 81/2008, the employer can enlist external services and/or persons (For example, external services can't be</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>occupational risks and shall be allowed adequate time to enable them to fulfil their obligations.</p> <ul style="list-style-type: none"> <li>• If such protective and preventive measures cannot be organized for lack of competent personnel in the undertaking and/ or establishment, the employer shall enlist competent external services or persons.</li> <li>• He shall inform them of the factors known to affect, or suspected of affecting, the safety and health of the workers.</li> <li>• In all cases (internal/external services), they must have the necessary capabilities/ aptitudes and means and must be sufficient in number to deal with the organization of protective and preventive measures. MS must define the necessary capabilities and aptitudes and determine the sufficient number.</li> <li>• The protection from, and prevention of, the health and safety risks shall be the responsibility of one or more workers, of one service or of separate services whether from inside or outside the undertaking and/ or establishment. The worker(s) and/ or agency(ies) must work together whenever necessary.</li> <li>• MS may define, in the light of the nature of the activities and size of the undertakings, the categories of undertakings in which the employer, provided he is competent, may himself take responsibility.</li> </ul>	<p>transpose the principle of the responsibility of the employer stated by Art 5 of the Framework Directive. (EC reasoned opinion - Violation n. 2010/4227 with regard to Art.5 FD)<sup>70</sup></p>	<p>enlisted in large industrial plants with more than 200 workers, mining industries with more than 50 workers, thermal power plants, etc...)</p> <p>L.D. 81/2008 specifies those undertakings where the employer may himself take responsibility of preventive and protective services (ANNEX II to L.D. 81/2008). In the case of an enterprise with several business establishments or a group of companies, a shared centre for preventive and protective services can be set up.</p> <ul style="list-style-type: none"> <li>• Are the conditions for resorting to external services more specifically defined in the legislation?</li> </ul> <p>Yes. According to the Directive, if qualified personnel is lacking, the employer shall enlist external services or persons. (Article 31 L.D. (81/2008)</p> <ul style="list-style-type: none"> <li>• Are the competences required from workers or external services defined in the legislation?</li> </ul> <p>Yes. Art.32 L.D. 81/2008 details the minimum skills, education and training required to be appointed as manager in charge for preventive and protective services or to be entitled to work in these services.</p> <ul style="list-style-type: none"> <li>• Are criteria to define the resources (number of persons designated) provided in the legislation?</li> </ul> <p>No. L.D. 81/2008 establishes that the persons designated must be sufficient in number having regard to the characteristics of the undertaking.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>Yes. Persons appointed to undertake preventive</p>

<sup>70</sup> Infringement no. 2010/4227 has been closed by the Law 161/2014 of October 30th, 2014 art. 13 – after this report was delivered.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			and protective services are required to attend courses to refresh and develop their capacities. (Article 32 L.D. 81/2008)
<b>Information for workers Art.10</b>	<ul style="list-style-type: none"> <li>The employer shall ensure that workers receive all the necessary information concerning the safety and health risks and protective and preventive measures and activities in respect of the establishment and each type of workstation.</li> <li>The employer shall take appropriate measures so that employers of workers from any outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment receive similar information</li> <li>The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the safety and health of workers shall have access to the risk assessment and protective measures, to the list of and reports on occupational accidents and the information yielded by protective and preventive measures, inspection agencies and bodies responsible for safety and health.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>Is the content or form of information to workers further specified? Yes. The employer shall ensure that each worker receives proper information on: <ul style="list-style-type: none"> <li>the specific risks the worker is exposed to in relation to his activity as well as safety norms and internal provisions related to these risks</li> <li>hazards associated with the use of dangerous substances and preparations</li> <li>protective and preventive measures and activities adopted</li> </ul> </li> </ul> <p>Information shall be provided about emergency procedures and, particularly, measures to be taken in case of serious and imminent danger. (Article 36 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>Are there more detailed requirements relating specifically to one of the individual directives? Yes. L.D. 81/2008 details specific information to be provided to workers for each of the major risk factors.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Training of workers Art.12</b>	<ul style="list-style-type: none"> <li>The employer shall ensure that each worker receives adequate safety and health training during working hours, in particular in</li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>Is more specific information on the scope of training provided in the legislation?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>the form of information and instructions specific to his workstation or job and adapted to any changes in technology or risks and repeated periodically if necessary.</p> <ul style="list-style-type: none"> <li>• The employer shall ensure that workers from outside undertakings and/ or establishments engaged in work in his undertaking and/ or establishment have in fact received appropriate instructions regarding health and safety risks.</li> <li>• Workers' representatives with a specific role in protecting the safety and health of workers shall be entitled to appropriate training during working hours or in accordance with national practice either within or outside the undertaking and/ or the establishment.</li> </ul>		<p>Yes, according to Art. 37 of L.D. 81/2008, workers receive training related to:</p> <ul style="list-style-type: none"> <li>- concepts of risk, harm, prevention, protection, organisation of corporate prevention, rights and duties of the various corporate entities as well as inspection, and assistance bodies;</li> <li>- risks and potential damage from their duties as well as preventive and protective measures usually adopted in the sector to which their company belongs.</li> </ul> <ul style="list-style-type: none"> <li>• Are there specific requirements as to the competence of trainers provided in the legislation?</li> </ul> <p>Yes. Training has to be delivered by an expert instructor. The qualification criteria are detailed by the Decree of the Ministry of Labour and Welfare and the Ministry of Health of 6 March 2013.</p> <ul style="list-style-type: none"> <li>• Are there more detailed requirements relating specifically to one of the individual directives?</li> </ul> <p>Yes, L.D. 81/2008 details the content of training to be provided to workers for each of the major risk factors.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>1) A special training must be provided to managers and foremen on prevention and protection procedures and services organisation (Art 19, 37 (7) L.D. 81/2008).</p> <p>2) Training is also required for employers that take the direct responsibility of managing protection and prevention services (Art. 34, 45, 46 L.D. 81/2008).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>3) Minimum training requirements are established for workers' representatives (Art. 37 (11) L.D. 81/2008)</p> <p>4) Workers' training must take place (Art 37 (4) L.D. 81/2008) :</p> <ul style="list-style-type: none"> <li>- at the beginning of the employment relationship;</li> <li>- when workers are moved to a new workplace or their tasks are changed;</li> <li>- when new equipment, technologies and substances are introduced.</li> </ul>
Health surveillance Art.14	<ul style="list-style-type: none"> <li>• The employer shall ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work.</li> <li>• These measures shall be such that each worker, if he so wishes, may receive health surveillance at regular intervals.</li> <li>• Health surveillance may be provided as part of a national health system.</li> </ul>	<p>No observed discrepancy has been identified in terms of health surveillance.</p> <p>Art 18 L.D. 81/2008 provides that, where health surveillance is needed, the employer shall appoint a MC in charge of carrying it out.</p>	<ul style="list-style-type: none"> <li>• Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>Yes. The results of health surveillance must be filed in the worker's personal health and risk folder kept by the MC. Annex III A to the L.D. 81/2008 details the content of the worker's personal health and risk folder.</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>Yes, Art. 41 of L.D. 81/2008 details the activities for which health surveillance is mandatory. The health surveillance can also be provided where the worker makes a request for it and the MC deems it needed according to work-related risks.</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul> <p>In situations in which health surveillance is needed the worker must undergo a medical examination generally at least once a year.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Consultation of workers Art.11, 6(3)(c)</b>	<ul style="list-style-type: none"> <li>Employers shall consult workers and/ or their representatives and allow them to take part in discussions on all questions relating to safety and health at work.</li> <li>Workers' representatives with specific responsibility for the safety and health of workers shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and/ or to remove sources of danger.</li> <li>They shall have adequate time off work, without loss of pay, and the necessary means to enable them to exercise their rights and functions.</li> <li>Workers and/ or their representatives are entitled to appeal to the authority responsible for safety and health protection at work if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work.</li> <li>Workers' representatives must be given the opportunity to submit their observations during inspection visits by the competent authority.</li> </ul>	No observed discrepancy has been identified in terms of the consultation of workers.	<ul style="list-style-type: none"> <li>Is balanced<sup>71</sup> participation reflected in the national legislation? Are specific criteria put in place? No.</li> <li>Are there more detailed requirements relating specifically to one of the individual directives? No</li> <li>Other additional or more detailed requirements The workers' representatives with specific responsibility for the safety and health at work are elected by workers. In the companies where the workers' representative for OSH has not been elected, the representative's tasks and powers are delegated to a workers' representative of the whole territory or the branch of industry. In enterprises with more than 15 workers, the workers' representative attends the annual, as well as unplanned, meetings on OSH with the employer, the person in charge of preventive and protective services and the MC in charge of the health surveillance. The workers' representatives can propose the adoption of measures and procedures and submit their observation during inspection visits. They are also entitled to appeal to the CA.</li> </ul>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<p>Controls and supervision (MS level) Art. 4(2)</p> <p>Responsibility of the employer Art. 5(1)</p> <p>Measures necessary for the safety and health protection of workers Art. 6(1) and 6(2)</p>	No observed discrepancies have been identified in relation to the other key requirements of the Directive.	Art. 8 L.D. 81/2008 provides for a national information system for prevention in the workplace (SINP) (consisting of: Ministry of Labour and Social Policy, Ministry of Health, Ministry of Interior, regions and autonomous provinces of

<sup>71</sup> This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>Employer cooperation Art. 6(4)</p> <p>Emergency measures Art. 8</p> <p>List of occupational accidents Art. 9(1)(c)</p> <p>Reporting of occupational accidents Art. 9(1)(d)</p> <p>Workers may not be placed in disadvantage Art. 11(4)</p>		<p>Trento and Bolzano, INAIL and, with the contribution of the CNEL, the joint bodies and the institutions in the sector). SINP is charged with guiding, planning and evaluating the effectiveness of prevention against accidents and occupational diseases and with steering supervisory activity by expanding specific archives and the creation of unified databases.</p>

**Table 1- 3 Council Directive 89/654/EEC (workplace) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and Art. 2</b>	<ul style="list-style-type: none"> <li>The Directive applies to workplaces, but excludes from its scope of application (a) means of transport used outside the undertaking and/or the establishment, or workplaces inside means of transport, (b) temporary or mobile construction sites, (c) extracting industries, (d) fishing boats, and (e) fields, woods and other land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.</li> <li>'Workplace' means the place intended to house workstations on the premises of the undertaking and/or establishment and any other place within the area of the undertaking and/or establishment to which the worker has access in the course of his employment.</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Does the transposing legislation cover any of the elements that the Directive expressly excludes<sup>72</sup>?</li> </ul> <p>No. The transposing legislation literally reflects Article 1 of the Workplace Directive.</p> <ul style="list-style-type: none"> <li>Is the definition of 'workplace' in national law broader than the required by the Directive?</li> </ul> <p>No. The transposing legislation literally reflects Article 2 of the Workplace Directive.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements Annex IV of L.D. 81/2008 details the Directive's general requirements in a more specific manner. Details about minimum health and safety requirements for workplace are provided.</li> </ul>
<b>Conducting a risk assessment</b>	N/A	N/A	N/A
<b>Ensuring</b>	N/A	N/A	N/A

<sup>72</sup> Please note that points (b), (c) and (d) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
preventive and protective services			
Information for workers Art. 7	<ul style="list-style-type: none"> <li>Workers and/ or their representatives shall be informed of all measures to be taken concerning safety and health at the workplace</li> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No. Information has to be provided to the workers and workers' representative without regard to specific conditions.</li> <li>Is the content or form of information to workers further specified? No. The information duty related to this directive is contained in the general information duties established by the L.D. 81/2008</li> <li>Other additional or more detailed requirements No.</li> </ul>
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers Art. 8	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
Limit values	N/A	N/A	N/A
Others	Minimum safety and health requirements Arts. 3, 4 and 5; Annex I and II	No observed discrepancies have been identified in relation to the other key requirements of the Directive.	The transposing Law does not make any difference between workplaces used for the first time after 1992 and workplaces already in use before that date. All the workplaces have to meet the minimum requirements listed by Annex IV of L.D. 81/2008. This Annex details the minimum requirements in a more specific manner than Annex I of Directive. According to the NIR <sup>73</sup> , L.D. 81/2008 includes:

<sup>73</sup> National Implementation Report for Italy, Section II, (EN) p. 2.



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> <li>- the introduction of specific requirements in relation to emergency exits;</li> <li>- the availability of sufficiently large spaces;</li> <li>- appropriate environmental conditions;</li> <li>- break areas;</li> <li>- protection of pregnant workers.</li> </ul>

**Table 1- 4 Directive 2009/104/EC (work equipment) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and Art. 2(a)</b>	<ul style="list-style-type: none"> <li>• The Directive relates to the use of work equipment by workers at work where work equipment is defined as any machine, apparatus, tool or installation used at work.</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions with provisions of L.D. 81/2008.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements</li> </ul> <p>Work equipment is defined by L.D. 81/2008 as any machine, apparatus, tool or installation (to be understood as the complex of machinery, equipment and components required for the implementation of a production process) used at work. The addendum to the definition of work equipment aims to exclude all installations that are not strictly pertinent to the production process (e.g. electrical installations are regulated in a different part of the OSH law).</p>
<b>Conducting a risk assessment Art. 3</b>	<ul style="list-style-type: none"> <li>• The employer must take measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adapted for that purpose and may be used by workers without impairment to their safety or health.</li> <li>• In selecting the work equipment which he proposes to use, the employer must pay attention to the specific working conditions and characteristics and to the hazards which exist in the undertaking or establishment, in particular at the workplace, for the safety and health of the workers, and any additional hazards posed by the use of</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>Yes. According to Art. 71 of L.D. 81/2008 the employer shall take the measures needed to ensure that the equipment is :</p> <ul style="list-style-type: none"> <li>- installed and used in accordance with instructions for use;</li> <li>- kept, by means of adequate maintenance and accompanied, where needed, by the use and maintenance manual;</li> <li>- updated according to evolution of</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	the work equipment in question.		<p>minimum safety requirements.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive? No.</li> <li>• Is a more specific methodology for risk assessment provided in the legislation? No.</li> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? No.</li> <li>• Other additional or more detailed requirements L.D. 81/2008 added only that, in selecting the work equipment, the employer must also pay attention to the interferences with other equipment already in use.</li> </ul> <p>The work equipment made available to workers by the employer must comply with the specific laws and regulations transposing the EU Directives on products. Where such laws and regulations are not available, the work equipment must comply with the general safety requirements stated by ANNEX V to L.D. 81/2008.</p>
<b>Ensuring preventive and protective services Art. 5</b>	<ul style="list-style-type: none"> <li>• The employer must ensure that where the safety of work equipment depends on the installation conditions, it shall be subject to an initial inspection (after installation and before first being put into service) and an inspection after assembly at a new site or in a new location by competent persons, to ensure that the work equipment has been installed correctly and is operating properly.</li> <li>• The employer must ensure that work</li> </ul>	No observed discrepancy has been identified in terms of preventive and protective measures.	<ul style="list-style-type: none"> <li>• Does the legislation define in more specific terms who shall be designated? No. L.D. 81/2008 just provides that inspections must be carried out by a competent person.</li> <li>• Are the conditions for resorting to external services more specifically defined in the legislation? Yes. Some specific equipment listed by the Annex VII to the L.D. 81/2008 has to be subject to an</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>equipment exposed to conditions causing deterioration liable to result in dangerous situations is subject to (a) periodic inspections and, where appropriate, testing by competent persons; (b) special inspections by competent persons each time that exceptional circumstances have occurred, such as modification work, accidents, natural phenomena or prolonged periods of inactivity.</p>		<p>initial inspection by INAIL or by other public or private qualified bodies.</p> <ul style="list-style-type: none"> <li>Are the competences required from workers or external services defined in the legislation?</li> </ul> <p>Yes. The bodies qualified to undertake the inspection of equipment listed in the Annex VII of L.D. 81/2008 are listed in a public record.</p> <ul style="list-style-type: none"> <li>Are criteria to define the resources (number of persons designated) provided in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<p><b>Information for workers</b> <b>Art. 8</b></p>	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> <li>Where appropriate, written instructions should be made available to workers on the work equipment used at work, including information on (a) the conditions of use of work equipment; (b) foreseeable abnormal situations; and (c) the conclusions to be drawn from experience, where appropriate, in using work equipment.</li> </ul>	<p>No observed discrepancy has been identified in terms of information for workers. However, point (c) is not transposed in the national law.</p>	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> <p>No</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<p><b>Training of workers</b> <b>Art. 9</b></p>	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> <li>Workers given the task of using work equipment receive adequate training, including training on any risks which such use may entail.</li> <li>Workers specifically designated to carry out repairs, modifications, maintenance or servicing receive adequate specific training.</li> </ul>	<p>No observed discrepancy has been identified in terms of training for workers</p>	<ul style="list-style-type: none"> <li>Is more specific information on the scope of training provided in the legislation?</li> </ul> <p>Yes, Art 73 of L.D. 81/2008 establishes that a specific qualification is needed for workers given the task of using specific working equipment identified jointly by State and Regions. An agreement stipulated on 22 March 2012 between State and Regions lists this equipment, details the requirements of bodies qualified to give training, the contents of training and the minimum duration required for courses.</p> <ul style="list-style-type: none"> <li>Are there specific requirements as to the</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>competence of trainers provided in the legislation?</p> <p>Yes, trainers on the use of specific equipment listed in the agreement need at least three years of documented relevant professional experience or at least three years of documented experience in training on health and safety issues.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance</b>	N/A	N/A	N/A
<b>Consultation of workers Art. 10</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers	<ul style="list-style-type: none"> <li>• Is balanced<sup>74</sup> participation reflected in the national legislation? Are specific criteria put in place?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<p>General obligations Art. 3(1)</p> <p>Minimising risks Art. 3(2)</p> <p>Minimum requirements Art 4</p> <p>Maintenance Art. 4(2)</p> <p>Restriction of use Art. 6</p> <p>Ergonomics Art. 7</p>	No observed discrepancies have been identified in relation to the other key requirements of the Directive.	Annex I and II of Directive are respectively transposed by Annex V (general minimum requirements applicable to work equipment where other Directives do not provide more stringent requirements) and VI (provisions concerning the use of work equipment) of L.D. 81/2008. The Annexes of L.D. 81/2008 specify in a more detailed manner the requirements and provisions of the Directive.

\*Where appropriate, the existence of the earlier version (89/655/EEC) will be taken into account.

# Employers are required to assess possible risks in selecting work equipment.

+ Inspection (and testing) by competent persons.

**Table 1- 5 Council Directive 89/656/EEC (PPE) - Observed discrepancies, more stringent and more detailed requirements**

<sup>74</sup> This covers balanced representation of groups or workers e.g. workers exposed to particular health or safety risks.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	The Directive applies to personal protective equipment (PPE) used by workers at work. PPE as defined excludes (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker; (b) equipment used by emergency and rescue services; (c) personal protective equipment worn or used by the military, the police and other public order agencies; (d) personal protective equipment for means of road transport; (e) sports equipment; (f) self-defence or deterrent equipment; (g) portable devices for detecting and signalling risks and nuisances.	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Does the transposing legislation cover PPE used by emergency and rescue services? No.</li> <li>Does the transposing legislation cover any of the other exclusions in the Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Conducting a risk assessment Art. 5*</b>	<ul style="list-style-type: none"> <li>Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies certain requirements.</li> </ul> <p>This assessment shall involve (a) an analysis and assessment of risks which cannot be avoided by other means; (b) the definition of the characteristics which personal protective equipment must have in order to be effective against such risks, taking into account any risks which this equipment itself may create; (c) comparison of those characteristics with the characteristics of the personal protective equipment available.</p> <ul style="list-style-type: none"> <li>The assessment shall be reviewed if any changes are made to any of its elements</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>Any additional or more detailed requirements Yes. Some minimum evaluation criteria are detailed in Annex VIII to L.D. 81/2008 for assessing personal protective equipment. These criteria take into account both external risks and risks which the equipment itself may create. Implementing decrees that identify the criteria for selection and use of all personal protective equipment have not yet been adopted.</li> </ul>
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Information for workers Art. 7 and 4 (9)</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> <li>• Workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work.</li> <li>• 'Personal protective equipment [...] must be used in accordance with instructions. Such instructions must be understandable to the workers</li> </ul>	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements?</li> </ul> <p>Yes. According to Art. 77 L.D. 81/2008, the employer must provide to each worker the following information:</p> <ul style="list-style-type: none"> <li>- understandable instruction for the use of his personal protective equipment;</li> <li>- risks against which the personal protective equipment provides protection.</li> </ul> <p>Moreover, the employer shall make proper information about each PPE available within the establishment.</p>
<b>Training of workers Art. 4(8)</b>	<ul style="list-style-type: none"> <li>• The employer shall arrange for training and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment.</li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training on PPE provided in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Are there detailed requirements on demonstrations to be organized in the wearing of PPE?</li> </ul> <p>Yes. The employer provides appropriate training and if necessary organises a practical training on the correct use of PPE. (Art. 77 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance #</b>	N/A	N/A	N/A
<b>Consultation of workers Art. 8</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive? Are there other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues</b>	General provisions Art. 4(1)	No observed discrepancies have been	

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
identified	Assessment of PPE Art. 5 Rules for use (MS level) Art. 6	identified in relation to the other key requirements of the Directive.	

\* The Directive makes no provision for a risk assessment. The need for the use of PPE is presumably identified in addressing the findings of other risk assessments, relating to the hazard which the PPE is intended to protect against. There is however provision for an assessment of the PPE itself (Article 5) but this is not specifically a risk assessment.

# Health surveillance is covered by the provisions of those directives covering the risks from which a specific item of PPE is intended to provide protection.

**Table 1- 6 Council Directive 92/58/EEC (OSH signs) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2	<ul style="list-style-type: none"> <li>The Directive applies to safety and/or health signs and excludes from its scope of application signs for placing on the market of dangerous substances and preparations, products and/or equipment and signs used for regulating road, rail, inland waterway, sea or air transport.</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Any additional or more detailed requirements</li> </ul> Yes. Where it is needed to provide information or instructions about dangerous situations that are not covered by means of signs listed in the Annexes XXIV - XXXII to the L.D. 81/2008, the employer shall take the proper measures to provide this information according to good practices, specific characteristics of the activity and experience. (Art. 163 (2) L.D. 81/2008).
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art. 7	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> <li>Workers and/or their representatives shall be informed of all the measures to be taken concerning the safety and/or health signs used at work.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive?</li> </ul> No. L.D. 81/2008 provides that both workers and their representative shall be informed. (Art. 164 L.D. 81/2008). <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> No.
Training of	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>workers Art. 7(2)</b>	<ul style="list-style-type: none"> <li>Workers must be given specific directions concerning the safety and/or health signs used at work, in particular the meaning of the signs, especially signs incorporating words, and the general and specific behaviour to be adopted.</li> </ul>	identified in terms of training of workers.	<p>the Framework Directive?</p> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance</b>	N/A	N/A	N/A
<b>Consultation of workers Art. 8</b>	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>Minimum requirements for OSH signs Arts. 3(1), 4 and 5 and Annexes I-IX</li> </ul>	No observed discrepancies have been identified in relation to the other key requirements of the Directive.	<p>Annexes XXIV – XXII of L.D. 81/2008 transpose Annexes I-IX of the Directive literally.</p> <p>The NIR<sup>75</sup> also refers to an Interministerial Decree, published on 4 March 2013, entitled 'Regulation on the identification of procedures for review, supplementing and display of road signs intended for work activities performed in the presence of vehicular traffic'. The NIR states that 'adoption of that Decree was necessary to guarantee better safety conditions during associated work activities. In particular, the Decree comprised 7 (seven) articles and 2 (two) annexes; one technical annex laying down the implementing conditions for the various work phases making up the scope of application, indicating the technical and operating procedures to be applied, and an annex relating to the specific training required in relation to the activities covered by the Decree. The Decree serves as 'technical guidelines' to be</p>

<sup>75</sup> National Implementation Report, Section II, (EN) p.9.



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<i>applied and has operational usefulness for immediate implementation by SMEs in the first instance</i> <sup>1</sup> .

**Table 1- 7 Directive 1999/92/EC (ATEX) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	<ul style="list-style-type: none"> <li>The Directive applies to the protection of workers potentially at risk from explosive atmospheres as defined in Art. 2. It excludes from its scope of application: (a) the areas used directly for and during the medical treatment of patients; (b) the use of appliances burning gaseous fuels; (c) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances; (d) mineral extracting industries; and (e) the use of transport subject to international agreements as specified.</li> <li>The Directive applies to the risk from explosive atmospheres, i.e. from mixtures with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Does the transposing legislation include<sup>76</sup> : <ul style="list-style-type: none"> <li>areas used directly for and during the medical treatment of patients?</li> <li>the manufacture, handling, use, storage and transport of explosives or chemically unstable substances?</li> </ul> </li> </ul> <p>Yes.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>Yes. The meaning of atmospheric conditions is detailed by Art. 288 co 1-bis L.D. 81/2008. It means conditions, called normal atmospheric conditions, in which the concentration of oxygen in the atmosphere is approximately 21 % and which include changes in pressure and temperature both above and below the reference level (pressure of 101325 Pa, temperature of 293 K) as long as such changes have a negligible effect on the explosive properties of flammable substance</p>

<sup>76</sup> Please note that points (b),(d) and (e) are regulated by specific legislation.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	entire unburned mixture.		or fuel.
<b>Conducting a risk assessment Art. 4(1)</b>	<ul style="list-style-type: none"> <li>The employer shall assess the specific risks arising from explosive atmospheres, taking account at least of: <ul style="list-style-type: none"> <li>the likelihood that explosive atmospheres will occur and their persistence;</li> <li>the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective;</li> <li>the installations, substances used, processes, and their possible interactions;</li> <li>the scale of the anticipated effects.</li> </ul> </li> <li>Explosion risks shall be assessed overall.</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? Yes (Art. 29 (3) L.D. 81/2008).</li> <li>Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? No.</li> <li>Is the content of the risk assessment more detailed than described in the Directive? Yes. According to L.D. 81/2008, a document, referred to as the 'explosion protection document', has to be drawn up and kept up to date. This document shall be added to the general risk assessment report. (Art. 294 L.D. 81/2008)</li> <li>Is a more specific methodology for risk assessment provided in the legislation? No.</li> <li>Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers</b>	N/A	N/A	N/A
<b>Training of</b>	<ul style="list-style-type: none"> <li>The employer must provide those working in</li> </ul>	No observed discrepancy has been	<ul style="list-style-type: none"> <li>Is more specific information on the scope of</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>workers Annex II, 1.1</b>	places where explosive atmospheres may occur with sufficient and appropriate training with regard to explosion protection.	identified in terms of training of workers.	<p>training provided in the legislation?</p> <p>Yes. As part of his obligations, the employer shall ensure that workers who are exposed to the risk of explosion and their representatives are informed and trained in relation to the result of the risks assessment, paying regard to:</p> <p>a) measures adopted;</p> <p>b) the classification of the zones ;</p> <p>c) the operational procedures necessary to minimize the presence and effectiveness of ignition sources ;</p> <p>d) risks related to the presence of the installation protection systems ;</p> <p>e) the risks associated with the handling and transfer of flammable and / or combustible dust ;</p> <p>f) the meaning of safety signs and optical/ acoustic alarms;</p> <p>g) any risks associated with the presence of explosive atmospheres prevention systems, with particular reference to asphyxia ;</p> <p>h) proper use of appropriate personal protective equipment and its indications and contraindications to the use (Art. 294 bis L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance</b>	N/A	N/A	N/A
<b>Consultation of workers</b>	N/A	N/A	N/A
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	Measures to prevent and protect against explosions Arts. 3,5, 7 and Annex II	No observed discrepancies have been identified in relation to the other key	Annex II of Directive is literally transposed by Annex L of L.D. 81/2008.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	Coordination between employers Art. 6 Explosion protection document Art. 8 Written instructions and permits to work Annex II, 1.2.	requirements of the Directive.	All the other provisions related to KR are transposed by L.D. 81/2008 (In particular, Art. 6 and 8 of the Directive have respectively been transposed by Art. 292 and 294 of L.D. 81/2008).

**Table 1- 8 Council Directive 90/269/EEC (manual handling of loads) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	<ul style="list-style-type: none"> <li>The Directive relates to the manual handling of loads where there is a risk particularly of back injury to workers where manual handling is defined as any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load which, by reason of its characteristics or of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers.</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	The scope of national legislation covers the prevention of diseases caused by biomechanical overload (which are defined as diseases affecting the musculoskeletal, musculotendinous and neurovascular structures). (L.D. 81/2008).
<b>Conducting a risk assessment Art. 4(a)</b>	<ul style="list-style-type: none"> <li>Wherever the need for manual handling of loads by workers cannot be avoided, the employer shall organize workstations in such a way as to make such handling as safe and healthy as possible and: assess, in advance if possible, the health and safety conditions of the type of work involved, and in particular examine the characteristics of loads, taking account the reference factors provided for in Annex I to the Directive.</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? Yes. According to the general provisions for the risk assessment (Art. 29 (3) L.D. 81/2008).</li> <li>Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive, in particular are the reference factors provided in Annex I of the Directive further detailed? Yes. The individual risk factors listed by Annex II of the Directive (transposed into Annex XXXIII of L.D. 81/2008) have to be taken into account. It is</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>important to note that the transposition text establishes that the employer shall pay attention to differences of gender and age to assess the physical suitability of the worker. In particular the employer shall pay special attention to young and pregnant workers.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>No. The risk assessment related to manual handling of loads is regulated by the general provisions for risk assessment.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>Yes. The employer carrying out the assessment should refer to the ISO 11228 standard (Annex XXXIII L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers Art. 6</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> <li>• Workers and/or their representatives shall be informed of all measures to be implemented, pursuant to this Directive, with regard to the protection of safety and of health.</li> <li>• Employers must ensure that workers and/or</li> </ul>	No observed discrepancy has been identified in terms of information of workers	<ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content or form of information to workers further specified?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>their representatives receive general indications and, where possible, precise information on:</p> <ul style="list-style-type: none"> <li>— the weight of a load;</li> <li>— the centre of gravity of the heaviest side when a package is eccentrically loaded.</li> </ul>		<p>No. The employer shall provide workers with the adequate information about the weight and other characteristics of the load handled. (art. 169 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Training of workers</b> Art. 6	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> <li>• Employers must ensure that workers receive in addition proper training and information on how to handle loads correctly and the risks they might be open to particularly if these tasks are not performed correctly, having regard to the reference factors provided for in Annex I to the Directive and the risk factors listed in Annex II to the Directive.</li> </ul>	No observed discrepancy has been identified in terms of training of workers	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation, in particular in relation to the reference and risk factors?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance</b>	N/A	N/A	The employer shall ensure that workers receive an appropriate health surveillance according to the risk assessment's results.
<b>Consultation of workers</b> Art. 7	Framework Directive applies	No observed discrepancy has been identified in terms of consultation of workers	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<p>Avoidance of (hazardous)* manual handling Art. 3(1)</p> <p>Measures to avoid and reduce exposure Art. 3(2)</p> <p>Organization of workstations Art. 4</p>	No observed discrepancies have been identified in relation to the other key requirements of the Directive.	-
<b>Annex I</b>	<p>Reference Factors:</p> <ul style="list-style-type: none"> <li>• The manual handling of a load may present a risk particularly of back injury if it is too heavy or too large; unwieldy or difficult to grasp;</li> </ul>		

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>unstable or has contents likely to shift; positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk; likely, because of its contours and/or consistency, to result in injury to workers, particularly in the event of a collision.</p> <ul style="list-style-type: none"> <li>• A physical effort may present a risk particularly of back injury if it is too strenuous; only achieved by a twisting movement of the trunk; likely to result in a sudden movement of the load; made with the body in an unstable posture.</li> <li>• The characteristics of the work environment may increase a risk particularly of back injury if there is not enough room, in particular vertically, to carry out the activity; the floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear; the place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker; there are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels; the floor or foot rest is unstable; the temperature, humidity or ventilation is unsuitable.</li> <li>• The activity may present a risk particularly of back injury if it entails over-frequent or over-prolonged physical effort involving in particular the spine; an insufficient bodily rest or recovery period; excessive lifting, lowering or carrying distances; a rate of work imposed by a process which cannot be altered by the worker.</li> </ul>		
<b>Annex II</b>	<p>Individual Risk Factors</p> <p>The worker may be at risk if he/she is physically unsuited to carry out the task in question; is wearing unsuitable clothing, footwear or other personal effects; does not have adequate or appropriate knowledge or training.</p>		

**Table 1- 9 Council Directive 90/270/EEC (display screen equipment) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions</b>	<ul style="list-style-type: none"> <li>• The Directive relates to work with display screen equipment as defined in Article 2, an alphanumeric or graphic display screen, regardless of the display process employed.</li> <li>• The Directive does not apply to: <ul style="list-style-type: none"> <li>(a) drivers' cabs or control cabs for vehicles or machinery;</li> <li>(b) computer systems on board a means of transport;</li> <li>(c) computer systems mainly intended for public use;</li> <li>(d) 'portable' systems not in prolonged use at a workstation;</li> </ul> </li> </ul>	.No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>• Does the transposing legislation cover any of the elements that the Directive expressly excludes? <p>No.</p> </li> <li>• Is the definition of 'display screen equipment' in national law broader than required by the Directive? <p>No.</p> </li> <li>• Other additional or more detailed requirements <p>Y. The transposing legislation does apply to portable systems even in the case of not prolonged use at work station.</p> </li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(e) calculators, cash registers and any equipment having a small data or measurement display required for direct use of the equipment;</p> <p>(f) typewriters of traditional design, of the type known as 'typewriter with window'.</p>		
<b>Conducting a risk assessment Art.3</b>	<ul style="list-style-type: none"> <li>Employers must perform an analysis of workstations in order to evaluate the safety and health conditions to which they give rise for their workers, particularly as regards possible risks to eyesight, physical problems and problems of mental stress.</li> <li>Employers must take appropriate measures to remedy the risks found, on the basis of the evaluation of the safety and health conditions, taking account of the additional and/or combined effects of the risks so found.</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions of the type of work involved? Yes, according to the general provisions for the risk assessment (Art. 29 (3) L.D. 81/2008).</li> <li>Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? Yes, in the risk assessment the employer must also consider the problems related to posture as well as ergonomic conditions and environmental hygiene.</li> <li>Is the content of the risk assessment more detailed than described in the Directive? No.</li> <li>Is a more specific methodology for risk assessment provided in the legislation? No.</li> <li>Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Ensuring preventive and protective</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A	N/A



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
services			
Information for workers Art. 6	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> <li>• Workers shall receive information on all aspects of safety and health relating to their workstation, in particular information on such measures applicable to workstations as are implemented under Articles 3 (analysis of workstations), 7 (daily work routine) and 9 (protection of workers' eyes and eyesight).</li> </ul>	No observed discrepancy has been identified in terms of preventive and protective services.	<ul style="list-style-type: none"> <li>• Is the content or form of information to workers further specified?</li> </ul> <p>Yes, the employer shall also provide workers with information regarding the following aspects in particular:</p> <ul style="list-style-type: none"> <li>- methods of carrying out the job;</li> <li>- protection of eyes and eye sight.</li> </ul> <p>(Art. 177 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
Training of workers Art. 6	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> <li>• Every worker shall receive training in use of the workstation before commencing work with display screen equipment and whenever the organization of the workstation is substantially modified.</li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the notion of 'substantially modified' further specified?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
Health surveillance Art. 9*	<ul style="list-style-type: none"> <li>• Workers shall be entitled to an appropriate eye and eyesight test carried out by a person with the necessary capabilities: <ul style="list-style-type: none"> <li>— before commencing display screen work, at regular intervals thereafter, and</li> <li>— if they experience visual difficulties which may be due to display screen work.</li> </ul> </li> <li>• Workers shall be entitled to an ophthalmological examination if the results of such test show that this is necessary.</li> <li>• If the results of the test or of the examination show that it is necessary and if normal corrective appliances cannot be used,</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>• Are the conditions in which eye and eye sight test is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the periodicity of eye and eye sight test provided in national law?</li> </ul> <p>Yes. Workers, who after the first medical examination, are admitted to work with conditions or limitations as well as workers over 50 have to attend a new medical examination at least every two years. The other workers have to attend this examination at least every five years. (Art. 176 (3) L.D. 81/2008).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>workers must be provided with special corrective appliances appropriate for the work concerned.</p> <ul style="list-style-type: none"> <li>In no circumstances these measure may involve workers in additional financial cost.</li> <li>Protection of workers' eyes and eyesight may be provided as part of a national health system.</li> </ul>		<ul style="list-style-type: none"> <li>Other additional or more detailed requirements Yes. Workers can also require a medical examination at any moment upon their request if their health condition is worsening. (Art. 176 (3) and Art. 41 (2.c) L.D. 81/2008).</li> </ul> <p>In addition, the transposing legislation entitles workers to a more comprehensive medical examination regarding not just eyes and eye sight but also the musculoskeletal disorders.</p>
<b>Consultation of workers Art. 8</b>	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>Daily work routine</li> <li>The employer must plan the worker's activities in such a way that daily work on a display screen is periodically interrupted by breaks or changes of activity reducing the workload at the display screen. (Article 7)</li> </ul>	No observed discrepancies have been identified in relation to the other key requirements of the Directive.	Article 7 on the daily work routine is transposed in a more stringent manner. Workers who use display screen equipment are entitled at least to a break of fifteen-minutes every two hours. (Art. 175 (3) L.D. 81/2008)

\* The primary purpose of this requirement is to identify users who have deficiencies in their eyesight which require correction to enable them to carry out their work with DSE without risk to their health.

**Table 1- 10 Directive 2002/44/EC (vibration) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art 1(2) and Art 2</b>	<ul style="list-style-type: none"> <li>This Directive shall apply to activities in which workers are or are likely to be exposed to risks from mechanical vibration during their work.</li> <li>hand-arm vibration': the mechanical vibration that, when transmitted to the</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Any additional or more detailed requirements No.</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>human hand-arm system, entails risks to the health and safety of workers, in particular vascular, bone or joint, neurological or muscular disorders;</p> <ul style="list-style-type: none"> <li>• 'whole-body vibration': the mechanical vibration that, when transmitted to the whole body, entails risks to the health and safety of workers, in particular lower-back morbidity and trauma of the spine.</li> </ul>		
<p><b>Conducting a risk assessment Art.4</b></p>	<ul style="list-style-type: none"> <li>• The employer shall assess and, if necessary, measure the levels of mechanical vibrations to which workers are exposed.</li> <li>• The data obtained shall be preserved in a suitable form to permit consultation at a later stage.</li> <li>• The employer shall give particular attention to: <ul style="list-style-type: none"> <li>- the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks;</li> <li>- the exposure limit values and the exposure action values</li> <li>- any effects concerning the health and safety of workers at particularly sensitive risk</li> <li>- any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment</li> <li>- information provided by the manufacturers of work equipment</li> <li>- the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration</li> <li>- the extension of exposure to whole-body vibration beyond normal</li> <li>- working hours under the employer's</li> </ul> </li> </ul>	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? No.</li> <li>• Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? No.</li> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? No.</li> <li>• Is the content of the risk assessment more detailed than described in the Directive? No. L.D. 81/2008 provides that data obtained from the assessment as well as the measurement and calculation of the levels of exposure are an integral part of the risk assessment document.</li> <li>• Is a more specific methodology for risk assessment provided in the legislation? Yes. L.D. 81/2008 provides that the risk assessment shall be updated every four years unless the update is made necessary earlier because of the results of the health surveillance (Art. 181 (2) L.D. 81/2008).</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>responsibility</p> <ul style="list-style-type: none"> <li>- specific working conditions such as low temperatures</li> <li>- appropriate information obtained from health surveillance, including published information, as far as possible</li> </ul> <ul style="list-style-type: none"> <li>• The employer must be in possession of the risk assessment</li> <li>• The risk assessment shall be recorded on a suitable medium; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary.</li> <li>• The risk assessment shall be kept up-to-date on a regular basis, particularly in case of significant changes.</li> </ul>		<ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>Yes. L.D. 81/2008 specifies that information needed to assess the level of exposure to mechanical vibration should be obtained primarily from the databases developed by the former ISPESL's (now INAIL) and Regions (Art 202 L.D. 81/2008).</p> <p>Furthermore, Article 181 L.D. 81/2008 requires this to be carried out by qualified personnel from the prevention and protection services that have specific knowledge on the subject matter.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>Yes. Employers shall adapt the protective and preventive measures to take care of specific needs of exposed workers who are particularly sensitive to risk (i.e. Pregnant women and minors) (Art. 183 L.D. 81/2008).</p>
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers Art. 6</b>	<ul style="list-style-type: none"> <li>• Exposed workers and/or their representatives must receive information and training on the outcome of the risk assessment in particular:</li> </ul> <ul style="list-style-type: none"> <li>- measures taken to eliminate or reduce to a minimum the risks from mechanical vibration;</li> <li>- the exposure limit values and the exposure action values</li> <li>- the results of the assessment and measurement and the potential injury arising from the work equipment in use;</li> <li>- why and how to detect and report signs of injury;</li> </ul>	No observed discrepancy has been identified in terms of information.	<ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content or form of information to workers further specified?</li> </ul> <p>No. In addition to the information listed in the Directive, the Italian law establishes that the employer shall also provide information on the proper use of personal protective equipment and related indications and contraindications to their use. (Art. 184 L.D. 81/2008). It should be noted that</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>- circumstances in which workers are entitled to health surveillance</li> <li>- safe working practices to minimise exposure.</li> </ul>		<p>this requirement is repeated here in this context, but it is a direct application of the principles set out in the PPE Directive.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Training of workers Art. 6</b>	Same as above	No observed discrepancy has been identified in terms of training.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation?</li> </ul> <p>Same as above.</p> <ul style="list-style-type: none"> <li>• Are there specific requirements as to the competence of trainers provided in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance Art. 8</b>	<ul style="list-style-type: none"> <li>• Health surveillance of workers measures with reference to the risk assessment outcome where it indicates a risk to their health.</li> <li>• Health surveillance is intended to prevent and diagnose rapidly any disorder linked with exposure to mechanical vibration. Such surveillance shall be appropriate where: <ul style="list-style-type: none"> <li>- workers' exposure to vibration is such that a link can be established with an identifiable illness or harmful effects on health;</li> <li>- it is probable that the illness or the effects occur in a worker's particular working conditions, and</li> <li>- there are tested techniques for the detection of the illness or the harmful effects on health.</li> </ul> </li> <li>• Workers exposed to mechanical vibration in excess of the values shall be entitled to appropriate health surveillance.</li> <li>• Individual health records are required and kept up-to-date.</li> </ul>	No observed discrepancy has been identified in terms of health surveillance	<ul style="list-style-type: none"> <li>• Does the national legislation require health surveillance prior to exposure to vibration?</li> </ul> <p>Yes. A preventive medical examination is required for workers exposed to mechanical vibration in excess of the action values as part of the general health surveillance procedures. This preventive examination is intended to certify that the worker has no medical contraindication to the assigned task. (Art. 41 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>• Does the national legislation oblige employers to set health surveillance requirements after the end of exposure?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Does the national legislation oblige employers in case where, as a result of health surveillance, a worker is found to have an identifiable disease or adverse health effect which is considered to be the result of exposure to mechanical vibration at work, to review the risk assessment and the measure to eliminate or</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>Health records to contain a summary of the results of the health surveillance and kept in a suitable form to permit any later consultation, taking into account any confidentiality.</li> <li>Where a worker is found to have an identifiable disease or adverse health effect, considered by a doctor or occupational health-care professional to be the result of exposure to mechanical vibration at work: <ul style="list-style-type: none"> <li>The worker shall be informed of the result which relates to him personally and, in particular, information and advice regarding any health surveillance which he should undergo following the end of exposure;</li> <li>The employer shall be informed of any significant findings from the health surveillance, taking into account any medical confidentiality.</li> <li>Arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. The competent doctor/authority or occupational health care professional may propose that exposed persons undergo a medical examination.</li> </ul> </li> </ul>		<p>reduce risk?</p> <p>Yes. It is established by the general provisions on health surveillance related to physical agents (art. 185 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content?</li> </ul> <p>Yes. The general provisions established for health surveillance records are applied (Art. 41 L.D 81/2008). The results of health surveillance shall be filed in the worker's personal health and risk record kept by the MC. Annex III A to the L.D. 81/2008 details the contents of the worker's personal health and risk record.</p> <ul style="list-style-type: none"> <li>Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes. According to the general provisions established for health surveillance, workers exposed to mechanical vibrations in excess of the values must undergo a medical examination every year. (Art. 41 L.D 81/2008).</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Consultation of workers Art. 7</b>	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Limit values Art.3</b>	<ul style="list-style-type: none"> <li>The Directive provides for a set of exposure</li> </ul>	No observed discrepancy has been	<ul style="list-style-type: none"> <li>Does the transposing legislation set more</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>limit values and exposure action values in respect of the daily vibration exposure levels.</p> <ul style="list-style-type: none"> <li>• Hand-arm vibration: <ul style="list-style-type: none"> <li>- Daily exposure limit value standardised to an eight-hour reference period: 5 m/s<sup>2</sup>;</li> <li>- Daily exposure action value standardised to an eight-hour reference period: 2,5 m/s<sup>2</sup>.</li> </ul> </li> <li>• For whole-body vibration: <ul style="list-style-type: none"> <li>- Daily exposure limit value standardised to an eight-hour reference period: 1,15 m/s<sup>2</sup> or, at the MS's choice, a vibration dose value of 21 m/s<sup>1,75</sup>;</li> <li>- Daily exposure action value standardised to an eight-hour reference period: 0,5 m/s<sup>2</sup> or, at the MS's choice, a vibration dose value of 9,1 m/s<sup>1,75</sup>.</li> </ul> </li> </ul>	identified in terms of limit values.	<p>stringent values?</p> <p>Yes. For whole-body vibrations the limit value standardised to an eight-hour reference period is 1,00m/s. (Art. 201 (b.1) L.D. 81/2008). The other limits are the same as those of the Directive.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>The NIR indicates that a short-term ELV of 20 m/s<sup>2</sup> for HAV and 1.5 m/s<sup>2</sup> for WBV has been introduced to discourage the purchase of equipment lacking measures and devices to reduce the risk arising from exposure to vibrations.</p>
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>- Exposure limit values and action values Art. 3</li> <li>- Measures to avoid and reduce exposure Art. 5</li> </ul>	No observed discrepancy has been identified in terms of other key requirements	No.

**Table 1- 11 Directive 2003/10/EC (noise) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art 1 and Art 2</b>	<ul style="list-style-type: none"> <li>• Directive shall apply to activities in which workers are or are likely to be exposed to risks from noise as a result of their work.</li> <li>- daily noise exposure level (L<sub>EX,8h</sub>) (dB(A) re. 20 µPa): time weighted average of the noise exposure levels for a nominal;</li> <li>- weekly noise exposure level (L<sub>EX,8h</sub>): time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements</li> </ul> <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	international standard ISO 1999:1990, point 3.6 (note 2).		
<b>Conducting a risk assessment Art.4</b>	<ul style="list-style-type: none"> <li>• The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed, giving particular attention, to: <ul style="list-style-type: none"> <li>- the level, type and duration of exposure, including any exposure to impulsive noise;</li> <li>- the exposure limit values and the exposure action values;</li> <li>- any effects concerning the health and safety of workers belonging to particularly sensitive risk groups;</li> <li>- as far as technically achievable, any effects on workers' health and safety resulting from interactions between noise and work-related toxic substances, and between noise and vibrations;</li> <li>- any indirect effects resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents;</li> <li>- information on noise emission provided by manufacturers of work equipment in accordance with relevant EU directives;</li> <li>- the existence of alternative work equipment designed to reduce the noise emission;</li> <li>- the extension of exposure to noise beyond normal working hours under the employer's responsibility;</li> <li>- appropriate information from health surveillance, including published information, as far as possible;</li> <li>- the availability of hearing protectors with adequate attenuation characteristics.</li> </ul> </li> </ul>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? The employer has to submit the risk assessment on request of Labour Inspectors (or other authorities entitled to require such information).</li> <li>• Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed? Yes. Specific guidelines have to be developed to support the risk assessment in call centres as well as in the music sector and recreational undertakings. (Art. 198 L.D. 81/2008).</li> <li>• Are the risks/factors to be taken into account in the assessment described in a more specific manner than in the Directive? No.</li> <li>• Is the content of the risk assessment more detailed than described in the Directive? No.</li> <li>• Is a more specific methodology for risk assessment provided in the legislation? Yes. A specific provision, in Article 191 of L.D. 81/2008 to the assessment of highly variable exposition. The measurement procedure associated to the risk assessment related to undertakings with highly variable expositions determines the level of noise produced by the equipment at the operator's work place.</li> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the</li> </ul>



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>The employer shall be in possession of the risk assessment.</li> <li>The risk assessment shall be recorded on a suitable medium, according to national law and practice.</li> <li>The risk assessment shall be kept up to date on a regular basis, particularly in case of significant changes which could render it out of date, or when the results of health surveillance show it to be necessary.</li> </ul>		<p>Directive?</p> <p>Yes. There are no specific provisions about the persons in charge of risk assessment. Therefore, the general provisions for risk assessment can be applied. (Art. 28 L.D. 81/2008). As regards the sources of information, L.D. 81/2008 specifies that the noise from work equipment, machinery and installations can be estimated at an early stage by referring to noise standards identified by studies and measurements whose validity is recognized by the Standing Advisory Committee. (Art. 190 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>In any case the risk assessment shall be updated every 4 years.</p>
<b>Ensuring preventive and protective services Art 4(4)</b>	<ul style="list-style-type: none"> <li>The assessment and measurement shall be planned and carried out by competent services at suitable intervals</li> </ul>	<p>No observed discrepancy has been identified.</p> <p>However, no explicit reference is made to measurement.</p>	<ul style="list-style-type: none"> <li>Any additional or more detailed requirements</li> </ul> <p>The transposing legislation provides that the assessment shall be planned and carried out every four years.</p>
<b>Information for workers Art. 8</b>	<ul style="list-style-type: none"> <li>Workers exposed at work at or above the lower exposure action values, and/or their representatives, receive information and training relating to risks resulting from exposure concerning, in particular: <ul style="list-style-type: none"> <li>the nature of such risks;</li> <li>the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from noise;</li> <li>the exposure limit values and the exposure action values;</li> <li>the results of the assessment and measurement together with an explanation of their significance and potential risks</li> </ul> </li> </ul>	<p>No observed discrepancy has been identified.</p>	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Is the content or form of information to workers further specified?</li> </ul> <p>Yes. The employer shall ensure that workers exposed to values equal to or lower than the values of action are informed and trained in relation to risks from exposure to noise. (Art. 195 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>- the correct use of hearing protectors;</li> <li>- why and how to detect and report signs of hearing damage;</li> <li>- the circumstances in which workers are entitled to health surveillance and the purpose of health surveillance;</li> <li>- safe working practices to minimise exposure to noise.</li> </ul>		
<b>Training of workers Art. 8</b>	Same as above.	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation? Yes. Same as above.</li> </ul>
<b>Health surveillance Art. 10</b>	<ul style="list-style-type: none"> <li>• Health surveillance of workers where the results of the assessment/measurement show a risk to their health.</li> <li>• A worker whose exposure exceeds the upper exposure action values shall have the right to have his/her hearing checked by a doctor or by another suitably qualified person under the responsibility of a doctor,</li> <li>• Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the risk assessment indicates a risk to health.</li> <li>• The objectives of these checks are to provide early diagnosis of any hearing loss and preserve hearing function.</li> <li>• Individual health records are made and kept up to date.</li> <li>• Health records shall contain a summary of the results of the health surveillance carried out.</li> <li>• They shall be kept in a suitable form to permit consultation, taking into account any</li> </ul>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>• Does the national legislation require health surveillance prior to exposure to noise? Yes. A preventive medical examination is mandatory for workers whose exposure exceeds the upper exposure action values as a part of general health surveillance procedures. (Art. 41 L.D. 81/2008) The health surveillance can be extended to workers whose exposure to noise exceeds the lower exposure action values if they request it and the MC deems it is appropriate. (Art. 196 L.D. 81/2008).</li> <li>• Does the national legislation oblige employers to set health surveillance requirements after the end of exposure? No.</li> <li>• Are the arrangements for health surveillance records specified in the legislation, in particular in terms of content? Yes. The general provisions established for health surveillance records are applied. The results of health surveillance shall be filed in the worker's personal health and risk record kept by the MC (Art. 41 L.D. 81/2008). Annex III A to the L.D.</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>confidentiality.</p> <ul style="list-style-type: none"> <li>• Copies of the appropriate records shall be supplied to the CA on request. The individual worker shall, at his or her request, have access to health records relating personally to him/her.</li> <li>• Where, as a result of surveillance, a worker is found to have identifiable hearing damage, a doctor, or a specialist if the doctor considers it necessary, shall assess if the damage is likely to be the result of exposure at work. If this is the case: <ul style="list-style-type: none"> <li>- the worker shall be informed by the doctor or other suitably qualified person of the result which relates to him or her personally;</li> </ul> </li> </ul> <p>The employer shall:</p> <ul style="list-style-type: none"> <li>- review the risk assessment;</li> <li>- review the risk mitigation measures taking into account the advice of the occupational healthcare professional or other suitably qualified person or the CA in implementing any measures required to eliminate or reduce risk and, including the possibility of assigning the worker to alternative work where there is no risk of further exposure; and</li> <li>- arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed.</li> </ul>		<p>81/2008 details the contents of the worker's personal health and risk record.</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>Yes. Health surveillance is mandatory for workers whose exposure exceeds the upper exposure action values. It can be activated on demand by workers whose exposure exceeds the lower exposure action values. (Art. 196 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes. The health surveillance is carried out annually for workers whose exposure exceeds the upper exposure action values. The MC can establish a shorter interval if he deems it necessary. (Art. 196 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Consultation of workers Art. 9</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> </ul> <p>n/a</p>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Limit values Art.3	<ul style="list-style-type: none"> <li>For the purposes of this Directive the exposure limit values and exposure action values in respect of the daily noise exposure levels and peak sound pressure are fixed at:               <ul style="list-style-type: none"> <li>(a) exposure limit values: <math>L_{EX,8h} = 87</math> dB(A) and peak = 200 Pa (1) respectively;</li> <li>(b) upper exposure action values: <math>L_{EX,8h} = 85</math> dB(A) and peak = 140 Pa (2) respectively;</li> <li>(c) lower exposure action values: <math>L_{EX,8h} = 80</math> dB(A) and peak = 112 Pa (3) respectively.</li> </ul> </li> <li>When applying the exposure limit values, the determination of the worker's effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker.</li> <li>The exposure action values shall not take account of the effect of any such protectors.</li> </ul>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>Does the transposing legislation set more stringent values?               <p>No.</p> </li> <li>Other additional or more detailed requirements               <p>No.</p> </li> </ul>
Other issues identified	<ul style="list-style-type: none"> <li>Exposure limit values and action values Art. 3</li> <li>Individual hearing protectors Art. 6</li> <li>Measures to avoid and reduce exposure Arts. 5 and 7</li> <li>National Codes of conduct (MS level) Art. 14</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	<p>Notwithstanding the prohibition of exceeding the exposure limit values, Art. 191 L.D 81/2008 provides that an employer may assign an exposure level above the upper exposure action values to workers who are carrying out activities involving high variations in personal exposure levels to noise. In this case the employer shall provide workers with :</p> <ul style="list-style-type: none"> <li>- Personal protective hearing equipment;</li> <li>- Information and training;</li> <li>- Health surveillance.</li> </ul> <p>Furthermore, L.D. 81/2008 provides that the employer shall adapt the protective and preventive measures to take care of specific needs of exposed workers who are particularly sensitive to risk (i.e. Pregnant women and minors). (Art. 183 L.D. 81/2008).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Eventually, L.D. 81/2008 provides that the Standing Committee for health and Safety at Work shall draw up a specific guideline for call centres' workers in addition to those for music and entertainment sectors.</p> <p>The Standing Committee has published the Guidelines for workers in the music and entertainment sectors on 7 March 2012.</p>

**Table 1- 12 Directive 2004/40/EC (electromagnetic fields) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art 1 and Art 2</b>	<ul style="list-style-type: none"> <li>• Directive lays down minimum requirements for the protection of workers from risks from exposure to electromagnetic fields (0 Hz to 300 GHz) during their work.</li> <li>• It refers to the risk to the health and safety of workers due to known short-term adverse effects in the human body caused by the circulation of induced currents and by energy absorption as well as by contact currents.</li> <li>• It does not address suggested long-term effects, nor the risks resulting from contact with live conductors.</li> <li>• electromagnetic fields': static magnetic and time-varying electric, magnetic and electromagnetic fields with frequencies up to 300 GHz;</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>• Does the national legislation cover suggested long-term effects? No.</li> <li>• Does the national legislation address the risks resulting from contact with live conductors? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Conducting a risk assessment</b>	<ul style="list-style-type: none"> <li>• The employer shall assess and, if necessary, measure and/or calculate the levels of</li> </ul>	No observed discrepancy has been identified in terms of risk assessment	<ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art.4	<p>electromagnetic fields to which workers are exposed.</p> <ul style="list-style-type: none"> <li>• On the basis of this assessment, if the action values are exceeded, s/he shall assess and, if necessary, calculate whether the exposure limit values are exceeded.</li> <li>• Assessment, measurement and/or calculations need not be carried out in workplaces open to the public provided that an evaluation has already been undertaken in accordance with Council Recommendation 1999/519/EC.</li> <li>• The data obtained shall be preserved in a suitable form to permit consultation at a later stage</li> <li>• The employer shall give particular attention, when carrying out the risk assessment, to: <ul style="list-style-type: none"> <li>- level, frequency spectrum, duration and type of exposure;</li> <li>- the exposure limit values and action values;</li> <li>- any effects concerning workers at particular risk;</li> <li>- any indirect effects.</li> </ul> </li> <li>• The employer shall be in possession of a risk assessment.</li> <li>• The risk assessment shall be recorded on a suitable medium. It may include a justification by the employer that the nature and extent of the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.</li> <li>• The risk assessment shall be updated on a regular basis, particularly if there have been significant changes which could render it out</li> </ul>		<p>whether on request or automatically?</p> <p>Yes. According to L.D. 81/2008 the employer has to submit the risk assessment on request of Labour Inspectors (or other authorities entitled to require such information).</p> <ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>Yes. Art. 209 L.D. 81/2008 provides that the employer in carrying out the risk assessment undertakes all the available restoring actions to minimize the levels of exposure to electromagnetic fields.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>Yes. According to Article 209 L.D. 81/2008, assessment, measurement and calculation may, until harmonised European standards from Cenelec cover all relevant assessment, measurement and calculation situations, be carried out in accordance with the specific good practices identified or issued by the Standing Advisory Committee for the prevention of accidents and occupational hygiene, or, alternatively, with those issued by the Italian Electrotechnical Committee (IEC).</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	of date, or when the results of health surveillance show it to be necessary.		<ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> Yes. Specific guidelines have to be developed by the Ministry of Labour and Social Policy on the use of MRI in the healthcare sector. (Art. 212 L.D. 81/2008).
<b>Ensuring preventive and protective services</b> Art 4(4)	Assessment, measurement and/or calculations shall be planned and carried out by competent services or persons at suitable intervals.	No observed discrepancy has been identified in terms of preventive and protective services.	<ul style="list-style-type: none"> <li>Any additional or more detailed requirements</li> </ul> No.
<b>Information for workers</b> Art. 6	The employer shall ensure that exposed workers and/or their representatives receive any necessary information/training relating to the outcome of the risk assessment, in particular on: <ul style="list-style-type: none"> <li>measures taken to implement this Directive;</li> <li>values and concepts of the exposure limit values and action values and the associated potential risks</li> <li>the results of the assessment, measurement /calculations of the levels of exposure to electromagnetic fields</li> <li>how to detect adverse health effects and to report them;</li> <li>circumstances in which workers are entitled to health surveillance;</li> <li>safe working practices to minimise risks from exposure.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> No. <ul style="list-style-type: none"> <li>Is the content or form of information to workers further specified?</li> </ul> No.
<b>Training of workers</b> Art. 6	Same as above.	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>Is more specific information on the scope of training provided in the legislation?</li> </ul> No. <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> No.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Health surveillance Art. 8	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> <li>• In any event, where exposure above the limit values is detected, a medical examination shall be made available to the worker(s) concerned.</li> <li>• If health damage resulting from exposure is detected, the employer must carry out a reassessment of the risks.</li> <li>• The employer shall take appropriate measures to ensure that the doctor and/or the medical authority responsible for the health surveillance has access to the results of the risk assessment.</li> <li>• The results of health surveillance shall be preserved in a suitable form to permit consultation at later date, taking account of confidentiality requirements. Individual workers shall, at their request, have access to their own personal health records.</li> </ul>	No observed discrepancy has been identified in terms of health surveillance	<ul style="list-style-type: none"> <li>• Does the national legislation require health surveillance prior to exposure to electromagnetic fields? Yes. A preventive medical examination is required for workers exposed to electromagnetic fields as a part of general health surveillance procedure. (Art. 41 L.D. 81/2008).</li> <li>• Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to electromagnetic fields? No.</li> <li>• Are the arrangements for health surveillance records specified in the legislation? Yes. The general provisions established for health surveillance records are applied. The results of health surveillance shall be filed in the worker's personal health and risk record kept by the MC. Annex III A to the L.D. 81/2008 details the contents of the worker's personal health and risk record.</li> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation? Yes. In any event where exposure above the action values is detected, a medical examination of the worker is mandatory unless the risk assessment demonstrates that the exposure limit values are not exceeded and safety risks are excluded. (Art. 211 L.D. 81/2008).</li> <li>• Is the periodicity of health surveillance provided in national law? Yes. The health surveillance is carried out annually. The MC can establish a shorter interval where it is proven necessary by the risk assessment. Special attention shall be paid to exposed workers who</li> </ul>



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			are particularly sensitive to risk. (Art. 183 L.D. 81/2008). • Other additional or more detailed requirements No.
<b>Consultation of workers Art. 7</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Limit values Art.3</b>	Exposure limit values are as set out in the Annex, Table 1. Action values are as set out in the Annex, Table 2.	No observed discrepancy has been identified in terms of limit values.	<ul style="list-style-type: none"> <li>• Does the transposing legislation set more stringent values? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Other issues identified</b>	Measures to avoid and reduce exposure Art. 5	No observed discrepancy has been identified in terms of other key requirements.	No.

**Table 1- 13 Directive 2006/25/EC (artificial optical radiation) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art 1 and Art 2</b>	<ul style="list-style-type: none"> <li>• It lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to artificial optical radiation during their work.</li> <li>• It refers to the risk to the health and safety of workers due to adverse effects caused by exposure to artificial optical radiation to the eyes and to the skin.</li> <li>• optical radiation: any electromagnetic radiation in the wavelength range between</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements No.</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>100 nm and 1 mm. The spectrum of optical radiation is divided into ultraviolet radiation, visible radiation and infrared radiation:</p> <p>(i) ultraviolet radiation: optical radiation of wavelength range between 100 nm and 400 nm. The ultraviolet region is divided into UVA (315-400 nm), UVB (280-315 nm) and UVC (100-280 nm);</p> <p>(ii) visible radiation: optical radiation of wavelength range between 380 nm and 780 nm;</p> <p>(iii) infrared radiation: optical radiation of wavelength range between 780 nm and 1 mm. The infrared region is divided into IRA (780-1 400 nm), IRB (1 400-3 000 nm) and IRC (3 000 nm-1 mm).</p>		
<p><b>Conducting a risk assessment</b> <b>Art.4</b></p>	<ul style="list-style-type: none"> <li>• The employer shall assess and, if necessary, measure and/or calculate the levels of exposure to optical radiation to which workers are likely to be exposed</li> <li>• The data obtained shall be preserved in a suitable form to permit their consultation at a later stage.</li> <li>• The employer shall give particular attention, when carrying out the risk assessment, to the following: <ul style="list-style-type: none"> <li>- the level, wavelength range and duration of exposure;</li> <li>- the exposure limit values</li> <li>- any effects concerning the health and safety of workers belonging to particularly sensitive risk groups;</li> <li>- any possible effects resulting from workplace interactions between optical radiation and</li> </ul> </li> </ul>	<p>No observed discrepancy has been identified in terms of risk assessment.</p>	<ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically? <p>Yes. According to L.D. 81/2008 the employer has to submit the risk assessment on request of the Labour Inspectors (or other authorities entitled to require such information).</p> </li> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? <p>Yes. Art. 216 (2.g) L.D. 81/2008 provides that the employer shall give attention, when carrying out the risk assessment, to the available restoring actions for minimizing the levels of exposure to optical radiation.</p> </li> <li>• Is the content of the risk assessment more detailed than described in the Directive? <p>No.</p> </li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>photosensitising chemical substances;</p> <ul style="list-style-type: none"> <li>- any indirect effects e.g. temporary blinding, explosion or fire;</li> <li>- the existence of replacement equipment designed to reduce the levels of exposure to artificial optical radiation;</li> <li>- appropriate information obtained from health surveillance, including published information, as far as possible;</li> <li>- multiple sources of exposure;</li> <li>- a classification applied to a laser as defined in accordance with the relevant IEC standard and, in relation to any artificial source likely to cause damage similar to that of a laser of class 3B or 4, any similar classification.</li> </ul>		<ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation? No.</li> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Ensuring preventive and protective services</b> Art 4(2)	<ul style="list-style-type: none"> <li>• The assessment, measurement and/or calculations referred to in paragraph 1 shall be planned and carried out by competent services or persons at suitable intervals.</li> </ul>	No observed discrepancy has been identified in terms of preventive and protective services.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements No.</li> </ul>
<b>Information for workers</b> Art. 6	<ul style="list-style-type: none"> <li>• The employer shall ensure that workers exposed to risks from artificial optical radiation at work and/or their representatives receive necessary information and training relating to the outcome of the risk assessment in particular:</li> <li>- measures taken to implement this Directive;</li> <li>- the exposure limit values and the associated potential risks;</li> <li>- the results of the assessment, measurement and/or calculations with an explanation of their significance and potential risks;</li> <li>- how to detect adverse health effects of</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>• Is the content or form of information to workers further specified? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>exposure and how to report them;</p> <ul style="list-style-type: none"> <li>- circumstances in which workers are entitled to health surveillance;</li> <li>- safe working practices to minimise risks from exposure;</li> <li>- proper use of appropriate personal protective equipment.</li> </ul>		
<b>Training of workers</b> <b>Art. 6</b>	Same as above.	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation? No.</li> <li>• Are there specific requirements as to the competence of trainers provided in the legislation? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Health surveillance</b> <b>Art. 8</b>	<ul style="list-style-type: none"> <li>• Health surveillance is carried out by a doctor, an occupational health professional or a medical authority responsible for health surveillance.</li> <li>• Individual health records are made and kept up to date.</li> <li>• Health records shall contain a summary of the results of the health surveillance and be kept in a suitable form to permit later consultation, taking into account any confidentiality.</li> <li>• Copies of the appropriate records shall be supplied to the competent authority on request, taking into account any confidentiality.</li> <li>• Doctor, the occupational health professional or the medical authority responsible for the</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>• Does the national legislation require health surveillance prior to exposure to artificial optical radiation? Yes. A preventive medical examination is required for workers exposed to optical radiation as part of the general health surveillance procedure. (Art. 41 L.D. 81/2008).</li> <li>• Does the national legislation oblige employers to set health surveillance requirements after the end of exposure to artificial optical radiation? No.</li> <li>• Are the arrangements for health surveillance records specified in the legislation? No.</li> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>health surveillance, has access to the results of the risk assessment where such results may be relevant to the health surveillance.</p> <ul style="list-style-type: none"> <li>• Individual workers shall, at their request, have access to their own personal health records.</li> <li>• When exposure above limit values is detected, a medical examination shall be made available to the worker(s) concerned.</li> <li>• In both cases, when limit values are exceeded or adverse health effects (incl. diseases) are identified: <ul style="list-style-type: none"> <li>- the worker shall be informed of the result which relates to him personally and receive information and advice regarding any health surveillance which he should undergo following the end of exposure;</li> <li>- the employer shall be informed of any significant findings of the health surveillance, taking into account any medical confidentiality;</li> <li>- the employer shall: <ul style="list-style-type: none"> <li>○ review the risk assessment;</li> <li>○ review the measures taken to eliminate or reduce risks;</li> <li>○ take into account the health professional advice in implementing such measures;</li> <li>○ arrange continued health surveillance and provide for a review of the health status of any other worker who has been similarly exposed. In such cases, the competent health professional may propose that the exposed persons undergo a medical examination.</li> </ul> </li> </ul> </li> </ul>		<p>Yes. In any event where exposure above the limit values is detected, a medical examination of the worker is mandatory. (Art. 218 (2) L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes. The health surveillance is carried out annually. The MC can establish a shorter interval where it is proven necessary by the results from the risk assessment. Special attention has to be paid to exposed workers who are particularly sensitive to risk. (Art. 218 (1) L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Consultation of workers</b> Art. 7	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Limit values</b> Art.3	<ul style="list-style-type: none"> <li>• Exposure limit values for non-coherent radiation, other than that emitted by natural sources of optical radiation, are set out in Annex I.</li> <li>• Exposure limit values for laser radiation are set out in Annex II.</li> </ul>	No observed discrepancy has been identified in terms of limit values.	<ul style="list-style-type: none"> <li>• Does the transposing legislation set more stringent values? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>• Measures to avoid and reduce exposure Art. 5.</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	No.

**Table 1- 14 Directive 2004/37/EC (carcinogens or mutagens) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions</b> Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> <li>• This Directive shall apply to activities in which workers are or are likely to be exposed to carcinogens or mutagens as a result of their work.</li> <li>• Carcinogens: Substance category 1 or 2 carcinogens Annex VI to Directive 67/548/EEC.</li> <li>• Mutagens: Substance category 1 or 2 mutagens Annex VI to Directive 67/548/EEC.</li> </ul>	<p>Does the national legislation apply the carcinogen and mutagen classification according to the CLP Regulation (EC) 1272/2008?</p> <p>Yes. Criteria to adapt the national classification system to the CLP classification were established by the Circular Letter of the DG for working condition protection of the Ministry of Labour and Social Policy (Circular Letter 30/01/2011) and the 9th subgroup "on chemical agents" of the Standing Advisory Committee on Health and Safety at Work (Document of the Standing Advisory Committee on</p>	<ul style="list-style-type: none"> <li>• Does the transposing legislation also cover reprotoxic substances (1A and 1B)? No. Reprotoxic substances are not directly covered by L.D. 81/2008. However, the explanatory notes related to the Document of the Standing Advisory Committee on criteria and methodologies for the chemical risk assessment clarify that the health surveillance has to be ensured to workers who are or are likely to be exposed to reprotoxic substances 1A, 1B and 2. Nevertheless these substances are not listed and their limit values are not defined.</li> </ul> <p>Reprotoxic substances are covered by d. Legs 151/2001 which relates to L.D. 81/2008 for what concerns signals but the classification is in the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		criteria and methodologies for the chemical risk assessment - 2012).	d.lgs. 151/2001. At the present time, Directive 27/2014/EU is under transposition. The new CLP rules will be inserted in L.D. 81/2008, d.lgs. 151/2001, and d. Lgs. 345/1999. <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Conducting a risk assessment Art. 3</b>	<ul style="list-style-type: none"> <li>• nature, degree and duration of workers' exposure shall be determined in order to make it possible to assess any risk to the workers' health or safety and to lay down the measures to be taken.</li> <li>• The assessment shall be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure to carcinogens or mutagens.</li> <li>• The employer shall supply the authorities at their request with the information used for making the assessment.</li> <li>• When assessing the risk, account shall be taken of all other routes of exposure, such as absorption into and/or through the skin.</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>• Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request?  In all undertakings where workers are or are likely to be exposed to carcinogens or mutagens the employers are obliged to keep a registry of workers exposed to health risks from carcinogens and mutagens in which, for each worker, note is taken of tasks carried out, carcinogens and mutagens used and, if known, the exposure value.  The record is kept and updated by the MC under the employer's responsibility. The manager of preventive and protective services and workers' representatives are allowed to access the record.  (Art. 243 (1) L.D. 81/2008). After the end of the employment relationship, the employer is obliged to deliver the personal health record as well as personal information contained in the registry of exposed workers to INAIL. (Art. 243 (4) L.D. 81/2008). After the cessation of the company's activities, the employer shall deliver to INAIL both the registry of exposed workers and all personal health and risks records. (Art. 243 (5) L.D. 81/2008) In the case of workers exposed to carcinogens, the employer shall immediately deliver the registry of exposed workers both to INAIL and respective authorities. (Art. 243 (8) L.D. 81/2008).</li> <li>• Are the risks to be taken into account in the assessment described in a more specific</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>manner than in the Directives?</p> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directives?</li> </ul> <p>Yes. L.D. 81/2008 (Article 236) provides that in the risk assessment particular account should be taken of characteristics, duration and frequency of manufacturing processes as well as of quantities and concentrations of carcinogens or mutagens produced or used and their ability to penetrate into the body through different absorption pathways. Attention shall also be paid to the aggregation state of the substance and, wherever it is in a solid state, if it is in compact mass, in flakes or in powder form.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>Yes. The risk assessment document must report:</p> <ul style="list-style-type: none"> <li>– activities involving carcinogenic or mutagenic substances or preparations or industrial processes listed in Annex XLII, including reasons why carcinogens are used;</li> <li>– quantities of carcinogenic or mutagenic substances or preparations manufactured or used;</li> <li>– number of workers exposed or likely to be exposed to carcinogens or mutagens;</li> <li>– where known, the exposure of such workers, and the level of this exposure ;</li> <li>– the preventive and protective measures applied and the type of personal protective equipment used;</li> <li>– the investigations carried out to identify replacement substances.</li> </ul>



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>(Art. 236 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directives?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers Art.12</b>	<p>Appropriate measure to ensure that:</p> <ul style="list-style-type: none"> <li>• Workers and/or any workers' representatives in the undertaking can check that this Directive is applied or can be involved in its application in particular for: <ul style="list-style-type: none"> <li>◦ the consequences for workers' safety and health of the selection, wearing and use of protective clothing and equipment, without prejudice to the employer's responsibility for determining the effectiveness of protective clothing and equipment;</li> <li>◦ the measures in case of foreseeable exposure.</li> </ul> </li> <li>• Workers and/or their representatives are informed as quickly as possible of abnormal exposures including foreseeable ones or the cause and of the measures taken or to be taken to rectify the situation.</li> <li>• The employer keeps an up-to-date list of the workers engaged in the activities in respect of which the results of the assessment reveals a risk to workers and indicating if available</li> </ul>	<p>No observed discrepancy has been identified in terms of information for workers</p>	<ul style="list-style-type: none"> <li>• Does the Directive set additional information requirements, including on: <ul style="list-style-type: none"> <li>◦ relevant activities and industrial processes, including reasons why carcinogens, mutagens and reprotoxins are used;</li> <li>◦ quantities of substances and preparations manufactured or used that contain CMR;</li> <li>◦ numbers of workers exposed;</li> <li>◦ replacement by another product;</li> <li>◦ negative impacts on fertility.</li> </ul> </li> </ul> <p>Yes. The Employer shall also report and make available to the workers' representatives the studies carried out to replace the CMR. (Art. 236 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions in relation (e.g. size of the establishments) to workers information?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content or form of information to workers further specified?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>their exposure.</p> <ul style="list-style-type: none"> <li>• Doctors and/or competent authorities have access to this list.</li> <li>• Each worker has access to the information about him.</li> <li>• Workers and/or workers representatives have access to anonymous collective information.</li> </ul>		<p>Yes. Information and training have to be provided before workers start their assigned tasks. Moreover, they shall be repeated at least every five years, or whenever changes are made that affect the nature and degree of the risks. (Art. 239 (3) L.D. 81/2008).</p> <p>Employers shall label installations, containers and packages containing carcinogens or mutagens. (Art. 239 (4) L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements No.</li> </ul>
Training of workers Art.11	<ul style="list-style-type: none"> <li>• Sufficient and appropriate training on the basis of all available information on: <ul style="list-style-type: none"> <li>◦ Potential risks to health including the additional risks due to tobacco consumption;</li> <li>◦ Precautions to be taken to prevent exposure.</li> </ul> </li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation? No.</li> <li>• Are there specific requirements as to the competence of trainers provided in the legislation? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
Health surveillance Art.14	<ul style="list-style-type: none"> <li>• Health surveillance prior exposure and at regular intervals thereafter.</li> <li>• If a workers suffer from an abnormality suspected to be the result of exposure the doctor or relevant authority may require other workers who have been similarly exposed to undergo health surveillance. In that even a reassessment of the risk must be carried out.</li> <li>• Medical records must be kept and doctors must propose any protective or preventive measures to be taken in respect of any individual worker.</li> </ul>	No observed discrepancy has been identified in terms of health surveillance	<ul style="list-style-type: none"> <li>• Does the national legislation set health surveillance requirements after the end of exposure? No.</li> <li>• Are the arrangements for health surveillance records specified in the legislation? Yes. The employer shall keep a general record of workers exposed to health risks from carcinogens or mutagens. The MC shall also keep a personal health and risks record of workers required to undergo health surveillance. (Art 25 (1.c) and Art. 243 (2) L.D. 81/2008).</li> </ul> <p>Further details on contents of the workers'</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>• Advice must be given to workers on health surveillance after the end of exposure.</li> <li>• Workers have access to the result of health surveillance that concern them.</li> <li>• Workers/employers may request a review of the results of the health surveillance.</li> </ul>		<p>personal health records are provided by the Decree of the Ministry of Health 2007 n. 155.</p> <p>After the end of the employment relationship, the employer is obliged to deliver the personal health record as well as personal information contained in the registry of exposed workers to INAIL. (Art. 243 (4) L.D. 81/2008).</p> <p>After the cessation of the company's activities the employer shall deliver to INAIL both the registry of exposed workers and all personal health and risks records. (Art. 243 (5) L.D. 81/2008) In the case of workers exposed to carcinogens, the employer shall immediately deliver the registry of exposed workers both to INAIL and Inspective authorities. (Art. 243 (8) L.D. (81/2008).</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes. Normally once a year. Nevertheless, the frequency of health surveillance can be modified by the MC on the basis of risk assessment. (Art. 242 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Consultation of workers Art.13</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>• Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Limit values</b>	<ul style="list-style-type: none"> <li>• Limit values on Benzene, Vinyl chloride</li> </ul>	No observed discrepancy has been	<ul style="list-style-type: none"> <li>• Does the transposing legislation set more</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Art 16 and Annex III</b>	monomer, hardwood dusts.	identified in terms of limit values.	<p>stringent limit values?</p> <p>Yes. The binding biological limit value of blood-lead level is 60 lg Pb/100 ml blood. The limit for women in fertility is 40 µg Pb/100 ml blood. (Annex XXXIX to L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>Does the legislation set binding limit value on other carcinogens and mutagens (e.g. refractory ceramic fibres?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Other issues identified</b>	<p>Three tiered approach Arts. 4, 5(2)-5(4)</p> <p>Measures limiting worker exposure Arts. 5(5), 7(2) and 10(1).</p> <p>Information to competent authorities Art. 6.</p>	No observed discrepancy has been identified in terms of other key requirements.	No.

**Table 1- 15 Council Directive 98/24/EC (chemical agents at work) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	<ul style="list-style-type: none"> <li>The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace, without prejudice to the provisions for chemical agents to which measures for radiation protection apply pursuant to Directives adopted under the Treaty establishing the European Atomic Energy Community.</li> <li>Chemical agent is defined as any chemical element or compound, on its own or</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Is the scope broader than the directive's for: <ul style="list-style-type: none"> <li>Chemical agent?</li> <li>Hazardous chemical agent?</li> </ul> </li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>admixed, as it occurs in the natural state or as produced, used or released, including release as waste, by any work activity, whether or not produced intentionally and whether or not placed on the market.</p> <ul style="list-style-type: none"> <li>• Hazardous chemical agent is defined as: <ul style="list-style-type: none"> <li>○ any chemical agent which meets the criteria for classification as a dangerous substance according to the criteria in Annex VI to Directive 67/548/EEC, whether or not that substance is classified under that Directive, other than those substances which only meet the criteria for classification as dangerous for the environment;</li> <li>○ any chemical agent which meets the criteria for classification as a dangerous preparation within the meaning of Directive 88/379/EEC, whether or not that preparation is classified under that Directive, other than those preparations which only meet the criteria for classification as dangerous for the environment;</li> <li>○ any chemical agent which, whilst not meeting the criteria for classification as dangerous in accordance with (i) and (ii), may, because of its physico-chemical, chemical or toxicological properties and the way it is used or is present in the workplace, present a risk to the safety and health of workers, including any chemical agent assigned an occupational exposure limit value under Article 3 of the Directive.</li> </ul> </li> </ul>		
<b>Conducting a risk assessment</b>	<ul style="list-style-type: none"> <li>• The Directive requires a risk assessment to be carried out by employers which must</li> </ul>	No observed discrepancy has been identified in terms of risk assessment.	<ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 4(1), (2) and (4)	<p>determine whether any hazardous chemical agents are present at the workplace. If so they should assess them taking into account, inter alia, their hazardous properties; level, type and duration of exposure; the circumstances of work involving such agents; occupational exposure limit values or biological limit values; effect of preventive measures taken or to be taken; conclusions to be drawn from any health surveillance.</p> <ul style="list-style-type: none"> <li>• In case of activities involving exposure to several agents, the risk must be assessed taking into account all chemical agents in combination.</li> <li>• The risk assessment must be documented. The employer must be in possession of the risk assessment.</li> </ul>		<p>whether on request or automatically?</p> <p>Yes. The employer has to submit the risk assessment on request of the Labour Inspectors (or other authorities entitled to require such information).</p> <ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>Yes. The measurement of chemical substances that may present a risk to health has to be carried out by means of standardized methods (Standards UNI EN) listed in Annex XLI to L.D. 81/2008 or in their absence, by means of appropriate methods (Art. 225 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>Yes. Producers or suppliers shall provide the employer with all the necessary information related to chemical substances according to the provisions of the legislation on the labelling of dangerous substances. (Art. 223 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
Ensuring preventive and protective	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
services			
Information for workers Art.8	<ul style="list-style-type: none"> <li>The employer must ensure that workers are provided with: <ul style="list-style-type: none"> <li>Data obtained from the risk assessments;</li> <li>Information on the hazardous chemical agents occurring in the workplace (e.g. relevant occupational exposure limit values);</li> <li>Training and information on appropriate precautions and actions to be taken ;</li> <li>Safety data sheet.</li> </ul> </li> </ul>	No observed discrepancy has been identified in terms of information for workers.	<ul style="list-style-type: none"> <li>Does the transposing legislation set any additional information requirements? Yes. The employer shall also inform workers about the exceedance of limit values for occupational exposure, the causes of the event and the preventive and protective measures adopted. (Art. 227 L.D. 81/2008).</li> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>Is the content or form of information to workers further specified? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
Training of workers Art.8	<ul style="list-style-type: none"> <li>The employer must ensure that workers are provided with: <ul style="list-style-type: none"> <li>Training and information on appropriate precautions and actions to be taken.</li> </ul> </li> </ul>	No observed discrepancy has been identified in terms of training of workers	<ul style="list-style-type: none"> <li>Is more specific information on the scope of training provided in the legislation? No.</li> <li>Are there specific requirements as to the competence of trainers provided in the legislation? No.</li> </ul>
Health surveillance Art.10	<ul style="list-style-type: none"> <li>The employer shall provide health surveillance of workers for whom the results of the assessment of the hazardous chemical agents reveal a risk to health.</li> <li>Individual health and exposure records shall be made and kept up-to-date and contain a summary of the results of health surveillance and of any monitoring data representative of the exposure of the</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>Does the transposing legislation require health surveillance to be provided for other workers than those for which the assessment of the hazardous chemical agents revealed a risk to health? No. The health surveillance is not needed if the risk assessment shows that, taking into account the type and quantity of hazardous chemical agents and the modality and frequency of the exposure,</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>individual.</p> <ul style="list-style-type: none"> <li>• Copies must be supplied on request to the authorities.</li> </ul>		<p>there is a low risk to the safety and health of workers and the preventive measures are sufficient to further reduce it. (Art. 224 (2) L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Does the transposing legislation oblige employers to supply the authorities with information automatically and not on request? No. The employer is only obliged to deliver the personal health and risks records on demand to inspective authorities.</li> <li>• Are the arrangements for health surveillance records specified in the legislation? Yes (Art. 229 L.D. 81/2008).</li> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation? Yes. Health surveillance is carried out: a) before assigning the worker to the task involving exposure; b) periodically, usually once a year or with different intervals decided by the MC by giving adequate reasons set out in the document containing the risk assessment and made known to the representatives for the safety of workers; c) when the employment relationship ceases. In this case the MC must provide the worker with any information about safety requirements to be observed. (Art. 229 L.D. 81/2008)</li> <li>• Is the periodicity of health surveillance provided in national law? Yes. Normally once a year. Nevertheless, the periodicity of health surveillance can be modified by the MC on the basis of risk assessment.</li> </ul>



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			(Art. 229 L.D. 81/2008)
<b>Consultation of workers Art.11</b>	<ul style="list-style-type: none"> <li>Framework Directive applies</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Limit values Art 3 and 6(4) and (5)</b>	<ul style="list-style-type: none"> <li>Exposure limit values and biological limit values</li> </ul>	No limit value related to parts per million by volume in air (ml/m <sup>3</sup> ) is set for Cyanamide.	<ul style="list-style-type: none"> <li>Does the transposing legislation set more stringent limit values? Yes. According to Annex XXXVIII to L.D. 81/2008, more stringent limit values are set for the following: Acetonitrile mg/m<sup>3</sup> 35, ppm 20 Isopentane mg/m<sup>3</sup> 2000, ppm 667 Pentane mg/m<sup>3</sup> 2000, ppm 667 Cyclohexane mg/m<sup>3</sup> 350, ppm 100 Chromium Metal Inorganic Chromium (II) Compounds and Inorganic Chromium (III) 0,5Carbon disulphide mg/m<sup>3</sup> 3, ppm 1 Methylacrylate mg/m<sup>3</sup> 7, ppm 2 2-Methoxyethanol ppm 1 2-Methoxyethyl acetate ppm 1.</li> <li>Other additional or more detailed requirements Yes. All the limit values are binding. The binding biological limit value of blood-lead level is 60 lg Pb/100 ml blood (Annex XXXIX to L.D. 81/2008).</li> </ul>
<b>Other issues identified</b>	<p>Specific protection and prevention measures Art. 5</p> <p>ELVs and biological limit values Arts. 3 and 6(4) and (5)</p> <p>Procedures for accidents, incidents &amp; emergencies</p>	No observed discrepancy has been identified in terms of other key requirements.	The derogations to prohibitions listed in Annex III of the Directive are authorised by the Ministry of Labour after hearing from Ministry of Health and the Region where the undertaking is located.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	Art. 7 Prohibitions Art. 9 + Annex III		

**Table 1- 16 Directive 2009/148/EC (asbestos) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art.1 and 2</b>	<p>The Directive covers health and safety risks arising or likely to arise from exposure to asbestos at work where asbestos is defined as any one of six fibrous silicates:</p> <ul style="list-style-type: none"> <li>- asbestos actinolite, CAS No 77536-66-4 ( 1 );</li> <li>- asbestos grunerite (amosite), CAS No 12172-73-5 ( 1 );</li> <li>- asbestos anthophyllite, CAS No 77536-67-5 ( 1 )</li> <li>- chrysotile, CAS No 12001-29-5 ( 1 );</li> <li>- crocidolite, CAS No 12001-28-4 ( 1 );</li> <li>- asbestos tremolite, CAS No 77536-68-6 ( 1 ).</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions with the provisions of L.D. 81/2008 which transposes Directive 2003/18/EC.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements</li> </ul> <p>Circular letter 25/01/2011 prot. 15/SEGR/0001940 of the Standing Advisory Committee on Health and Safety at Work lists the cases where the exposure has to be considered sporadic and of low intensity.</p>
<b>Conducting a risk assessment Art.3(2)</b>	<ul style="list-style-type: none"> <li>• In the case of activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed to determine the nature and degree of the workers' exposure.</li> </ul>	No observed discrepancy has been identified in terms of risk assessment	<ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive? No.</li> <li>• Is the content of the risk assessment more detailed than described in the Directive? No.</li> <li>• Is a more specific methodology for risk assessment provided in the legislation? No.</li> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Ensuring preventive and protective services</b> <b>Art.7(4)</b>	<ul style="list-style-type: none"> <li>• Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in laboratories equipped for fibre counting.</li> </ul>	No observed discrepancy has been identified in terms of preventive and protective services.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Information for workers</b> <b>Art.4(4) Art.17</b>	<ul style="list-style-type: none"> <li>• Art.4(4): Workers must have access to the documents used in the documentation system.</li> <li>• Art.17: Workers must receive adequate information on: <ul style="list-style-type: none"> <li>- potential risks to health from exposure to dust arising from asbestos or materials containing asbestos;</li> <li>- existence of statutory limit values and the need for the atmosphere to be monitored;</li> <li>- hygiene requirements, including the need to refrain from smoking;</li> <li>- precautions to be taken as regards the wearing and use of protective equipment and clothing;</li> <li>- special precautions designed to minimise exposure to asbestos.</li> </ul> </li> <li>• Workers must have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results. If the results exceed the limit value, the workers concerned are informed as quickly as possible of the fact and the reasons for it</li> </ul>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>• Does the transposing legislation set any additional information requirements? Yes. Workers must also receive information on methods for cleaning protective equipment and clothing after exposure to asbestos.</li> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>• Is the content or form of information to workers further specified? No.</li> <li>• Other additional or more detailed requirements Art 257 of L.D. 81/2008 literally transposes Art. 17 (1) of Directive. The provision of art 17 (2.a) is not explicitly transposed but according to the general provisions provided by art. 50 of L.D. 81/2008 workers' representatives have access to the documentation of the risk assessment where (according to the provision of art. 253 L.D. 81/2008) the results of the measurement of asbestos fibres in the air must be reported. Art. 257 of L.D. 81/2008 instead literally transposes Art. 17 (2.b). This means that the employer shall</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	and the workers are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken.		provide information to workers only when the measurement results exceed the limit values.
<b>Training of workers Art.14</b>	<ul style="list-style-type: none"> <li>• Appropriate training must be given for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers.</li> <li>• The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards: <ul style="list-style-type: none"> <li>- properties of asbestos and its effects on health;</li> <li>- types of products or materials likely to contain asbestos;</li> <li>- operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;</li> <li>- safe work practices, controls and protective equipment;</li> <li>- appropriate role, choice, selection, limitations and proper use of respiratory equipment;</li> <li>- emergency procedures;</li> <li>- decontamination procedures;</li> <li>- waste disposal;</li> <li>- medical surveillance requirements.</li> </ul> </li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation? No.</li> <li>• Are there specific requirements as to the competence of trainers provided in the legislation? No.</li> <li>• Are there more detailed requirements on the content of training than in the Directive? Article 258 L.D. 81/2008 provides that only workers who have attended specific training courses established by Law 1992, n. 25 may be involved in the removal and disposal of asbestos and the remediation of areas affected.</li> <li>• Are there more detailed requirements on the regularity of training than in the Directive? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Health surveillance Art.18</b>	<ul style="list-style-type: none"> <li>• Assessment of each worker's health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work. It</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>• Do these health surveillance requirements also apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>must include a specific examination of the chest.</p> <ul style="list-style-type: none"> <li>• A new assessment must be available at least once every 3 years for as long as exposure continues.</li> <li>• Individual health record to be established for each worker.</li> <li>• The doctor or responsible authority shall advise on individual protective/preventive measures to be taken or determine such measures, including where appropriate the withdrawal of the worker from all exposure to asbestos.</li> <li>• Information and advice must be given to workers on any assessment of their health which they may undergo following the end of exposure.</li> <li>• The doctor may indicate that medical surveillance must continue after the end of exposure for as long as he/she considers it necessary to safeguard the health.</li> <li>• The worker concerned or the employer may request a review of the assessments.</li> <li>• These measures do not apply if worker exposure is sporadic and of low intensity, and is clear from the results of the risk assessment that the exposure limit for asbestos will not be exceeded (See Article 3(3)).</li> </ul>		<p>will not be exceeded?</p> <p>No. The Circular of 25 January 2011 prot. 15/SEGR/0001940 of the Standing Advisory Committee provides the criteria to identify sporadic and low intensity exposure.</p> <ul style="list-style-type: none"> <li>• Does the national legislation oblige workers to continue medical surveillance after exposure to asbestos?</li> </ul> <p>No. Art. 242 of L.D. 81/2008 provides only that exposed workers have to undergo a medical examination at the end of the employment relationship. During this last examination the MC gives the worker the medical prescriptions to comply with and the suggestion to undergo further medical examinations.</p> <ul style="list-style-type: none"> <li>• Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>Yes. The employer shall keep a registry of workers exposed to asbestos. The MC shall also keep individual medical record of workers required to undergo health surveillance. (Art. 259 L.D. 81/2008) Further details on contents of the workers personal health and risks records are provided by the Decree of Ministry of Health 2007 n. 155.</p> <p>After the end of the employment relationship, the employer is obliged to deliver the personal health record as well as personal information contained in the registry of exposed workers to INAIL. (Art. 260 (3) L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Yes. At least once every three years. Nevertheless the periodicity of health surveillance can be modified by the MC on the basis of risk assessment. (Art. 259 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Consultation of workers Art.3(5) and 7(3) and 12</b>	<ul style="list-style-type: none"> <li>Art.3(5): risk assessment is subject to worker consultation.</li> <li>Art.7(3): sampling is carried out after worker consultation.</li> <li>Art.12: workers must be consulted on measures to be taken in case of activities such as demolition, asbestos removal work, repairing and maintenance where it is foreseeable that the limit values will be exceeded, before the activities start.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>Does the national legislation set additional worker consultation requirements?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Are more specific criteria put in place?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>L.D. 81/2008 provides that the workers or their representative have to be consulted.</p>
<b>Limit values Art.8</b>	<ul style="list-style-type: none"> <li>Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm<sup>3</sup> as an 8-hour time-weighted average (TWA).</li> </ul>	No observed discrepancy has been identified.	<ul style="list-style-type: none"> <li>Does the transposing legislation set more stringent limit values?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>Exclusion of some work Art. 3(3)</li> <li>Guidelines (MS level) Art. 3(4)</li> <li>Notification system. Art 4</li> <li>Prohibition of use. Art. 5</li> <li>Measures to reduce exposure. Art. 6</li> <li>Regular measurement of exposure. Art. 7</li> <li>Maximum exposure limit. Art. 8</li> <li>Cessation of work Art. 10</li> <li>Identifying asbestos containing material.</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	<ul style="list-style-type: none"> <li>The Standing Advisory Committee on Health and Safety at Work delivered the guidelines for the determination of sporadic and low exposures on 15 December 2010.</li> <li>The Decree of the President of the Council of Ministries n. 308 10/12/2002 established the National Registry of Asbestosis and Mesothelioma (RENAM). The Registry is kept by INAIL and updated through information provided by the network of Regional Operative Centers (COR).</li> <li>Art. 260 L.D. 81/2008 provides that the employer shall only enter the workers exposed to an</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>Art. 11</p> <ul style="list-style-type: none"> <li>• Exceeding exposure limit. Art. 12</li> <li>• Plan of work. Art. 13</li> <li>• Demonstration of competence. Art. 15</li> <li>• Required measures. Art. 16</li> <li>• Register of workers (MS level) Art. 19(2)</li> <li>• Penalties (MS level) Art. 20</li> <li>• Register of cases (MS level) Art. 21</li> </ul>		<p>exposure exceeding the limit value in the register of exposed workers. The law also provides that the employer in measuring the worker's exposure must take into account the adoption of measures to contain the spread of dust arising from asbestos and the use of PPE.</p> <p>- Art. 5 is not transposed in the framework law on OSH (L.D. 81/2008). Nevertheless the extraction, manufacture, processing and use of asbestos in any form is prohibited in Italy by the Law 257/92.</p> <p>- Even Art. 15 is not transposed in L.D. 81/2008 but Law 257/92 provides that firms must be registered into a National Register. The deliberation 01/02/2000 (O.J. 17/04/2000 n. 90) of the National Committee holding the National Registry sets the criteria that firms must fulfill to be registered.</p>

**Table 1- 17 Directive 2000/54/EC (biological agents) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	<ul style="list-style-type: none"> <li>• The Directive covers risks, arising or likely to arise from exposure to biological agents at work.</li> <li>• 'biological agents': micro-organisms, including those which have been genetically modified, cell cultures and human endoparasites, which may be able to provoke any infection, allergy or toxicity.</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>• Is the scope of the national legislation broader than the Directive? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Conducting a</b>	<ul style="list-style-type: none"> <li>• The nature, degree and duration of workers'</li> </ul>	No observed discrepancy has been	<ul style="list-style-type: none"> <li>• Does the national legislation require employers</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>risk assessment</b> <b>Art. 3, 7(1)</b>	<p>exposure must be determined.</p> <ul style="list-style-type: none"> <li>• In the case of activities involving exposure to several groups of biological agents, the risk shall be assessed on the basis of the danger presented by all hazardous agents present.</li> <li>• The assessment must be renewed regularly and in any event when any change occurs in the conditions which may affect workers' exposure.</li> <li>• The employer must supply the CAs, at their request, with the information used for making the assessment.</li> <li>• The assessment is conducted on the basis of all available information: <ul style="list-style-type: none"> <li>- classification of biological agents which are or may be a hazard to human health;</li> <li>- recommendations from a CA which indicate that the biological agent should be controlled to protect workers' health when workers are or may be exposed to such a biological agent as a result of their work;</li> <li>- information on diseases which may be contracted as a result of the work of the workers;</li> <li>- potential allergenic or toxigenic effects as a result of the work of the workers;</li> <li>- knowledge of a disease from which a worker is found to be suffering and which has a direct connection with his work.</li> </ul> </li> <li>• Where the assessment reveals risk to workers' health or safety, employers shall, when requested, make available to the CA appropriate information on: <ul style="list-style-type: none"> <li>- the results of the assessment;</li> </ul> </li> </ul>	<p>identified in terms of risk assessment.</p>	<p>to submit risk assessment to national authorities automatically?</p> <p>Yes. The risk assessment has to be submitted at the time of the notification to the CA of the use, for the first time, of group 2, 3 and 4 biological agents. (Art. 269 L.D. 81/2008) Furthermore, the employer needs to submit the risk assessment to the competent office of the Ministry of Labour and Social Policies to be authorized to use group 4 biological agents. (Art. 270 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Does the national legislation require that practical guidelines for the determination and assessment of risk must be developed?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>Yes. Also the synergy between the different groups of biological agents shall be taken into account. (Article 271 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>Yes. The risk assessment must provide the following information:</p> <ul style="list-style-type: none"> <li>- activities in which workers have been exposed or may have been exposed to biological agents;</li> <li>- the number of workers exposed;</li> <li>- the name and capabilities of the person responsible for safety and health at work;</li> <li>- the protective and preventive measures taken, including working procedures and methods;</li> <li>- an emergency plan for the protection of</li> </ul>



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>- the activities in which workers have been exposed or may have been exposed;</li> <li>- the number of workers exposed;</li> <li>- the name and capabilities of the person responsible for OSH;</li> <li>- the protective and preventive measures taken;</li> <li>- an emergency plan for the protection of workers from exposure to a group 3 or 4 biological agent which might result from a loss of physical containment.</li> </ul>		<p>workers from exposure to group 3 or a group 4 biological agent which might result from a loss of physical containment.</p> <p>(art. 271 L.D. 81/2008)</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>L.D. 81/2008 sets more stringent requirements related to art 7(1) and 13 of the Directive as the employer must require the authorisation of the Ministry of Labour to use group 4 biological agents (Art. 270 L.D. 81/2008). The authorisation lasts for 5 years but can be renewed.</p> <p>Furthermore, the employer must inform the Ministry of Labour when the use of the biological agent is ended.</p> <p>The Ministry keeps and updates a list of all class 4 biological agents used.</p> <p>The list of exposed workers along with the medical records and their updates are made available to the CA and INAIL.</p> <p>The employer shall keep both the list and medical records until the cessation of the employment relationship. Instead, INAIL keeps the list and medical records for ten years following the end of exposure.</p>
<b>Ensuring preventive and</b>	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>protective services</b>			
<b>Information for workers Art.10</b>	<ul style="list-style-type: none"> <li>• Employers shall provide written instructions and, if appropriate, display notices which shall, include the procedure to follow in the case of: <ul style="list-style-type: none"> <li>- a serious accident or incident involving the handling of a biological agent;</li> <li>- handling a group 4 biological agent.</li> </ul> </li> <li>• Employers shall inform the workers of any accident/incident which may have resulted in the release of a biological agent and could cause severe human infection and/or illness.</li> <li>• Employers shall inform the workers as quickly as possible when a serious accident or incident occurs, of its causes and the remedial measures taken or to be taken.</li> <li>• Each worker shall have access to the information on the list of exposed workers which relates to him personally.</li> <li>• Workers or their representatives shall have access to anonymous collective information.</li> <li>• Employers shall provide workers and/or their representatives, at their request, with the information for CAs (see Article 7).</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>• Does the information to be provided to the CAs need to be available to the workers independently of their request? Yes. This information is available to the workers' representative (Article 269 L.D. 81/2008).</li> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>• Is the content or form of information to workers further specified? Yes. The procedures for handling group 4 biological agents where these agents are used. (Article 278 L.D. 81/2008).</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Training of workers Art.9</b>	<ul style="list-style-type: none"> <li>• Workers receive training concerning: <ul style="list-style-type: none"> <li>- potential risks to health;</li> <li>- precautions to be taken to prevent exposure;</li> <li>- hygiene requirements;</li> <li>- wearing and use of protective equipment and clothing;</li> <li>- steps to be taken in case of incidents and to</li> </ul> </li> </ul>	No observed discrepancy has been identified in terms of training of workers	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation? Yes. Training shall also address the procedures for handling group 4 biological agents where these agents are used. (Article 278 L.D. 81/2008).</li> <li>• Are there specific requirements as to the competence of trainers provided in the legislation?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>prevent them.</p> <ul style="list-style-type: none"> <li>• Training shall be: <ul style="list-style-type: none"> <li>- given at the beginning of work involving contact with biological agents;</li> <li>- adapted to new or changed risks, and repeated periodically if necessary.</li> </ul> </li> </ul>		<p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
Health surveillance Art.14	<ul style="list-style-type: none"> <li>• Each worker can undergo, if appropriate, relevant health surveillance prior to exposure and at regular intervals</li> <li>• When necessary, effective vaccines should be made available for workers who are not already immune to the biological agent to which they are exposed.</li> <li>• A worker is found to be suffering from an infection and/or illness which is suspected to result from exposure, the doctor or responsible authority shall offer such surveillance to other workers similarly exposed. In that event, a reassessment of the risk of exposure shall be carried out.</li> <li>• In cases where health surveillance is carried out, an individual medical record shall be kept for at least 10 years following the end of exposure.</li> <li>• In the special cases of infection [referred to in Article 11(2) second subparagraph], an individual medical record shall be kept for an appropriately longer time up to 40 years following the last known exposure.</li> <li>• The doctor or responsible authority shall propose protective or preventive measures in respect of any individual worker.</li> <li>• Information and advice must be given to workers on health surveillance they may</li> </ul>	<p>No observed discrepancy has been identified in terms of health surveillance</p>	<ul style="list-style-type: none"> <li>• Does the national legislation set more stringent requirements on health surveillance (e.g. individual medical records must be kept more than 10 years)?</li> </ul> <p>Yes. In the special cases listed by Article 11(2) of the Directive, individual medical records must be kept for 40 years following the last known exposure. After cessation of the enterprise's activities, the individual records are kept by INAIL. (Article 280 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>• Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>Yes. In addition to individual medical records, the employer shall keep a Registry of workers exposed to group 3 and 4 biological agents. Information on tasks carried out, biological agents used and cases of individual exposure to biological agents are entered in the Registry for each worker. (Art 280 L.D. 81/2008).</p> <p>A copy of the Registry has to be submitted both to INAIL and the Inspective Authority.</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes. Normally once a year. Nevertheless the</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>undergo after the end of exposure.</p> <ul style="list-style-type: none"> <li>Workers shall have access to the results of the health surveillance which concern them, and they or the employer may request a review of these results.</li> <li>All cases of diseases or death identified from occupational exposure to biological agents shall be notified to the CA.</li> </ul>		<p>periodicity of health surveillance can be modified by the MC on the basis of risk assessment. (Art. 279 L.D. 81/2008).</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Consultation of workers Art.12</b>	<ul style="list-style-type: none"> <li>Framework Directive applies</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>Substitution Art. 5</li> <li>Measures to avoid and reduce exposure Art. 6</li> <li>Information for the competent authority Art. 7(1)</li> <li>Information for the competent authority (accidents and incidents) Art. 7(2)</li> <li>Information to competent authorities Art. 7(3)</li> <li>List of exposed workers Art. 11</li> <li>Prior notification to competent authorities Art. 13</li> <li>Measures in health and veterinary care facilities Art. 15 (2)</li> <li>Special measures for industrial processes, laboratories and animal rooms Art. 16</li> <li>Classification of biological agents in groups 2-4.</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	No.

**Table 1- 18 Council Directive 92/57/EEC (temporary or mobile construction sites) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p>Scope and definitions Art. 1, 2 and 10(1) and (2)</p>	<ul style="list-style-type: none"> <li>The Directive applies to the health and safety of workers at temporary or mobile construction sites, i.e. any construction site at which building or civil engineering works are carried out (a non-exhaustive list of works is provided in Annex I). It does not apply to drilling and extractive industries*.</li> </ul>	<p>The definitions of the Directive are reflected in art. 89 of L.D. 81/2008. However, a discrepancy has been observed because, according to Art. 88 of L.D. 81/2008, the provisions related to temporary or mobile construction sites are not applied to:</p> <ul style="list-style-type: none"> <li>- Overseas works;</li> <li>- Maintenance or small construction works (up to 10 man-days) on electrical systems, computer networks, gas, water, heating and air conditioning, aimed at the development or maintenance of infrastructure services. These activities are exempted from provisions related to temporary or mobile sites only if workers are not exposed to risks listed in Annex XI of L.D. 81/2008 (e.g. works which puts workers at risk of burial, sinking, fall from height, chemical, biological and optical radiations exposure and risks related to explosive atmospheres and high voltage power lines);</li> <li>- Port operations and services as well as operations and maintenance, repair and conversion of ships in the port area. These activities are exempted from provisions related to temporary or mobile sites only if not related to building, maintenance, demolition, restoration and conservation of fixed,</li> </ul>	<p>No.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		<p>permanent or temporary constructions made of masonry or reinforced concrete as well as road, railway, hydraulic construction, excavations, assembly and disassembly of prefabricated elements, underground works and tunnels, also involving the use of explosives (Annex X L.D. 81/2008);</p> <p>- Activities carried out in theatres, cinematographic sets or tv studios if they do not involve the creation of a temporary or mobile temporary site.</p> <p>These exceptions are not expressly provided by the Directive.</p>	
<b>Conducting a risk assessment</b>	N/A	N/A	N/A
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers Art.11</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> <li>• Workers and/or their representatives must be informed of all the measures to be taken concerning their safety and health on the construction site.</li> <li>• The information must be comprehensible to the workers concerned.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>• Is the content or form of information to workers further specified? No. The general provisions on workers information provided by Article 36 of L.D. 81/2008 are also applied to temporary and mobile construction sites.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Training of</b>	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>workers</b>			
<b>Health surveillance</b>	N/A	N/A	N/A
<b>Consultation of workers Art. 12</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies.</li> <li>• The consultation of workers must be coordinated, whenever necessary, between workers and/or workers' representatives carrying out their activities at the workplace, having regard to the degree of risk and the size of the work site.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>• Are specific criteria put in place for coordination of workers consultation e.g. based on the size of the work site? No.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>• Appointment of coordinators Art. 3</li> <li>• Drawing up a health plan Art. 3(2)</li> <li>• Prior notification Art. 3(3)</li> <li>• Employer responsibility Art. 7(2)</li> <li>• Measures in line with the minimum requirements Art. 9(a) and Annex IV.</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	<p>The L.D. 81/2008 provides that the Coordinator for Health and Safety must draw up a Coordination Plan for Safety and Health and enclose it with the project (a section of this plan should contain the estimation of costs of health and safety measures to be adopted). Furthermore, the Coordinator shall also draw up an Operative Plan for Safety and Health which details the Coordination Plan. Annex XV of L.D. 81/2008 provides the minimum contents of these plans.</p> <p>L.D. 81/2008 also specifies the minimum contents of the file required by Art. 5 of the Directive.</p>

\* The Council Decision 74/326/EEC, to which the Directive refers for a definition of "drilling and extracting industries" has been repealed by the Council Decision setting up an Advisory Committee on Safety and Health at Work.

**Table 1- 19 Council Directive 92/104/EEC (surface and underground mineral-extracting industries) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	The Directive applies to surface and underground mineral-extracting industries (excluding extraction by drilling which is subject to a separate directive).	No observed discrepancy has been identified in terms of scope and definitions.	No.
<b>Conducting a</b>	The employer shall ensure that a document	No observed discrepancy has been	<ul style="list-style-type: none"> <li>• Does the national legislation require employers</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>risk assessment</b> <b>Art. 3.2</b>	concerning safety and health and covering the relevant requirements on risk assessment of the Framework Directive is drawn up and kept up to date. The safety and health document shall demonstrate in particular that the risks to which workers at the workplace are exposed have been determined and assessed.	identified in terms of risk assessment.	to submit risk assessment to national authorities whether on request or automatically? According to Article 6 of L.D. 624/96, the employer shall submit the Health and Safety document to the CA before work starts. Updates of this document also have to be submitted to the CA. <ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> No. <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> No. <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> No. <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> No. <ul style="list-style-type: none"> <li>• Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment?</li> </ul> Yes. The health and safety document shall explain in detail the manner in which the preventive and protective measures are put into practice or the reasons for which these measures have not been implemented. Measures for which it is required to give a description in the health and safety document are listed in Article 6 of L.D. 624/96. Furthermore, the health and safety



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			document also has to provide detail about the informative and training activities and modalities of workers' representatives' consultation. <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> No.
<b>Ensuring internal and/or external preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers Art. 7</b>	<ul style="list-style-type: none"> <li>Framework Directive applies</li> <li>Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems).</li> <li>The information must be comprehensible to the workers concerned.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> No. <ul style="list-style-type: none"> <li>Is the content or form of information to workers further specified?</li> </ul> No. <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> Yes. The health and safety document shall provide detail about the informative activities.
<b>Training of workers Art. 10 (Annex)</b>	<ul style="list-style-type: none"> <li>Workers must be given the necessary information, instructions, training and re-training to ensure their health and safety.</li> <li>The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers.</li> </ul>	No observed discrepancy has been identified in terms of training.	<ul style="list-style-type: none"> <li>Is more specific information on the scope of training provided in the legislation?</li> </ul> No. <ul style="list-style-type: none"> <li>Are there specific requirements as to the competence of trainers provided in the legislation?</li> </ul> No. <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> Yes. The health and safety document shall provide detail about the training activities.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Health surveillance Art. 8	<ul style="list-style-type: none"> <li>To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices.</li> <li>The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered by the Directive and subsequently at regular intervals.</li> <li>Health surveillance may be provided as part of a national health system.</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive?</li> </ul> <p>No. According to L.D. 626/1994, health surveillance is required if the risk assessment concludes that workers are exposed to risks.</p> <ul style="list-style-type: none"> <li>Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>Yes. The general provisions on health surveillance provided by Article 41 of L.D. 81/2008 are applied. Therefore, the MC has to keep worker's individual health records. The contents of the individual health record are set out in Annex 3A of L.D. 81/2008.</p> <ul style="list-style-type: none"> <li>Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes, once a year.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
Consultation of workers Art. 9	<ul style="list-style-type: none"> <li>Framework Directive applies</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No. The transposing legislation literally reflects the Directive's provision.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>Yes. The health and safety document has to describe the specific modalities of workers' representatives consultation.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>• Reporting to competent authorities Art. 3(4)</li> <li>• Protection from fire, explosions and health-endangering atmospheres Art. 4</li> <li>• Escape and rescue facilities Art. 5</li> <li>• Communication, warning and alarm systems. Art. 6</li> <li>• Minimum requirements for safety and health. Art 10.</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	Art 25 of L.D. 624/96 provides more detailed requirements in relation to the obligation to report to competent authorities. The site Manager shall report within 24 hours to the C.A. any serious and/or fatal occupational accidents, situations of serious danger as well as all injuries caused by gas emanation, ignition or explosion, fire or flooding. Furthermore, a short report on less severe injuries occurred during the previous month is submitted to the C.A. within the first half of each month. The Annexes of the Directive on minimum requirement for safety are entirely transposed in L.D. 624/96.

**Table 1- 20 Council Directive 92/91/EEC (mineral-extracting industries through drilling) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	<ul style="list-style-type: none"> <li>• The Directive applies to the safety and health protection of workers in mineral extracting industries; i.e. industries practising extraction of minerals through drilling by boreholes, prospection with a view to such extraction and/or preparation of extracted materials for sale, excluding activities of processing the materials extracted.</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	No.
<b>Conducting a risk assessment Art.3(2)</b>	<ul style="list-style-type: none"> <li>• A 'safety and health document', covering the relevant requirements of the Framework Directive is drawn up and kept up to date. It shall demonstrate in particular that the risks incurred by the workers at the work place have been determined and assessed.</li> </ul>	No observed discrepancy has been identified in terms of risk assessment	<ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically?</li> </ul> <p>Yes. According to Article 6 of L.D. 624/96, the employer shall submit the health and safety document to the CA before work starts. The document updates have also to be submitted to the CA.</p> <ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>assessment described in a more specific manner than in the Directive?</p> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>No</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Does the national legislation include more specific information on the content of the 'health and safety document' as provided for by the Directive for the part related to the risk assessment?</li> </ul> <p>Yes. The health and safety document shall explain in detail the manner in which the preventive and protective measures are put into practice or the reasons for which these measures have not been implemented. Measures for which it is required to give a description in the health and safety document are listed in Article 6 of L.D. 624/96. Furthermore, the health and safety document also has to provide detail about the informative and training activities and modalities of workers' representatives consultation.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Ensuring preventive and</b>	N/A	N/A	N/A

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>protective services</b>			
<b>Information for workers Art. 7</b>	<ul style="list-style-type: none"> <li>• Framework Directive applies</li> <li>• Workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular those relating to the implementation of Articles 3 (general obligations), 4 (protection from fire, explosions and health-endangering atmospheres), 5 (Escape and rescue facilities) and 6 (communication, warning and alarm systems).</li> <li>• The information must be comprehensible to the workers concerned.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information? No.</li> <li>• Is the content or form of information to workers further specified? No.</li> <li>• Other additional or more detailed requirements The health and safety document has to detail the informative activities.</li> </ul>
<b>Training of workers Art. 10 (Annex Part A 2.5))</b>	<ul style="list-style-type: none"> <li>• Workers must be given the necessary information, instructions, training and retraining to ensure their health and safety.</li> <li>• The employer must ensure that workers receive comprehensible instructions so as not to endanger their safety and health or those of other workers.</li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation? No.</li> <li>• Are there specific requirements as to the competence of trainers provided in the legislation? No.</li> <li>• Other additional or more detailed requirements Yes. The health and safety document shall provide detail about the training activities.</li> </ul>
<b>Health surveillance Art. 8</b>	<ul style="list-style-type: none"> <li>• To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices.</li> <li>• The measures shall be such that each worker shall be entitled to, or shall undergo, health surveillance before being assigned to duties related to the activities covered</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>• Does the transposing legislation require health surveillance if workers experience health problems that can be attributed to the performance of the activities covered by the Directive? Yes. According to Article 6 of L.D. 624/96 the employer shall submit the health and safety document to the CA before work starts. The document updates have also to be submitted to</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>by the Directive and subsequently at regular intervals.</p> <ul style="list-style-type: none"> <li>Health surveillance may be provided as part of a national health system.</li> </ul>		<p>the CA.</p> <ul style="list-style-type: none"> <li>Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>Yes. The general provisions on health surveillance provided by Article 41 of L.D. 81/2008 are applied. Therefore the MC has to keep worker's individual health records. The contents of the individual health records are set out in Annex 3A of L.D. 81/2008.</p> <ul style="list-style-type: none"> <li>Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Is the periodicity of health surveillance provided in national law?</li> </ul> <p>Yes, once a year.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Consultation of workers Art. 9</b>	<ul style="list-style-type: none"> <li>Framework Directive applies.</li> </ul>	No observed discrepancy has been identified in terms of consultation of workers.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>Yes. The health and safety document has to describe the specific modalities of workers' representatives' consultation.</p>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>Safe workplaces Art. 3(1)(a), 10, Annex</li> <li>Supervision of a person in charge Art. 3(1)(b), Annex, Part A 2.2 and 2.3</li> <li>Safety and health document Art. 3(2) and 3(4), second line</li> <li>Coordination between employers Art. 3(3)</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	The reporting to the C.A. is regulated in the same way as the surface and underground mineral-extracting industries. L.D. 624/96 provides more detailed requirements about the reporting obligation to competent authorities. The site Manager shall report within 24 hours to the C.A. any serious and/or fatal occupational accidents,

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>• Reporting to the competent authorities Art. 3(4)</li> <li>• Measures for protection from fire, explosions, etc. Art. 4, Annex, Part A 6.2 and 6.3</li> <li>• Escape and rescue facilities and warning systems b Arts. 5 and 6, Annex, Part A, 7.</li> </ul>		situations of serious danger as well as all injuries caused by gas emanation, ignition or explosion, fire or flooding. Furthermore, a short report on less severe injuries occurred during the previous month is submitted to the C.A. within the first half of each month. The Annex of the Directive on minimum requirements for safety and health as referred to in Art 10 is entirely transposed in L.D. 624/96.

**Table 1- 21 Council Directive 92/29/EEC (medical treatment on board vessels) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<p><b>Scope and definitions</b> <b>Art. 1 and 2(a) and(b), Art 2(3) and (4)</b></p>	<ul style="list-style-type: none"> <li>• The Directive applies to workers on board a vessel, i.e. any vessel flying the flag of a MS or registered under the plenary jurisdiction of a MS, seagoing or estuary-fishing, publicly or privately owned, excluding inland navigation vessels, warships, pleasure boats used for non-commercial purposes and not manned by professional crews and tugs operating in harbour areas.</li> <li>• It applies to workers, excluding port pilots and shore personnel carrying out work on board a vessel at the quayside.</li> <li>• Vessels of more than 500 gross registered tonnes with a crew of 15 or more workers and engaged in voyage of more than three days are required to have a sick bay.</li> <li>• Vessels with a crew of 100 or more workers and engaged in international voyage of more than 3 days are required to have a doctor responsible for medical care on board.</li> </ul>	<p>No observed discrepancy has been identified in terms of scope and definitions.</p> <p>In addition to what is provided by Art 1 of the Directive, L.D. 271/99 on "Adaptation of OSH provisions to maritime workers" does not apply to sailing boats even if equipped with an auxiliary engine as well as to vessels used by the coast guard, police, civil protection and firefighters. Nevertheless, these vessels are not excluded from the application of the Decree of the Ministry of Health 28/02/2012 on minimal requirements as regards medical supplies on board.</p>	<ul style="list-style-type: none"> <li>• Does the national legislation require a sick bay for vessels board under conditions that go beyond the conditions set by the directive?</li> </ul> <p>Yes. Vessels with a crew of 15 or more workers and engaged in a voyage of more than three days are required to have a sick bay (Law 13/09/2013 n. 113 transposing the Maritime Labour Convention, 2006). The provision is then also applied to vessels under 500 gross tonnages.</p> <ul style="list-style-type: none"> <li>• Does the national legislation require having a doctor responsible for medical care on board under conditions that go beyond the conditions set by the directive?</li> </ul> <p>Yes. The doctor on board is required for vessels carrying more than 500 passengers and engaged on a voyage of more than 6 hours as well as cruise ships (Decree of Ministry of Health 13/06/1986) and ships carrying 100 or more persons and ordinarily engaged in international voyages of more than three days' duration (Law 13/09/2013 n. 113 transposing the Maritime Labour Convention 2006).</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<ul style="list-style-type: none"> <li>Other additional or more detailed requirements No.</li> </ul>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers	N/A	N/A	N/A
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	<ul style="list-style-type: none"> <li>Minimal requirements as regards medical supplies Art. 2(1)</li> <li>Minimal requirements as regards watertight medicine chests Art. 2(2)</li> <li>Sick bays Art. 2(3)</li> <li>Doctor on board Art. 2(4)</li> <li>Antidotes Art. 3</li> <li>Responsibility of the owner and of the captain Art. 4(1)</li> <li>Information and training Art. 5</li> <li>Inspection (MS level) Art. 7</li> <li>List of medical supplies Annexes II and IV</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	<p>The Decree of the Ministry of Health 28/02/2012 provides binding minimal requirements as regards medical supplies. To this end, vessels are classified in four categories instead of the three required by the Directive.</p> <p>The Decree of the Ministry of Health 20/12/1996 n° 708 provides the requirements for basic training in medical and emergency measures.</p> <p>The provision related to sickbays also applies to vessel under 500 gross tonnages.</p> <p>L.D.271/99 provides that all CPMs are applied to vessels. Specific provisions are applied for: Risk assessment, preventive and protective services; information and training for workers and health surveillance.</p>



**Table 1- 22 Council Directive 93/103/EC (work on board fishing vessels) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art. 1 and 2(b) and(c)	<ul style="list-style-type: none"> <li>The Directive applies to any new or existing fishing vessels with a length between perpendiculars of 15 meters or over (which on or after 23 November 1995 furthermore satisfied the conditions specified therein) or with a length of 18 metres or over respectively.</li> </ul>	<p>It is pending an EU infringement proceeding (2011/2098) against Italy regarding L.D. 298/2003 transposing Directive 93/103/EC. The proceeding regards:</p> <ul style="list-style-type: none"> <li>the definition of skipper (Art.2 (g))</li> <li>the obligations of the owner (Art. 3 (1.a) );</li> <li>regular checks by authorities (Art. 3 (2));</li> <li>information for workers on health and safety measures (Art. 8);</li> <li>training on firefighting (Art. 9);</li> <li>consultation and participation of workers (Art. 11);</li> <li>emergency exit signs (Annex I &amp; II)</li> <li>fire-fighting equipment signs (Annex I &amp; II);</li> <li>first aid equipment (Annex II);</li> <li>the application of Annex II.<sup>77</sup></li> </ul>	<ul style="list-style-type: none"> <li>Does the national legislation apply the requirement of the Directive to other fishing vessels than the ones covered by the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>No.</p>
Conducting a risk assessment	N/A	N/A	N/A
Ensuring preventive and protective services	N/A	N/A	N/A
Information for workers Art.8	<ul style="list-style-type: none"> <li>The framework Directive applies.</li> <li>The information must be comprehensible to the workers concerned.</li> </ul>	<p>An infringement proceeding is under way regarding Art. 5 of L.D. 298/2003 transposing Art. 8 of the Directive.</p> <p>The infringement is based on the fact that Art. 5 provides that workers and/or</p>	<ul style="list-style-type: none"> <li>Does the national legislation set additional information requirements?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the 8 establishments) in</li> </ul>

<sup>77</sup> Infringement no. 2011/2098 has been closed by the Law 161/2014 of October 30th, 2014 art. 15 – after this report was delivered.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
		their representatives shall be informed not of all measures to be taken regarding safety and health on board a vessel but only of measures provided by the Italian Framework Law on OSH and L.D. 271/99. <sup>78</sup>	relation to workers information? No. • Is the content or form of information to workers further specified? No. • Other additional or more detailed requirements No.
<b>Training of workers</b> <b>Art.9 Art.10</b>	<p>Art.9</p> <ul style="list-style-type: none"> <li>Workers shall be given suitable training, in particular in the form of precise, comprehensible instructions, on safety and health on board vessels and on accident prevention</li> <li>The training shall cover in particular firefighting, the use of life-saving and survival equipment and, for the workers concerned, the use of fishing gear and hauling equipment and the use of various types of signs including hand signals</li> <li>Such training shall be subject to the necessary updating where this is required by changes in the activities on board</li> </ul> <p>Art.10</p> <ul style="list-style-type: none"> <li>Any person likely to command a vessel shall be given detailed training on: <ul style="list-style-type: none"> <li>- the prevention of occupational illness and accidents on board and the steps to be taken in event of accident;</li> <li>- stability and maintenance of the vessel under all foreseeable conditions of loading</li> </ul> </li> </ul>	An infringement proceeding is under way on Art. 6 of L.D. 298/2003 transposing Art. 9 of the Directive. The infringement is based on the fact that Art 6 of L.D. does not mention firefighting among the matters to be covered by training. <sup>79</sup>	<ul style="list-style-type: none"> <li>Is more specific information on the scope of training provided in the legislation (general training for person likely to command a vessel)? No.</li> <li>Are there specific requirements as to the competence of trainers provided in the legislation? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>

<sup>78</sup> Infringements no. 2011/2098 has been closed by the Law 161/2014 of October 30th, 2014 art. 15 – after this report was delivered.

<sup>79</sup> Infringements no. 2011/2098 has been closed by the Law 161/2014 of October 30th, 2014 art. 15 – after this report was delivered.

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	and during fishing operations; - radio navigation and communication, including procedures.		
<b>Health surveillance</b>	N/A	N/A	N/A
<b>Consultation of workers Art.11</b>	<ul style="list-style-type: none"> <li>The framework Directive applies.</li> </ul>	An infringement proceeding is under way on this issue as L.D. 298/2003 does not transpose this requirement.	<ul style="list-style-type: none"> <li>Are there more detailed requirements than in the Framework Directive? No.</li> <li>Other additional or more detailed requirements No.</li> </ul>
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>Reporting to competent authorities Art. 3(1)(c)</li> <li>Regular checks (MS level) Art. 3(2)</li> <li>Minimum requirements Arts. 4-6, Annex I and II</li> <li>Technical maintenance Art. 7(1)(a) and (b)</li> <li>Emergency equipment Art. 7(c) and (d)</li> <li>Personal protective equipment Art. 7(1)(e)</li> <li>Skipper training Art. 10.</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	L.D. 271/99 provides that all CPMs are applied to vessels. Specific provisions are dedicated to: risk assessment, preventive and protective services; information and training for workers and health surveillance.

**Table 1- 23 Council Directive 92/85/EEC (pregnant/breastfeeding workers) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions Art. 1 and 2</b>	<p>The Directive applies to pregnant workers and workers who have recently given birth or who are breastfeeding.</p> <ul style="list-style-type: none"> <li>pregnant worker shall mean a pregnant worker who informs her employer of her condition, in accordance with national legislation and/or national practice;</li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>Any additional or more detailed requirements Yes. According to art 1 L.D. 645/1996, the breastfeeding period lasts up to seven months after giving birth. The provisions for the protection of the health and safety of pregnant and breastfeeding workers are also applied to women who have taken in adopted or foster children until</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<ul style="list-style-type: none"> <li>• worker who has recently given birth shall mean a worker who has recently given birth within the meaning of national legislation and/ or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice;</li> <li>• worker who is breastfeeding shall mean a worker who is breastfeeding within the meaning of national legislation and/or national practice and who informs her employer of her condition, in accordance with that legislation and/or practice.</li> </ul>		they turn seven months. (Art. 6 of L.D. 151/2001).
<b>Conducting a risk assessment</b> <b>Art. 4</b>	<p>For all activities liable to involve a specific risk of exposure to the agents, processes or working conditions of which a non-exhaustive list is given in Annex I, the employer shall assess the nature, degree and duration of exposure, in the undertaking and/or establishment concerned in order to:</p> <ul style="list-style-type: none"> <li>- assess any risks to the safety or health and any possible effect on the pregnancy or breastfeeding of workers;</li> <li>- decide what measures should be taken.</li> </ul>	<p>No observed discrepancy has been identified in terms of conducting risk assessment.</p>	<ul style="list-style-type: none"> <li>• Does the national legislation go beyond the Directive by prohibiting exposure of agents listed in Annex I without carrying out a risk assessment?</li> </ul> <p>According to Article 11 of L.D. 151/2001, the employer shall assess the risks to the safety and health of pregnant/breastfeeding workers, in particular the risks related to exposure to physical, chemical or biological agents listed in Annex C of the same L.D. (which literally transposes Annex I of the Directive) and identify the measures of prevention and protection to be taken.</p> <p>Nevertheless, the exposure of pregnant/breastfeeding workers to the risks listed in Annex B of L.D. 151/2001 (which literally transposes the Annex II of the Directive) is prohibited. Moreover, it is prohibited to engage pregnant/breastfeeding workers in strenuous, dangerous and unhealthy works listed in Annex A of L.D. 151/2001.</p> <ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>No. No provisions are made in this regard in the transposing legislation on pregnant/breastfeeding workers.</p> <ul style="list-style-type: none"> <li>• Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>No. The transposing legislation does not provide detail of the content of a risk assessment for pregnant/breastfeeding workers.</p> <ul style="list-style-type: none"> <li>• Is a more specific methodology for risk assessment provided in the legislation?</li> </ul> <p>No. The transposing legislation does not provide specific methodologies to undertake a risk assessment for pregnant/breastfeeding workers.</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Ensuring preventive and protective services</b>	N/A	N/A	N/A
<b>Information for workers Art.4(2)</b>	Pregnant workers, workers who have recently given birth, workers who are breastfeeding in the undertaking and/or establishment concerned shall be informed of the results of the assessment and of all measures to be	No observed discrepancy has been identified in terms of information of workers	<ul style="list-style-type: none"> <li>• Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Is the content or form of information to workers</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	taken concerning health and safety at work.		further specified? No. • Other additional or more detailed requirements No.
Training of workers	N/A	N/A	N/A
Health surveillance	N/A	N/A	N/A
Consultation of workers	N/A	N/A	N/A
Limit values Art. 6	N/A	N/A	N/A
Other issues identified	Three-tiered approach Art. 5 Cases in which exposure is prohibited Art. 6.	No observed discrepancy has been identified in terms of other key requirements.	No.

**Table 1- 24 Council Directive 91/383/EEC (temporary workers) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Scope and definitions Art 3(1) read in conjunction with Art 2	<ul style="list-style-type: none"> <li>• This Directive shall apply to: <ul style="list-style-type: none"> <li>○ employment relationships governed by a fixed-duration contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions such as: reaching a specific date, completing a specific task or the occurrence of a specific event;</li> <li>○ temporary employment relationships between a temporary employment</li> </ul> </li> </ul>	No observed discrepancy has been identified in terms of scope and definitions.	<ul style="list-style-type: none"> <li>• Any additional or more detailed requirements</li> </ul> <p>Yes. The transposing legislation is also applied to project-based employment relationships regulated by L.D. 276/2003 when the work performance is carried out in a workplace belonging to the employer. The project-based employment relationship is an employment modality introduced by L.D. 276/2003. It is peculiar to Italian labour legislation.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	business which is the employer and the worker, where the latter is assigned to work for and under the control of an undertaking and/or establishment making use of his services.		
<b>Conducting a risk assessment</b>	N/A	N/A	N/A
<b>Ensuring preventive and protective services Art. 6</b>	<ul style="list-style-type: none"> <li>Protective and prevention services are to be informed about the assignment of workers with temporary or fixed-duration contracts.</li> </ul>	<p>No observed discrepancy has been identified.</p> <p>However, there are no explicit provisions transposing this requirement. Nevertheless Art. 28 of L.D. 81/2008 provides that, in carrying out the risk assessment, the employer shall also take into account the risks deriving from the modality of employment.</p>	<ul style="list-style-type: none"> <li>Does the legislation define in more specific terms information to be provided to such services?</li> </ul> <p>No. Art.3 of L.D. 81/2008 states only that the burden of obligations related to the prevention and protection of risks to health and safety of the worker with a temporary employment relationship, as defined by Article 1(2) of the Directive, is borne by the employer of the undertaking and/or establishment which is making use of his services.</p>
<b>Information for workers Art.3 and 7</b>	<ul style="list-style-type: none"> <li>In addition to the general requirements with regard to workers' information, temporary workers shall be informed of special occupational qualifications or skills or special medical surveillance and about increased risks that the job may entail.</li> </ul>	<p>No observed discrepancy has been identified in terms of information of workers.</p>	<ul style="list-style-type: none"> <li>Does the legislation provide for specific conditions (e.g. size of the establishments) in relation to workers information?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>Is the content or form of information to workers further specified?</li> </ul> <p>No. Article 23 of L.D. 276/2003 states that the temporary employment business (as defined by Article 1(2) of the Directive) shall provide workers with information on health and safety risks arising from their work activities. Nevertheless the same Article 1(2) also states that, in case the health surveillance is needed or specific risks occur, the user undertaking and/or establishment services shall provide the temporary worker with the necessary information.</p>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>Furthermore, Article 21 of L.D. 276/2003 provides that the contract drawn up between the temporary employer business and the user undertaking/establishment detail the health and safety risks and the preventive and protective measures taken.</p> <p>OSH information must be also provided in the contract which regulates the project-based employment relationship (Art. 62 of L.D. 276/2003).</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Training of workers Art.4</b>	<ul style="list-style-type: none"> <li>• In addition to the general requirements regarding training, each temporary worker must receive sufficient training appropriate to the particular characteristics of the job, account being taken of his qualifications and experience.</li> </ul>	No observed discrepancy has been identified in terms of training of workers.	<ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation?</li> </ul> <p>No. The Law only states that the user undertaking and/or establishment shall provide the temporary worker with adequate training.</p> <ul style="list-style-type: none"> <li>• The same provision is applied to the project-based employment relationship when the work is carried out in a workplace belonging to the employer. Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Health surveillance Art.5(2)</b>	<ul style="list-style-type: none"> <li>• Workers who are used for particularly dangerous work which requires special medical surveillance must be provided with appropriate special medical surveillance.</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>• Does the transposing legislation require medical surveillance for all types of temporary workers?</li> </ul> <p>Yes. Temporary workers must be provided with the same medical surveillance provided to workers with a permanent contract.</p> <ul style="list-style-type: none"> <li>• Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>Yes. The same arrangements for individual health records of permanent workers are applied to temporary workers. (Art. 3(4) of L.D. 81/2008) The</p>



	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			<p>results of health surveillance must be filed in the worker's personal health and risk folder kept by the MC. Annex III A of L.D. 81/2008 details the content of the worker's personal health and risk's folder.</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation? No.</li> <li>• Is the periodicity of health surveillance provided in national law? No. The law does not provide a different periodicity of health surveillance for temporary workers. Every year unless specific work related risks require a different periodicity.</li> <li>• Other additional or more detailed requirements No.</li> </ul>
<b>Consultation of workers</b>	N/A	N/A	N/A
<b>Limit values</b>	N/A	N/A	N/A
<b>Other issues identified</b>	<ul style="list-style-type: none"> <li>• Responsibility of User undertaking Art. 8</li> </ul>	No observed discrepancy has been identified in terms of other key requirements.	No.

**Table 1- 25 Council Directive 94/33/EC (young people at work) - Observed discrepancies, more stringent and more detailed requirements**

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
<b>Scope and definitions</b>	<ul style="list-style-type: none"> <li>• The Directive applies to any person under 18 years of age (defined as a 'young</li> </ul>	No observed discrepancy has been identified in terms of scope and	<ul style="list-style-type: none"> <li>• Does the transposing legislation cover occasional or short-term work in domestic</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
Art. 2(1) in conjunction with Art. 3 Art. 2(2)	<p>person') having an employment contract or an employment relationship.</p> <ul style="list-style-type: none"> <li>It provides for the optional exclusion of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking.</li> </ul>	definitions.	<p>service in a private household or work not considered to be harmful, damaging or dangerous to young people in a family undertaking?</p> <p>No. L.D. 345/1999 (art.2) does not cover persons under 18 years of age in case of occasional or short-term work in domestic service in a private household or of work not considered to be harmful, damaging or dangerous to young people in a family undertaking.</p> <ul style="list-style-type: none"> <li>Other additional or more detailed requirements</li> </ul> <p>Yes. L.D. 345/1999 provides a more detailed list of works prohibited to children.</p>
Conducting a risk assessment Art. 6(2)	<ul style="list-style-type: none"> <li>The employer shall implement the measures necessary to protect the safety and health of young people on the basis of an assessment of the hazards to young people in connection with their work.</li> </ul> <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(a) the fitting-out and layout of the workplace and the workstation;</p> <p>(b) the nature, degree and duration of exposure to physical, biological and chemical agents;</p> <p>(c) the form, range and use of work equipment, in particular agents, machines, apparatus and devices, and the way in which they are handled;</p>	No observed discrepancy has been identified in terms of the risk assessment	<ul style="list-style-type: none"> <li>Does the transposing legislation provide for a risk assessment to be conducted on a regular basis (i.e. every year) independently of any major changed in working conditions?</li> </ul> <p>No. A new risk assessment must be carried out when major changes in working conditions occur.</p> <ul style="list-style-type: none"> <li>Are the risks to be taken into account in the assessment described in a more specific manner than in the Directive?</li> </ul> <p>Yes. L.D. 81/2008 provides that the risk assessment must take into account the specific risks related to the age of workers.</p> <ul style="list-style-type: none"> <li>Is the content of the risk assessment more detailed than described in the Directive?</li> </ul> <p>Yes. Article 7 of L.D. 345/1999 provides that the risk assessment must also pay particular attention to:</p> <ul style="list-style-type: none"> <li>– incomplete development of young workers as well as to their lack of experience and awareness of work related risks the young workers;</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
	<p>(d) the arrangement of work processes and operations and the way in which these are combined (organization of work);</p> <p>(e) the level of training and instruction given to young people.</p> <ul style="list-style-type: none"> <li>• Where this assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.</li> <li>• The free health assessment and monitoring may form part of a national health system.</li> </ul>		<p>– manual handling of loads.</p> <ul style="list-style-type: none"> <li>• Does the national legislation require employers to submit risk assessment to national authorities whether on request or automatically?</li> </ul> <p>No. No provisions are made in this regard in the transposing legislation on young people at work.</p> <ul style="list-style-type: none"> <li>• Are the sources of information and persons in charge of the risk assessment described in the legislation in a more specific manner than in the Directive?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Ensuring preventive and protective services Art. 6(4)</b>	<ul style="list-style-type: none"> <li>• The employer shall involve the protective and preventive services referred to in Article 7 of Directive 89/391/EEC in the planning, implementation and monitoring of the safety and health conditions applicable to young people.</li> </ul>	No observed discrepancy has been identified in terms of preventive and protective services.	<ul style="list-style-type: none"> <li>• Does the national legislation set any specific/detailed rules on the way and extent of the involvement of protective and preventive services in the planning, implementation and monitoring of the safety and health conditions applicable to young people?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Information for workers Art. 6(3)</b>	<ul style="list-style-type: none"> <li>• The employer shall inform young people of possible risks and of all measures adopted concerning their safety and health. Furthermore, he shall inform the legal representatives of children of possible risks and of all measures adopted concerning children's safety and health.</li> </ul>	No observed discrepancy has been identified in terms of information of workers.	<ul style="list-style-type: none"> <li>• Is the content or form of information to young workers/legal representatives of children further specified?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
<b>Training of workers Art.6</b>	<ul style="list-style-type: none"> <li>• The employer shall implement the measures necessary to protect the safety and health</li> </ul>	No observed discrepancy has been identified in terms of information of	<ul style="list-style-type: none"> <li>• Does the transposing legislation provide for mandatory training of young workers</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
(2)	<p>of young people on the basis of an assessment of the hazards to young people in connection with their work.</p> <p>The assessment must be made before young people begin work and when there is any major change in working conditions and must pay particular attention to the following points:</p> <p>(e) the level of training and instruction given to young people.</p>	workers.	<p>(according to the Directive, the level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training)?</p> <p>No. The transposing legislation does not provide for specific mandatory training of young people.</p> <ul style="list-style-type: none"> <li>• Is more specific information on the scope of training provided in the legislation in relation to young workers?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Other additional or more detailed requirements</li> </ul> <p>No.</p>
Health surveillance Art. 6(2) and 9(3)	<p>Where the assessment shows that there is a risk to the safety, the physical or mental health or development of young people, an appropriate free assessment and monitoring of their health shall be provided at regular intervals without prejudice to Directive 89/391/EEC.</p> <p>The free health assessment and monitoring may form part of a national health system.</p> <ul style="list-style-type: none"> <li>• Prior to any assignment to night work and at regular intervals thereafter, adolescents shall be entitled to a free assessment of their health and capacities, unless the work they do during the period during which work is prohibited is of an exceptional nature.</li> </ul>	No observed discrepancy has been identified in terms of health surveillance.	<ul style="list-style-type: none"> <li>• Besides night work and cases where an assessment of the hazards to young people in connection with their work was shown that there is a risk to the safety, the physical or mental health or development of young people, does the transposing legislation provide for a free health assessment of young workers in other circumstances?</li> </ul> <p>Yes. Children and adolescents must always undergo a medical examination to be allowed to work.</p> <ul style="list-style-type: none"> <li>• Are the arrangements for health surveillance records specified in the legislation?</li> </ul> <p>No.</p> <ul style="list-style-type: none"> <li>• Are the conditions in which health surveillance is required more specifically described in the legislation?</li> </ul> <p>Yes. Health surveillance must always be provided to young people at work without any regard to the type of work activity. (Art. 8 L.D. 345/1999).</p> <ul style="list-style-type: none"> <li>• Is the periodicity of health surveillance provided in national law?</li> </ul>

	Main provisions	Observed discrepancies	More detailed or broader requirements, including more stringent
			Yes, young people at work must undergo medical examination at least once a year. (art. 8 L.D. 345/1999).
Consultation of workers	N/A	N/A	N/A
Limit values	N/A	N/A	N/A
Other issues identified	<ul style="list-style-type: none"> <li>• Prohibition of work by children Arts. 1(1) &amp; 4</li> <li>• Work in cultural or similar activities Art. 5</li> <li>• Vulnerability of young people - prohibition of work Art. 7</li> <li>• Working time Art. 8</li> <li>• Night work Art. 9</li> </ul>	<p>The definition of night work differs between the Directive and national law.</p> <p>Art. 16 of Law 977/1967 (as modified by L.D. 345/1999 and L.D. 262/2000) defines 'night' as a period of 12 consecutive hours comprising the interval between 10 pm and 6 am or between 11 pm and 7 am.</p>	No.

\* The level of training given must be taken into account in assessing any hazards although there is no explicit requirement to provide any such training.

### 1.3.2 Options

This sub-section considers the options provided by the directives to the Member States to exercise their legislative powers beyond what is strictly required by the Directives. In this case, Member States can ultimately set more stringent measures than those required by the Directive. The analysis here reviews whether these options have been used, contributing to the identification of more stringent measures.

Italy has only made use of the option provided in Art. 7(2) of Directive 91/383/EEC on temporary workers.

**Table 1- 26 Options**

Directive	Y/N	Legal references and brief description
Directive 2000/54/EC on biological agents - Annex I	No	Annex XLIV of the L.D. 81/2008 literally transposes Annex I of the Directive.
Directive 91/383/EEC on temporary workers - Art. 5(1)	No	Such prohibition was provided by Law 196/1997 but has been abolished by Art. 20 of L.D. 276/2003
Directive 91/383/EEC on temporary workers - Art. 5(3)	No	
Directive 91/383/EEC on temporary workers - Art. 7(2) second indent	Yes	Article 21 of L.D. 276/2003 provides that a temporary employer and the user undertaking/establishment must provide information to the worker about the occupational qualifications required and the specific features of the job. This information must also appear in the contract which regulates the project-based employment relationships (Art. 62 of L.D. 276/2003).

### 1.4 INTERACTIONS

This section aims at identifying synergies provided in the national legislation for the transposition of CPMs across Directives.

The overarching requirements and provisions on risk assessment, preventive and protective services, information for workers, training for workers, health surveillance and consultation of workers are provided in L.D. 81/2008. In all cases, some specific requirements which are related to specific risks are set out in specific sections of the same L.D. 81/2008 or in other specific transposing acts.

The results of the analysis are presented in table 1-27 below.

**Table 1- 27 Interactions between CPMs across OSH Directives**

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
<b>Directive 89/391/EEC</b> (Framework Directive)	Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	Art. 31-35 L.D. 81/2008	Art. 36 L.D. 81/2008	Art. 37 L.D. 81/2008	Art. 38-42 L.D. 81/2008	Art. 47-52 L.D. 81/2008
<b>Council Directive 89/654/EEC</b> (workplace)	/	/	/	/	/	/
<b>Directive 2009/104/EC</b> (work equipment)	/	/	Art.73 L.D. 81/2008	Art.73 L.D. 81/2008	/	/
<b>Council Directive 89/656/EEC</b> (PPE)	L.D. 475/1992 L.D. 81/2008	/	/	/	/	/
<b>Council Directive 92/58/EEC</b> (OSH signs)	/	/	/	/	/	/
<b>Directive 1999/92/EC</b> (ATEX)	Art. 17 c. 1 lett.a), 28, 29 and Art. 290-294 L.D. 81/2008	/	Art. 294-bis L.D. 81/2008	Art. 294-bis L.D. 81/2008	/	/
<b>Council Directive 90/269/EEC</b> (manual handling of loads)	Art. 17 c. 1 lett.a), 28, 29 and Art 168 c. 2 lett. b), c) and Annex XXXIII L.D. 81/2008	/	Art. 169 L.D. 81/2008	Art. 169 L.D. 81/2008	Art. 168 c. 2 lett. d) and Annex XXXIII L.D. 81/2008	/
<b>Council Directive 90/270/EEC</b> (display screen equipment)	Art. 174 L.D. 81/2008	/	Art. 177 L.D. 81/2008	Art. 177 L.D. 81/2008	Art. 176 L.D. 81/2008	/
<b>Directive 2002/44/EC</b> (vibration)	Art. 17 c. 1 lett.a), 28, 29 and Art. 181, 182, 202 L.D. 81/2008	/	Art. 184 L.D. 81/2008	Art. 184 L.D. 81/2008	Art. 41, 185 , 186, 204 L.D. 81/2008	/
<b>Directive 2003/10/EC</b> (noise)	Art. 17 c. 1 lett.a), 28, 29 and Art. 181, 182, 190, 191 L.D. 81/2008	/	Art. 195 L.D. 81/2008	Art. 195 L.D. 81/2008	Art. 41, 185 , 186, 196 L.D. 81/2008	/
<b>Directive 2004/40/EC</b>	Art. 17 c. 1 lett.a), 28,	/	Art.184 L.D.	Art.184 L.D.	Art. 41, 185 , 186,	/

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
(electromagnetic fields)	29 and Art. 181, 182, 209 L.D. 81/2008		81/2008	81/2008	211 L.D. 81/2008	
<b>Directive 2006/25/EC</b> (artificial optical radiation)	Artt. 17 c. 1 lett.a), 28, 29 and Art. 181, 182, 216 L.D. 81/2008	/	Art.184 L.D. 81/2008	Art.184 L.D. 81/2008	Art. 41, 185 , 186, 218 L.D. 81/2008	/
<b>Directive 2004/37/EC</b> (carcinogens or mutagens)	Art. 17 c. 1 lett.a), 28, 29, 236 L.D. 81/2008	/	Art. 239 L.D. 81/2008	Art. 239 L.D. 81/2008	Art. 41, 242, 243 L.D. 81/2008	/
<b>Council Directive 98/24/EC</b> (chemical agents at work)	Art. 17 c. 1 lett.a), 28, 29, 223 L.D. 81/2008	/	Art. 227 L.D. 81/2008	Art. 227 L.D. 81/2008	Art. 41, 229 L.D. 81/2008	Art. 50 L.D. 81/2008
<b>Directive 2009/148/EC</b> (asbestos)	Art. 17 c. 1 lett.a), 28, 29, 249 L.D. 81/2008	/	Art. 257 L.D. 81/2008	Art. 258 L.D. 81/2008	Art. 41, 259, 260 L.D. 81/2008	/
<b>Directive 2000/54/EC</b> (biological agents)	Art. 17 c. 1 lett.a), 28, 29, 271, 274 L.D. 81/2008	/	Art. 278 L.D. 81/2008	Art. 278 L.D. 81/2008	Art. 41, 279 L.D. 81/2008	/
<b>Council Directive 92/57/EEC</b> (temporary or mobile construction sites)	Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	/	/	/	/	Art. 102 L.D. 81/2008
<b>Council Directive 92/104/EEC</b> (surface and underground mineral-extracting industries)	Art. 6, 10 L.D. 624/1996 Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	/		/	Art. 15 L.D. 624/1996	/
<b>Council Directive 92/91/EEC</b> (mineral-extracting industries through drilling)	Art. 6, 10 L.D. 624/1996 Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	/	Art. 14 L.D. 624/1996	/	Art. 15 L.D. 624/1996	/
<b>Council Directive 92/29/EEC</b> (medical treatment on board vessels)	/	/	/	/	/	/



	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
<b>Council Directive 93/103/EC</b> (work on board fishing vessels)	L.D. 298/1999 Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	Art. 31-35 L.D. 81/2008	Art. 5 L.D. 298/1999 Art. 36 L.D. 81/2008	Art. 6 L.D. 298/1999 Art. 37 L.D. 81/2008	Art. 38-42 L.D. 81/2008	/
<b>Council Directive 92/85/EEC</b> (pregnant/breastfeeding workers)	Art.11 and 12 L.D. 151/2001 Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	/	/	/	/	/
<b>Council Directive 91/383/EEC</b> (temporary workers)	Art. 3 c. 5, 17 c. 1 lett.a), 28, 29 L.D. 81/2008	Art. 31-35 L.D. 81/2008	Art. 36 L.D. 81/2008	Art. 37 L.D. 81/2008	Art. 38-42 L.D. 81/2008	/
<b>Council Directive 94/33/EC</b> (young people at work)	Art. 17 c. 1 lett.a), 28, 29 L.D. 81/2008	Art. 31-35 L.D. 81/2008	Art. 36 L.D. 81/2008	Art. 37 L.D. 81/2008	Art. 38-42 L.D. 81/2008 Art. 9 L.D. 345/1999	/
<b>Conclusions on interactions between Directives</b>	Overarching requirements for the risk assessment are provided by Art. 28 and 29 of L.D. 81/2008. Nevertheless some specific additional requirements (related to specific risks or issues) are set out in the specific sections of the same L.D. 81/2008 or in specific transposing acts.	Overarching requirements for preventive and protective services are provided by Art 3 – 35 of the L.D. 81/2008 Nevertheless some specific additional requirements (related to specific risks or issues) are set out in the specific sections of the	Overarching requirements related to Information for workers are provided by Art. 36 of L.D. 81/2008. Nevertheless some specific additional requirements (related to specific risks or issues) are set out in the specific sections of the	Overarching requirements related to training for workers are provided by Art. 37 of L.D. 81/2008. Nevertheless some further requirements are provided by some other specific transposing acts (e.g. Work on board fishing vessels, mineral extracting industries, etc.).	Overarching requirements for health surveillance are provided by Art. 38 - 42 of L.D. 81/2008. Nevertheless some specific additional requirements (related to specific risks or issues) are set out in the specific sections of the same L.D. 81/2008 or in specific transposing acts.	Overarching provisions related to consultation of workers are provided in first section first section L.D. 81/2008. Nevertheless some specific additional provisions (related to specific risks or issues) are set out in the

	Risk assessment	Preventive and protective services	Information for workers	Training of workers	Health surveillance	Consultation of workers
		same L.D. 81/2008 or in specific transposing legal acts.	same L.D. 81/2008 or in specific transposing acts.			specific sections of the same L.D. 81/2008 or in specific transposing acts.

## 2 MAPPING QUESTION 2: GAPS IN CONTENT OR TIME

This section aims at determining whether the Member State has applied or used derogations and transitional periods when provided for by the Directives. Provisions setting options are covered under MQ1, in section 1.3.

### 2.1 TRANSITIONAL PERIODS

**Transitional periods:** these are periods of time where a derogation applies with extended deadlines for the implementation of particular provisions of the Directives. It is noteworthy that most of the transitional periods are not applicable anymore as the dates by which provisions in question had to be implemented at latest have already passed. However, these periods should be taken into consideration to explain delays in implementation of certain Directives.

Such transitional periods can be found in eight Directives as listed below. Italy has applied and respected the transitional periods set in Directive 92/91/EC (mineral-extracting industries through drilling), Directive 93/103 (work on board fishing vessels), Directive 2002/44/EC (vibration), and Directive 2003/10/EC (noise).

Table 2- 1 Transitional Periods

Directive	Transitional periods applied	Transitional period respected	Date of end of application of the transitional period
Directive 90/270/EEC (display screen equipment)	No	-	-
Directive 92/91/EC (mineral-extracting industries through drilling)	Yes	Yes	3 December 2003
Directive 92/104/EC (surface and underground mineral extracting industries)	No	-	-
Directive 93/103 (work on board fishing vessels)	Yes	Yes	23 November 2002
Directive 1999/92/EC (ATEX)	No	-	-
Directive 2002/44/EC (vibration)	Yes	Yes	6 July 2010 6 July 2014
Directive 2003/10/EC (noise)	Yes	Yes	15 February 2011
Directive 2009/104/EC (work equipment)	No	-	-

### 2.2 DEROGATIONS

**Derogations:** these are provisions, which explicitly permit Member States to derogate from certain requirements contained in the Directive. All derogations are accompanied by conditions which need to be fulfilled before and/or after derogation is permitted. The following table shows which derogations have been used and whether or not the conditions attached are adequately reflected in the transposing legislation.

Italian transposing legislation reflects part of the derogations, and does not always transpose the conditions attached to these derogations. The derogations which have not been used are the contribution

of workers towards the cost of some PPE (Directive 89/656/EEC on personal protective equipment), the derogations laid down in Art.6.2 of Directive 92/58/EEC on OSH signs, the possibility to make entitlement to benefits conditional in Directive 92/85/EEC on breastfeeding workers, the derogations from the limits on the working hours of children (Directive 94/33/EC on the protection of young people at work), the derogations from rest periods in respect of adolescents (Directive 94/33/EC on the protection of young people at work), and the derogation set in Directive 2004/40/EC (electromagnetic fields).

**Table 2- 2 Derogations**

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
<b>Directive 89/656/EEC on personal protective equipment</b>	Art.4.6, second indent	Member States' legislation may allow for contribution of workers towards the costs of some personal protective equipment.	N	Italy has not made use of this derogation.	The derogation applies in circumstances where use of the equipment is not exclusive to the workplace.	N	Italy has not made use of this derogation.
<b>Directive 92/57/EEC on temporary or mobile construction sites</b>	Art. 3.2	Derogation from the obligation to draw up a health and safety plan	Y	Temporary or mobile construction sites needed to prevent imminent accidents or to arrange urgent measures to rescue or to ensure continuity in emergency conditions in the provision of essential services to the population are exempt from the requirement to draw up security plans (art 100 L.D. 81/2008).	The derogation does not cover work involving particular risks as listed in Annex II.	N	The derogation also covers work listed in Annex II as Article 100 L.D. 81/2008 does not exclude these works from its application.
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	The derogation also covers the works for which prior notification is required as art. 100 L.D. 81/2008 does not exclude these works from its application.
				Maintenance or small construction works (up to 10 man-days) on electrical systems, computer networks, gas, water, heating and air conditioning, - day, aimed at the achievement or maintenance of infrastructure services are exempt from the obligation to draw up an health and safety plan (Art. 88 (g bis)).	The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	Y	The Derogation does not cover maintenance and small construction works (up to 10 man days) involving risks listed in Annex II.
					The derogation does not cover work for which prior notice is required pursuant to paragraph 3 of this Article.	N	The maintenance or small construction (10 man days) are not among the works for which prior notice is required pursuant to paragraph 3 of Art. 3 of Directive 92/57/EEC.
<b>Directive</b>	Art. 6.2.	Derogation from the	N	Italy has not made use of	Alternative measures	N	Italy has not made use of this

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
92/58/EEC on safety and/or health signs at work		application of Annex VIII, section 2		this derogation.	guaranteeing the same level of protection laid down.		derogation.
		Derogation from the application of Annex IX, section 3	N	Italy has not made use of this derogation	Alternative measures guaranteeing the same level of protection laid down	N	Italy has not made use of this derogation.
Directive 92/85/EEC on breastfeeding workers	Art.11.4	Member States may make entitlement to benefits conditional.	N	Italy has not made use of this derogation.	The worker concerned shall fulfil the conditions of eligibility for such benefits laid down under national legislation.	N	Italy has not made use of this derogation.
					These conditions may under no circumstances provide for periods of previous employment in excess of 12 months immediately prior to the presumed date of confinement.	N	Italy has not made use of this derogation.
Directive 94/33/EC on the protection of young people at work	Art.5.3	Derogation from the requirement to receive a prior authorisation for the employment of children for the purposes of performance of children in cultural and similar activities	Y	Italy has made use of this derogation.	In the case of children of at least 13 years of age, Member States may authorize, by legislative or regulatory provision, in accordance with conditions which they shall determine, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.	Y	Art. 4 (2) of Law 977/1967 states that the competent authority may authorize, by written consent of the parents, the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities, provided that such activities do not affect their health and safety and school attendance
	Art. 7.3.	Derogation from the prohibition of employment of young people for	Y	Art. 6 of the Law 977/1967 (as modified by L.D. 345/1999 and L.D. 262/2000) lays down a	Derogations indispensable for their vocational training.	Y	Derogation is allowed only if indispensable for their vocational training. Moreover, an authorization is needed

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		works listed in Article 7.2 in the case of adolescents.		derogation from the prohibition of employment of young people listed in Annex 1.			when the vocational training is not carried out by an Institute for vocational education and training (Art 6 Law 977/1967).
					Protection of their safety and health is ensured by the fact that the work is performed under the supervision of a competent person within the meaning of Article 7 of Directive 89/391/EEC.	Y	Article 6 of Law 977/1967 transposes this provision of the Directive.
					Protection afforded by Framework Directive is guaranteed.	Y	No explicit reference is included to the requirements of the Framework Law on OSH. Article 6 only states that supervisors must be trainers with competencies in the field of prevention and protection of health and safety at work. However, the protection afforded by the laws on OSH, including the Framework Law, apply in this situation and their application is thus guaranteed.
	Art. 8.5	Derogations from limits on the working hours of children specified in Article 8.1.(a).	N	Italy has not made use of this derogation. There are no derogations to the following limits: <ul style="list-style-type: none"> <li>seven hours a day and 35 hours a week for children;</li> <li>eight hours a day and 40 hours a week for adolescent.</li> </ul>	Derogation is justified by way of exception.	N	Italy has not made use of this derogation.
					<u>Or</u> Derogation is used because objective grounds are provided.	N	Italy has not made use of this derogation.
					Member States shall, by legislative or regulatory provision, determine the conditions, limits and procedure for implementing such	N	Italy has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
	Art.9.2	Article 9 (2) a Member States may, by legislative or regulatory provision, authorize work by adolescents in specific areas of activity during the period in which night work is prohibited as referred to in paragraph 1 (b).	Y	The only ordinary derogation allowed covers the work of children and adolescents involved in cultural, artistic, sports or advertising activities. (Art. 17 (1)).	derogations.		
					Work by adolescents in specific areas of activity.	Y	The only ordinary derogation allowed covers the work of children and adolescents involved in cultural, artistic, sports or advertising activities. (Art. 17 (1))
					Supervision of the adolescent by an adult where such supervision is necessary for the adolescent's protection.	N	This condition it not reflected in the transposing law.
					Work shall continue to be prohibited between midnight and 4 a.m.	Y	The working time of children and adolescents involved in cultural, artistic, sports or advertising activities can be extended till midnight but, consecutively, a rest period of 14 hours shall be guaranteed (art 17 (1)).
	Article 9 (2) b second indent	Derogation from prohibition of night work for adolescents for: — work performed in the shipping or fisheries sectors; — work performed in the context of the armed forces or the police; — work performed in hospitals or similar establishments;	Y	The only ordinary derogation allowed covers the work of children and adolescents involved in cultural, artistic, sports or advertising activities. (Art. 17 (1)).	Objective grounds for so doing	N	This condition is not reflected in the transposing law.
					and provided that adolescents are allowed suitable compensatory rest time.	Y	The working time of children and adolescents involved in cultural, artistic, sports or advertising activities can be extended till midnight but, consecutively, a rest period of 14 hours shall be guaranteed (art 17 (1)).
					and that the objectives set out in Article 1 are not called into question.	N	This condition is not reflected in the transposing law.



Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		— cultural, artistic, sports or advertising activities.					
	Art.10.3	Derogation from the minimum rest periods for interruption in the case of activities involving periods of work that are split up over the day or are of short duration.	Y	Article 22 of Law 977/1967 provides that minimum rest periods can be interrupted in the case of activities involving periods of work that are split up over the day or are of short duration.			
	Art. 10.4	Derogations from rest periods in respect of adolescents for: (a) work performed in the shipping or fisheries sectors; (b) work performed in the context of the armed forces or the police; (c) work performed in hospitals or similar establishments; (d) work performed in agriculture; (e) work performed in the tourism industry or in the hotel, restaurant and café sector; (f) activities involving periods of work split up over the day.	N	Italy has not made use of this derogation.	Objective grounds are provided and provided that they are granted appropriate. Compensatory rest time and that the objectives set out in Article 1 are not called into question.	N	Italy has not made use of this derogation.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
	Art. 13	Member States may, by legislative or regulatory provision, authorize derogations from Article 8 (2), Article 9 (1) (b), Article 10 (1) (b) and, in the case of adolescents, Article 12, for work under force majeure	Y	The derogation to Article 9(1) is the only used. Adolescents are allowed to an extraordinary extension of night work limits for reasons of force majeure. Reasons for this extension have to be detailed and notified to authorities (art. 17).	Work is of a temporary nature and must be performed immediately.	Y	Art. 17 of Law 977/1967 transposes this provision of the Directive.
					Adult workers are not available.	Y	Art. 17 of Law 977/1967 transposes this provision of the Directive.
					Adolescents are allowed equivalent compensatory rest time within the following three weeks.	Y	Art. 17 of Law 977/1967 transposes this provision of the Directive.
<b>Directive 98/24/EC on chemical agents at work</b>	Art. 9.2 and 9.3	Derogations from prohibition of the use of certain chemical agents and activities involving chemical agents in the following circumstances: - for the sole purpose of scientific research and testing, including analysis, - for activities intended to eliminate chemical agents that are present in the form of by-products or waste products, - for the production of the chemical agents referred to in paragraph 1 for use as intermediates, and	Y	The national legislation adopted this derogation by means of the art. 228 of L.D. 81/2008.	Exposure of workers to chemical agents must be prevented, via single closed systems, from which the chemical agents may be removed only to the extent necessary to monitor the process or service the system.	Y	This provision only applies to the production of prohibited chemical agents for use as intermediates. The employer that aims to use such chemical agents as intermediate shall request the authorization to the Ministry of Labour. The following information shall be provided with the request: a) the reason for requesting the authorization; b) quantity of the chemical agent to be used annually; c) the number of workers involved; d) description of activities and processes; e) protective and preventive measures taken.
					Member States may provide for systems of	Y	Same as above.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		for such use.			individual authorisations.		
					The competent authority shall request the employer to submit the information listed in Article 9.3.	Y	The employer shall provide this information to obtain the authorization.
Directive 2002/44/EC on vibration	Art. 10.1	Derogation from the obligation to comply with exposure limit values in the case of sea and air transport.	Y	Art. 205 (1) of L.D. 81/2008 transposes the derogation and conditions laid down in Art. 10.1 of the Directive.	In duly justified circumstances with respect to whole-body vibration where, given the state of the art and the specific characteristics of workplaces, it is not possible to comply with the exposure limit value despite the technical and/or organisation measures taken.	Y	Art. 205 (3, 4) provides that the employer shall request an authorisation from the inspective authority to derogate from the obligation to comply with exposure limits. The request for derogation must be accompanied by the guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance. The authorisation lasts four years but can be renewed. The authority can withdraw the authorisation as soon as the justifying circumstances no longer apply.
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying	Y	Same as above.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					circumstances no longer obtain. (Art.10.3).		
	Art. 10.2	Derogation from the obligation to comply with exposure limit values in a case where the exposure of a worker to mechanical vibration is usually below the exposure action values but varies markedly from time to time and may occasionally exceed the exposure limit value.	Y	Art. 205 (2) of L.D. 81/2008 transposes the derogation and conditions laid down in Art. 10.2 of the Directive.	The exposure value averaged over 40 hours must be less than the exposure limit value and	Y	Art. 205 reflects this provision of the Directive.
					There must be evidence to show that the risks from the pattern of exposure to the work are lower than those from exposure at the exposure limit value.	Y	Art. 205 (3, 4) provides that, where the exposure of a worker to mechanical vibration may occasionally exceed the exposure limit value, the employer shall request an authorisation from the inspective authority to derogate from the obligation to comply with exposure limits. The request for derogation must be accompanied by the guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.  The authorisation lasts four years and can be renewed.  The authority can withdraw the authorisation as soon as the justifying circumstances no longer apply.
					The derogation must be accompanied by conditions which guarantee that the resulting risks are reduced to a minimum and that the workers concerned	Y	Same as above.

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
					are subject to increased health surveillance, and must be reviewed every four years and withdrawn as soon as the justifying circumstances no longer obtain. (Art.10.3).		
Directive 2003/10/EC on noise	Art.11.1 and 11.2	Derogations from the provisions of Articles 6 (1)(a) and (b) and 7.in exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors.	Y	Art. 197(1) of L.D. 81/2008 transposes the derogation and conditions laid down in Art. 11.1 of the Directive.	Guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.	Y	Art. 197 (2) provides that the employer shall request the authorisation from the inspective authority to derogate from the obligation to comply with exposure limits and use of personal protective equipment because of the nature of work. The request for derogation must be supported by the guarantee, taking into account the special circumstances, that the resulting risks are reduced to a minimum and that the workers concerned are subject to increased health surveillance.
					Review every four years and withdrawn as soon as the justifying circumstances no longer obtain.	Y	The Authority authorises the derogation after the consultation of social partners. The authorisation lasts four years but can be renewed. The authority can withdraw the authorization as soon as the justifying circumstances no longer apply.
Directive 2004/40/EC on electromagnetic fields	Art.4.6	The risk assessment may include a justification by the employer that the nature and extent of	N	Italy has not made use of this derogation.			

Directive	Article	Use of derogation	Y/N	Explanation	Conditions reflected	Y/N	Explanation
		the risks related to electromagnetic fields make a further detailed risk assessment unnecessary.					

### 3 MAPPING QUESTION 3: LEVEL OF COMPLIANCE BY DIFFERENT STAKEHOLDERS

The question consists of two separate, but intertwined questions: the degree of compliance and approaches to compliance.

#### 3.1 DEGREE OF COMPLIANCE

The question aims to ascertain the extent to which establishments in Member States comply with the key requirements of the 24 OSH Directives and to what extent differences exist between public/private sector; different sizes of establishments: micro/SMEs/large enterprises and different sectors of economic activity.

The results are summarized in tables 3.1 and 3.2. Table 3.1 outlines the range of compliance with the common processes and mechanisms (CPMs) **across all 24 OSH Directives**. Table 3.2 complements the previous table by addressing the level of compliance with the CPMs at the **level of individual Directives**.

As regards **key requirements** which do not constitute CPMs, a detailed overview is provided in Table 3.3.

The following indicators are used for estimating the degree of compliance:

- |                                     |                       |
|-------------------------------------|-----------------------|
| (5) very high degree of compliance: | indicators above 80%  |
| (4) high degree of compliance:      | indicators 60-79%     |
| (3) medium degree of compliance:    | indicators 40-59%     |
| (2) low degree of compliance:       | indicators 20-39%     |
| (1) very low degree of compliance:  | indicators below 20%. |

The percentages are intended as approximate guides, not exact values.

Both the Ministry of Labour and the Labour inspectors have confirmed that official data to estimate the degree of compliance among undertakings with the common processes and mechanisms and key requirements is not available. This lack of official data is due to the fact that the major part of inspections are carried out by regional health services and it is lacking a body appointed with the task of homogenising the quality of data acquired by health services and collecting them at national level. In the opinion of Authorities, this weakness is going to be addressed by the establishment of the National Agency for Inspection Services.

An initial assessment of compliance was therefore made on the basis of several surveys, which are, however, already slightly outdated. The available information has then been re-assessed with the information obtained during the stakeholder interviews. The results show that the level of compliance with CPMs considering the OSH acquis as a whole is generally high (between 60-79%). The degree of compliance is, overall, lower for the public sector because it is subject to less stringent surveillance. A lower level of compliance is also to be expected for micro-enterprises and SMEs, although it is noteworthy that micro and small enterprises affiliated with the employers' organizations score better in their level of compliance.

With regard to the ESENER data reported upon in the below table, it should be noted that ESENER data are based on a relatively small sample size (interviews were carried out in only 28,649 establishments in 31 European countries) and composition (enterprises up to 10 employers were not involved). Moreover, this information is based on managers' responses and the ESENER average response rate is around a third as only some 20 per cent answered in five out of the EU's six largest

countries (Germany, Spain, Italy, Poland and the UK).<sup>80</sup> The post-test of the ESENER survey noted that “it is important to mention that companies participating in the survey are likely to be the organisations with high standards or good procedures in place and therefore represent a self-selected sample of ‘good examples’.”<sup>81</sup>

There is no data available to estimate the degree of compliance per individual OSH directive.

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<sup>80</sup> EU-OSHA, European Survey of Enterprises on New and Emerging Risks - Managing safety and health at work, 2010, p.95

<sup>81</sup> EU-OSHA, Qualitative post-test evaluation of ESENER: National overview report, 2013



**Table 3- 1 Degree of compliance: Common processes and mechanisms (across Directives)**

For each CPM, we provide below a first figure based on available information and then a corrected second figure based on the expert knowledge and interviews with stakeholders, which is more realistic.

The only available quantitative data are those provided by surveys. However, since these surveys are some years old, we have asked the interviewed stakeholders to provide their estimation of the degree of compliance in order to support or contradict the reliability of available data in describing the current situation.

The information provided by interviews has been carefully analysed and assessed in order to identify the most likely range where to place the degree of compliance with common processes and mechanisms. Particular attention has been given to the view of workers' representatives because their responses are based on field experience and, at the same time, are not influenced by any interest to overestimate the compliance. Nevertheless also the information provided by other stakeholders' groups have been considered and used to balance a likely propensity of unions to dramatize the situation.

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
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Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
Risk assessment	% of establishments which perform regular <sup>82</sup> risk assessment	<p><b>5</b> (80%-90%) According to ESENER1 data: 98.83% of workplaces are regularly checked for health and safety as part of RA</p> <p><b>4</b> (70% - 80%)</p>	<p>Various sources are available to assess the level of enterprises' compliance with the obligation to prepare a risk assessment. The most recent data available on this issue are provided by the ESENER Survey<sup>83</sup> with reference to the year 2008.</p> <p>The ESENER1 survey suggests that the greatest part of the workplaces (98.83%) are regularly checked for health and safety as part of their risk assessment or similar measure.<sup>84</sup> Due to the above mentioned problems inherent to the ESENER1 Survey, other sources have been taken into account to determine the compliance rate.</p> <p>The first additional source is the "Survey on Safety culture in Italian enterprises" was carried out by former Ispesl (now INAIL) in 2006 and was based on a sample of 3.770 enterprises. (In each company, interviews were held with different OSH actors: employers, the head of prevention and protection services, worker's representatives and MC). According to this survey, 90,9 % of Italian enterprises in 2006 had carried out a risk assessment and 88,4 % had prepared the risk assessment report. This survey has a more reliable sample than ESENER (a wider sample involving also micro enterprises) even though it is also based on employers' responses for what concerns the data on compliance to risk assessment provisions<sup>85</sup>.</p>	<p>The ESENER survey<sup>86</sup> shows the following differences according to enterprise size and sectors:</p> <table border="1" data-bbox="1496 467 2040 683"> <thead> <tr> <th>Company size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>98.87%</td> <td>0.9%</td> </tr> <tr> <td>20-49</td> <td>98.64%</td> <td>1.16%</td> </tr> <tr> <td>50-249</td> <td>99.05%</td> <td>0.46%</td> </tr> <tr> <td>250-499</td> <td>100%</td> <td>-</td> </tr> <tr> <td>500+</td> <td>97.92%</td> <td>2.08%</td> </tr> </tbody> </table> <table border="1" data-bbox="1496 715 2040 837"> <thead> <tr> <th>Sector type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>99.58%</td> <td>0.36%</td> </tr> <tr> <td>Private</td> <td>97.51%</td> <td>1.96%</td> </tr> <tr> <td>Public</td> <td>99.51%</td> <td>0.31%</td> </tr> </tbody> </table> <p>The 2002 study carried out by the Coordinating Committee of regions is the only data source available to estimate the differences between different sizes of establishments. According to this study, the percentage of small enterprises (up to 20 employers) which had carried out a risk assessment was about 60%. It should be noted however that, at the time of the study, risk assessment was not mandatory for these enterprises.</p>	Company size	Yes	No	10-19	98.87%	0.9%	20-49	98.64%	1.16%	50-249	99.05%	0.46%	250-499	100%	-	500+	97.92%	2.08%	Sector type	Yes	No	Production	99.58%	0.36%	Private	97.51%	1.96%	Public	99.51%	0.31%
Company size	Yes	No																																
10-19	98.87%	0.9%																																
20-49	98.64%	1.16%																																
50-249	99.05%	0.46%																																
250-499	100%	-																																
500+	97.92%	2.08%																																
Sector type	Yes	No																																
Production	99.58%	0.36%																																
Private	97.51%	1.96%																																
Public	99.51%	0.31%																																
<p><sup>82</sup> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers' exposure?</p> <p><sup>84</sup> ESENER1, question MM161</p> <p><sup>85</sup> Safety Culture, INAIL p. 23</p>				<p>Not much data is available on the level of compliance by economic sectors.</p> <p>The only sectoral data on compliance with this CPM can be obtained from inspections carried out by Technical Labour Inspectors of the Ministry of Labour. 3,6% of construction sites that were visited in 2012 infringed the requirements of OSH laws related to risk assessment requirements (Infringements on risk assessment are 6% of all OSH infringements issued in 2012).<sup>87</sup></p>																														
Milieu Ltd. Brussels			<p>The second source taken into account is the "Project for monitoring Dlgs 626/94 implementation" carried out in 2002 by the Coordinating Committee of regions and autonomous provinces. The study was carried out in 12 Italian Regions and was based on 8.943 standardized inspections</p>																															

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<sup>86</sup> ESENER1, question MM161

<sup>87</sup> Annual Report Ministry of Health on inspective services, 2012

<sup>88</sup> ESENER1, question MM161

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	<p style="text-align: center;"><b>5</b> (80%-90%)</p> <p style="text-align: center;"><b>4</b> (70% - 80%)</p>	<p>The assessment has been made taking into account the following data:</p> <ul style="list-style-type: none"> <li>- according to the 2006 "Survey on Safety culture in Italian enterprises" carried out by Ispesl, 91,9% of enterprises had a person in charge of preventive and protective services<sup>89</sup>;</li> <li>- according to the study carried out by the Coordinating Committee of regions, 96% of enterprises had a person in charge of preventive and protective services. Furthermore, a plan for preventive and protective measures had been set up by 75% of enterprises who were required to prepare such a plan.<sup>90</sup></li> </ul> <p>The percentage of enterprises fulfilling this requirement has been lowered from over 90% to a percentage between 80-90% taking into account the reliability of the available data. The criteria taken into account to estimate this lower level of compliance are the origin of the information(employers) reported by the Ispesl Survey and the exclusion of micro enterprises from the study carried out by</p>	<p>According to the Coordinating Committee of Regions, the percentage of small enterprises having a person in charge of protective and preventive service is over 90%<sup>91</sup>.</p> <p>No data are available to analyse the level of compliance for economic sectors.</p> <p>Interviews have pointed out that :</p> <ul style="list-style-type: none"> <li>- the degree of compliance of smaller undertakings is the same as large companies. It is due to the fact that the employer can act as manager of preventive and protective. Employers' organizations help their members by providing specific training courses to affiliated employers.</li> <li>- a lower degree of compliance is expected in some sectors such as: construction, agriculture and trucking</li> </ul>

<sup>89</sup> Safety culture, INAIL, p. 23

<sup>90</sup> Report of Coordinating Committee of regions, p. 78

<sup>91</sup> Report of Coordinating Committee of regions, p. 79

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			the Coordinating Committee of Regions. Micro enterprises usually have a lower level of compliance with such requirements.	
		According to ESENER1 data: 14.91% – 92.93%	ESENER1 2009 asks about different forms of service. Occupational Health Physician, 91.64%; Safety specialist, 92.93%; Psychologist 14.91%; Ergonomist, 33.8%; Health & Safety Consultant, 86.44% <sup>92</sup>	Data based on company size showed a general trend for slightly higher usage in larger companies, although medium sized undertakings tend to refer more widely to health and safety consultants.  As for sectors, very similar trends have been registered in relation to the use of safety specialists and consultants. Public services make a large use of psychologists, while the production sectors show a higher use of occupational health physicians and the private services widely refer to ergonomics experts.
Information for workers	% of establishment which provide	<b>4</b> (70%-80%) <b>3</b>	Various sources are available to assess compliance with this CPM: - The study carried out between 2010	According to findings from the study of the Coordinating Committee of Regions, small enterprises (up to 20 workers) are less likely

<sup>92</sup> ESENER1, questions MM150

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	information to workers	(50%-60%)	<p>and 2012 within the framework of the Project on risk, information and training at work PASSI by the National Institute of Health and Piemonte Region. The study is based on 2.843 interviews carried out by Local Health Services of workers spread over 17 Regions. According to this study, 56% of the workers received information on OSH in the last 12 months<sup>93</sup>.</p> <ul style="list-style-type: none"> <li>- The 2006 "Survey on Safety culture in Italian enterprises" reported that 91.4% of establishments provided information on OSH to workers (information gathered from workers representatives). It also reported that 87,4% of workers' representatives interviewed consider that the information provided on OSH has a positive impact on risks prevention<sup>94</sup>.</li> <li>- 82% of establishments involved in the 2002 study of the Coordinating Committee of Regions provide information on OSH risks to workers. A lower percentage (78%) provides information on preventive measures adopted and substances used in the manufacturing processes (52%).<sup>95</sup></li> </ul>	<p>than medium and large enterprises to provide information on OSH.</p> <p>This information is also confirmed by the "Survey on Safety culture in Italian enterprises".</p> <p>No data is available to provide a detailed assessment of the level of compliance for different economic sectors.</p> <p>Interviews have pointed out that :</p> <ul style="list-style-type: none"> <li>- the public sector makes less information available to workers;</li> <li>- the micro and small enterprises often have no resources to afford the information costs.</li> <li>- information is often not available for migrant workers</li> <li>- micro and small enterprises have more difficulties to provide effective information to workers.</li> </ul>

<sup>93</sup> PASSI , p. 14

<sup>94</sup> Safety Culture, INAIL p. 29, 31

<sup>95</sup> Report of Coordinating Committee of regions, p. 85

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			The assessment reflects the data reported above. The estimated range of compliance comprises also the establishments that provide just a minimum level of information.	
Training of workers	% of establishment which provide training to workers	<p><b>4</b> (60%-70%)</p> <p><b>3</b> (50%-60%)</p>	Data on training of workers are provided by the 2006 "Survey on Safety culture in Italian enterprises" and the 2002 study of the Coordinating Committee of Regions. Both sources show that about 65% of enterprises fulfil the training requirements. The Survey on safety culture also reported that 91% of workers' representatives interviewed considered that the training provided to workers has a positive impact on risk prevention. The assessment reflects the data reported above. <sup>96,97</sup>	The study of the Coordinating Committee of Regions shows that the requirement of OSH training is not fulfilled in 20% of micro enterprises, 13% of small, 8% of medium-sized and 4% of large enterprises. <sup>98</sup> No data is available to provide a detailed assessment of the level of compliance for different economic sectors. Interviews have pointed out that : - training in the public sector is less and less in depth - OSH training is given primarily in medium-sized and large enterprises. Small sized and micro enterprises instead do not provide a lot of training.
Making available health surveillance	% of establishments which provide health surveillance to workers	<p><b>5</b> (80%-90%)</p> <p><b>4</b> (60%-70%)</p>	The 2002 study of the Coordinating Committee of Regions reported that health surveillance was provided by 94% of enterprises for which it was mandatory to provide it. Overall, 73% of monitored enterprises provide health surveillance to	The percentage of enterprises that provide health surveillance, where it is mandatory for them to do so, range from 98% of large firms to 88% of micro enterprises (Study of Coordinating Committee of Regions). No data is available to provide a detailed

<sup>96</sup> Safety Culture, INAIL p. 31

<sup>97</sup> Report of Coordinating Committee of regions, p. 90

<sup>98</sup> Report of Coordinating Committee of regions, p. 92



Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
			<p>workers. About 1.700 enterprises provided health surveillance even though they were not obliged to do so by law. The same study also reports that health surveillance was carried out according to formal and specific protocols in 90% of enterprises that have put in place health surveillance.<sup>99</sup></p> <p>According to the 2006 "Survey on Safety culture in Italian enterprises" MCs were appointed by 93% of the enterprises for which it was mandatory to do so.<sup>100</sup></p>	<p>assessment of the level of compliance for different economic sectors.</p> <p>Interviews have pointed out that :</p> <ul style="list-style-type: none"> <li>- the degree of compliance is lower in the public sector.</li> <li>- the health surveillance is more effective where the enterprises have an own physician in charge of this task. Where external physicians are in charge of health surveillance they are less likely to carry out medical examinations.</li> </ul>

<sup>99</sup> Report of Coordinating Committee of regions, p. 123

<sup>100</sup> Safety Culture, INAIL p. 24

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale																														
		According to ESENER1 data: health of workers is monitored in 88.7% of the workplaces	The ESENER1 survey suggests that most of the workplaces (88.7%) are monitored through regular medical examinations. <sup>101</sup>	<p>The ESENER survey<sup>102</sup> shows the following differences according to enterprise size and sectors:</p> <table border="1"> <thead> <tr> <th>Company size</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>10-19</td> <td>85.9%</td> <td>13.8%</td> </tr> <tr> <td>20-49</td> <td>91.8%</td> <td>7.8%</td> </tr> <tr> <td>50-249</td> <td>93.2%</td> <td>5.9%</td> </tr> <tr> <td>250-499</td> <td>94.6%</td> <td>5.4%</td> </tr> <tr> <td>500+</td> <td>97.6%</td> <td>2.4%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Sector type</th> <th>Yes</th> <th>No</th> </tr> </thead> <tbody> <tr> <td>Production</td> <td>96.5%</td> <td>3.5%</td> </tr> <tr> <td>Private</td> <td>85.7%</td> <td>14.2%</td> </tr> <tr> <td>Public</td> <td>78.0%</td> <td>20.1%</td> </tr> </tbody> </table>	Company size	Yes	No	10-19	85.9%	13.8%	20-49	91.8%	7.8%	50-249	93.2%	5.9%	250-499	94.6%	5.4%	500+	97.6%	2.4%	Sector type	Yes	No	Production	96.5%	3.5%	Private	85.7%	14.2%	Public	78.0%	20.1%
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Consultation of workers	<p>% of establishments with appointed worker rep</p> <p>% of establishments which consult</p>	<p><b>4</b> (60%-70%)</p> <p><b>3</b> (40%-50%)</p> <p><b>3</b> (50% -60%)</p> <p><b>3</b></p>	The study of Coordinating Committee of Regions reported that 71% of enterprises had appointed a workers' representative. Nevertheless, the worker representative was consulted on risk assessment in only 60% of checked enterprises. In a higher percentage of establishments (70%), the workers' representative was consulted on the adoption of preventive measures. <sup>103</sup>	<p>The involvement of worker representative in OSH management is lower in small enterprises than in large firms. (Study of Coordinating Committee of Regions). It ranges from 75% for firms with 200 or more workers to 58% for micro enterprises.<sup>105</sup></p> <p>No data is available to provide a detailed assessment of the level of compliance for different economic sectors.</p>																														

<sup>101</sup> ESENER1, question MM154

<sup>102</sup> ESENER1, question MM154

<sup>103</sup> Report of Coordinating Committee of regions, p. 104

<sup>105</sup> Report of Coordinating Committee of regions, p. 104

Common Processes and mechanisms (across Directives)	Criteria/ indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
	<p>workers on risk assessment</p> <p>% of establishments which consult workers on measures</p>	<p>(40%-50%)</p> <p><b>4</b></p> <p>(60% - 70%)</p> <p><b>3</b></p> <p>(40%-50%)</p>	<p>According to the findings provided by the 2006 "Survey on Safety culture in Italian enterprises", 52% of the employers interviewed said that they had consulted the worker representative on the risk assessment.<sup>104</sup></p>	<p>Interviews have pointed out that :</p> <ul style="list-style-type: none"> <li>- in the public sector consultation of workers takes place mostly in a formal way by means of workers' representatives on OSH and is more frequent. In the private sector it instead takes place in a more informal way and is less frequent.</li> <li>- the degree of compliance is strongly differentiated by sector. In the chemical sector, high consideration is paid to consultation of workers. In the agriculture, services and commerce sectors the degree of compliance instead is deemed "very low".</li> <li>- territorial workers' representatives play a key role in ensuring the workers consultation within the handicraft sector</li> <li>- a regular consultation takes place almost only in the medium and large sized enterprises.</li> </ul>

<sup>104</sup> Safety Culture, INAIL, p. 229

Common Processes and mechanisms (across Directives)	Criteria/indicator to guide the assessment	Assessment of the degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
		According to ESENER1 data <sup>106</sup> : 49.58% to 97.83% have some form of representation/consultation	<p>ESENER1 2009 asked separately about different forms of consultation. Companies were most likely to have a health and safety representative.</p> <ul style="list-style-type: none"> <li>- Trade union representative 24.42% (production sector: 19.92%; private services: 20.46%; public services: 39.89%)</li> <li>- Health and safety representative: 98.43% (production sector: 97.9%; private services: 98.71%; public services: 99%)</li> <li>- Health and safety committee: 15.8% (production sector: 13.75%; private services: 82.06%; public services: 20.33%)</li> </ul>	<p>The data showed an increasing trend for all questions with company size, apart from the case of health and safety representatives, where all companies (regardless of the size) show levels of compliance close to 100%.</p> <p>Overall, the public sector was more likely to have each of the forms of consultation/representation.</p>

**Table 3- 2 Degree of compliance: Common processes and mechanisms (individual Directives)**

Data detailed by Directives are not available as the existing surveys are focused on compliance with requirements related to the Comprehensive Laws on Occupational Health and Safety. Similarly, interviewees did not comment on individual Directives.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale

<sup>106</sup> ESENER1, questions MM351-355-358.

Common Processes and mechanisms (individual Directives)	Criteria/indicator to guide the assessment	Directive nr.	Assessment of the degree of compliance	The rationale upon which the assessment has been made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale
Risk assessment	% of establishments which perform regular <sup>107</sup> risk assessment	No data available			
Ensuring protective and preventive services	% of establishments having ensured protective and preventive services	No data available			
Information for workers	% of establishment which provide information to workers	No data available			
Training of workers	% of establishment which provide training to workers	No data available			
Making available health surveillance	% of establishments which provide health surveillance to workers	No data available			
Consultation of workers	% of establishments with appointed worker rep % of establishments which consult workers on risk assessment % of establishments which consult workers on measures	No data available			

**Table 3- 3 Degree of compliance: Key requirements**

See comment above; no information could be obtained (either through the desk study or the stakeholder interviews) to complete this table.

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences

<sup>107</sup> Is the risk assessment reviewed regularly and in any event when any changes occur in the conditions which may affect workers exposure?

Directive	Key requirement (Directive specific)	Estimate of degree of compliance	An explanation of how the assessment was made (including references to data sources when available)	Differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity and the rationale for those differences
No data available				

### 3.2 APPROACHES TO COMPLIANCE

The second question complements the first sub-question in that aims to answer the question of to what extent can potential differences in the degrees of compliance observed as between private undertakings and public sector bodies, various sizes of companies, etc. be attributed to different approaches to compliance.

In Italy, enterprises only seem to comply with the OSH requirements in order to avoid a fine and, as a result, there is mostly only formal compliance with the applicable norms and regulations. Less-threatening risks will not be tackled by effective actions. Consequently, OSH management is very bureaucratic and most enterprises will rely on external services to allow a cost reduction.

**Table 3- 4 Approaches to compliance**

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
What approach has been adopted? Is it systematic?	From interviews carried out, it appears that enterprises mainly comply with the requirements of OSH laws to avoid being sanctioned. The majority of enterprises still view the OSH management as a cost to be reduced instead of an opportunity to save money. For this reason, most of them are likely to have a merely formal compliance with norms. In general, enterprises are less likely to take effective actions to address the risks that are perceived as less threatening (e.g. those related to use of display equipment or manual handling of loads). This formal approach impacts on the effects of OSH management. For example, the information of workers has, in general, a low effectiveness.	Differences are in place between larger and smaller establishments. Large establishments are more likely to carry out an effective management of OSH.

Question	Answer	Observed differences which exist between the different types of sectors, size of establishment (micro/SMEs/large) and sectors of economic activity
What are the key characteristics of the approach?	Enterprises tend to adopt standardised procedures which sometimes do not allow an in-depth assessment of risks and adoption of well-focused preventive and protective measures. It is also reported the frequent use of external consultants which allows a cost reduction of OSH management. Bureaucratic OSH management based on clearly defined hierarchical levels of responsibility and detailed and strict procedures is also widely adopted.	Micro-enterprises and SMEs are more likely to outsource the management of occupational and health services. They are also supported by employers' associations.  Some larger enterprises give a high level of attention to OSH issues as workers' safety and health is part of the company reputation.
What are the criteria upon which priorities for compliance measures are set?	<ul style="list-style-type: none"> <li>• Ensure a high level of compliance with norms.</li> <li>• Ensure a high level of safety.</li> <li>• Ensure the cost effectiveness of the OSH management</li> </ul>	Large establishments give attention to the safety of production processes.
Are stakeholders (workers and their representatives) involved in the forming of the compliance approach and its further development?	Workers and their representatives normally do not have a relevant role in forming the general compliance approach. Workers' representatives are usually called to raise some specific OSH related issues to the attention of the preventive and protective services. To form their compliance approach, employers are mostly supported by the OSH professionals.	Large establishments give attention to the safety of production processes.

## 4 MAPPING QUESTION 4: ACCOMPANYING ACTIONS THAT SUPPORT THE RESPECT OF THE RULE

The following types of accompanying documents/actions relating to OSH legislation are covered:

- Guidance documents (through decisions and other soft measures, guidelines);
- Awareness-raising campaigns;
- Support tools (possibly IT based); and
- Financial incentives i.e. tax benefits or possibility to offer reduction of insurance premium to reward organisations for going beyond the legal requirements
- Education and training actions.

Please note that accompanying measures targeted specifically at SME and micro-enterprises are also covered under Section 7.

Italy knows a lot of accompanying actions on all of the OSH Directives, such as guidance documents, awareness campaigns, and IT tools, which are mainly developed by the Italian Workers Compensation Authority (INAIL), the National Institute for Occupational Safety and Prevention (ISPESL, which function have been taken over by INAIL since the Law 122/2010) and the Italian Society of Occupational Medicine and Industrial Hygiene (SIMLII). This abundance of actions is, however, seen as a weakness by the interviewed stakeholders as they are often contradictory and do not always ensure full compliance with the legal requirements. In addition, many enterprises and employers are not aware of their existence as they mainly contain technical guidelines and are directed to employers' organisations and OSH trainers. Nevertheless, some of the accompanying actions are well-recognised at European level, such as the SIMLII guidelines for the health surveillance of health care workers exposed to biological risks, the ISPESL guidelines on the hand-arm vibration syndrome, the INAIL handbook "Risk of biomechanical overload of the upper limbs in the sectors of industry, crafts and agriculture", the ISPESL Guideline for temporary work at a height with the use of rope access and positioning techniques ropes etc.

The financial incentives provided by INAIL are very successful in supporting enterprises to comply with the OSH requirements, even though they are criticised as they are awarded on a 'first come first serve' basis.

Useful and easy-to-handle IT tools are especially lacking, according to the interviewed stakeholders.

### 4.1 EXISTING ACCOMPANYING ACTIONS

This sub-section identifies the relevant accompanying documents/actions as described above.

The following documents have been identified:

#### **Directive 89/391/EEC (Framework Directive)**

- *Procedure semplificate per l'adozione e l'efficace attuazione dei modelli di organizzazione e gestione della sicurezza nelle piccole e medie imprese* (Simplified procedures for adopting occupational health and safety management and organizational systems in SMEs). These procedures have been developed by the Standing Advisory Committee for Health and Safety at Work and adopted through the Decree Ministry of Labour and Social Policies of 13 February 2014 as official guidance for setting up a risk management system in SMEs according to the provisions of Article 30 L.D. 81/2008.  
<http://www.lavoro.gov.it/SicurezzaLavoro/PrimoPiano/Documents/DOCUMENTO.pdf>



- *Procedure standardizzate per la valutazione dei rischi ai sensi dell'art. 29 d.lgs. n. 81/2008* (Standardized procedures for carrying out the risk assessment according to art. 29 L.D. 81/2008). These procedures have been developed by the Standing Advisory Committee for Health and Safety at Work and adopted through the Interministerial Decree of 30 November 2012 as the official guidance document for carrying out the risk assessment in enterprises with up to 50 workers. New procedures came into force on 1 July 2013. <http://www.lavoro.gov.it/SicurezzaLavoro/Documents/Procedurastandardizzata.pdf>
- *Approvazione dei criteri di qualificazione dei formatori per la sicurezza* (Approval of criteria for the qualification of trainers in the field of health and safety at work). It identifies the criteria for qualifying trainers in the field of health and safety at work (Interministerial Decree of 6 March 2013) [http://www.lavoro.gov.it/SicurezzaLavoro/Documents/DI\\_06032013.pdf](http://www.lavoro.gov.it/SicurezzaLavoro/Documents/DI_06032013.pdf)
- *Pagina web del sito INAIL dedicate a buone pratiche in materia di salute e sicurezza sul Lavoro* (INAIL website on good practices and techniques for OSH). The website makes available to enterprises valuable information to support them in improving risk management. The website provides both introductory and in-depth information to understand and manage the different risk groups (physical, chemical, carcinogens, etc...), a database containing good technical practices developed and/or adopted by some firms to reduce risks and improve working conditions. Furthermore, a section of the website provides an inventory of innovative organizational and procedural good practices developed by firms and validated by the Advisory Standing Committee for Occupational health and safety, [http://sicurezzalavoro.inail.it/CanaleSicurezza/RischiEBuonePratiche.html#wlp\\_RischiEBuonePratiche](http://sicurezzalavoro.inail.it/CanaleSicurezza/RischiEBuonePratiche.html#wlp_RischiEBuonePratiche)
- *Incentivi alle imprese per l'implementazione di misure per la salute e sicurezza sul Lavoro* (Incentives to enterprises for the implementation of measures in the field of health and safety at work): Inail provides incentives to enterprises in their first two years of business that are in compliance with OSH laws and to enterprises that after their two first years of business improve their health and safety above the minimum requirements provided by OSH laws. Such incentives consist in the reduction of the insurance premium set by INAIL. [http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_116888.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_116888.pdf)
- *Sistema Informativo Nazionale Prevenzione (SINP)* (National informative system on occupational injuries and diseases). The implementation of SINP was established by L.D. 81/2008 with the aim of improving the exchange of data and information on the impact of OSH's policies between national and regional enforcement bodies. The objective is to create a shared national database on OSH. SINP has not been fully implemented yet even though some databases have already been integrated.
- *Sistema di Sorveglianza MALPROF* (MALPROF Surveillance System): it has been developed by INAIL and the Ministry of Health in collaboration with Regional health services. MALPROF is a system for collecting and analysing data on occupational diseases reported by Local Health Services. MALPROF aims to provide statistics on occupational diseases which are not based on data provided by the insurance system. The MALPROF website provides a searchable database/data warehouse that allows users to navigate and analyse available information. [http://www.ispesl.it/statistiche/index\\_mp.asp](http://www.ispesl.it/statistiche/index_mp.asp)
- *Sistema di Sorveglianza INFOR.MO* (Surveillance System INFOR.MO): The aim of the system is to monitor cases of fatal and serious accidents occurring in the workplace, excluding accidents on the road, acting on information gathered in the investigation of the local health services. [http://www.ispesl.it/getinf/informo/home\\_informo.asp](http://www.ispesl.it/getinf/informo/home_informo.asp)
- *Linee guida SIMLII* (*Società Italiana di Medicina del Lavoro e Igiene Industriale*) per la promozione della salute nei luoghi di lavoro (SIMLII (Italian Society of Occupational Medicine and Industrial Health) Guidelines for Health promotion in the workplace). The SIMLII's guidelines provide an updated and scientifically validated tool to support occupational physicians in carrying out their tasks as Competent Medical Officer.

- [http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)
- *Piattaforma web INAIL per la valutazione e gestione dello stress Lavoro-correlato* (INAIL web platform for the assessment and management of work-related stress). The platform provides scientifically validated tools to support companies in the process of assessment and management of work-related stress, in accordance with local regulations. <http://www1.ispesl.it/focusstresslavorocorrelato/index.asp>
  - *Manuale INAIL per la valutazione e gestione dello stress Lavoro-correlato* (INAIL handbook for assessment and management of work-related stress risk). The handbook is aimed at providing the employer with valid tools to assess and, subsequently, manage the risk of work-related stress, according to the “minimum level of implementation of the obligation”. It also illustrates an efficient and scientifically correct assessment and management path ensuring a shared, coordinated and integrated involvement of workers and health and safety representatives. <http://www1.ispesl.it/focusstresslavorocorrelato/documenti/manuale.pdf>
  - *Canale INAIL sulla salute e sicurezza sul lavoro* (INAIL’s channel on occupational health and safety). The section on occupational safety of the INAIL website offers a number of informative publication, guidance, and videos developed by INAIL to support OSH professionals and employers in managing health and safety at the workplace as well as to provide information to workers. [http://sicurezzasullavoro.inail.it/CanaleSicurezza/MaterialiInformativi.html#wlp\\_MaterialiInformativi](http://sicurezzasullavoro.inail.it/CanaleSicurezza/MaterialiInformativi.html#wlp_MaterialiInformativi)
  - *Finanziamenti INAIL per il miglioramento della salute e sicurezza nelle piccole, medie e micro imprese* (INAIL’s funding programme for improving health and safety in micro-enterprises and SMEs). INAIL co-funds projects of SMESs and micro-enterprises aiming to improve health and safety at the workplace. [http://sicurezzasullavoro.inail.it/CanaleSicurezza/ImpFinanziamenti.html#wlp\\_ImpFinanziamenti](http://sicurezzasullavoro.inail.it/CanaleSicurezza/ImpFinanziamenti.html#wlp_ImpFinanziamenti)
  - *Campagna Informativa e attività formative sviluppate nell’ambito del Piano Nazionale di Prevenzione in Edilizia* (Informative Campaign and training activities developed within the National Plan for Occupational Risks Prevention in the construction sector). As part of such plan, INAIL, starting from 2010, has developed a set of actions aimed at raising awareness and knowledge of operators in the construction industry. The activities carried out were as follows:
    - implementation of a national informative campaign conducted through the production of journalistic content and commercials broadcasted on television, newspaper articles and informative events
    - provision of training courses for employers, managers, protective and preventive services managers, operators of earth moving machinery and lifting equipment and emergency operators
    - development of a Website (<http://www.prevenzionecantieri.it/>) providing a large number of informative issues[http://sicurezzasullavoro.inail.it/CanaleSicurezza/DettaglioCampagne/CP\\_248009.html](http://sicurezzasullavoro.inail.it/CanaleSicurezza/DettaglioCampagne/CP_248009.html)
  - *Campagna informativa di prevenzione sulle malattie professionali* (Informative Campaign on prevention of occupational diseases). In 2012 INAIL has launched an informative campaign on occupational diseases. Various promotional material (posters as well as video and radio spots) were developed and distributed. [http://sicurezzasullavoro.inail.it/CanaleSicurezza/DettaglioCampagne/CP\\_243009.html](http://sicurezzasullavoro.inail.it/CanaleSicurezza/DettaglioCampagne/CP_243009.html)
  - Training courses on occupational risks prevention and protection delivered by INAIL according to the provision of L.D. 81/2008. Every year INAIL provides training courses for employers, workers’ representatives for health and safety, workers, foremen, protective and preventive services managers. Such training courses are divided in two modules: a first module dedicated to the general basic training shared by all courses and a second module dedicated to specialised training related to the different working activities. [http://sicurezzasullavoro.inail.it/CanaleSicurezza/OffertaFormativa.html#wlp\\_OffertaFormativa](http://sicurezzasullavoro.inail.it/CanaleSicurezza/OffertaFormativa.html#wlp_OffertaFormativa)

- INAIL vocational training for OSH professionals. INAIL offers a wide range of vocational training courses to OSH professional to upgrade and update their skills. Such courses are offered on a wide variety of topics related to different risks and ranging from risk assessment and management to exposure measurement to preventive and protective measures. Vocational training courses are also aimed at creating new OSH professional profiles such as, for example, developers and auditors of health and safety management systems.  
[http://sicurezzasullavoro.inail.it/CanaleSicurezza/Formazione.html#wlp\\_Formazione](http://sicurezzasullavoro.inail.it/CanaleSicurezza/Formazione.html#wlp_Formazione)

#### **Council Directive 89/654/EEC (workplace)**

- *Manuale sugli ambienti confinati o sospetti di inquinamento* (Handbook on confined environments or environments suspected of pollution). Provides solutions of technical, organizational and procedural nature for the work to be carried out in different types of confined environments or environments suspected of pollution in order to make a practical document useful especially for all SMEs.  
<http://www.lavoro.gov.it/SicurezzaLavoro/Pages/home.aspx>
- *Microclima, aerazione ed illuminazione nei luoghi di lavoro* (Microclimate, ventilation and lighting in the workplace). Carried out by the Technical Committee for Health and Safety in the workplace of the Regions and Autonomous Provinces. It proposes operational guidelines and design for different security actors (corporate security officers, planners, consultants, company physicians, representatives of workers' safety)  
[http://www.ispesl.it/linee\\_guida/tecniche/LGMicroClima062006.pdf](http://www.ispesl.it/linee_guida/tecniche/LGMicroClima062006.pdf)

#### **Directive 2009/104/EC (work equipment)**

- *Linee guida ISPESL per la scelta, uso e manutenzione delle scale portatili* (ISPESL Guideline for the selection, use and maintenance of portable ladders). This guideline, of a non-binding nature, aims to provide guidance for the selection, use and maintenance of portable ladders in the work environment. In addition, a general objective of the guideline is to provide a methodology for the risk assessment of work carried out at a height, where this involves the use of a portable ladder.  
[http://www.ispesl.it/sitodts/Linee\\_guida/Ladder\\_Changes.pdf](http://www.ispesl.it/sitodts/Linee_guida/Ladder_Changes.pdf)
- *Linee guida: "Controllo periodico dello stato di manutenzione ed efficienza dei carrelli elevatori e delle relative attrezzature* (ISPESL Guidelines for periodic monitoring of efficiency and state of maintenance of forklift trucks and related equipment). Provides the best data available at the time of publication on the construction and use of forklift trucks as well as basic notions useful for accomplishing practical verifications and control risks.  
[http://www.ispesl.it/sitodts/Linee\\_guida/Linee%20Guida%20Controllo%20Periodico%20Carrelli.pdf](http://www.ispesl.it/sitodts/Linee_guida/Linee%20Guida%20Controllo%20Periodico%20Carrelli.pdf)
- *Linee Guida per l'esecuzione di lavori temporanei in quota con l'impiego di sistemi di accesso e posizionamento mediante funi* (ISPESL Guideline for temporary work at a height with the use of rope access and positioning techniques ropes). This guideline concerns the minimum content of the risk assessment document, the security measures to be taken for the performance of this particular activity where the operator is constantly exposed to the risk of falling. The main purpose is to facilitate the task of the employer in a particular field of activity, characterized by the predominant presence of small businesses, where the safety and health of workers is exposed to high risks, mainly depend on the correct use of such equipment. [http://www.ispesl.it/sitodts/Linee\\_guida/linea%20guida%20funi.pdf](http://www.ispesl.it/sitodts/Linee_guida/linea%20guida%20funi.pdf)

#### **Council Directive 89/656/EEC (PPE)**

- *Guida tecnica per la scelta, l'uso e la manutenzione degli ancoraggi* (ISPESL Technical Guide for the selection, use and maintenance of the anchoring). This guideline aims at contributing effectively to improving safety at work by giving employers and all the people involved with safety tasks, suggestions on the minimum content of the risk assessment

document and on criteria to select, use and maintain the anchoring.  
[http://www.ispesl.it/sitodts/Linee\\_guida/Guidancoraggi.pdf](http://www.ispesl.it/sitodts/Linee_guida/Guidancoraggi.pdf)

- *Linee guida "Dispositivi di Protezione individuale contro le cadute dall'alto"* (ISPESL Technical Guide on the selection, use and maintenance of personal protective equipment against falls from a height). This guideline aims at contributing effectively to improving safety at work by giving employers and all the people involved with safety tasks, suggestions on the minimum content of the risk assessment document and on criteria to select and use Personal Protective Equipment (PPE) against falls from a height.  
[http://www.ispesl.it/sitodts/Linee\\_guida/Fall\\_arrest\\_system\\_Changes.pdf](http://www.ispesl.it/sitodts/Linee_guida/Fall_arrest_system_Changes.pdf)
- *Linee guida degli indumenti di protezione contro i rischi meccanici nell'uso di motosega a catena portatili* (ISPESL Technical Guide for the detection of protective clothing against mechanical risks in the use of chain saw). This guideline aims at contributing effectively to improving safety at work by giving employers and all the people involved with safety tasks, suggestions on protective clothing against mechanical risks in the use of chain saw.  
[http://www.ispesl.it/sitodts/Linee\\_guida/Monteporzio/linee%20guida%20DPI%20per%20motoseghe.pdf](http://www.ispesl.it/sitodts/Linee_guida/Monteporzio/linee%20guida%20DPI%20per%20motoseghe.pdf)
- *La scelta, l'uso e la manutenzione dei Sistemi collettivi di protezione dei bordi - Parapetti provvisori, reti di sicurezza, sistemi combinati* (ISPESL Technical Guide on selection, use and maintenance of collective systems of edge protection - temporary railings, safety nets, combined systems). This guide provides the employer of a company operating in the field of temporary or mobile sites, as well as to all operators of prevention, a methodology for the identification and use of collective systems such as railings and safety nets during the execution of work at height. [http://www.ispesl.it/sitodts/Linee\\_guida/Lineaguidabordi.pdf](http://www.ispesl.it/sitodts/Linee_guida/Lineaguidabordi.pdf)

#### **Council Directive 92/58/EEC (OSH signs)**

- *Video INAIL "best signs story"* (INAIL video « Best signs story »). The goal of the video is to raise awareness of workers and employers about the importance of the proper use and respect of safety signs through thirteen short episodes, which explain the different types of signals (prohibition, prescription, warning, fire-fighting, rescue and relief).  
[http://sicurezza.sullavoro.inail.it/CanaleSicurezza/DetailMultimedia/UCM\\_PORTSTG\\_103\\_060.html](http://sicurezza.sullavoro.inail.it/CanaleSicurezza/DetailMultimedia/UCM_PORTSTG_103_060.html)
- *La segnaletica di sicurezza* (OSH signs). The leaflet lists all the different types of signals, highlighting differences and innovations in terms of occupational safety and health.  
[http://www.inail.it/internet/default/INAILcomunica/ListaPubblicazioni/p/DetailPubblicazioni/index.html?wlpnewPage\\_contentDataFile=UCM\\_088210&wlpnewPage\\_detailDaArchivio=true&\\_windowLabel=newPage](http://www.inail.it/internet/default/INAILcomunica/ListaPubblicazioni/p/DetailPubblicazioni/index.html?wlpnewPage_contentDataFile=UCM_088210&wlpnewPage_detailDaArchivio=true&_windowLabel=newPage)

#### **Directive 1999/92/EC (ATEX)**

- *Linee guida ISPESL "Unità di certificazione ATEX"* (ISPESL Guide on Unit ATEX certification). The guide represents a first step for the safety in potentially explosive atmospheres, aiming to frame the fundamental aspects of the new legislation in relation to the characteristics of the products, their use and the interface between manufacturers and users. The guide has been developed based on the contents of the ATEX directive as well as the opinions of the ATEX Standing Committee over the last few years.  
<http://www.ispesl.it/ispesl/dom/documenti/atex.asp>
- *Linee guida INAIL Il rischio di esplosione, misure di protezione ed implementazione delle direttive Atex 94/9/CE e 99/92/CE* (INAIL Guide on the protection measures against risk explosion and implementation of the Atex 94/9/EC and 99/92/EC). The guide is the result of research collecting the contents of the applicable laws and regulations, basic techniques for protection against explosions and it provides an introduction to issues related to environments where the presence of flammable and combustible substances in the form of gases, vapours, liquids and powders can occur.  
<http://www.inail.it/internet/default/INAILcomunica/ListaPubblicazioni/p/DetailPubblicazioni>

### **Council Directive 90/269/EEC (manual handling of loads)**

- *Manuale INAIL “Schede di rischio da sovraccarico biomeccanico degli arti superiori nei comparti della piccola industria, dell’artigianato e dell’agricoltura”* (INAIL handbook “Risk of biomechanical overload of the upper limbs in the sectors of industry, crafts and agriculture”). The handbook provides cognitive tools to support the medical-legal assessments and technical information useful to people (employers, competent physicians, representatives of workers' safety, service of prevention and protection, managers, individual workers) involved in the exercise of their roles and responsibilities, enacting process aimed at ensuring the best possible health and safety in the workplace.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_portstg\\_103488.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_portstg_103488.pdf)
- *Informatics support for risk assessment and identification of preventive measures in small and micro-enterprises: occupational hazard datasheets*. This monograph takes into consideration a wide number of working tasks. A synthetic risk file is drawn up for each task. Each file contains a description of the task, the description of machineries/equipments eventually used and a risk estimate of biomechanical overload for upper left/right limbs.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_portstg\\_103488.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_portstg_103488.pdf)
- *Il sovraccarico biomeccanico della colonna vertebrale nel settore edile: schede di rischio per mansione, per settore produttivo e per singoli compiti lavorativi* (The biomechanical overload of spine in construction sector: specific job, productive sector and task assignments risk files). It is a prevention project focused on risks related to biomechanical overload of the spine, with the aim of identifying simple and efficient operative tools for risk assessment and management to overcome some difficulties linked to the specific sector characteristics.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_105703.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_105703.pdf)
- *Linee guida SIMLII per la prevenzione dei disturbi e delle patologie muscoloscheletriche del rachide da movimentazione manuale di carichi* (SIMLII guidelines on the prevention of spinal musculo-skeletal disorders from handling loads). The SIMLII’s guidelines provide an updated and scientifically validated tool to support occupational physicians in addressing musculo-skeletal disorders from handling loads  
[http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)

### **Council Directive 90/270/EEC (display screen equipment)**

- *Videoterminale: guida al loro utilizzo* (Safe display screen equipment use). This product, structured as a manual, is intended for workers; it can also be a useful tool for occupational physicians in their duty to inform the workers about the specific risks they are exposed to.  
[http://www.inail.it/internet/default/INAIL.comunica/ListaPubblicazioni/p/DettaglioPubblicazioni/index.html?wlpnewPage\\_contentDataFile=UCM\\_PORTSTG\\_114850&wlpnewPage\\_dettaglioDaArchivio=true&windowLabel=newPage](http://www.inail.it/internet/default/INAIL.comunica/ListaPubblicazioni/p/DettaglioPubblicazioni/index.html?wlpnewPage_contentDataFile=UCM_PORTSTG_114850&wlpnewPage_dettaglioDaArchivio=true&windowLabel=newPage)
- *Il Lavoro al videoterminale* (Working with display screen equipment). This booklet is intended to help employers in the duty of informing their workers about the risks they are exposed to while using display screen equipments; useful information on how to organize their workplace and the correct use of the equipments are included.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_portstg\\_093352.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_portstg_093352.pdf)
- *Opuscolo INAIL sulla prevenzione dei rischi da posture prolungate* (Information leaflet on the prevention of risks from prolonged awkward postures). This leaflet is a product of a survey carried out on call centre employees. It highlights the most frequent work-related diseases that affect this kind of workers, with specific attention to musculo-skeletal disorders due to

prolonged awkward postures. Furthermore, it offers some basic information and training tools on workers' wellbeing, such as a description of simple physical exercise to relief muscles. The leaflet can be a practical tool for display screen equipment users.

[http://sicurezza.sullavoro.inail.it/PortalePrevenzioneWeb/wcm/idc/groups/catalogoprodotto/documents/document/cp\\_172809.pdf](http://sicurezza.sullavoro.inail.it/PortalePrevenzioneWeb/wcm/idc/groups/catalogoprodotto/documents/document/cp_172809.pdf)

- *Linee guida SIMLII sulla sorveglianza sanitaria degli addetti al videoterminale* (SIMLII guidelines on health surveillance of the workers using display screen equipment). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians in carrying out the health surveillance of workers using display screen equipment. [http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)

#### **Directive 2002/44/EC (vibration)**

- *Linee guida ISPESL per la valutazione del rischio vibrazioni in ambienti di lavoro* (ISPESL Guidelines for vibration risk assessment in workplaces). The objective of these guidelines is to give employers and their advisors a framework on how to implement legal fulfilments on health risks related to vibrations, taking into account the outcomes of the recent technical and scientific debate on the issue.

[http://www.ispesl.it/linee\\_guida/fattore\\_di\\_rischio/lineeguidavibrazioni.pdf](http://www.ispesl.it/linee_guida/fattore_di_rischio/lineeguidavibrazioni.pdf)

- *100 misure di vibrazioni in ambiente di Lavoro* (100 vibration measurements at the workplace). This monograph, available on INAIL's website, contains a three years collection of vibration measurements conducted by the INAIL's Regional Risk Assessment and Prevention Technical Consultancy of Tuscany. It can be a useful and quick tool for the identification of work-related occupational vibration exposure.

[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_portstg\\_114842.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_portstg_114842.pdf)

- *La sindrome da vibrazioni mano-braccio* (The hand-arm vibration syndrome). These guidelines for the risk assessment of exposure to vibrations provide all the actors involved in the process with a general framework on how to implement legal fulfilments on health risks related to vibrations, taking into account the outcomes of the recent technical and scientific debate on the issue. [http://www.ispesl.it/linee\\_guida/fattore\\_di\\_rischio/mano.pdf](http://www.ispesl.it/linee_guida/fattore_di_rischio/mano.pdf)
- *Linee guida SIMLII sulla prevenzione dell'esposizione a vibrazioni meccaniche nei luoghi di Lavoro* (SIMLII guidelines on the prevention of exposure to mechanical vibrations at the workplace). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians addressing the exposure to mechanical vibrations: [http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)
- *PAF – portale web agenti fisici* (PAF – Web portal on physical agents). The web portal on physical agents has been developed by the Physical Agents Division of the Department of Prevention of the Siena Local Health Unit 7, in collaboration with INAIL and the Modena Local Health Unit. It provides informational cards on each physical agent to help safety and prevention actors to properly manage prevention and protection from exposure to physical agents. <http://www.portaleagentifisici.it/>

#### **Directive 2003/10/EC (noise)**

- *PAF – portale web agenti fisici* (PAF – Web portal on physical agents). The web portal on physical agents has been developed by the Physical Agents Division of the Department of Prevention of the Siena Local Health Unit 7, in collaboration with INAIL and the Modena Local Health Unit. It provides informational cards on each physical agent to help safety and prevention actors to properly manage prevention and protection from exposure to physical agents. <http://www.portaleagentifisici.it/>
- *Linee guida ISPESL sulla valutazione del rischio rumore nel luogo di lavoro* (Guidelines on noise risk assessment in workplaces). In 2005, during the European week "Down with the noise!" an update of the Guidelines was released. It contains 4 new annexes on occupational

exposure to ultrasounds and infrasound, homogeneous groups of exposure and noise in agriculture. [http://www.ispesl.it/linee\\_guida/fattore\\_di\\_rischio/LG%20RUMORE.pdf](http://www.ispesl.it/linee_guida/fattore_di_rischio/LG%20RUMORE.pdf)

- *Metodologie ed interventi tecnici per la riduzione dei livelli di rumore negli ambienti di Lavoro* (Methods and technical interventions to reduce noise levels at the workplace). This manual offers information, methods and practical interventions that are generally available only for insiders or experts on acoustics. It provides useful information to ensure full control of the risks related to noise in all the major productive sectors. <http://olympus.uniurb.it/images/stories/prassi/comcons28.11.12rumore/cc28.11.12-manuale.pdf>
- *Linee guida SIMLII per la prevenzione per la prevenzione dei danni uditivi da rumore in ambiente di lavoro* (SIMLII guidelines on the prevention of occupational hearing loss). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians addressing the risk of hearing loss [http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)

#### **Directive 2004/40/EC (electromagnetic fields)**

- *PAF – portale web agenti fisici* (PAF – Web portal on physical agents). The web portal on physical agents has been developed by the Physical Agents Division of the Department of Prevention of the Siena Local Health Unit 7, in collaboration with INAIL and the Modena Local Health Unit. It provides informational cards on each physical agent to help safety and prevention actors to properly manage prevention and protection from exposure to physical agents. <http://www.portaleagentifisici.it/>
- *GAUSS – analisi ed informazione sulla valutazione del rischio da esposizione a campi elettromagnetici* (GAUSS – analysis and information on assessment of electromagnetic risk exposure). This tool provides comprehensive and objective information on issues related to electromagnetic fields. It is aimed at two different levels of users: 1) workers and the general population; and 2) OSH professionals (health physicians, engineers, researchers and scientific institutions) dealing with risks related to electromagnetic radiation exposure in working and living environments. <http://www.ispesl.it/gauss/>

#### **Directive 2006/25/EC (artificial optical radiation)**

- *Decreto Legislativo 81/2008 Titolo VIII, Capo I, II, III, IV e V sulla prevenzione e protezione dai rischi dovuti all'esposizione ad agenti fisici nei luoghi di lavoro* (Guidelines on the Legislative Decree 81/2008, Title VIII, Chapters I, II, III, IV and V on risk prevention and protection from exposure to physical agents at the workplace). The guidelines had already been updated following the adoption of legislative Decree 106/09 in November 2009. This new version is an update of Chapter V on the protection of workers exposed to artificial optical radiation. <http://www.vegaengineering.com/news/radiazioni-ottiche-artificiali-linee-guida-aggiornate-nid982.html>
- *Linee guida SIMLII per la sorveglianza sanitaria dei lavoratori esposti a radiazioni non ionizzanti* (SIMLII guidelines on health surveillance of workers exposed to non-ionizing radiation). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians in carrying out the health surveillance of workers exposed to non ionizing radiation [http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)
- *PAF – portale web agenti fisici* (PAF – Web portal on physical agents). The web portal on physical agents has been developed by the Physical Agents Division of the Department of Prevention of the Siena Local Health Unit 7, in collaboration with INAIL and the Modena Local Health Unit. It provides informational cards on each physical agent to help safety and prevention actors to properly manage prevention and protection from exposure to physical agents. <http://www.portaleagentifisici.it/>



### **Directive 2004/37/EC (carcinogens or mutagens)**

- *Misure di protezione* (Protection measures). On its website, INAIL provides a review of best practices and of safety management models to be adopted to reduce the number of work accidents and occupational diseases; enterprises using these modules can obtain an insurance rate reduction. A special section on occupational risks is provided, containing descriptive files (including those on risks related to carcinogenic or mutagenic agents' exposure), scientific documents and external links to increase knowledge on the issue.  
[http://sicurezzasullavoro.inail.it/CanaleSicurezza/DettaglioAgentiCancerogenieMutageni/CP\\_272517.html](http://sicurezzasullavoro.inail.it/CanaleSicurezza/DettaglioAgentiCancerogenieMutageni/CP_272517.html)
- *Linee guida SIMLII per la sorveglianza sanitaria degli esposti ad agenti cancerogeni e mutageni in ambiente di lavoro* (SIMLII guidelines on health surveillance of workers exposed to carcinogenic or mutagenic agents at the workplace). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians in carrying out health surveillance of workers exposed to carcinogenic or mutagenic agents at the workplace.  
[http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)
- *Database agenti cancerogeni* (Carcinogenic agents database) It is an online database developed by the National Centre for Chemical Substances of ISS. It provides information on hazards related chemical substances as well as on their classification and labeling.  
<http://www.iss.it/cnsc/index.php?lang=1&id=15&tipo=4>

### **Council Directive 98/24/EC (chemical agents at work)**

- *Agenti chimici pericolosi: istruzioni ad uso dei lavoratori* (Hazardous chemical agents: instructions for workers) - INAIL (2012). This product is addressed to workers to explain them the risks related to the use of dangerous chemical substances, in the context of recent national and European legislation. It can be a useful training tool for workers' information and training on chemical agents, with special reference to the new labelling classification for dangerous substances and mixtures (European Regulation n. 1272/2008 – CLP). Instructions on new labels are provided, together with a comparison table between old and new hazard symbols and some examples of old and new labelling.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_portstg\\_092538.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_portstg_092538.pdf)
- *Criteri e strumenti per la valutazione e la gestione del rischio chimico negli ambienti di lavoro* (Criteria and tools for the assessment and management of chemical hazards in the workplace) - Standing Advisory Committee (2012). This document focuses on the examination of the aspects of product standards and EU Regulations (REACH, CLP and SDS) that are going to affect obligations and procedures in the prevention system. It aims at providing the needed technical support to implement the legislation on the assessment of risks related to the exposure to dangerous chemical agents as well as carcinogenic and mutagenic agents.  
[http://www.lavoro.gov.it/SicurezzaLavoro/Documents/Documento\\_agenti\\_chimici\\_09012013.pdf](http://www.lavoro.gov.it/SicurezzaLavoro/Documents/Documento_agenti_chimici_09012013.pdf)
- *Linee guida SIMLII sul monitoraggio biologico* (SIMLII guidelines on biological monitoring). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians on biological monitoring.  
[http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)
- *Database sulle sostanze chimiche* (Chemical substances database). It is an online database developed by the National Centre for Chemical Substances of ISS. It provides information on hazards related chemical substances as well as on their classification and labelling.  
<http://www.iss.it/cnsc/index.php?lang=1&id=15&tipo=4>

### **Directive 2009/148/EC (asbestos)**

- *Piano nazionale amianto: Linee di intervento per un'azione coordinata delle amministrazioni statali e territoriali* (National asbestos plan: intervention plan to coordinate the activities of



National and Regional bodies). The plan, elaborated by the Ministries of Health, Environment and Labour has the following objectives: to improve the knowledge on epidemiology and size of the events in Italy; to improve the quality of risk assessment and sanitary surveillance; to improve knowledge on individual susceptibility to asbestos-related diseases and the ability to make an early diagnosis; to activate care and rehabilitation paths with a special attention to psychological support.

[http://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_1945\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_pubblicazioni_1945_allegato.pdf)

- *Linee guida generali da adottare durante le attività di bonifica da amianto nei siti da bonificare di interesse nazionale* (General guidelines to be adopted during asbestos remediation activities in sites of National interest). These guidelines have been drawn up on the basis of the experience acquired through the interventions that have already taken place, of the numerous technical advices issued by experts and of the technical meetings with the Regional Authorities.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/salastampa/documents/document/ucm\\_portstg\\_109674.pdf](http://www.inail.it/internet_web/wcm/idc/groups/salastampa/documents/document/ucm_portstg_109674.pdf)
- *Linee guida per la corretta acquisizione delle informazioni relative alla mappatura del territorio nazionale interessato dalla presenza di amianto* (Guidelines for the right acquisition of information related to the mapping of national territory affected by the presence of asbestos). With the aim of acquiring homogeneous information on a national scale about asbestos mapping, the INAIL's Department of Productive Plants and Anthropoc Settlements (INAIL-DIPIA), with the mandate of the Ministry of Environment and Protection of Land and Sea, prepared a specific data gathering format that allows the correct classification and management of information through the access to a Database and Territorial Informative System that analyses and displays the geo-referenced data on a map.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/salastampa/documents/document/ucm\\_portstg\\_109678.pdf](http://www.inail.it/internet_web/wcm/idc/groups/salastampa/documents/document/ucm_portstg_109678.pdf)
- *Fondo special vittime dell'amianto* (Special fund for asbestos victims). A special fund has been established at the National Institute for the Insurance against Work Accidents (INAIL), for all the people that caught an asbestos related disease. The benefit is also accessible to heirs. <http://www.inail.it/>
- *ReNaM – registro Nazionale Mesotelioni* (ReNaM – National Mesothelioma Register). The National Mesothelioma Register (ReNaM) is a joint regional network. Within each Italian Region, a Regional Operative centre (COR) is established whose duties are to identify all the mesothelioma cases in its territory and to analyse the occupational, residential and environmental history of the patient to identify the probable exposure to asbestos.  
<http://www.ispesl.it/renam/Index.asp>

#### **Directive 2000/54/EC (biological agents)**

- *Line guida SIMLII sui lavoratori esposti a rischio biologico* (SIMLII guidelines on workers exposed to biological risk). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians in carrying out health surveillance of workers exposed to biological risks  
[http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)
- *Manuale operative sul rischio biologico* (Operative manual on biological risks). The manual provides a procedure, drawn up by ISS, that defines the operative ways to assess and manage risks related to the manipulation of biological agents inside its own research laboratories, according to current legislative provisions. The aim is to reduce the risk of infection for the workers as well as that of environmental release.  
[http://www.iss.it/binary/prev/cont/Manuale\\_Rischio\\_Biologico\\_ISS.pdf](http://www.iss.it/binary/prev/cont/Manuale_Rischio_Biologico_ISS.pdf)
- *Il rischio biologico per i soccorritori non sanitari dell'emergenza* (Biological risks for non-medical emergency rescuers). It is an informative manual on the risks of exposure to biological agents for the non medical emergency rescuers.

[http://sicurezzasullavoro.inail.it/PortalePrevenzioneWeb/wcm/idc/groups/internet/documents/document/ucm\\_103560.pdf](http://sicurezzasullavoro.inail.it/PortalePrevenzioneWeb/wcm/idc/groups/internet/documents/document/ucm_103560.pdf)

**Council Directive 92/57/EEC (temporary or mobile construction sites)**

- *Il Patto per la tutela della salute e la prevenzione nei luoghi di lavoro* (Agreement for the protection of health and prevention in the workplace (DPCM 17/12/2007). The document clarifies the concept of “mandate” for all the actors involved in the activities of control and promotion of health and safety at the workplace. It is a non-binding agreement among different institutions that defines the actions to be taken to reach fixed objectives. The agreement also details specific indicators to support the actions described.  
[http://www.ccm-network.it/ebp\\_e\\_lavoro/paginaLavoro.jsp?id=node/64&idP=107&idF=118](http://www.ccm-network.it/ebp_e_lavoro/paginaLavoro.jsp?id=node/64&idP=107&idF=118)
- *Linee guida per il trasporto di persone e materiali in cantieri temporanei* (Guidelines transport of people and materials in temporary construction). Information, solutions and training material made available on a website. The site is continuously updated and implemented with further information. [www.prevenzionecantieri.it](http://www.prevenzionecantieri.it)

**Council Directive 92/104/EEC (surface and underground mineral-extracting industries)**

- *Linee guida SIMLII per la valutazione del rischio e la sorveglianza sanitaria nel settore edile* (SIMLII Guidelines for the risk assessment and health surveillance in construction sites). The SIMLII guidelines provide an updated and scientifically validated tool to support occupational physicians in carrying out health surveillance in construction sites.  
[http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)

**Council Directive 92/91/EEC (mineral-extracting industries through drilling)**

- *Guida per la riduzione del rischio nelle attività di scavo* (Excavation safety guide). It is a useful tool to understand the importance of prevention systems to be adopted before the excavation operations. In order then to allow the knowledge of the specific rules governing the safety in these works, the booklet also contains a summary of the laws and regulations currently in force.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/intranet/documents/document/ucm\\_089810.pdf](http://www.inail.it/internet_web/wcm/idc/groups/intranet/documents/document/ucm_089810.pdf)

**Council Directive 92/29/EEC (medical treatment on board vessels)**

- *Guida pratica medica per l'assistenza e il primo soccorso a bordo delle navi da pesca* (Practical Guide on assistance and first aid on board fishing vessels). This guide provides basic and practical information about first aid in case of injuries on board fishing vessels.  
[http://www.sicurpesca.eu/docs/manuali/Guida\\_pratica\\_Medica\\_per\\_assistenza\\_e\\_primo\\_soccorso\\_a\\_bordo.pdf](http://www.sicurpesca.eu/docs/manuali/Guida_pratica_Medica_per_assistenza_e_primo_soccorso_a_bordo.pdf)
- *Linee Guida di Sanità Marittima – Direzione Generale prevenzione Sanitaria, Ministero del Lavoro* (Guidelines for Maritime Health - Directorate General for Health Prevention, Ministry of Labour) The guidelines provide recommendations for the prevention and management of flu cases on board vessels. [http://www.mit.gov.it/mit/mop\\_all.php?p\\_id=6892](http://www.mit.gov.it/mit/mop_all.php?p_id=6892)

**Council Directive 93/103/EC (work on board fishing vessels)**

- *Cadute dall'alto: lavoro marittimo* (Falls from height: maritime labour): a study of cases and hypothesis of preventive interventions. This handbook presents a multidisciplinary approach aimed at a better understanding the causes and consequences of falls, especially falls from heights, in the maritime sector.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_120756.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_120756.pdf)

**Council Directive 92/85/EEC (pregnant/breastfeeding workers)**

- *Sito web: donna, salute e Lavoro* (Website: Women, health and labour). The website Women,

Health, Labour was created as part of a project funded by ISPESL in order to collect and disseminate existing information on health and safety at work of women.  
<http://www.ispesl.it/dsl/>

- *Tutela della salute delle lavoratrici madri* (Guide for the protection of working mothers) (Ministry of Labour). It is a useful guide for the employer required to fulfil the obligations of protection of pregnant workers.  
<http://www.lavoro.gov.it/DPL/RO/Documents/LAVORATRICIMADRILINEEGUIDA2012.pdf>

#### **Council Directive 91/383/EEC (temporary workers)**

- *Linee guida SIMLII per la sorveglianza sanitaria degli addetti a lavori atipici e a lavori a turni* (SIMLII Guidelines for the health surveillance of workers in atypical and work shifts employment). See SIMLII website dedicated to the training. [http://www.simlii.it/it/p-5.formazione\\_e\\_aggiornamento.html](http://www.simlii.it/it/p-5.formazione_e_aggiornamento.html)

#### **Council Directive 94/33/EC (young people at work)**

- *Giovani, formazione e lavoro. Le tue opportunità, la tua sicurezza* (Youth, education and work. Your opportunities, your safety). The handbook includes a lot of good practices relating to different working environments encouraging the dissemination of a culture of prevention of safety in the workplace and in the living environment.  
[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_118784.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_118784.pdf).

For each identified document/action, the table indicates:

- The name of the action
- The type of accompanying action: guidance (G)/awareness-raising programme (AR)/support tool (IT) financial incentive (FI)/ education and training actions (ET);
- The entity who initiated it: authorities (A)/social partners (SP);
- The target groups of the action: specific sectors, specific groups, SMEs.

**Table 4- 1 Accompanying Actions**

Name	Type	Initiated by (and date)	Target groups
<b>Directive 89/391/EEC (Framework Directive)</b>			
Simplified procedures for adopting occupational health and safety management and organizational systems in SMEs	G	A (2013)	SMEs, OSH professionals
Standardized procedures for risk assessment (art.29 L.D. 81/2008)	G	A (2013)	Companies up to 10 employees, companies up to 50 workers, OSH professionals
Approval of criteria for the qualification of trainers in the field of health and safety at work Interministerial Decree of 6 March 2013	G	A (2013)	Employer, RSPP
INAIL web database on good practices and techniques for OSH	IT	A	Employers, OSH professionals
Incentives to enterprises for the implementation of measures in the field of health and safety at work	FI	A (2010)	SMEs
National information system for prevention (SINP)	IT	A	All
Surveillance system MALPROF	IT	A	All

Name	Type	Initiated by (and date)	Target groups
Surveillance system INFOR.MO	IT	A	All
SIMLII Guidelines for Health promotion in the workplace	G	SP (2004)	Health physicians
INAIL web platform for the assessment and management of work-related stress	IT	A	Enterprises, OSH professionals
INAIL Handbook "management and assessment of stress work-related"	G	A (2011)	Enterprises, OSH professionals
INAIL's channel on occupational health and safety	IT	A	Enterprises, OSH professionals, Workers
INAIL's funding programme for improving health and safety in micro enterprises and SMEs	FI	A (2011- 2011-2012-2013)	SMEs and Micro enterprises
Informative Campaign and training activities developed within the National Plan for Occupational Risks Prevention in the construction sector	AR /ET	A (2010)	Employers, managers, protective and preventive services managers, general public
Informative Campaign on prevention of occupational diseases	AR	A (2012)	General public
Training courses on occupational risks prevention and protection delivered by INAIL according to the provision of L.D. 81/2008	ET	A	Employers, workers representatives for health and safety, workers, foremen, protective and preventive services manager
INAIL vocational training for OSH professionals	ET	A	OSH professionals
<b>Council Directive 89/654/EEC (workplace)</b>			
"Workplace health protection pact" (DPCM 17.12.2007)	G	A (2007)	OSH professionals
Handbook on confined environments or environments suspected of pollution	G	A (2013)	Employers, OSH professionals
Guidelines: microclimate, ventilation and lighting in the workplace	G	A (2006)	OSH professionals
<b>Directive 2009/104/EC (work equipment)</b>			
Guideline for the selection, use and maintenance of portable ladders	G/AR	A (2007)	Workers
Guidelines for periodic monitoring of efficiency and state of maintenance of forklift trucks and related equipment	G	A (2005)	Workers, OSH professionals
Guideline for temporary work at a height with the use of rope access and positioning techniques ropes	G	A (2003)	Workers, OSH professionals
<b>Council Directive 89/656/EEC (PPE)</b>			
Technical Guide for the selection, use and maintenance of the anchoring	G	A(2011)	Workers, OSH professionals
Technical Guide on the selection, use and maintenance of PPI against falls from a height	G/AR	A (2007)	Workers, OSH professionals
Technical Guide for the detection of protective clothing against mechanical risks in the use of chain saw	G	A(2000)	OSH Professionals, Workers
Technical Guide on selection, use and maintenance of collective systems of edge protection - temporary railings, safety nets, combined systems	G	A(2006)	OSH professionals, workers

Name	Type	Initiated by (and date)	Target groups
<b>Council Directive 92/58/EEC (OSH signs)</b>			
Best signs story	IT/ET	A (2000)	Workers
OSH signs	ET	A	Workers
<b>Directive 1999/92/EC (ATEX)</b>			
Guide on Unit ATEX certification	G	A (2009)	Workers operating with explosive atmospheres
Guide on the protection measures against risk explosion and implementation of the ATEX 94/9/EC and 99/92/EC.	G	A (2013)	Workers operating with explosive atmospheres
<b>Council Directive 90/269/EEC (manual handling of loads)</b>			
Risk of biomechanical overload of the upper limbs in the sectors of industry, crafts and agriculture	AR	A (2012)	workers, OSH professionals
Informatics support for risk assessment and identification of preventive measures in small and micro-enterprises: occupational hazard datasheets	IT	A	SMEs
The biomechanical overload of the spine in the construction industry	G	A (2013)	(Employers, RSP, Medici Competenti, RLS, Organi di Vigilanza, Operatori INAIL),
SIMLII Guidelines for the prevention of disorders and musculoskeletal diseases of the spine by manual handling of loads	G	SP (2003)	Workers, OSH Professionals
SIMLII Guidelines on upper extremity musculoskeletal disorders:	G	SP (2004)	Workers, OSH Professionals
<b>Council Directive 90/270/EEC (display screen equipment)</b>			
Safe display screen equipment use.	AR	A (2010)	Workers and RLS
Working with display screen equipment	AR	A (2010)	SPP, enterprises, workers, RLS, preventive and protective technicians
Information leaflet on the prevention of risks from prolonged awkward postures	AR	A (2010)	Workers and RLS
SIMLII Guidelines for the health surveillance of workers working with display screen equipment	G	SP (2003)	Workers, OSH Professionals
<b>Directive 2002/44/EC (vibration)</b>			
Guidelines for vibration risk assessment in workplaces	G	A (2003)	OSH Professionals
100 vibration measurements in the workplace	AR	A (2010)	RSP, RLS, workers and prevention technicians
The hand-arm vibration syndrome	AR	A(2004)	OSH Professionals, Workers
Guidelines for prevention of disorders and diseases from exposure to mechanical vibration at the workplace.	G	A (2003)	Employers, OSH Professionals, Workers
PAF - Physical Agents Portal	IT	A (2008)	All
<b>Directive 2003/10/EC (noise)</b>			
PAF - Physical Agents Portal	IT	A (2008)	All
Guidelines for noise risk assessment in workplaces	G	A (2005)	OSH Professionals
Methodologies and technical interventions for the reduction of noise at the workplace	G	A (2004)	Enterprises, workers, OSH Professionals
Prevention of hearing damage from noise in the work environment	G	A 2003	Enterprises, workers, OSH Professionals
<b>Directive 2004/40/EC (electromagnetic fields)</b>			
PAF - Physical Agents Portal	IT	A (2008)	All
GAUSS - analysis and information on	IT	A	OSH Professionals

Name	Type	Initiated by (and date)	Target groups
assessment of electromagnetic risk exposure			
<b>Directive 2006/25/EC (artificial optical radiation)</b>			
Guidelines Legislative Decree 81/2008 Title VIII, Section I, II, III, IV and V on prevention and protection from risks related to exposure to physical agents in the workplace	G	A/SP (2010)	Enterprises, workers, OSH Professionals
SIMLII Guidelines for the health surveillance of workers exposed to non-ionizing radiation	G	A (2003)	OSH professionals
PAF - Physical Agents Portal	IT	A (2008)	All
<b>Directive 2004/37/EC (carcinogens or mutagens)</b>			
Protection measures	IT/ET	A	All
SIMLII Guidelines for the health surveillance for workers exposed to carcinogen and/or mutagenic substances at the workplace	G	SP (2003)	OSH professionals
Carcinogens or mutagens database. National Health Institute (ISS)	IT	A	All
<b>Council Directive 98/24/EC (chemical agents at work)</b>			
Hazardous chemical agents: instructions for workers	AR	A (2012)	Workers and RLS
Criteria and tools for the assessment and management of chemical hazards in the workplace	G	A (2012)	Responsible Preventive and protective services
SIMLII Guidelines for biological monitoring	G	SP (2006)	OSH professionals
Chemical agents database. National Health Institute (ISS)	IT	A	All
<b>Directive 2009/148/EC (asbestos)</b>			
National Plan for asbestos (PNA)	G	A (2013)	ASL, Regions, OSH professionals
Guidelines for the remediation of asbestos contaminated sites	G	A (2011)	ASL, OSH professionals
Guidelines for the proper acquisition of information on the mapping of the territory affected by the presence of asbestos	G	A (2011)	ASL, OSH professionals
Asbestos victims Fund	G	A	All
ReNaM – National Mesothelioma Registry	IT	A (2003)	All
<b>Directive 2000/54/EC (biological agents)</b>			
SIMLII Guidelines for the health surveillance of health care workers exposed to biological risk	G	A (2005)	OSH professionals
Handbook on biological risk	G	A	OSH professionals, workers
Biological risk for non-medical emergency rescues	G	A (2013)	Operatori dei Servizi di emergenza non sanitari
<b>Council Directive 92/57/EEC (temporary or mobile construction sites)</b>			
"Workplace health protection pact" (DPCM 17.12.2007)	G	A (2007)	All
Website "Prevenzione cantieri"	IT/ET	A	Workers, OSH Professionals
SIMLII Guidelines for the risk assessment and health surveillance in building sector	G	SP (2008)	OSH Professionals
<b>Council Directive 92/104/EEC (surface and underground mineral-extracting industries)</b>			
SIMLII Guidelines for the risk assessment and health surveillance in building sector	G	SP (2008)	OSH Professionals
<b>Council Directive 92/91/EEC (mineral-extracting industries through drilling)</b>			
Excavation safety guide	G	A(2007)	OSH Professionals

Name	Type	Initiated by (and date)	Target groups
<b>Council Directive 92/29/EEC (medical treatment on board vessels)</b>			
Guide on assistance and first aid on board fishing vessels	G	A (2009)	Crew members
Guidelines for Maritime Health - Directorate General for Health Prevention, Ministry of Labour	G	A (2009)	Physicians
<b>Council Directive 93/103/EC (work on board fishing vessels)</b>			
Falls from height (maritime labour): a study of nosological cases and hypothesis of preventive interventions	G	A (2013)	OSH professionals
<b>Council Directive 92/85/EEC (pregnant/breastfeeding workers)</b>			
Website: Woman, health and labour	IT/AR	A	All
Guidelines for the protection of working mothers	G	A (2012)	All
<b>Council Directive 91/383/EEC (temporary workers)</b>			
SIMLI Guidelines for the health surveillance of workers in atypical and work shifts employment	G	SP (2003)	OSH professionals
<b>Council Directive 94/33/EC (young people at work)</b>			
Youth, education and work. Your opportunities, your security	G	A (2013)	All

## 4.2 USE OF ACCOMPANYING ACTIONS

This sub-section assess to what extent the accompanying actions are actually used by establishments to pursue the objective of protecting health and safety of workers.

*Results from stakeholder interviews:*

### **GUIDANCE DOCUMENTS**

The interviewed organisations recognise that a wide number of guidance documents is available for enterprises but, at the same time, they believe that it is more a weakness than a strength because enterprises have often difficulties in choosing the most appropriate ones. It is possible to find guidance documents on the same matter that contradict each other. In their view a stronger effort should be made to coordinate the development of such documents and to improve their quality. Another problem to be addressed is that the major part of the guidance documents available is not legally recognised and their use does not ensure the full compliance with law requirements. It is then important to provide guidance documents which have a legal validity in order to ensure to their users the effective compliance with legal requirements.

At this perspective, in the opinion of employers' representatives, a key role should be played by the Standing Advisory Committee as it is in charge of developing the official guidelines in the OSH field. Furthermore, in the view of employers' Organisations, most guidance documents are not targeted at enterprises. Employers are not able to use them because they are too technical. They are used mainly by the same employers' organisations to provide support to their members or by OSH professionals and consultants as well as by trainers to update and integrate their knowledge. In general, the most used guidance documents are the Guidelines developed by the Standing Advisory Committee since they are officially recognised. An example of guidance documents widely used by enterprises are the Guidelines developed by the Standing Advisory Committee in 2012 "Criteria and tools for the assessment and management of chemical hazards in the workplace". In the opinion of employers' and workers' representatives, these guidance documents are not easily accessible and many enterprises are not aware of their existence.



### **AWARENESS CAMPAIGN**

Employers' organisations deem that the awareness campaigns carried out within the National Plans for Occupational Risks Prevention in the construction and agriculture sectors had a considerable impact in raising the awareness of employers in these sectors.

### **EDUCATION AND TRAINING**

The education and training opportunities provided by the National Institutions are widely attended by OSH professionals, managers of preventive and protective services and workers' representatives. Employers instead are more likely to attend the course provided by the employers' organisations. The OSH training to workers is mostly provided by Joint Bodies.

### **IT SUPPORT TOOLS**

There are not many IT support tools available and it is the main reason why they are still not widely used by enterprises. Moreover, employers' organisations outlined that the OIRA tool developed by EU-OSHA, which supports European enterprises in carrying out the risk assessment, can't be used by Italian enterprises. This is because its use would expose Italian enterprises to sanctions. The only good IT web based tool is the platform developed by INAIL for the risk assessment of work related stress.

### **FINANCIAL INCENTIVES**

Financial incentives provided by INAIL are deemed to be very important in supporting enterprises (especially small sized ones) in improving their OSH performance. Furthermore the incentives contribute to ensure that enterprises comply with OSH provisions since compliance is required to have the right to ask for the incentives. The mechanism set to award the incentives to SMEs has been criticised as it is based on the "first ask, first get" principle. Enterprises are excluded from incentives for having submitted the request two seconds later than others.

## **4.3 GAPS**

This sub-section aims at determining whether there are any information needs that are not met.

### *Results from stakeholder interviews:*

As regards the accompanying actions, the interviews confirm that, even if these accompanying actions are known, they are low/medium used for many reasons. First of all, the actions are targeted primarily at large and medium size enterprises; second, they are considered to be too many and, in some cases, also repetitive. Also, the interviews suggest that it would be useful to adopt easier tools such as IT tools aimed at guiding workers in identifying occupational risks depending on different productive sectors. Some respondents believe that, despite the accompanying measures covering all aspects of health and safety at work, some tools should be implemented to illustrate how to carry out the risk assessment, including addressing emerging risks such as, for example, "technostress" risk resulting from the use of innovative tools (e.g. tablet). Similarly, it is necessary to create tools focused on vulnerable workers or groups of workers exposed to risk but few in number (e.g. people that renovate or restore buildings, furniture, paintings, etc. to their original condition).



## 5 MAPPING QUESTION 5: ENFORCEMENT

The following section provides information on enforcement of the 24 directives. It describes the structure in place for enforcement.

The Italian labour inspection system is quite complex and articulated as it is composed of a number of different actors that are called to cooperate and interact. The Labour Inspection system is under the coordination of the Ministry of Labour and Social Policies and is structured as follows:

- I. The General Directorate of the Ministry of Labour and Social Policies is responsible for the planification, coordination and control of activities carried out by the different services involved in the inspection system both at regional and provincial level. This Directorate is also called on to set out an annual inspection programme establishing the priorities for inspections.
- II. The Regional Labour Directorates (*Direzioni Regionali del Lavoro*) are in charge of coordinating and supervising all inspection activities carried out by the Provincial Labour Directorate. They are also in charge of the surveillance of illegal work and forced and trafficking labour (including child labour);
- III. The Provincial Labour Directorates (*Direzioni Provinciali del Lavoro*) are divided into two separate units:
  - The inspections service which is composed of labour inspectors (*ispettori del lavoro*) with competencies in relation to employment and labour issues and technical labour inspectors (*ispettore tecnico*) with competencies on occupational health & safety at the workplace.
  - The labour service is in charge of two functions: to attempt conciliation before a claim related to employment issues has been filed at an employment tribunal and to grant administrative authorisations (on matters such as maternity leave, changes in working time, etc.).

According to Law No. 833 of 1978, the inspection activities related to the hygiene, health and safety at the workplace are carried out by Local Health Services which are currently referred to as Local Health Agencies (ASL) and which act under the responsibility of Regional Directorates for Prevention. Nevertheless according to Article 13 of Legislative Decree 81/2008, the inspections related to compliance with health and safety legislation are also carried out by the Inspectors under the Ministry of Labour in the following undertakings:

- a) undertakings in the field of construction or civil engineering. More particularly in undertakings related to building, maintenance, demolition, restoration and conservation of fixed, permanent or temporary constructions made of masonry or reinforced concrete as well as road, railway, hydraulic construction, excavations, assembly and disassembly of prefabricated elements, underground works and tunnels, also involving the use of explosives;
- b) diving work and underwater caisson work;
- c) additional undertakings involving particularly high risks.

Inspections related to mining safety are carried out by UNMIG, which is part of the Directorate for Mineral Resources and Energy of the Ministry of economic development. The USMAFs, which are dependent of the Ministry of Health, are in charge of carrying out inspections related to health and safety on board vessels. The interaction related to development and coordination of inspection strategies takes place in the specific section of the Health Technical Committee.

The strategies for inspections are developed by the DG for Inspection Activities of the Ministry of Labour and Social Policies and their implementation is reviewed on a yearly basis. The Standing Advisory Committee on Health and Safety at Work delivers this annual programme for the inspection activities.

## Structure for enforcement

The table below provides a list of the bodies in charge of enforcement in the Member State, by Directive if applicable.

**Table 5- 1 Enforcement authorities**

Name	Type of authority
<b>Directive 89/391/EEC (Framework Directive)</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	<p>The Ministry of Labour and Social Policies is the Ministry in charge of improving employment and labour conditions in general as well as OSH more specifically. The Ministry of Labour is delegated to issue secondary legislation on safety and health at work. The Ministry's inspection service carries out inspections of compliance with OSH laws in the construction and civil engineering sectors. More particularly, the inspections related to compliance with health and safety legislation carried out by the Inspectors under the Ministry of Labour take place in the following undertakings:</p> <ul style="list-style-type: none"> <li>a) undertakings in the field of construction or civil engineering. More particularly in undertakings related to building, maintenance, demolition, restoration and conservation of fixed, permanent or temporary constructions made of masonry or reinforced concrete as well as road, railway, hydraulic construction, excavations, assembly and disassembly of prefabricated elements, underground works and tunnels, also involving the use of explosives;</li> <li>b) diving work and underwater caisson work;</li> <li>c) additional undertakings involving particularly high risks.</li> </ul>
<b>Local Health Agencies (ASL)</b>	<p>The inspection activities related to the hygiene, health and safety at the workplace are carried out by Local Health Services which are currently referred to as Local Health Agencies (ASL) and which act under the responsibility of Regional Directorates for Prevention.</p>
<b>Council Directive 89/654/EEC (workplace)</b>	
<b>DG Labour Inspection- Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>National Fire Corps</b>	<p>The National Fire Corps is part of the Department of Firefighters, public rescue and civil defense that depends of the Ministry of Interior. The National Fire corps is in charge of the surveillance of compliance with provisions for preventing fire and explosions at the workplace and ensuring the safe evacuation of workers in case of danger.</p>
<b>Directive 2009/104/EC (work equipment)</b>	
<b>DG Labour Inspection- Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>Labour Inspection - Ministry of Labour and Social Policies</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>Council Directive 92/58/EEC (OSH signs)</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>Directive 1999/92/EC (ATEX)</b>	

Name	Type of authority
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Council Directive 90/269/EEC (manual handling of loads)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Council Directive 90/270/EEC (display screen equipment)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2002/44/EC (vibration)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2003/10/EC (noise)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2004/40/EC (electromagnetic fields)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2006/25/EC (artificial optical radiation)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2004/37/EC (carcinogens or mutagens)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Council Directive 98/24/EC (chemical agents at work)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2009/148/EC (asbestos)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Directive 2000/54/EC (biological agents)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Council Directive 92/57/EEC (temporary or mobile construction sites)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
<b>Council Directive 92/104/EEC (surface and underground mineral-extracting industries)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
Mining National Office for Hydrocarbons and Georesources (UNMIG)	The UNMIG is part of the Directorate for Mineral Resources and Energy of the Ministry of economic development. UNMIG carries out inspections related to mining safety.
<b>Council Directive 92/91/EEC (mineral-extracting industries through drilling)</b>	
DG Labour Inspection - Ministry of Labour and Social Policies	See Framework Directive
Local Health Agencies (ASL)	See Framework Directive
Mining National Office for	See Directive 92/104/EEC (surface and underground mineral-

Name	Type of authority
<b>Hydrocarbons and Georesources (UNMIG)</b>	extracting industries)
<b>Council Directive 92/29/EEC (medical treatment on board vessels)</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>The Maritime authority</b>	The Maritime authority is part of the Ministry of Transport. It is in charge of checking compliance with OSH requirements on board vessels.
<b>Offices of Maritime Health (USMAF)</b>	The USMAFs are dependent of the Ministry of Health and are in charge of carrying out inspections related to health and safety on board vessels
<b>Council Directive 93/103/EC (work on board fishing vessels)</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>The Maritime authority</b>	See Council Directive 92/29/EEC (medical treatment on board vessels)
<b>Offices of Maritime Health (USMAF)</b>	See Council Directive 92/29/EEC (medical treatment on board vessels)
<b>Council Directive 92/85/EEC (pregnant/breastfeeding workers)</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>Council Directive 91/383/EEC (temporary workers)</b>	
<b>Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive
<b>Council Directive 94/33/EC (young people at work)</b>	
<b>DG Labour Inspection - Ministry of Labour and Social Policies</b>	See Framework Directive
<b>Local Health Agencies (ASL)</b>	See Framework Directive

In addition, information is provided on any interactions between the enforcement bodies listed above.

The interaction related to development and coordination of inspection strategies takes place in the specific section of the Health Technical Committee.

## *Inspections*

### *Statistical Information*

The table below provides information on the statistical data available in relation to inspections in order to gain an understanding of the level of enforcement activities in the Member State.

**Table 5- 2 Inspections by Labour Inspectors - Statistical data 2007 - 2012\***

Year	Number of labour inspectors	Number of workers per labour inspector	Number of inspections ***	Frequency of inspections	Comments
2007 <sup>108</sup>	3,810* (353)**	4,500	215.307	63.97 % of participating in	The number of inspections includes inspections on OSH and labour laws.
2008	3,620*	4,742	205.515		The number of inspections

<sup>108</sup> Annual Report of the Labour Inspectorate, 2007 p. 2

[http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto\\_vigilanza\\_2007.pdf](http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto_vigilanza_2007.pdf)

Year	Number of labour inspectors	Number of workers per labour inspector	Number of inspections ***	Frequency of inspections	Comments
<sup>109</sup>	(incl. 342)**			ESENER survey were subject to an inspection once in the past 3 years.	includes inspections on OSH and labour laws.
2009 <sup>110</sup>	3,479* (incl. 370)**	4,966	175.263	<b>Per Sector</b> Production sector 84.90 % Private Services 50.55 % Public Services 56.46 %	The inspection staff was composed of 3.109 administrative inspectors, 370 technical inspectors to which must be added 380 labour protection carabinieri (police). The number of inspections includes inspections on OSH and labour laws.
2010 <sup>111</sup>	3,573* (incl. 335)**	5,001	148.694	<b>Per Company Size</b> 10-19 employees 57.42 % 20-49 employees 62.27 % 50-249 employees 67.51 % 250-499 employees 84.28 % 500 + employees 72.11 %	The inspection staff was composed of 3.238 administrative inspectors and 335 technical inspectors to which must be added 316 labour protection carabinieri (police). The number of inspections includes inspections on OSH and labour laws.
2011 <sup>112</sup>	3,300* (incl. 296)**	5,224	148.553		The inspection staff was composed of 3.006 administrative inspectors and 296 technical inspectors, to which must be added 423 labour protection carabinieri (police). The number of inspections includes inspections on OSH and labour laws.
2012 <sup>113</sup>	3.156* (incl. 292)**	5.454	139.937		The inspection staff was composed of 2.864 administrative inspectors and 292 technical inspectors, to which must be added 456 labour protection carabinieri (police). The number of inspections includes inspections on OSH and labour laws.

Source: Ministry of Labour and Social Policies – Reports on inspection activities

\* Total number of Labour Inspectors

\*\* Number of Technical Labour Inspectors with competencies on occupational health & safety at the workplace

\*\*\* In the number are included inspections focused on compliance with employment and/or OSH laws. The data of inspection exclusively focused on compliance with OSH laws is not available

<sup>109</sup> Annual Report of the Labour Inspectorate, 2008 p. 2

[http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto\\_vigilanza\\_2008.pdf](http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto_vigilanza_2008.pdf)

<sup>110</sup> Annual Report of the Labour Inspectorate, 2009 p. 2

[http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto\\_vigilanza\\_2009.pdf](http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto_vigilanza_2009.pdf)

<sup>111</sup> Annual Report of the Labour Inspectorate, 2010 p. 2

[http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto\\_vigilanza\\_2010.pdf](http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto_vigilanza_2010.pdf)

<sup>112</sup> Annual Report of the Labour Inspectorate, 2011 p. 5

[http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto\\_vigilanza\\_2011.pdf](http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto_vigilanza_2011.pdf)

<sup>113</sup> Annual Report of the Labour Inspectorate, 2012 p. 6

[http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto\\_vigilanza\\_2012\\_rettif.pdf](http://www.lavoro.gov.it/Ministero/AreaTrasparenza/AltriContenuti/Documents/Rapporto_vigilanza_2012_rettif.pdf)

**Table 5- 3 Inspections by Local Health Services - Statistical data 2007-2011\*<sup>114</sup>**

	2007	2008	2009	2010	2011
Establishments inspected (inspections issued for advisory purposes are included) by Local Health Services (ASL) *	120.196	138.510	158.663	162.525	160.967
Percentage of establishment inspected by Local Health Services (ASL) **	5,07%	5,37%	6,78%	6,63%	6,61%
Number of non-conformities reported by Local Health Services' inspectors (ASL)***	-	-	53.895	53.939	58.168
Number of completed investigations by Local Health Services (ASL) on occupational accidents****	21.573	21.682	19.273	16.337	16.958
Number of investigations on occupational accidents by Local Health Services (ASL) that provided criminal sanctions*****	-	-	5.624	5.241	6.097
Percentage of sites investigations by Local Health Services (ASL) for occupational accidents which provided criminal sanctions caused by violation of OSH requirements*****	-	-	24%	32%	36%
Number of completed investigations by Local Health Units (ASL) on occupational diseases ****	8.603	19.417	10.214	8.863	9.909
Number of investigations on occupational diseases investigations by Local Health Units (ASL) that provided criminal sanctions****	-	-	1.948	1.070	902
Percentage of investigations by Local Health Services (ASL) for occupational diseases which provided criminal sanctions caused by violation of OSH requirements*****	-	-	19%	12%	9%
Construction sites inspected*	41.457	51.913	54.343	53.165	54.683
Percentage of non compliant sites*	52,3%	44,3%	39,6%	36,6%	33,9%
Agricultural holding inspected*	3.701	4.178	4.740	5.980	7.616
Percentage of non compliant sites*	n.a.	15,9%	16,1%	17,6%	20,9%

Source:

\* Data provided by the Report of Technical coordination body of the Conference of Regions and Autonomous Provinces, 2011 p. 24

\*\* Data provided by the Report of Technical coordination body of the Conference of Regions and Autonomous Provinces, 2011 p. 25

\*\*\* Data provided by the Report of Technical coordination body of the Conference of Regions and Autonomous Provinces, 2011 p. 27

\*\*\*\* Data provided both by the Report of Technical coordination body of the Conference of Regions and Autonomous Provinces, 2011 p. 24 and Italian National Report to EC p. 19

\*\*\*\*\* Data provided by the Italian National Report to EC p. 19

### *Strategies for inspection*

Every year, the DG for Inspection Activities of the Ministry of Labour drafts the Annual Inspections Plan that sets out the objectives to be achieved and the investigative priorities to be addressed.

<sup>114</sup> Sources: *Report Attività delle regioni e delle province autonome per la prevenzione nei luoghi di lavoro, Conferenza delle Regioni e delle Province Autonome*, p. 24, 13/030/Cr7c/C7 <http://www.lavoro.gov.it/SicurezzaLavoro/Documents/Azioniregionali.pdf>. *Relazione per la Commissione Europea sull'applicazione pratica della direttiva 89/391/cee, delle sue direttive particolari e delle direttive 2009/148/cee, 91/383/cee, 92/29/cee e 94/33/cee in materia di salute e sicurezza dei lavoratori sui luoghi di lavoro*, p. 19

ASL's inspectors are entitled to carry out inspections in all undertakings. In addition, the ASL technical labour inspectors are entitled to carry out tests and verifications of elevators, hoists, mobile equipment, lifting motors and suspension bridges.

According to Article 8 of Legislative Decree 124/2004, labour inspectors also have an important role in promoting the health and safety at work and they can also act as advisors of the enterprises. When inspection services act as advisors, they cannot investigate or provide information, advice or clarifications on "specific cases" or "special problems of interest to the enterprise". According to the Ministerial Circular No. 24 of 2004, the labour inspectors can only provide guidelines on the application of general labour standards, circulars, directives, and all others instructions received by the Ministry of Labour and Social Policies.

The Standing Advisory Committee on Health and Safety at Work has been entitled by Article 5 of L.D. 81/2008 to deliver the annual programme for the inspection activities which sets out the objectives to achieve both at national and regional level by the inspection services and the priority sectors that need to be inspected.

The Regional Coordination Committees established by Article 7 of L.D. 81/2008 are responsible for overseeing the implementation of the provisions of the annual plan at the regional level.

The box below provides a short description of the strategic documents for enforcement.

#### Strategic documents for enforcement

1. National Prevention Plan (PNP) of the Ministry of Health
  - State-Regions Conference. National Prevention Plan 2010-2012
  - National Prevention Plan injuries in building sector
  - National Prevention Plan injuries in Agriculture and Forestry
2. Legislative framework
  - Ministry of Labour and Social Policies. Circular letter n. 16/2012
  - Law No 101/2012 – Conversion into law, with amendments, of Decree-law No 57 of 12 May 2012 concerning urgent measures to protect health and safety at work in the transport sector and in micro-enterprises
  - Law No. 183 of 4.11.2010 (the so-called "*Collegato Lavoro*")
  - Article 13 of Legislative Decree 81/2008;
  - Article 14, par- 11-bis of legislative Decree 81/2008
  - Ministerial Directive of September 2008 and Ministerial Circular of March 2009 No. 25/II/0001489
  - D.P.C.M. 17 December 2007 "*The Covenant for the Protection of Health and Prevention in Workplaces*"
  - D.Lgs 124/04 on "rationalisation of inspection functions in the field of social security an employment"
3. Annual Report
  - Ministry of Labour and Social Policies. Annual Report on labour inspection in Italy. (Years 2013,2012, 2011, 2010, 2009, 2008, 2007)
  - Conference of the Regions and Autonomous Provinces 13/030/CR7c/C7. Activities of the regions and autonomous provinces for prevention in the workplace. 2011
4. Research projects
  - Directorate General for the Co-ordination of the Inspection Activities (DG CIA) adopted the so-called Labour Inspection's Quality Project (QP)



The table below presents how priorities are set within strategic documents for inspections in relation to the different topics covered by the OSH Directives.

**Table 5- 4 Data on enforcement strategy**

<i>Priorities set in terms of</i>			
size of companies targeted	sectors	groups or workers	other criteria
			• N/A
<i>Priorities set on the basis of</i>			
risk assessment	result of inspections	Others	
		• N/A	

### **Sanctions**

The table below presents the type and level of sanctions provided by law for infringements as defined in the national legislation for each of the Directive covered in the study for both criminal and administrative sanctions. Only the maximum sanctions are provided.

The Italian legislation sets primarily criminal sanctions for non-compliance with OSH requirements. Criminal sanctions vary from the imposition of fines to imprisonment and every kind of infringement has a different sanction attached to it. Administrative sanctions are hardly ever applicable.

Both criminal and administrative sanctions are laid down in L.D. 81/2008 for all OSH Directives, with the exception of Directive 92/104/EEC (surface and underground mineral-extracting industries) and Directive 92/91/EEC (mineral-extracting industries through drilling) for which L.D. 624/1996 establishes the various infringements; the two shipping Directives, for which L.D. 271/1999 lays down the sanctions; and the three Directives on vulnerable groups.

**Table 5- 5 Result table – type and level of sanctions**

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<b>Directive 89/391/EEC (Framework Directive)</b>		
L.D. 81/2008 No designation of RSPP (art. 17 c. 1 b)	Employer: Imprisonment of 1 to 3 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
No risk assessment and relevant risk assessment document (article 17 c. 1 a)	Criminal fine of 2192 a 4384 EUR	No administrative sanctions applicable to this offence
No designation of MC for health surveillance (art. 18 c. 1 a) No supply of DPI (art. 18 c. 1 d) No update of prevention measures (art. 18 c. 1 z)	Imprisonment of 2 to 4 months or criminal fine of 1644 to 6576 EUR	No administrative sanctions applicable to this offence
Commitment of skills to workers regardless of their abilities and conditions (art. 18 c. 1 c)	Imprisonment of 2 to 4 months or criminal fine of 1315,20 to 5649,20 EUR	No administrative sanctions applicable to this offence
No training of workers on occupational health and safety exposure to serious risks (art. 18 c. 1 e)		
No surveillance on the use and		



Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
enforcement of DPI and of safety provisions by workers (art. 18 c. 1 f)		
Not performing planned medical examinations (art. 18 c. 1 g)		
Not monitoring the implementation of security measures (ar. 18 c. 1 n)		
No possibility of consulting the DVR by RLS art. 18 c. 1 p)	Criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No consultation of RLS (art. 18 c. 1 s)		
Not organising periodic meetings (art. 18 c. 1 v)		
Not deliver the DVR to RLS (art. 18 c. 1 o)	Imprisonment of 2 to 4 months or a criminal fine of 822 to 4834 EUR	Administrative sanction of 500 to 4932 EUR
No schedule of occupational accidents with absence of at least 1 day (Art. 18 c. 1 r)		Administrative sanction of 1096 to 4932 EUR
Failure to inform the SPP and the MC about the nature of the risks, work organisation, etc. (art. 18 c. 2)		
No indication of the specific criteria used for the risk (art. 28 c. 1 a)	Criminal fine of 1096 to 2192 EUR	No administrative sanctions applicable to this offence
No indication of the prevention and protection measures and of the Personal Protective Equipment (DPI) (art. 18 c. 2)		
No plan of measures to improve safety (art. 28 c. 2, b)	Criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No identification of the activities which require specific skills related to occupational health and safety(art. 28 c. 2 d)		
No risk assessment and elaboration of DVR in collaboration with MC and RSP (art. 29 c. 1)	Imprisonment of 3 to 6 months (4-8 months in case of enterprises particularly exposed to occupational risks) or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Risk assessment without consultation of RLS (art. 29 c. 2)	Criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No re-evaluation of the risks after changes in the production process, work organization, etc.		
No conservation of DVR by the production unit referred to the assessment(art. 29 c. 4)		Administrative sanction of 2192 to 7233,60 EUR
No information to workers about occupational risks (art. 36 c. 1-2)	Imprisonment of 2 to 4 months or criminal fine of 1315,20 to 5699,20 EUR	No administrative sanctions applicable to this offence
No training of workers about occupational risks (art. 37 c. 1)	Imprisonment of 2 to 4 months or criminal fine of 1315,20 to 5699,20 EUR	No administrative sanctions applicable to this offence
Lack of training and regular updates appropriate and specific to the workers in charge of fire prevention, evacuation of the workplace, first aid, rescue and emergency management (art. 37 c. 9)		
No information on occupational health and safety to RLS (art. 37 c. 1,9 e 10)		

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
No adequate programming and planning of emergency management interventions(Art. 43 c. 1)	Imprisonment of 2 to 4 months or criminal fine of 822 to 4384 EUR	No administrative sanctions applicable to this offence
Request a worker to work in a situation of serious and imminent danger (art. 43 c. 4)	Imprisonment of 2 to 4 months od criminal fine of 822 to 4384 EUR	No administrative sanctions applicable to this offence
Rejection of the designation of emergency appointee by the worker without justifiable reason (Art. 43 c. 3)	Worker: Imprisonment up to 1 month or criminal fine of 219,20 a 657,60 EUR	No administrative sanctions applicable to this offence
<b>Council Directive 89/654/EEC (workplace)</b>		
<u>L.D. 81/2008</u> No health and safety requirements ( Art. 63 e 64)	Employer: Imprisonment of 2 to 4 months or criminal fine of 1096 to 5260,80 EUR	No administrative sanctions applicable to this offence
Non-compliance with the prohibition of working in underground places (art. 65 c. 1-2)	Imprisonment of 2 to 4 months or criminal fine of 1096 to 5260,80 EUR	No administrative sanctions applicable to this offence
Non-compliance with the prohibition of working in environments suspected of being contaminated. (art. 66)	Imprisonment of 2 to 4 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
<b>Directive 2009/104/EC (work equipment)</b>		
<u>L.D. 81/2008</u> Failure to comply with the safety requirements of work equipment (Art. 70 c. 1 e 71 c. 1,2,4, 7, 8)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Failure to provide adequate measures to ensure the principles of ergonomics during use of the equipment (art. 71 c. 6)		Administrative sanction of 548 to 1972,80 EUR
<b>Council Directive 89/656/EEC (PPE)</b>		
<u>L.D. 81/2008</u> Supply to workers of non-adequate DPI. No DPI maintenance (art. 77 c. 3-4 a,b,d)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40EUR	No administrative sanctions applicable to this offence
No training on the proper use of DPI and lack of information about the risks from which the DPI protect(art. 77 c.4 e,f,h)	Imprisonment of 2 to 4 months or criminal fine of 1096 to 5260,80 EUR	No administrative sanctions applicable to this offence
No training of use of "third category" and hearing DPI(art. 77 c. 5)	Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40	No administrative sanctions applicable to this offence
<b>Council Directive 92/58/EEC (OSH signs)</b>		
<u>L.D. 81/2008</u> Infringement of obligations relating to OSH signs (art. 163 – allegati 24-32)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Infringement of information and training obligations(art. 164)	Imprisonment of 2 to 4 months or criminal fine of 822 a 4834 EUR	No administrative sanctions applicable to this offence
<b>Directive 1999/92/EC (ATEX)</b>		
<u>L.D. 81/2008</u> Infringement of specific risk assessment obligation (art. 290)	Employer: Imprisonment of 3 to 6 months of criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Infringement of prevention and protection obligations in case of explosion(art. 289 c. 2) No zoning of areas at risk from explosive atmospheres(art. 293 c. 1-2) No information and training (art. 294 bis)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2192 a 4384 EUR	No administrative sanctions applicable to this offence

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
No check of electrical installation in areas exposed to risks (art. 296)		
<b>Council Directive 90/269/EEC (manual handling of loads)</b>		
<u>L.D. 81/2008</u> No adoption of appropriate organizational measures and means to avoid the manual handling of loads by workers (art. 168 c. 1-2)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2740 to 714,40 EUR	No administrative sanctions applicable to this offence
No information and training (art. 169 c. 1)	Imprisonment of 2 to 4 months or criminal fine of 822 to 4838 EUR	No administrative sanctions applicable to this offence
<b>Council Directive 90/270/EEC (display screen equipment)</b>		
<u>L.D. 81/2008</u> No adoption of appropriate measures to avoid the risks and non-compliance of the workstations to the minimum requirements (art. 174 c. 2-3)	Employer and director:	No administrative sanctions applicable to this offence
Infringement of worker right to breaks at work (art. 175 c. 1 e 3)	Imprisonment of 2 to 3 months or criminal fine of 2500 to 6.400 EUR	No administrative sanctions applicable to this offence
Infringement of health surveillance obligation (art. 176 c. 1, 3 e 5)		No administrative sanctions applicable to this offence
No supply of visual correction devices if necessary (art. 176 c.6)	Imprisonment of 2 to 4 months or criminal fine of 750 to 4000 EU	No administrative sanctions applicable to this offence
No information and training(art. 177)		No administrative sanctions applicable to this offence
<b>Directive 2002/44/EC (vibration)</b>		
<u>L.D. 81/2008</u> No vibration risk assessment (art. 202 c. 1 e 5)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
No assessment of the exposure to vibration transmitted to the hand-arm and those transmitted to the whole body (art. 202 c. 3-4)	Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
Not developing and implementing program of technical or organizational measures as a result of exceeding the action values (art. 203)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
<b>Directive 2003/10/EC (noise)</b>		
<u>L.D. 81/2008</u> No risk assessment and identification of prevention and protection measures (art. 190 c. 1 e 5)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Lack of measurement of noise levels in case of exceeded lower values of action and use of unsuitable methods of measurement(art.190 c. 2)	Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No developing and implementing program of technical or organizational measures as a result of exceeding lower action values (art. 192 c. 2)		No administrative sanctions applicable to this offence
Absence of appropriate signals in case of exceeding the higher action values (art. 192 c. 3)	Imprisonment of 2 to 4 months or criminal fine of 822 a 4.384 EUR	No administrative sanctions applicable to this offence
No supply of hearing DPI in case noise	Imprisonment of 3 to 6 months or	No administrative

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
risks cannot be overcome with preventive and protection measures	criminal fine of 2192 to 4384 EUR	sanctions applicable to this offence
No training and information of workers exposed to values greater than or equal to the lower values of action (art. 195)		No administrative sanctions applicable to this offence
No health surveillance of workers exposed to noise exceeding higher values of action or values greater than or equal to the lower values of action (art. 196)		No administrative sanctions applicable to this offence
<b>Directive 2004/40/EC (electromagnetic fields)</b>		
<u>L.D. 81/2008</u> No electromagnetic risk assessment (art.20 c.1 and 5)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Failure to assess when the exposure limit values are exceeded (art. 209 c. 2 e 4)	Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No developing and implementing program of technical or organizational measures as a result of exceeding lower action values (art. 210 c. 1)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No indication of specific signage (art. 210 c.2-3)	Imprisonment of 2 to 4 months or criminal fine of 750 to 4000 EUR	No administrative sanctions applicable to this offence
<b>Directive 2006/25/EC (artificial optical radiation)</b>		
<u>L.D. 81/2008</u> No assessment of artificial optical radiation risks and measurement of its levels (art. 216)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Lack of specific OSH signs in the workplace in case of exceeding the exposure limit values and measures for vulnerable workers (art. 217 c 2-3)	Employer and director: Imprisonment of 2 to 4 months or criminal fine of 750 to 4000 EUR	No administrative sanctions applicable to this offence
<b>Directive 2004/37/EC (carcinogens or mutagens)</b>		
<u>L.D. 81/2008</u> No assessment of carcinogens or mutagens risks (art. 236 c.1-2) No adoption of preventive and protective measures (art. 236 c.3) Failure of specific data in DVR (art. 236 c.4) Lack of periodic re-evaluation (art. 236 c. 5)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Failure to replace and/ or reduction of carcinogen or mutagen (art. 235 c. 1) No adoption of technical and organizational measures (art. 237) No adoption of hygienic measures (art. 238 c.1)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No transmission of the copy of register and medical records by the employer (art. 243 c. 3-6 e 8)		Administrative sanction of 548 to 1972,80 EUR
Non-compliance with the prohibition to eat, smoke and drink (art. 238 c.2)		All: Administrative sanction of 109,60 to 493, 20 EUR
Non-disclosure of the MC to the	MC:	No administrative

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
employer on the existence of a fault due to exposure(art. 242 c.4)	Imprisonment up to 2 months or criminal fine of 388,80 to 1315,20 EUR	sanctions applicable to this offence
Failure to establish and update medical records of risk by the MC (art. 243 c. 2)	Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
<b>Council Directive 98/24/EC (chemical agents at work)</b>		
<u>L.D. 81/2008</u> No risks assessment(art. 223 c. 1-3)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
No risk assessment in case of new tasks(art. 223 c.6)	Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
No information and training(art. 227 c.1 and 3) Failure to adopt preventive and protective measures specific to individual workers based on the results of clinical and biological examinations(art. 229 c. 1 e 5)	Imprisonment of 3 to 6 months or criminal fine of 2192 to 4.384 EUR	No administrative sanctions applicable to this offence
No adoption of prevention and protection measures (art. 225) Failure to provide interventional procedures in the event of an accident or emergency (art. 226) Failure to comply with the ban on the production, processing and use of chemicals agents(art. 228 c. 1,3,4 e 5)	Person in charge* (preposto): Imprisonment up to 2 months or criminal fine of 438,40 to 1753,60 EUR	No administrative sanctions applicable to this offence
No establishment and update of the medical records(art. 230)	MC: Imprisonment up to 2 months or criminal fine of 388,80 to 1315,20 EUR	No administrative sanctions applicable to this offence
<b>Directive 2009/148/EC (asbestos)</b>		
<u>L.D. 81/2008</u> (art.249, c. 1 and 3)	Employer: Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
* person who, by reason of professional skills and within the limits of hierarchical and functional faculty appropriate to the nature of the assignment conferred, oversees the work and ensures the implementation of the directives received, checking the correct execution by workers.		
Failure to adopt the measures useful to identify the presence of asbestos(art. 248 c.1) Lack of notification to the surveillance authority of the start of work and of the exposition to asbestos (maintenance, removal, treatment, etc) (art. 250) No adoption of prevention and protection measures (art. 251) No adoption of hygienic measures (art. 252) Lack of periodic inspection(art. 253 c. 1)	Employer and director: Imprisonment of 3 to 6 months or criminal fine of 2192 to 4384 EUR	No administrative sanctions applicable to this offence
Lack of consultation of workers / representatives on samples(art. 253 c. 3) No transmission of the copy of register and medical records(art 260 c. 2-3)		Administrative sanction of 548 to 1972,80 EUR

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>Failure to comply with the exposure limit value (art. 254)            No adoption of prevention and protection measures in case of specific jobs (art. 255)            Commitment of asbestos demolition/removal to companies not authorized (art. 256 c. 1)            No adoption of demolition/removal work plan and of prevention and protection measures(art.256 c.2-4)            No workers information (art. 257)            No worker training art. 258)            No adoption of health surveillance(art. 259 c. 1-3)            No registration of people exposed to asbestos in the appropriate exposure register(art. 260 c. 1)</p>		<p>No administrative sanctions applicable to this offence</p>
<p>Lack of notification to the surveillance authority of the work plan and lack of information to workers or representatives (art 250 c. 2; art. 257 c. 5 e 7)</p>	<p>Imprisonment up to 3 months or criminal fine of 886,80 to 2192 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<p>Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises, all necessary steps to identify presumed asbestos-containing materials (art. 248 c. 1)            In the case of certain activities such as demolition, removal, repairing and maintenance in respect of which it is foreseeable that the limit value will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities(art. 254)</p>	<p>Person in charge* (preposto)            Imprisonment up to 2 months or criminal fine of 438,40 to 1753,60 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<b>Directive 2000/54/EC (biological agents)</b>		
<p><u>L.D. 81/2008</u>            Not adequate risk assessment, no risk re-evaluation (art. 271 c.1, 3 e 5)</p>	<p>Employer:            Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<p>Failure to request authorization to the Ministry responsible for conducting activities with biological agents group IV(270 c. 1 e 4)            No adoption of prevention and protection measures and best practices(art. 271 c. 2)            No fulfilment of technical and organizational measures in order to avoid the exposure(art. 272)            No adoption of hygienic measures(art. 273 c.1)</p>	<p>Imprisonment of 2 to 4 months or criminal fine of 750 to 4000 EUR</p>	<p>No administrative sanctions applicable to this offence</p>



Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
<p>Non-application of specific measures for health care facilities and veterinary(art. 274 c.2-3)            Failure to adopt specific measures for estabulari laboratories(art. 275)            Failure to adopt specific measures for industrial processes(art. 276)            Failure to report to the authority responsible of surveillance the indication of the risk due to a particular event(art. 277 c.2)            No information and training (art. 278 c. 1 e 3)            No implementation of prevention and protection measures (art. 279 c.1-2)            Lack of establishment of exposure registry (art. 280 c.1-2)</p>		
<p>Failure to deliver a copy of register and medical records to the institutional bodies (art. 280 c. 3-4)</p>		<p>Administrative sanction of 548 to 1972,80 EUR</p>
<p>No adoption of prevention and protection measures and best practices(art. 271 c. 2)            No fulfilment of technical and organizational measures in order to avoid the exposure (art. 272)            Non-application of specific measures for health care facilities and veterinary(art. 274 c.2-3)            Failure to adopt specific measures for estabulari laboratories(art. 275)            Failure to adopt specific measures for industrial processes (art. 276)            No information and training (art. 278 c.1 and 3)</p>	<p>Person in charge* (preposto)            Imprisonment up to 2 months or criminal fine of 438,40 to 1753,60 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<p>In the event of dissemination of a biological agent, the workers do not immediately leave the affected area (art. 277 c. 1)</p>	<p>Worker:            Imprisonment up to 15 days or criminal fine of 100 to 400 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<p>The workers did not immediately advise the employer or the manager or person in charge, any accident or incident involving the use of biological agents (Article 277, paragraph 5)</p>	<p>Imprisonment up to 1 month or criminal fine of 300 to 800 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<p>When health checks have highlighted in workers similarly exposed to the same agent, the existence of fault attributable to such exposure, the MD does not inform the employer (Art. 279)</p>	<p>MD:            Imprisonment up to 2 months or criminal fine of 300 to 1.200 EUR</p>	<p>No administrative sanctions applicable to this offence</p>
<p>Non-compliance with the prohibition to eat, smoke and drink(art. 273 c.2)</p>		<p>All:            Administrative sanction of 109,60 to 493,20 EUR</p>
<p><b>Council Directive 92/57/EEC (temporary or mobile construction sites)</b></p>		
<p><u>L.D. 81/2008</u>            Lack of insurance in construction sites of people and vehicles viability (art.</p>	<p>Employer and director:            Imprisonment of 2 to 4 months or criminal fine of 1096 to 5260,80 EUR</p>	<p>No administrative sanctions applicable to this offence</p>

Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
108)		
Lack of adequate fencing to prevent access to outsiders (art. 109)	Imprisonment up to 2 months or criminal fine of 548 to 2192 EUR	No administrative sanctions applicable to this offence
No adoption of precautions and measures appropriate to areas of transition (art. 110 c. 1)		No administrative sanctions applicable to this offence
Failure to use work equipment suitable to ensure and maintain safe working conditions during work at height (art. 111)	Imprisonment up to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
Failure to provide protection against falling materials (art. 114)	Imprisonment of 3 to 6 months or criminal fine of 2740 to 7014,40 EUR	No administrative sanctions applicable to this offence
In case of "excavations and foundations" the lack of provision of appropriate protection and security measures is punished with imprisonment and fines of different entities (art. 118-121)	Imprisonment up to 6 months (max) or criminal fine of 7014,40 (max) EUR	No administrative sanctions applicable to this offence
Failure to hold a copy of the ministerial authorization and a copy of the project(art. 133)	Imprisonment up to 2 months or criminal fine of 548 to 2192 EUR	No administrative sanctions applicable to this offence
Failure to hold and exhibit the plan of "scaffolding" use, assembling, and dismantling(art. 134)		No administrative sanctions applicable to this offence
Failure to comply with the indications given in the plane of assembly, use and dismantling of scaffolding (art. 136)	Imprisonment up to 4 months and criminal fine up to 5260,80 EUR	No administrative sanctions applicable to this offence
<b>Council Directive 92/104/EEC (surface and underground mineral-extracting industries)</b>		
<u>L.D. 624/1996</u> Failure to indicate in the safety and health document (DSS) the risk assessment in relation to the activity, size, solutions adopted etc Missed annual certification that workplaces, equipment and facilities are designed, used and maintained efficiently. Lack of DSS update in case of relevant changes or accidents(art 6 c. 2 -3)	Employer: Imprisonment of 3 to 6 months or criminal fine of 1.549 to 4.131 EUR	No administrative sanctions applicable to this offence
No protection against fire, explosion, toxic atmospheres(Art.11) No identification of adequate means of evacuation, escape and rescue (art.12) Failure to provide communications, alarm and warning systems(art.13) No health surveillance (art.15) Lack of provision of workplaces structured to meet the needs of workers with disabilities (art. 24) Failure indication of safety and maintenance measures (art. 33) Failure indication of clear emergency exit (art.37) Failure to provide suitable tools to	Employer and OSH manager: Imprisonment of 3 to 6 months or criminal fine of 1.549 to 4.131 EUR  Imprisonment of 2 to 4 months or criminal fine of 516.00 to 2.582 EUR	Administrative sanction of 1 to 6 million (lire)





Offence under national legislation	Criminal sanctions (and quasi-criminal when relevant) – Types and levels of penalties	Administrative sanctions – Types and levels of penalties
	b) Imprisonment of 2 to 4 months or criminal fine of 516.00 to 2.582 EUR	
No "register of accidents" on board (art. 6, c. 5, lett. m)		Administrative sanction of 516.00 to 2.582 EUR
Does not perform obligations (art. 8)	Seafarers: Imprisonment up to 1 month or criminal fine of 207 to 619 EUR	No administrative sanctions applicable to this offence
<b>Council Directive 92/85/EEC (pregnant/breastfeeding workers)</b>		
<u>L.D. 151/2001</u> Assignment of pregnant or breast feeding workers to prohibited activities or infringement of the provisions on work leaving permissions (art. 16 and 17)	Employer:  Imprisonment up to 6 months	No administrative sanctions applicable to this offence
<b>Council Directive 91/383/EEC (temporary workers)</b>		
<u>L.D. 242/1996</u> Failure of designers, manufacturers, suppliers and installers obligations (art.4) No respect of indoor environmental requirements (art. 7)	Employer: Imprisonment of 3 to 6 months or criminal fine of 1549,37 to 4131,66 EUR	
<u>Failure of OSH requirements (art. 11)</u> No adoption of prevention and protection measures and best practices (art. 24)	Employer and OSH manager : Imprisonment of 2 to 4 months or criminal fine of 516 to 2.582 EUR	Administrative sanction of 516 to 3098 EUR
<b>Council Directive 94/33/EC (young people at work)</b>		
<u>L.D.345/1999</u> Employment of young workers in cases prohibited by law (art. 3, 4, 6)  No risk assessment (8, c.7)	Employer: Imprisonment up to 6 months Imprisonment of 6 months (max) or criminal fine of 5164,57 EUR (max)	No administrative sanctions applicable to this offence

### ***Enforcement actions***

**Table 5- 6 Number of infringements and court cases**

<b>Total number of infringement which resulted in legal action</b>	69.483 (This figure is related to infringements reported only by Labour Inspectors and includes OSH and Employment Laws Infringements) <sup>115</sup>
	58.168 (This figure is related to non conformities reported by Local Health Services' inspectors (ASL) and it includes only OSH infringements) <sup>116</sup>
<b>Other data on the number of court cases specific to OSH issues in the period 2007-2012</b>	N.A.

<sup>115</sup> Italian Annual Report, 2012 p. 3

<sup>116</sup> Report of Technical coordination body of the Conference of Regions and Autonomous Provinces, 2011 p. 24

## 6 MAPPING QUESTION 6: SPECIFIC GROUPS OF WORKERS

No specific approaches to vulnerable groups are taken in Italy beyond the requirements set out in the transposed Directives. However, several guidance documents, booklets, surveys and voluntary norms address specific vulnerable groups, such as young workers, women, new mothers, and foreigners.

The table 6-1 below provides an overview of the documents, including legislation, strategies, guidelines, roadmaps or plans, as well as other documents addressing the question of vulnerable groups.

**Table 6 - 1 Tools addressing risk factors for all vulnerable groups**

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Guidelines for the implementation of Art. 7-8-11 e 12 <sup>117</sup> L.D. 151/2001 on protection of health of working mothers <sup>118</sup> (Guidelines)	Young mothers	X																	
Research project on disability and safety at work : comparison of frequency and severity of injuries of workers with and without disabilities <sup>119</sup> (Research project)	People with disabilities										X								

<sup>117</sup> Ministero del Lavoro e delle Politiche Sociali. *Tutela della salute delle lavoratrici madri linee di indirizzo per l'applicazione del d. lgs. 151/01 – Art. 7-8-11 e 12*. Maggio 2012 <http://www.lavoro.gov.it/DPL/RO/Documents/LAVORATRICIMADRILINEEGUIDA2012.pdf>

<sup>118</sup> Ministero del Lavoro e delle Politiche Sociali. *Tutela della salute delle lavoratrici madri linee di indirizzo per l'applicazione del d. lgs. 151/01 – Art. 7-8-11 e 12*. Maggio 2012 <http://www.lavoro.gov.it/DPL/RO/Documents/LAVORATRICIMADRILINEEGUIDA2012.pdf>

<sup>119</sup> Regione Piemonte. *Disabilità e sicurezza sul lavoro frequenze e gravità degli infortuni dei lavoratori con e senza disabilità a confronto*. Luglio 2002

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
"Foreigner not stranger: the ABC about safety at work" Information booklet for foreign workers and their families <sup>120</sup> (Booklet)	Foreigners															X			
Information booklet: "Young people, training and work: your opportunities for safety at work" <sup>121</sup> (Booklet)	Young workers																		
National Plan on Asbestos: lines of intervention for co-ordinated action between State and local authorities <sup>122</sup> (Planning instrument)	Asbestos													X					
Handbook on musculoskeletal disorders at work <sup>123</sup> (Handbook)	Musculo-skeletal disorders							X											
Assessment and management of work related stress <sup>124</sup> (Web site)	Stress						X												

[http://www.aslto5.piemonte.it/allegato.aspx?NomeFile=Sicurezza\\_Disabilita.pdf](http://www.aslto5.piemonte.it/allegato.aspx?NomeFile=Sicurezza_Disabilita.pdf)

<sup>120</sup> INAIL. Straniero non estraneo: ABC della sicurezza sul lavoro. Opuscolo informativo per i lavoratori stranieri e le loro famiglie

[http://www.salute.gov.it/imgs/C\\_17\\_opuscoliPoster\\_165\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_opuscoliPoster_165_allegato.pdf)

<sup>121</sup> INAIL. *Giovani, formazione e lavoro. Le tue opportunità, la tua sicurezza.* 2013

[http://www.inail.it/internet\\_web/wcm/idc/groups/internet/documents/document/ucm\\_118784.pdf](http://www.inail.it/internet_web/wcm/idc/groups/internet/documents/document/ucm_118784.pdf)

<sup>122</sup> Ministero della Salute. *Piano nazionale amianto, linee di intervento per un'azione coordinata delle amministrazioni statali e territoriali.* Marzo 2013

[http://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_1945\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_pubblicazioni_1945_allegato.pdf)

<sup>123</sup> INAIL. *I disturbi muscolo scheletrici lavorativi.* Edizione 2012

[http://www.lavoro.gov.it/SicurezzaLavoro/MalattieProfessionali/Documents/DOC\\_DisturbiMuscoloSchelINAIL.pdf](http://www.lavoro.gov.it/SicurezzaLavoro/MalattieProfessionali/Documents/DOC_DisturbiMuscoloSchelINAIL.pdf)

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Survey on temporary workers perception of health and safety at work <sup>125</sup> (Survey)	Temporary workers					X													
Survey on disability and work <sup>126</sup> (Survey)	People with disabilities			X															
"People First! The dimensions of work-life balance : italian good practices" <sup>127</sup> (Survey)					X														
Memorandum of understanding on undeclared and irregular work <sup>128</sup> (Voluntary norms)															X				
Foreign workers in the construction sector <sup>129</sup> (Survey)	Foreigners												X						

<sup>124</sup> <http://www1.ispesl.it/focusstresslavorocorrelato/Strumenti.asp>

<sup>125</sup> Armando Guglielmi, Antonio Leva, Giuseppe Campo, Mauro Pellicci, Lisa Cecchi, Antonio Ruda. *Indagine sulle condizioni di salute e sicurezza percepite dai lavoratori temporanei*. ISPESL, Prevenzione Oggi Vol. 5, n. 1/2, 11-32

[http://prevenzioneoggi.ispesl.it/pdf%5Cric2009\\_01\\_1\\_it.pdf](http://prevenzioneoggi.ispesl.it/pdf%5Cric2009_01_1_it.pdf)

<sup>126</sup> Pietro Checucci e Alessandra Tonucci. *Disabilità e lavoro*. Osservatorio Isfol n. 3-4/2011

<http://www.isfol.it/pubblicazioni/osservatorio-isfol-old/numeri-pubblicati/allegati-anno-i-n.3-4/checcucci>

<sup>127</sup> ICSR. *People First! Le dimensioni del bilanciamento tra vita personale e professionale: le nuove prassi italiane*. Marzo 2011

<http://www.lavoro.gov.it/ConsiglieraNazionale/Documents/Documentazione/2GuidaFirstPeopleA4B.pdf>

<sup>128</sup> Ministero del Lavoro e Consiglio Nazionale dell'Ordine dei Consulenti sul Lavoro. *Protocollo d'Intesa "contrasto al lavoro sommerso e irregolare"*. Roma, 15 gennaio 2014

[http://www.lavoro.gov.it/Notizie/Documents/Protocollo%20consulenti%20del%20lavoro\\_15gennaio2014.pdf](http://www.lavoro.gov.it/Notizie/Documents/Protocollo%20consulenti%20del%20lavoro_15gennaio2014.pdf)

Document	Target group (if any)	Pregnancy; Breastfeeding	Menstrual disorders; Menopause	Reduced physical capabilities	Additional non-work activities	Part-time jobs; Precarious contract	Natural deterioration of physical and mental capacities	Longer recovery time	Longer exposure to occupational hazards	Increased risk of developing long-term or chronic illnesseses or disabilities	Different risks faced by disabled workers	Combined risks of occupational risk factors	Less awareness of the risks amongst new workers	Lack of awareness of long-latency occupational diseases	Work arrangements	Language barriers	Fear of authorities	Lack of OSH training	Lack of familiarity with the working environment
Social and health risks : the working conditions of young people in Italy <sup>130</sup> (Survey)	Young workers																		X
"To work in harmony with life: How to create a mentally healthy workplace" <sup>131</sup> (European Awareness raising campaign)										X									
Local Government and immigration in Italy; welfare services and development policies <sup>132</sup> (Survey)	Foreigners																X		
Italian State Railway Group Initiative to promote gender equality and equal opportunities <sup>133</sup> ,2006	Any vulnerable group and women							X				X	X	X				X	

<sup>129</sup> Emanuele Galossi, Maria Mora. *Lavoratori stranieri nel settore edile*. III Rapporto IRES-FILLEA. Dicembre 2008

[http://www.ires.it/files/3\\_Rapporto\\_Ires\\_Fillea.pdf](http://www.ires.it/files/3_Rapporto_Ires_Fillea.pdf)

<sup>130</sup> IRES. *Rischi sociali e per la salute*. Le condizioni di lavoro dei giovani in Italia. 2011

<http://www.ires.it/contenuti/rischi-sociali-e-salute-condizioni-lavoro-dei-giovani-italia>

<sup>131</sup> Campagna europea "Lavorare in sintonia con la vita. Come creare un ambiente di lavoro a tutela della salute mentale"

[http://www.ispesl.it/whp/documenti/Lavorare\\_in\\_sintonia\\_con\\_la\\_vitaLavoratori.pdf](http://www.ispesl.it/whp/documenti/Lavorare_in_sintonia_con_la_vitaLavoratori.pdf)

<sup>132</sup> Tiziana Caponio. *Governo locale e immigrazione in Italia. Tra servizi di welfare e politiche di sviluppo*

[http://www.regione.emilia-romagna.it/affari\\_ist/rivista\\_5\\_2004/789-%20812%20Caponio.pdf](http://www.regione.emilia-romagna.it/affari_ist/rivista_5_2004/789-%20812%20Caponio.pdf)

<sup>133</sup> Italian State Railway Group – Equal Opportunities Committee (*Gruppo Ferrovie dello Stato – Comitato per le Pari Opportunita'*), Proposal for a Positive Action Plan within the Statal Railway Group (*Proposta per un Piano di Azioni Positive nel Gruppo Ferrovie dello Stato*), 2006 available at [http://www.trenitalia.com/cms-file/allegati/il-gruppo/Piano\\_azioni\\_positive\\_CPO.pdf](http://www.trenitalia.com/cms-file/allegati/il-gruppo/Piano_azioni_positive_CPO.pdf)



## 7 MAPPING QUESTION 7: SMEs AND MICRO-ENTERPRISES

This question focuses on the identification of measures adopted by Member States in order to assist SMEs and micro-enterprises in the implementation of OSH requirements. Measures provided by other actors, such as social partners, are not included. The concept of ‘measures’ is considered as covering national legislation and soft measures, i.e. guidance.

Three elements should be checked for each Directive:

- Exemptions: are there thresholds of number of workers to be exempted from certain key requirements? If so, what are the thresholds? To what requirements does it apply?
- Lighter regime: are certain norms/ regulatory standards provided by law differentiated for SMEs?
- Incentives: have financial measures/tax reductions been adopted to support SMEs?

The results are summarised in Table 7-1 and then detailed in Table 7-2. It should be taken into account that the SME measures laid down in the national legislation transposing the Framework Directive are equally applicable to all of the transpositions of the other OSH individual Directives.

In Italy, different risk assessments and different requirements on the other CPMs apply to enterprises employing up to 10 workers who until now have carried out the risk assessment with self-certification as well as to other businesses employing up to 50 workers. INAIL also foresees several types of funding, especially directed to SMEs, and has established the Fund to Support the Small and Medium Enterprise. No specific measures targeting SMEs and micro-enterprises are available for any of the OSH individual Directives.

**Table 7- 1 Overview of measures targeting SMEs and micro-enterprises**

According to NIR 2013, “To implement Article 11(5) of Legislative Decree No 81/2008 as amended and supplemented, INAIL, as part of its support measures for enterprises, publishes calls for funding OSH investment and training projects especially by SMEs and micro-enterprises, aimed at testing innovative solutions and organisational and management tools based on the principles of corporate social responsibility.” In addition, “INAIL and the local health authorities implement projects to provide advice to enterprises, in particular SMEs, on operational means, tools and methods to:

- reduce risk levels for occupational health and safety;
- identify OSH technological innovations supporting prevention;
- improve the quality of the OSH management systems put in place by enterprises and help them develop good practices. This activity is also pursued via cooperation with the social partners belonging to major production sectors in terms of numbers of workers and incidence of occupational injuries or diseases. To favour the implementation of OSH management systems, especially by SMEs, INAIL makes available application models for specific industries. These models are based on the OSH management system guidelines published in 2001 by the International Labour Organization - ILO which inter alia recommended the drawing up of national guidelines, taking into account the national regulatory framework, conditions and practices in the area of employment. The ILO also recommended the development, in each country, of tailored guidelines reflecting the specific conditions and needs of the different industries.”<sup>134</sup>

	Exemptions	Lighter regime	Incentives
<b>Directive 89/391/EEC (FW)</b>	-	✓	✓
<b>Directive 89/654/EEC (workplace)</b>			

<sup>134</sup> National Implementation Report, Part A, Section I, 2.4 (EN) p. 24-25.



	Exemptions	Lighter regime	Incentives
	-	-	-
<b>Directive 2009/104/EC (work equipment)</b>			
	-	-	-
<b>Council Directive 89/656/EEC (PPE)</b>			
	-	-	-
<b>Council Directive 92/58/EEC (OSH signs)</b>			
	-	-	-
<b>Directive 1999/92/EC (ATEX)</b>			
	-	-	-
<b>Council Directive 90/269/EEC (manual handling of loads)</b>			
	-	-	-
<b>Council Directive 90/270/EEC (display screen equipment)</b>			
	-	-	-
<b>Directive 2002/44/EC (vibration)</b>			
	-	-	-
<b>Directive 2003/10/EC (noise)</b>			
	-	-	-
<b>Directive 2004/40/EC (electromagnetic fields)</b>			
	-	-	-
<b>Directive 2006/25/EC (artificial optical radiation)</b>			
	-	-	-
<b>Directive 98/24/EC (chemical agents at work)</b>			
	-	-	-
<b>Directive 2004/37/EC (carcinogens or mutagens)</b>			
	-	-	-
<b>Directive 2009/148/EC (asbestos)</b>			
	-	-	-
<b>Directive 2000/54/EC (biological agents)</b>			
	-	-	-
<b>Council Directive 92/57/EEC (temporary or mobile construction sites)</b>			
	-	-	-
<b>Council Directive 92/104/EEC (surface and underground mineral-extracting industries)</b>			
	-	-	-
<b>Council Directive 92/91/EEC (mineral-extracting industries through drilling)</b>			
	-	-	-
<b>Council Directive 92/29/EEC (medical treatment on board vessels)</b>			
	-	-	-
<b>Council Directive 93/103/EC (work on board fishing vessels)</b>			
	-	-	-
<b>Council Directive 92/85/EEC (pregnant/breastfeeding workers)</b>			
	-	-	-
<b>Council Directive 91/383/EEC (temporary workers)</b>			
	-	-	-
<b>Council Directive 94/33/EC (young people at work)</b>			
	-	-	-

**Table 7- 2 Description of measures targeting SMEs and micro-enterprises**

	Exemptions	Lighter regime	Incentives
<b>Directive 89/391/EEC (FW)</b>			
		According to the Interministerial Decree of 30 November 2012, the new standardised procedures for the risk assessment (art. 29, c.5 L.D. 81/2008) will be adopted by firms	A fund to support small and medium enterprises was established under the INAIL (art. 52 L.D. 81/2008) INAIL manages the Fund to Support the Small and Medium Enterprise, in

	Exemptions	Lighter regime	Incentives
		<p>employing up to 10 workers, who until now have carried out the risk assessment with self-certification, as well as, as an alternative to the ordinary procedure, by businesses employing up to 50 workers. Excluded from the application of the standardised procedures are companies operating in specific risk conditions (refer to art. 31, paragraph 6, let. a,b,c, and g), as well as companies with more than fifty workers who engage in activities that expose workers to chemical, biological, explosive, carcinogenic, mutagenic, or asbestos related products.</p> <p>With the Interministerial Decree of 27 March 2013, pursuant to Article 3, paragraph 13 of the L.D. 81/2008, the provisions for the simplification of compliance relating to information, training and health surveillance referred to in that decree, are applied in relation to the specific nature of the activity pursued by small and medium enterprises (SMEs) operating in the agricultural sector and only for businesses that employ seasonal workers each of which does not exceed fifty working days and for a total number of workers consistent with the cropping systems business.</p> <p>The Regions and the Autonomous Provinces of Trento and Bolzano, through AA.SS.LL. of the NHS, the Ministry of the Interior through the facilities of the National Fire Service, ISPESL, the Ministry of Labour, Health</p>	<p>order to finance the activities of the Territorial Workers Safety Representatives (RLST) and of the Joint Bodies. The fund aims at:</p> <p>a) supporting and funding, not less than fifty per cent of the Fund's assets, the activities of RLST, also with reference to training;</p> <p>b) funding for the training of employers of small and medium-sized businesses, of small entrepreneurs of seasonal workers in the agricultural sector and the self-employed;</p> <p>c) support for the activities of joint bodies.</p> <p>INAIL aims to encourage companies to implement interventions designed to improve levels of health and safety in the workplace (art. 11 L.D. 81/2008).</p> <p>May be financed: investment projects and projects for the adoption of organisational models and social responsibility. In 2013 a new axis of funding has been introduced for projects for the replacement or adjustment of work equipment put into service prior to 21 September 1996. The incentive was increased to 65% (last year it was 50%) of the eligible costs incurred and documented by the project.</p> <p>The contribution consists of a capital sum, between a minimum of euro 5,000 and a maximum of 130,000 euro.</p> <p>For companies up to 50 workers who have plans for the adoption of organisational models and social responsibility is not fixed the minimum of expense.</p>

	Exemptions	Lighter regime	Incentives
		<p>and Social Policy, the Ministry of Economic Development for the mining sector, the Italian Workers' Compensation Authority National, the Institute of security for the maritime sector (IPSEMA), the joint bodies and institutions of patronage play a role, even through conventions, business information, assistance, counselling, training, promotion in the field of health and safety in the workplace, particularly in relation to small businesses, agricultural companies and small and medium-sized enterprises and their employers' associations (art. 10 L.D. 81/2008)</p> <p>The organisation and management model must provide appropriate systems for recording the performance of the activities listed above and must also provide the following, on the basis of the nature and size of the organisation and type of business (art. 30 L.D. 81/2008)</p> <p>The Permanent Consultative Commission for Occupational Health and Safety simplified procedures for the adoption and implementation of effective models of organisation and safety management in small and medium-sized enterprises. These procedures are implemented by decree of the Ministry of Labour (art. 30, c. 5 L.D. 81/2008).</p> <p>In companies and production units employing more than 15 workers, the employer, either directly or through</p>	<p>For projects that involve contributions equal to or greater than € 30,000, it is possible to request an advance of 50% of the contribution required to be granted after the establishment of a guarantee in favour of Inail.</p> <p>Inail in recent years has experienced economic support mechanisms for small and medium-sized enterprises to facilitate the adaptation of structures, machinery, equipment and organisational models to the standards of health and safety at work. The allocation of over 230 million of euro has been spent through the issuance of three notices in the years 2002, 2004 and 2006.</p>

	Exemptions	Lighter regime	Incentives
		<p>the service of prevention and protection from risks, calls at least once a year a meeting attended by:</p> <ul style="list-style-type: none"> <li>a) the employer or his representative;</li> <li>b) the person in charge of prevention and protection from risks;</li> <li>c) the occupational health physician, if appointed ;</li> <li>d ) the representative of the workers' safety (art. 35 L.D. 81/2008).</li> </ul>	

## ANNEX I- BIBLIOGRAPHY

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## ANNEX II – INTERVIEWS

How many interviews...	... in total		... with national authorities		... with labour inspectorates		... with workers' representatives		... with employers' representatives		... with research institutes, academia, OSH professional bodies, etc.	
	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed	Contacted	Completed
IT	24	20	6	4	5	3	4	4	5	5	4	4

This table details all the interviews that were completed with Italian stakeholders, and includes as well the number of stakeholders contacted for these interviews. A further distinction is made on the basis of the category of stakeholders.

The selection took into account the specificities of the labour market in Italy and the stakeholders of the most representative sectors have been interviewed. The interviews included a balanced representation between the different types of stakeholders, i.e., representatives of employers and workers, social partners and national authorities, institutions and academia. The types of stakeholders interviewed have been sufficiently diverse (representatives of large companies, but also SMEs, and the public as well as private sectors). We selected the stakeholders in order to secure that all the Directives were covered. Despite the effort, the interviews covered only a total of 10 OSH Directives because the majority of stakeholders prefer to focus on the most important Directives which cover different aspects of occupational health and safety [e.g. Framework Directive 89/391, Council Directive 89/654/EEC (workplace), Directive 2009/104/EC (work equipment), Council Directive 89/656/EEC (PPE)] or they have only fragmentary OSH information related mainly to their sector (manual handling of loads, electromagnetic fields, carcinogens/mutagens, asbestos, boarding fishing vessels, etc.) and very limited knowledge on OSH Directives except the general provisions of the Framework Directive. Nevertheless, the interviews allowed us to obtain useful information to complete the desk study report.