

Aspetti legali ed assicurativi

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Le innovazioni tecnologiche e nuovi rischi stanno influenzando la salute e la sicurezza occupazionali sui luoghi di lavoro.

In Italia, i datori di lavoro si tutelano con due principali coperture assicurative: l'Inail (Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro) obbligatoria e la **Garanzia di responsabilità** del datore di lavoro fornite dal mercato assicurativo privato.

Oltre alle polizze assicurative, un sistema dedicato alla gestione della sicurezza e della perdita di Prevenzione è un modo efficace per ridurre o eliminare gli infortuni sul lavoro e può fornire un punto di riferimento completo all'Executive Management delle aziende.

Parole chiave: assicurazione, infortuni, prevenzione delle perdite.

Legal and insurance aspects. Technological innovations and new risks are affecting the occupational health and safety of workplaces.

In Italy, employers protect themselves with two main insurance coverages: the compulsory Inail (Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro) and the Employer's Liability guarantee provided by the private insurance market.

In addition to insurance protections, a dedicated Safety and Loss Prevention Management System is an effective way to reduce or eliminate work related injuries and can provide a complete benchmark to the Corporations' Executive Management.

Keywords: Insurance, injuries, Loss Prevention.

Aspects juridiques et assurances. Les innovations technologiques et les nouveaux risques affectent la Santé et la Sécurité sur les lieux de travail.

En Italie, les employeurs sont protégés par deux principales couvertures d'assurance: l'Inail (Institut national d'assurance responsabilité professionnelle) et la Garantie de l'employeur sur la responsabilité fournie par le marché de l'assurance privée.

Outre les contrats d'assurance, un système dédié à la gestion de la sécurité et à la perte de prévention constitue un moyen efficace pour réduire ou éliminer les accidents du travail et peut fournir une référence complète à la direction générale des entreprises.

Mots clé: assurance, accidents du travail, prévention des pertes.

1. Foreword

New technologies are strictly connected to new or emerging risks and are impacting in various ways on the health and safety related to working places.

- Exasperation of the concept of competitiveness, depersonalization of work and job insecurity are relating to stress;
- Consciousness of the damage that the electromagnetic fields can produce
- Use and cultivation of GMOs
- Climatic changes are impacting on the type of construction and on heating and cooling services
- Environmental pollution is referring to new diseases
- Scarcity of traditional fuels rela-

ted to alternative energy with risks related to new technologies (e.g. Biomasses)

- Migration flows and workers coming from very different countries can produce an interchange of endemic diseases

2. Discussion

2.1. Employer's insurance protections

2.1.1. Inail

The National Institute for Insurance against Accidents at Work, is a public non-profit entity safeguarding workers against physical

injuries and occupational diseases.

Inail is the compulsory insurance for all employers hiring workers in the risky activities defined by law.

Inail protects workers against damages due to work related accidents and occupational diseases. This insurance releases the employer from liability resulting from the damage caused by his employees

2.1.2. Private Insurance: Employer's Liability (Responsabilità Civile Prestatori di lavoro – RCO)

The responsibility of the entrepreneur resulting from accidents at work or occupational diseases to employees expose the company to damages that cannot be predicted in advance. It follows that if the company wants to avoid significant fund immobilizations to hedge potential severe risks and protect the corporate image, it is forced to resort to private insurance for Employer's liability.

The coverage for Employer's liability guarantee is generally provided by the insurance market together with the General Third Party liability insurance as a dedicated section of the policy.

The Employer's liability coverage is protecting the entrepreneur for:

- the subrogation action carried out by Inail;
- the autonomous claim for compensation of the employee (or his survivors) by way of compensation for the differential damage and for what not cove-

Grading Section	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	4.10	4.11	4.12	4.13	4.14	4.15	4.16	Total score
Plant 1	18	95	45	47	2	0	32	12	20	6	55	80	49	52	47	-75	485
Plant 2	18	65	35	25	10	8	57	15	15	8	35	56	65	20	50	0	482
Plant 3	20	175	70	60	10	5	60	13	50	10	55	76	64	87	50	0	805
Plant 4	20	175	55	60	10	16	60	12	50	10	100	70	70	80	50	0	838

Fig. 1. Plants' benchmark example.
Esempio di raccolta dati di un impianto.

red by the statutory insurance (i.e. Inail)

Employer's Liability policy is provided on an "All Risks" basis i.e. it covers all the events except the risks listed in the Exclusion clause (e.g. war, terrorism, nuclear risks, etc.).

It is important to notice that direct (or measured) costs arising from injuries at work are just a component of all the expenses that a company suffer: the indirect (or unmeasured) related costs can increase the total loss by up to 7 times the direct costs.

2.2. Safety Management and Loss Prevention

Particularly for multinational corporations with multiple of manufacturing sites, in addition to the statutory Health and Safety activities, an effective Safety and Loss Prevention Management System based on a grading tool could contribute to reduce or eliminate occupational injuries/illnesses.

The base of the activity is (i) a strong commitment at the executive management level, (ii) an effective standard and methodology and (iii) the involvement of a third party consultant acting as an external auditor surveying production plants and facilities.

The output of this activity will produce an occupational risk analysis based on a customized protocol and a set of recommendations for the plant management.

This approach could provide the Executive Management with a rating for each facility and a benchmark of the risk throughout the group.

Furthermore, this approach enables the Executive Management to establishes an "Action Plan" to reduce risk exposures for each location and to have a more precise allocation of investments where upgrading is needed

In addition, the sites benchmark can pinpoint common weaknesses throughout the group.

In the table 1 is reported an example of a Grading Risk Assessment for Safety for a manufacturing group in the automotive industry. Each section of the audit is scored according to the corporation's guidelines at the end of the section. A maximum score of 1000 points is possible and each section is graded as Blue (excellent), Green, Yellow or Red (poor) according to the points allocated for each criterium.

Such a methodology can produce an effective and efficient overview of the health and safety risk in the various manufacturing plants (Fig. 1).

The Grading tool can be custom-

Tab. 1. Grading tool example.
Esempio di uno strumento di classificazione.

#	Grading Section	Points
4.1	Written Health & Safety Policy	20
4.2	Health & Safety Goals & Objectives	265
4.3	Safety Process Integration	100
4.4	Risk Assessment Process	60
4.5	Confined Space Entry	10
4.6	Control of Hazardous Energy	20
4.7	Communication of Chemical	15
4.8	Mechanical Safety	20
4.9	Ergonomics	50
4.10	Occupational Health	10
4.11	Employee Involvement	100
4.12	Safety Training	80
4.13	Inspections & Observations	100
4.14	Accident Investigations	100
4.15	Occupational Injury Management	50
4.16	H & S Legal Requirements	0
	Total Points	1000

ized according to the industry and the risk assessment that have to be conducted in advance together with the analysis of the claims history of the corporation.

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