

PRESS RELEASE

Working Environment

Italy Seeks Even Safer Workplaces

Milano, December 8th 2011 – Safety and Health at Work are an issue taken very seriously in Italy, and the onus is on employers to cut down job-related risks.

The protection of workers' physical and psychological integrity is guaranteed by the Italian Constitution as an absolute principle. Under Legislative Decree 81/2008, as amended by Legislative Decree 106/2009, the employer is mainly responsible for the implementation of safety requirements. The same rules apply to all companies operating in all sectors of activity and with any type of risk, with the exception of companies operating in certain industries, for instance fishing vessels, rail or air transport, or prisons which are regulated by specific laws. The requirements and obligations vary according to the number of employees in a company including seasonal workers and part-timers and project workers, no matter how long their contracts runs and the number of hours they work.

Risk assessments

Under articles 28 and 29 Decree 81/08, companies are required to perform a risk assessment in order to determine which hazards workers face in their specific working environments and how big are the risks involved. This analysis is the job of the employer, and it cannot be delegated or outsourced. The employer is also obliged to consult with representative of the workers' council ("rappresentante dei lavoratori", or RLS). Companies employing less than 50 employees can make a risk assessment based on a standardized procedures developed by the Standing Advisory Committee on health and safety at work (Article 6 of Decree 81 / 2008) if workers are not subject to particular risk factors.

In order to limit liability, employers can appoint a safety representative ("Preposto") who is responsible for making sure the company is in compliance with its legal obligations. The Preposto must also inform his line manager in case of violations and ensure that only properly trained employees have access to areas of high risk.

Health checks

Under Italian law, certain workers must be subject to health checks paid for by the employer. Typical examples include workers exposed to hazardous substances

such as biological or chemicals agents. The employer must also ensure that each worker receives sufficient training in health and safety procedures.

Violations of these rules, especially when they lead to injury or death, can lead to serious penalties, fines and even jail time for executives found culpably negligent. Even minor violations can lead to costly administrative fines. In case of serious and repeated safety violations, the entire company or a subsidiary can be closed down by the authorities.

Author

*Fabrizio Bianchi Schierholz, ECOVIS Bianchi Schierholz, Montani & Partners,
Milano, Italia*

About Ecovis

Ecovis is a leading global consulting firm with its origins in Continental Europe. It has over 3,300 staff operating in over 40 countries. Its consulting focus and core competencies lie in the areas of tax consultation, auditing, legal advice and accounting and management consulting services. The particular strength of Ecovis is the combination of personal advice at a local level with the general expertise of an international and interdisciplinary network of professionals. Every Ecovis office can rely on qualified specialists in its back offices as well as on the specific industrial or national know-how of all the Ecovis experts worldwide. This diversified expertise provides clients with effective support, especially in the fields of international transactions and investments - from preparation in the client's native country to support in the target country. In its consulting work Ecovis concentrates mainly on mid-sized firms. Both nationally and internationally, its one-stop-shop concept ensures all-round support in legal, fiscal, managerial and administrative issues. The name Ecovis, a combination of the terms economy and vision, expresses both its international character and its focus on the future and growth.

Contact at Ecovis

Ulf Hausmann

Ernst-Reuter-Platz 10, 10587 Berlin, Germany

Tel.: +49 (0)30 310008-54, Fax: +49 (0)30 310008-56

E-Mail: ulf.hausmann@ecovis.com www.ecovis.com