ESIA Italy
Annex 3 Labour, Health and Safety Legislation in Italy
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1 LABOUR, HEALTH AND SAFETY LEGISLATION IN ITALY

1.1 International Labour Conventions

International conventions released by the International Labour Organisation (ILO)\(^1\) most relevant to the Project include the following:

- N. 87 on Freedom of Association and Protection of the Right to Organize;
- N. 98 on the Right to Organize and Collective Bargaining;
- N. 29 on Forced Labour;
- N. 105 on the Abolition of Forced Labour;
- N. 138 on Minimum Age (of Employment);
- N. 182 on the Worst Forms of Child Labour;
- N. 100 on Equal Remuneration; and
- N. 111 on Discrimination (Employment and Occupation).

Italy has ratified all of these fundamental ILO Conventions.

1.2 Italian Legislation Related to Labour

The Italian Constitution contains some declarations of principles as well as more effective rules largely employed in case law on labour and health and safety issues. The most relevant declarations are the following: Italy is a democratic Republic founded on labour (Art. 1); the Republic recognises the right to work of every citizen (Art. 4); the Republic protects work in all its forms and applications (Art. 35). The most relevant rules concern fair pay, maximum working hours, weekly and annual paid vacation (Art. 36); the protection of women and of minors on the job (Art. 37); social insurance for old age, illness, disability, industrial illness and accidents (Art. 38); freedom of association (Art. 39); and the right to strike (Art. 40).

Further detail of the pertinent Italian labour rules and regulations are given in the following sections.

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\(^1\) The United Nations agency responsible for drawing up and overseeing international labour standards.
1.2.1 Contract of Employment

The contract of employment is considered indefinite except in cases specified by legislation (Law n.230/1962). Fixed-term contracts of employment are permitted to the extent that they are justified on grounds such as seasonal work, replacement of employees on sick leave or maternity leave, extraordinary and occasional work, organization and productivity.

Until recently, a breach of legislative requirements on fixed-term contracts led to employers typically being required to employ the worker indefinitely. However, recently, Law n.196/1997 (the “Treu Act”) has limited this sanction to on-going violations.

The Civil Code provides that each contracting party (the employer and the employee) of a contract of indefinite duration can terminate it, provided the notice period is respected (Art. 2118), or without any notice in case of just cause (Art. 2119). However, Law n.604/1966 (which implemented a collective agreement on the issue) introduced limitations on the employer’s freedom to dismiss, for companies employing more than 35 people. These limitations were then extended to all organizations regardless of size by Law n.108/1990. Currently termination by the employer is only possible for a “justified reason” and provided that the notice period is respected; or without notice for a just cause.

As far as fixed-term contracts are concerned, termination is automatic at the end of the specified duration or on completion of the specified task (Law n.230/1962). Nevertheless, the employer may terminate the contract earlier for “just cause” (Art. 2119, Civil Code).

Dismissals on the grounds of political opinion, trade union membership, sex, race, language or religious affiliation are null and void.

In case of unjustified dismissal, remedies vary according to the size of the firm.

Law n.223/1991, on collective dismissals, provides for special procedures of information and bargaining with unions before terminating contracts, and special indemnities for the employees that are to be made redundant, according to European Union (EU) directives.

1.2.2 Severance Payment

For any termination of the contract of employment, on whatever grounds, even for dismissal for just cause or resignation, the employee is entitled to receive from the employer a severance payment (‘Trattamento di fine rapporto’). This is considered a proportion of the salary, set aside every year and kept by the employer.
1.2.3 Hours of Work

Article 36 of the Constitution establishes that law must fix maximum working time. The old Legislative Decree n.692/1923, still partly in force, provided that the hours worked by employees ought not to exceed 8 hours a day or 48 hours a week (later changed to 40 by Law n.196/1997, Art. 13). Collective agreements determine the normal weekly hours of work (never more than 40 hours).

Work performed in excess of 40 hours a week is overtime. Different overtime limits can be fixed by collective agreements. In principle, overtime should be occasional or due to exceptional reasons which cannot be met by the hiring of new workers.

1.2.4 Paid Leave

All workers have the right to rest one day a week (Art. 36 of the Constitution), normally on Sunday (Art. 2109 Civil Code). Law n.260/1949 and Law n.90/1954 recognise four national holidays and other holidays. All workers have the right to annual paid leave (Art. 36 of the Constitution).

The Civil Code provides a statutory minimum leave period of eight days, for domestic workers only. The leave period of all other workers is determined by collective agreements, which generally provide an annual leave period of not less than four weeks per year.

1.2.5 Maternity Leave and Maternity Protection

Female workers have special protection in case of pregnancy and maternity (Art. 2110 Civil Code, Law n.1204/1971).

From the beginning of pregnancy to one year after the child’s birth, the employee cannot be dismissed (except for just cause).

Maternity leave is compulsory for female workers, from two months before until three months after childbirth. Leave can start earlier than two months before childbirth if the employee’s work is dangerous for her health or that of the unborn child. On the other hand, it is possible to postpone pre-childbirth leave in order to increase the leave granted after childbirth.

Some rights, reserved for the mother by Law n.1204/1971, have been gradually extended to the father, at first only in case of the mother’s impediment, but more recently with many alternatives being made available to both parents.

During compulsory maternity leave, the mother is entitled to 80% of her regular pay from Social Security and the period is counted as actual work time. Collective agreements usually oblige the employer to make up the difference to the regular wage.

Subsequent parental leave now has the same economic consequences for both parents: 30% of regular pay (form Social security) for six months.
1.2.6 Other Permitted Leave - Sick Leave

In case of sickness, the employee’s protection has been remarkably improved, mainly through collective bargaining. During sickness, suspension of the contract, with job protection, lasts for periods usually determined by collective agreements, according to the employee’s seniority. The average period is about one year. During this time, the worker is fully paid (by the employer or by Social Security).

1.2.7 Minimum Age and Protection of Young Workers

Legislative Decree n.345/99 implementing the EC Directive n. 33/1994 and Legislative Decree n.262/2000 establish the minimum age at which a person may be employed at the end of compulsory schooling. This must not be less than 15 years of age (ILO Minimum Age Convention, 1973 n. 138).

Law n.977/1967 and Legislative Decree n.345/99 introduced a special regulation to protect the work of minors, such as special medical certificates guaranteeing their physical fitness for work, periodic medical check-ups, limits on working hours, prohibition of night-time work and so on.

Law n.48/2000 is intended to meet the obligations arising from the ILO Worst Forms of Child Labour Convention, 1999 (n.182) in the fight against the exploitation of minors. It also draws guidance from ILO Recommendation n.190/1999, which supplements the aforementioned Convention.

1.2.8 Equality

The Italian Constitution (Art. 3) provides for the concept of equality of all citizens before the law regardless of sex, race, language, religion, political views, and personal or social position. This is a fundamental concept of the Italian legal system. Italy has also ratified the International Agreement of Economic, Social and Cultural Rights (New York, 16 December 1966, national Law n.881/1977). The Workers’ Statute (Law n.300/1970) invalidates any agreement or action of the employer that constitutes discrimination for reasons of sex, race, language, religion or political opinion (Art. 15). Equality between men and women at work is specifically recognised and guaranteed by Law n.903/1977. Law n.125/199 provides for affirmative action to encourage true equal opportunity for women in access to employment and during employment. Law n. 604/1966 prohibits dismissal for discriminatory reasons such as political and union views, religion and participation in union activities (Art. 4). Law n. 108/1990 invalidates dismissal for discriminatory reasons, such as race, sex, language, political and union views, religion, and requires the reinstatement of the dismissed worker in these cases.

The Constitutional Court has ruled that equality is a fundamental right of foreigners. For citizens of EU countries, ART. 48 of the EEC Treaty abolishes all discrimination at work, wage and other conditions of work. Law n. 40/1998 affirms equality between other foreign workers legally resident in Italy and Italian workers.
1.2.9 Pay Issues

Art. 36 of the Italian Constitution includes the right of the worker to a liveable wage for himself/herself and his/her family.

There is no statutory minimum wage under Italian law. However, most workers are actually covered by a minimum wage agreement, established through collective bargaining.

1.2.10 Cassa Integrazione Guadagni

The ‘Cassa Integrazione Guadagni’ is a state fund within the scope of the National Social Security Institute. It was established by Legislative Decree n.788/1954, with a view to protecting the workers’ earnings in the event the enterprise has difficulties. While initially it covered only industrial enterprises, its scope was progressively enlarged, so that it now also covers small building enterprises.

The Cassa Integrazione Guadagni operates mostly in cases of suspension or temporary reduction of activity due to causes beyond the will of the enterprise or the workers, or market fluctuations, and includes suspension of activity in the building industry due to bad weather. Workers whose contracts of employment have been suspended on these grounds can be paid 80% (sometimes up to 100 %) of their previous earnings within a prescribed ceiling.

1.2.11 Trade Union Regulation

The Italian Constitution recognises the right of citizens to associate freely (Art. 19) and the right of employers and employees to join associations or unions.

Art. 39 of the Constitution regulates trade unions and specifies that only those registered can obtain legal status and make collective agreements valid ‘erga omnes’ (for all employers and employees). This provision, however, has not been enforced because a bill regulating the registration of unions has never been adopted. Therefore, in Italy unions do not need any recognition and can organize themselves without any pre-established legal model. They can conclude collective agreements, which are legally enforceable under civil law rules. Usually the employers abide by the collective agreements concluded by the most important unions and employers’ associations and pay wages in accordance with them for all their employees.

The Workers’ Statute (Art. 14) recognises freedom of association and freedom of trade union activity at the workplace.

For workers the most frequent pattern is the industry-wide union, which has local, provincial, regional and national branches (vertical organization). The national unions join together in trade union federations (horizontal organization).

Unions are financed by the workers’ dues. Art. 26 of the Workers’ statute authorizes the unions to deduct union dues from the employee’s wages (check-off).
1.2.12 Protection Against Anti-Union Practices

Art. 28 of Law n.300/1970 (Workers’ statute) provides that whenever the employer indulges in behaviour designed to hinder or limit the exercise of freedom of association and trade union activities, or the right to strike, the local branch of the relevant national trade unions can demand that the judge (within whose jurisdiction the anti-union conduct complaint has taken place) order the employer to cease and desist from their illegal conduct and redress any grievances or obviate the effects thereof.

This order is immediately enforceable, and shall remain in force unless and until it is reversed by a higher court decision.

An employer who does not comply with an order to cease anti-union behaviour shall be liable to penalties under Section 650 of the penal code.

1.2.13 Collective Bargaining and Agreements

Unions can freely negotiate collective agreements at provincial, regional and national levels. Under Art. 17 of Law n.936/86, which reorganized the National Council of Economy and Labour (CNEL), collective agreements and accords must be registered with the CNEL within 30 days after they have been concluded.

Collective bargaining can regulate all aspects of the employer-employee relationship, except those that are regulated by law (for the effects of collective agreements refer to Law n.12).

Most categories of workers (roughly 95%) in Italy are covered by a collective agreement. However, this does not mean that collective agreements actually cover 95% of all employment contracts, because they are binding only on the parties that have signed the agreement, as well as the employers and workers legally represented by such parties under Civil Code rules.

1.2.14 Workers’ Representation in the Enterprise

The 1970 Workers’ Statute regulates plant level union activity. The Statute has been an important means of support of the unions at plant level.

The Workers’ Statute (Art. 19) specifies that workers can choose representatives, who form plant level union bodies. These representatives have particular rights fixed by the Workers’ Statute, such as the right to call meetings and referendums of workers (Art. 20-21); protection from the relocation of their leaders (Art. 22); permission for union activity, paid or not (Art. 23-24); bill-posting rights (Art. 25); and the right to obtain a representative’s room (Art. 27).
1.2.15 Strikes

The Italian Constitution recognises the right to strike, which must be exercised within the limits fixed by the law (Art. 40). However, only one law exists that regulates the right to strike, and that is for public essential services (Law n.146/1990); therefore, there is great freedom to strike.

Law n.146/1990 foresees that where a strike occurs in such services, minimum service shall be guaranteed, the modalities of which shall be agreed upon by the administration (or the enterprise that administers the essential service) and the union’s representation at the enterprise level.

1.3 Italian Legislation Related to Health and Safety

Italian Health and Safety (H&S) legislation relevant to the Project is provided below.

- Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, the Occupational Health and Safety Code implemented in 2008 and revoking former Italian occupational H&S legislation, represents the principal Italian occupational H&S legislation and applies to all workers engaged in any activities of any sector, regardless of the size of the company. It was issued with the aim to: extend the field of applicability of H&S regulatory requirements, better define the obligations and responsibilities and delegation criteria with respect to company organization functions and provide more robust rules for document keeping. Legislative Decree n.81/2008 (framework legislation composed of 306 articles and 51 Annexes) regulates different matters, including: workplace conditions and risk assessment, personal protective equipment (PPE), construction site safety, H&S warning signs, ergonomics connected with manual handling and video display units, physical agents, chemical agents and hazardous substances, biological agents, potentially explosive atmosphere (ATEX), and penalties related to matters governed by the regulations.

- Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Title I, Section I, specifically includes requirements for identification of key roles and responsibilities, such as the appointment of the following: (i) a qualified health and safety expert who is authorized to exercise this role and responsibility and who has the necessary technical knowledge; (ii) a company physician who is authorized to exercise the medical profession and who has the necessary skills and expertise in occupational medicine; (iii) a H&S committee that meets at least annually for review of the H&S management system and risk assessment processes; (iv) a prevention and protection service, inside the company organisation or as an external service delegated to the task.

- Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 30, stipulates that the company may adopt and effectively implement a suitable formal health and safety management system in order to be exempted from organizational responsibility and therefore from penalties defined in the Legislative Decree n.231/2001. Such a system should include the appointment of a control committee and the adoption of an internal disciplinary code.
• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 28, stipulates that a comprehensive H&S risk assessment is required at each workplace and related to each task, including the evaluation of risk related to chemical, physical (e.g. occupational noise, vibrations), mechanical, electric, hygienic and ergonomic risks as well as any risk conditions connected with the work environment and tasks. The documentation relating to the risk assessment must contain the following: results of the hazard assessment; prevention and protection measures to be taken as a consequence of the risks identified; deadlines, roles and responsibilities for their implementation and results of the review of the effectiveness of the protection measures.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 3 and Title I, Section I, requires that the company organization implement the same safety measures for temporary workers as for all other employees, such as informing all temporary workers regarding any specific qualifications or professional skills needed or particular medical surveillance or other specific and significant risks applicable to the workplace.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 26, requires actions to ensure that external workers (e.g. subcontractors) are provided with qualifications and have actually received correct and adequate instructions regarding the protection of their health and safety with regard to risks connected with both their own operations and the activities of the contracting organization. All employers, contracting body, contractors and subcontractors are required to co-operate when defining the use of substances/equipment, procedures and protection measures to be used to prevent health and safety risks, based on a joint risk assessment that is promoted by the employer requesting involvement of contractors and/or subcontractors.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 66, Article 80, Title IV Section II, Annex VI, stipulates that if certain activities with a specific special risk (e.g. confined space entry, medium or high voltage electric works, work at elevated locations, etc.) must be carried out, a supervisor shall be appointed and procedures established aimed at ensuring compliance with relevant protection measures.
• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Title I, Section V, includes requirements for providing, depending on the hazards identified in the risk assessment, exposed employees with medical surveillance through the company medical physician. Medical examinations are required at induction and at regular intervals. Requirements differ between mandatory examinations and voluntary examinations. Mandatory examinations are required for activities involving hazardous substances, noise, working at height, driving of forklifts, use of video display units for more than 20 hours per week, and other risk conditions according to risk assessment results. Examinations are required to include those aimed at verifying drug addiction for workers whose working tasks include driving of company vehicles that transport goods and critical tasks listed in the Ordinance on Prevention of Alcohol and Drugs Abuse at Workplace (Agreement of Governmental Regional Province Conference on 18.09.08 as amended). Voluntary examinations, which can be offered by the company, are agreed with the company physician in compliance with company campaigns for health promotion.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Annex IV, requires that first aid material be available wherever the working conditions require it. The material must be easily accessible, available in sufficient quantity and protected against deleterious effects.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 45, stipulates that an appropriate number of internal first aiders, covering all work shifts, is appointed by the organisation and specifically trained. First-aiders must receive refresher training every 3 years based on training content set in Ministerial Decree n. 388/2003.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 37, requires that a sufficient number of internal employees are specifically trained in the use of fire fighting equipment, and the training is repeated on a periodic basis according to risk assessment results.

• Presidential Decree n.1124/1965 as amended and Ministerial Decree dated 27.04.2004 sets rules for the company to provide his employees with insurance for work-related injuries and disease with the Public Insurance Company (INAIL). Insurance premiums are sector-specific and based on associated sector-specific risk assessments. Potential reimbursements are based on 'biological damage' or 'invalidity coefficient' or insurance related parameters estimated by INAIL.
Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 17, requires that any accidents at work or on the way to work, involving an insured person must be notified without delay to the Governmental Liability Insurance Body. An accident is defined as a fatality or injury if it leads to one or more lost work days. In addition, the company is required, according to practices set in Regulation on Mandatory Insurance and Notification regarding Work Related Illnesses and Professional Diseases (mainly Presidential Decree n.1124/1965 as amended and Ministerial Decree dated 27.04.2004), to implement the procedure for insurance purposes, for the notification of accidents that have involved a person who has been injured in such a way that he/she will be unfit for work for more than three days. All occupational illness, identified by the physician in charge of medical surveillance, must be reported by the same person to the supervising health authority (Labour Inspectorate) immediately. A list of officially recognised occupational illness is available in the legislation (DPR 1124/65 Annex IV as amended).

Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Title III, Articles 74-79, sets rules for providing appropriate PPE (e.g. safety shoes, safety glasses, protection gloves and hearing protection for field work, etc.) to the employees wherever, according to risk assessment procedures, there is a residual risk to health and safety that cannot be prevented using technical or organizational measures. Where several pieces of PPE are used simultaneously by one employee, the employer must verify and ensure that these pieces of equipment are suitable for use together so as to guarantee that the individual protective level of each one is not hampered. The employer shall ensure that the PPE is in good working order and is kept in a hygienic condition for as long as it is in use. The employer must train employees in the correct and safe use of PPE.

Ministerial Decree dated 10.03.1998 includes requirements for fire risk assessment and related consequent prevention and protection measures mainly related to fire prevention management systems and emergency response procedures.

Presidential Decree n.37/1998, as amended by Presidential Decree n.151/2011, governs the approval process for obtaining the Fire Prevention Certificate issue by the local Fire Brigade. A report describing the on-site fire load and the design and implementation of the adopted fire prevention and protection/extinguishing measures must be submitted to the local Fire Brigade for approval according to general requirements of fire prevention legislation (mainly Presidential Decree n.689/1959, Ministerial Decree dated 16.02.1982, Ministerial Decree dated 10.03.1998, Law n.966/1965, Law n.474/1957, Ministerial Decree dated 10.10.1994 and Ministerial Decree dated 19.03.1990). In absence of special requirements included in the Fire Prevention Certificate and of significant changes in working/physical conditions, this document is valid until the expiration date reported in the document, on the condition that fire prevention and protection systems are regularly inspected and maintained on a six-month basis through qualified experts. The most recent amendments regarding the identification of activities subject to fire prevention controls are included in Presidential Decree n.151/2011.
• Ministerial Decree dated 19.03.2001 includes procedures for fire prevention certificate issuance with regard to activities subject to major accident hazards.

• Ministerial Decree dated 3.03.2007 aims to ensure fire resistance performances of buildings to be controlled by the fire brigade department.

• Ministerial Decree dated 18.05.1995 and Ministerial Decree dated 31.07.1934 provide the main regulations on storage of flammable substances.

• Ministerial Decree dated 13.11.1995 sets technical and procedural rules for classification and validation of low-expansion foaming liquids used as extinguishing agents.

• Ministerial Decree n.121/90 is the main regulation with temporary rules of fire safety on heliports and Ministerial Decree n.238/2007 provides technical rules for fire prevention related to helicopter decks. In particular fire prevention activities, equipment and fire prevention safety requirements for infrastructures and safety regulations for employees working at the helicopter deck are defined.

• Ministerial Decree dated 10.03.1998, Article 5, Annex VIII, provides rules aimed at drawing up an emergency response plan according to fire risk scenarios identified in the fire risk assessment and an evacuation and rescue plan (wherever more than 10 operatives are employed). In any case, emergency lay-out maps indicating key elements for evacuation and emergency response purposes must be posted at appropriate strategic locations at workplaces where employees can see them at any time. Employees shall be trained regularly based on the evacuation and rescue plan, and they shall conduct emergency drills at least once per year.

• Title XI of Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, stipulates that potentially explosive atmosphere (ATEX) shall be assessed under requirements set out in the decree. The company is required to take the necessary measures to ensure adequate control of equipment/installations in order to reduce potential risk of explosion as a consequence of the assessment. In explosion risk areas equipment is required to be installed with the specific explosion-proof characteristics listed in Annex L, Part A and B, of the decree.
• Law n.791/1977 as amended is the main regulation on implementation of Low Voltage EU Directive into national legislative framework stipulates that work equipment must be appropriately designed to protect exposed employees against the risk of direct or indirect contact with electricity. Therefore, any work equipment shall be provided with a certificate of conformity.

• Ministerial Decree n.37/2008 as amended is the regulation on procedures aimed to ascertain conformance of technical installations requiring that electrical installations and appliances shall be installed, changed and repaired solely by an electrical specialist, or under the supervision of an electrical specialist, and in accordance with the rules of electrical technology. At the end of the installation, the installer shall issue a declaration of conformity clearly stating that the system has been installed using components made in compliance with technical safety rules and with laws in force. An electrical specialist must receive special training according to CEI EN 50110 regulation and CEI 11-27-1 regulation.

• Presidential Decree n.462/2001 sets out rules for all electrical installations and appliances that are subject to the necessary safety inspections. Particular types of permanent electrical installations and appliances, such as grounding installations, explosion-proof and lightning-proof installations must be safety tested prior to their initial use and after modifications by, or under the supervision of a qualified contractor (notified body) and at regular intervals thereafter. Related declaration of conformity is to be submitted to the competent authorities within 30 days from start up. The following time periods are listed in the Presidential Decree n.462/2001 for periodical inspection of equipment: permanent grounding system, lightning-proof systems and explosion-proof systems: every 2 years if the activity is not subject to Fire Brigade control and every 5 years in other cases.

• Presidential Decree n.17/2010, the regulation on implementation of Machinery EU Directive into national legislative framework, requires that work equipment be made available for the first time to workforce only if it complies with essential safety requirements of the EU machine safety directive and EU electro-magnetic compatibility directive or other relevant EU directives (CE conformity). Machinery put in operation before 30/09/1996 must at least comply with the minimum requirements outlined in Annex V of the Legislative Decree n. 81/2008 as amended.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 71, Annex VII, stipulates that, in cases where the safety of work equipment depends on installation conditions (such as pressure equipment or any equipment listed in Annex VII of Legislative Decree n.81/2008), the company shall ensure that work equipment be checked by a competent person (supervising authority officer) after installation and prior to first use. In addition, such work equipment must be periodically checked by a supervising authority or notified body contractor with the frequency set out in Annex VII. Requirements for periodic recertification of pressure equipment are included in Ministerial Decree n.329/2004.
• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Annex VII, requires that cranes and other motorized lifting equipment for loads heavier than 200 kg be provided with the declaration of the equipment installation, to be delivered to the competent authority (ISPESL) within 30 days from installation; equipment is subject to periodic documented recertification and maintenance by a supervising authority or notified body contractor with the frequency set out in Annex VII.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 71 and Annex VI, stipulates that: a) necessary measures with regard to work tools and equipment be adopted, so that they will are installed and used as per their instruction manuals, that they be provided with the instruction and maintenance manual and that they be correctly maintained; and b) a work tools and equipment control register is kept and updated. Suitable training and instruction shall be provided to the workers in charge of equipment use if its utilization requires particular competences and responsibility.

• Presidential Decree n.164/1956 provides rules for design, permits and conformity certificates, as support for scaffolding inspection and use. Based on Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, it is required that scaffolding be assembled, disassembled or transformed by adequately qualified workers and under supervision of a specifically trained responsible person.

• Legislative Decree n.230/1995 as amended by Legislative Decree n.241/2000 is the main regulation on Ionising Radiation Prevention and Protection which requires authorization for installation and detention of ionizing radiation sources or radioactive substances exceeding quantities set by Annex I of the Decree. A qualified expert shall be appointed for risk assessment, identification of protection measures, periodic monitoring of radiation levels. A specialized medical doctor shall also be appointed for special medical surveillance if workers are professionally exposed.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 210, Annex XXXVI, is focused on identification of measures aimed to ensure that the permissible occupational exposure levels for electromagnetic fields (0 Hz to 300 GHz) are not exceeded at the workplace.

• Presidential Decree n.777/1982 implements EEC Directive n. 76/893 relative to materials and articles intended to come into contact with foodstuffs at canteens or rest areas; the use of the materials and articles that came in contact with food is subject to conformity assessment according to this decree.
• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Articles 64, 115, 126, Annex IV, aims at safety of general workplace conditions. Work locations and traffic routes where there is a risk of falling, or which border danger zones, must be provided with equipment to prevent employees from falling or entering the danger zone. If an individual is required to operate more than 2 meters above ground level, there must be a guard rail of at least 1 meter height or equivalent safety measure. If this protection is not available, a falling protection harness shall be provided. In case of works using cable/rope devices, the devices must conform to legal requirements and specific training provided for use. Where employees working on specific locations or traffic routes are exposed to risk of encountering objects falling from higher work levels, appropriate protection measures shall be adopted.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Title IV, sets out requirements to prevent accidents when construction sites are present, in terms of any mobile or temporary construction site where building or civil engineering works are carried out. Safety and health project coordinators and safety and health executing/implementing coordinators are required at certain work sites along with the development and implementation of safety and health plans. Other minimum safety and health requirements for the work site, including sites located inside buildings or outdoors, are also set forth in this regulation.

• Royal Decree n.1265/1934, Article 216, provides rules for the owner of certain activities considered as ‘unhealthy’ (a list of which is provided by Ministerial Decree dated 5 September 1994); the company is mainly required to give notification of such activities to the local mayors’ office prior to commencement, who can deny authorization to start operation or require specific precaution to ensure public health.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 222, 223, sets rules for keeping an updated inventory of hazardous substances indicating related chemical hazards. The inventory should cover information about the substance, related risks, processed amount, employees working with the substance, reference to Safety Data Sheet (SDS) etc., as the basis for a preliminary chemical risk assessment. Protection measures are required to be adopted mostly with regard to occupational threshold values (TLV), after measurement of airborne concentrations, and are mainly related to local extraction systems, PPE and restrictions in terms of exposure periods and working procedures.

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Article 227, requires that suppliers be requested to provide SDS for all hazardous substances, written in Italian, to be kept at the workplaces where they are used. The SDS must be provided by the manufacturer/supplier of the hazardous substance. The employer shall provide employees with work instructions for the safe use of chemicals (also based on a summary of SDS related information) and organise training sessions on a periodic basis according to results of chemical risk assessment.
• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Articles 233-245 requires that the use of any carcinogenic substances shall be replaced by less hazardous chemicals whenever applicable. Whenever technically applicable, carcinogenic substances shall be used and processed in closed cycle processes; workers exposed to carcinogenic substances must be registered in a dedicated log book. A copy of the log book shall be submitted to the competent authority (INAIL) every three years. The employer avoids or minimizes the use of a carcinogen or mutagen at the place of work, in particular by replacing it, if technically possible, with a substance or a preparation or process that, under its conditions of use, is less harmful to the health and safety of workers. If it is not technically possible to replace the carcinogen or mutagen substance, the employer shall ensure that the production or use of such substance is done in a closed system if technically possible.

• Law n.3/2003 sets out requirements for no smoking policy in open places where it may be detrimental to safety or in internal premises and locations which are not properly equipped.

• Ministerial Decree dated 09/05/2001 aims to provide information useful for territorial and city planning to local authorities if company activities are subject to Legislative Decree n.334/99 as amended (major accident hazards).

• Legislative Decree n.81/2008, as amended by Legislative Decree n.106/2009, Title I, Section IV, stipulates that appropriate training sessions be held on recruitment and thereafter on a periodic basis according to risk assessment results, concerning risks at the workplace and on consequent prevention and protection measures. Refresher training sessions are required in case of change of work shifts or new technologies, equipment, hazardous substances and critical issues influencing potential worker exposure.

• Legislative Decree n.66/2003 provides rules for duration of normal working hours, daily hours of rest, overtime work and collective agreements regulating related issues.

Note that the Project does not fall into Seveso III Directive (Directive 2003/105/EC) because:

• as stated by Article 4, Clause (d): ‘the Directive shall not apply to the transport of hazardous substances in pipelines, including pumping stations, outside establishments covered by this Directive’;

• the Pipeline Receiving Terminal would not store large volumes of natural gas or other dangerous substances\(^1\).

\(^1\) The Directive applies to establishments where dangerous substances are present in quantities equal to or in excess of the quantities listed in Annex I. For natural gas, the storage threshold is 50 tons.