

# Italy

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## PART 1 – NATIONAL FRAMEWORK

### Overview

National social dialogue	Principal Level of Collective Bargaining	Industry	
	Workplace Representation	Union	
	Board–level Representation	No	
National worker representation	The main employee representative bodies in Italy – the RSUs – are essentially union bodies, even if they are largely elected by all employees. The unions nominate the candidates for the two–thirds of the members directly elected by the whole workforce, and choose the remaining third themselves. The Italian Workers’ Statute (law 300/70), that assigns worker representatives with the right of promoting and monitoring measures relating to health and safety at the workplace.		
Principal legal documents on H&S	<p>The core provisions on occupational health and safety are set out in regulations passed in 1955 and 1956. The general rules are contained in the Presidential Decrees of April 1955 ‘provisions for the prevention of accidents at work’ and of March 1956 ‘general occupational health provisions’. Legislative Decree No. 626/1994 implements the 1989 and 1990 occupational health and safety Directives.</p> <p>Employee representatives with specific health and safety responsibilities must be elected or appointed in all undertakings. Direct election by the workforce is required in all undertakings of up to 15 employees. In undertakings employing more than 15 workers, these representatives are elected or appointed as part of the trade union representative body. Where there are no trade union representatives, they are elected by the entire workforce.</p> <p>Health and safety committees may be set up in certain sectors by collective bargaining, in view of the fact that there are no legislative provisions on the matter.</p> <p>2012: A trial described as the biggest health and safety case ever heard in a European court ended on 13 February 2012 after almost three years of hearings. The Court of Turin sentenced two executives from the asbestos manufacturer Eternit S.p.A. to 16 years each in prison and ordered them to pay damages of €95 million. They were found guilty of causing an environmental disaster through their negligence and of knowingly failing to introduce adequate health and safety measures.</p>		
Public authorities on H&S	Ministry of Labour and Health, in conjunction with the Regional Coordination Committees and the social partners.		
Employers' obligations on H&S	The protection of employees' health is a specific obligation binding on the employer, laid down in general terms in Article 2087 of the Civil Code and Article 9 of Law No. 300 of 1970. Under these provisions, employers must in the running of their enterprises adopt all necessary measures to protect the physical, mental and moral well–being of their employees. The employer is required, in particular, to organize within the enterprise a protective and preventive service responsible for identifying risk factors and for their elimination or reduction to a minimum.		
Worker representative bodies on H&S	Safety representatives must be appointed or elected in every enterprise or work/production unit. The employees, through their representatives, have the right to check the application of measures to protect the physical, mental and moral well–being of employees. They have also the right to promote their study, development and implementation.		
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>	<i>Their role</i>	<i>Scope of influence</i>
	Trade Unions (CGIL – CISL – UIL)	negotiation	national
	Government / Ministry of Labour	negotiation	national
	Trade Unions Category	negotiation	sector
	Employers' Associations	negotiation	National and sectorial

	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 Trento and Bolzano, INAIL. With the contribution of the CNEL, the joint bodies and the institutions in the sector. It 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.	national	
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	Joint Bodies (National, Regional, Territorial) / Confederations and category	N/R	Appointed by the trade unions	Promote prevention initiatives, develop the training of RLS

## PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	While implementing the EU directives, the Decree Law 626/94 introduced important actors for health and safety management on the workplace. Amongst these, the safety representative (RLS – rappresentante dei lavoratori per la sicurezza) plays a key role. According to the Law, the RLS is elected or designated in all the enterprises or production units (directly elected by and among the workers in enterprises with over 15 employees; and with the chance to designate an external sectoral or territorial representative–RLST– for enterprises with fewer than 15 employees.)
Interaction of H&S representation with the general representation of workers	The most widespread form of worker organization within private sector enterprises is the workers' council (or delegates' council). This elected body represents the entire workforce of a work/production unit, made up of all the workers' delegates elected in its individual departments and offices.
<b>Worker representation bodies on H&amp;S at work</b>	
Implementation of worker representation in H&S on enterprise level	All workers
Thresholds of implementation	Safety representatives must be appointed or elected in every enterprise or work/production unit. In the case of very small enterprises, i.e. with fewer than 15 employees, a single territorial representative may be chosen for a number of enterprises in a given geographical area or product sector. There is also a legally specified minimum number of safety representatives according to the size of the enterprise.
Role of the trade unions	Role of trade unions is to promote elections of safety representatives in every workplace. They also offer support for union negotiations and coordination of the regional safety representatives.
Composition, mode of nomination or election of members	Representatives are appointed or elected either by external union bodies or by workplace union structures, except where an enterprise has 15 or more employees but there is no workplace union structure. In these circumstances the employees elect one of their own as safety representative. The number of elected safety representatives depend on the amount of employees (1 in enterprises up to 200 employees; 3 in enterprises from 201 to 1000; and 6 in enterprises with more than 1000 employees). These are the minimum requirements by law. Improved conditions are present at the level of national sectoral bargaining. The elections take place by the vote of all employees in the enterprise; on the basis of rules defined in the agreements between trade unions and Employers' Associations.

Area of competencies	The responsibilities of the safety representatives are on all issues related to health and safety at work. In some collective agreements, these are extended with the issues related to environmental issues.	
Functions	<p>Inform, consult, propose.</p> <p>The law indicates an advisory role on all matters of health and safety. Surely it also has a function of control. In the context of labor relations within the enterprise, there is also a function of negotiation with the support of the RSU.</p> <p>Safety representatives are entitled to be consulted in advance and in good time on any decisions regarding the prevention of risks to employees' health and physical well-being in the workplace and also to receive all information relevant to risk assessment and preventive measures, dangerous substances and preparations, machinery, equipment, the organization of work and the physical work environment, accidents and occupational illnesses. They may also put forward comments and proposals on these matters.</p>	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	Yes	
	N/A	
Right to conduct surveys	Yes	
	The safety representatives (RLS) may propose improvement measures and prevention actions.	
Right to require external assessments	Yes	
	The safety representatives (RLS) may request the intervention of the competent authorities and may propose new assessments by external bodies.	
Right to lodge an appeal	N/A	
	N/A	
Right to receive training	Yes	
	There is a legal obligation on employers to provide safety representatives with specific training on health and safety standards and the particular risks inherent in the work environment in which they fulfil their functions, as well as the main technical means of monitoring and preventing those risks.	
	Amount of training	The mandatory training is provided at a minimum of 32 hours. Afterwards, additional training is possible the following years (at least 8 hours per year).
	Frequency of training	a mandatory training the first year (32 hours) and additional training the following ones (update)
	Training providers	Training can be provided by joint bodies (trade unions and Employers' Associations), and by accredited training or specialized organisations.
Allocated time during working hours to conduct their role	Yes	
	safety representatives must be allowed adequate time off work, without loss of pay, to enable them to perform their functions	
Protection against sanctions, dismissals in the frame of their mandate	Yes	
	Safety representatives (RLS) must not suffer any prejudice as a result of fulfilling those functions. By law, the same protections apply as provided to the trade union representatives (RSU).	
Link and the nature of the relations between the employee representatives and the trade unions	<p>The safety representatives (RLS) are normally part of the unions, as they are elected as part of the unitary union representatives RSU. The regional safety representatives (RLST) are always appointed by the unions.</p> <p>In medium to large enterprises the RLS and the RSU are a direct emanation of trade unions. Hence, the relations are close, and are an organic part of the union movement. This is more difficult in small and medium-sized enterprises, where the union is not present and the RLS are not always elected.</p>	

## PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

### Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Yes	
	Objectives of these changes	Issuance of a new law in 2008 that encompasses all the rules of HSE.
	Management of these changes	Legal (new rules) and negotiated (ongoing negotiations on the application of the rules)
	Effects on the improvement or deterioration of the handling of these issues	Increase of enterprises with a safety representative (RLS); more training and information is provided.
Assessment of the achievements on H&S issues through social dialogue	Stable	
	Some important milestones	N/A

### Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	More training for safety representatives (RLS). The development of a culture of prevention with joint initiatives between trade unions and employers.
Existing key success factors	Strong experience in some areas thanks to collective bargaining of national category. Participatory methods to expand to other areas.

## PART 4 – APPENDICES

### Glossary

Rappresentante per la sicurezza (RLS)	Safety representative
Rappresentanza sindacale unitaria (RSU)	Enterprise-level unitary workplace union structures.
Rappresentante per la sicurezza territoriale (RLST)	territorial representative for health and safety

### Interesting links

INAIL ( <a href="http://www.inail.it">http://www.inail.it</a> )
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### Sources

Trade union contacts	UIL	Lupi Marco
Other	– Questionnaire reply – <a href="http://www.worker-participation.eu">http://www.worker-participation.eu</a> – <a href="http://www.eurofound.europa.eu">http://www.eurofound.europa.eu</a> – IPL, "The Role of the Safety Representative in Italy". 2006.	