

**INAIL**

# GUIDE to Insurance

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## Instructions for Use

The Italian Constitution guarantees all citizens the right to health in the workplace.

The State establishes the obligation to insure workers employed in hazardous activities from the risk of possible accidents in the workplace or diseases caused by the same work, identifying the employer as the party who must bear the cost of this insurance.

Inail (National Institute for Insurance against Accidents at Work) manages the compulsory insurance against accidents at work and occupational diseases.

This guide examines the jobs that the law defines as hazardous, the role of the employer, both public and private, obliged to take out the insurance and to pay the premiums, and the lists protected workers.

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## General Information

Inail insurance is governed by the norms laid down in the Consolidated Law (passed with Presidential Decree no. 1124 of 1965 and subsequent amendments), and also by numerous special provisions intended primarily to extend Inail protection to new categories of workers (semi-subordinates, executives, professional athlete employees, housewives/husbands).

These include, in particular, Legislative Decree 38/2000 enacted in relation to art. 55 of Law no. 144/1999, together with the numerous rulings of the Constitutional Court and the principles laid down by the Court of Appeal, which have led to the broadening of the categories of workers and activities subject to the insurance obligation.

The insurance relationship arises by law when the prescribed requirements are met.

The employer is obliged to submit to Inail a declaration of the activity carried out, insofar as it is considered as hazardous.

Normally, in case of accident or occupational disease, employees covered by compulsory insurance are protected by Inail with economic, healthcare and supplementary benefits, even in the event that the employer has not paid the premium, for the principle of the automatic entitlement to benefits that characterizes insurance against accidents at work and occupational diseases.

In general, the cost of insurance - i.e. the insurance premium - is borne by the employer and is determined by applying rates to the employees' wages, according to a special tariff that essentially takes into account the different hazard levels of the various activities.



## Hazardous working activities

The evolution of work processes and the continuous introduction of increasingly advanced technologies has forced Inail compulsory insurance to be extended to almost all activities in production and services.

The law separates **hazardous activities** into **two large groups**:

- **activities performed using machinery, appliances or systems**
- **activities that**, by their very nature, **are hazardous even without the use of machinery**, appliances and systems; these activities are compulsorily indicated in specific lists.

### **Hazardous activities performed using machinery, appliances and systems**

Compulsory insurance is required for **persons employed** in all **activities that involve the use of machinery**, appliances and systems that are operated via pressure, electricity and heat **or that are performed in laboratories and environments** designed for work and for the production of works and services that involve the use of such machinery, appliances or systems.

In the latter case, the law protects the job considered in and of itself and not just that which is performed using machines or other sources of risk.

The obligation exists even if machinery, appliances or systems are used on a temporary basis, for demonstrations, for experiments or if their use is not pertinent to the activity practised and is valid regardless of the size and the power of the machines.

**Complementary and ancillary work is included** in the insurance, even if performed in different premises and separate from those in which the main work takes place.

## **Hazardous activities performed without the use of machinery, appliances and systems**

There are jobs that, although carried out without the use of machinery, appliances and systems, through their nature involve a high degree of risk.

**Even for the persons engaged in these activities Inail insurance is mandatory.**

These activities are strictly defined by law and indicated in specific lists, as shown below.

WORK	DESCRIPTION
<b>Building and road works</b>	Construction, maintenance, repair, demolition works, even involving prefabricated structures; it includes road work, watering, clearing snow, pruning trees and weeding.
<b>Installation and maintenance of machines and plants</b>	Installation, repair, modification and removal, including assembly, disassembly and testing.
<b>Land reclamation and improvement</b>	Execution of works to stabilize landslides, mountain areas, regulation of water sources and courses, including canal maintenance and tunnel drainage.
<b>Excavation works</b>	Works executed in the open air or underground and any other work involving the use of land mines.
<b>Work for railways, tramways and cable cars</b>	Construction, maintenance and repair of railways, tramways, trolleybus ways and cableways, including works relating to their operation.
<b>Distribution of gas, water and electricity; telephone, radio and television service</b>	Production and extraction, transformation, supply and distribution; construction, repair and removal of plants, lines and ducts, including lightning conductors.
<b>Road transport</b>	When it involves the use of machines or animals.
<b>Storage warehouses</b>	Work relating to the operation of warehouses for storing goods or other materials.
<b>Garaging and parking</b>	Garaging for land, nautical or airborne vehicles, as well as parking, even open-air, of mechanical vehicles.
<b>Loading and unloading</b>	Jobs and activities involving loading and unloading.
<b>Navigation</b>	Maritime, lagoon, lake, river and aerial navigation.
<b>Fishing</b>	Works related to fishing practised using boats or floating structures, including all methods of fishing for sponges, coral, pearls and tuna; lagoon fish farming, mussel farming, oyster farming.

<b>Explosive, flammable, toxic, caustic and radioactive substances</b>	Production, treatment, use and transport, as well as work related to operating businesses for their storage and sale. In all cases, the flammable materials must include crude petroleum, white mineral oils and lubricant mineral oils.
<b>Plants</b>	Cutting, reduction, transport and disposal.
<b>Metalwork factories</b>	Including mechanical factories and foundries.
<b>Leather, glass and ceramics</b>	Tanning of hides and skins, glassware and ceramics factories.
<b>Mines, quarries, peat bogs and saltworks</b>	Including the treatment of foreign matter even if performed at the place of storage.
<b>Cement and bricks</b>	Work relating to the production of cement, lime, plaster and bricks.
<b>Shipyards</b>	Construction, demolition, repair of ships and boats, as well as salvaging or loading.
<b>Slaughterhouses and butchers</b>	Works related to the activity of public slaughterhouses and butchers.
<b>Fire fighting</b>	Excluding members of the National Fire Corps.
<b>Rescue service</b>	Activities relating to the rescue service.
<b>Private security</b>	Private security, including security guards for the surveillance of hunting and fishing reserves.
<b>Refuse collection</b>	Work relating to the refuse collection service.
<b>Rearing, breeding and keeping animals</b>	Including jobs in zoos and aquariums.
<b>Public entertainment and amusement parks</b>	Staging, rehearsing and performing public entertainment shows, setting up or operating amusement parks, with the exclusion of persons working in cinema or theatre halls.
<b>Technical and practical job training</b>	For practical courses held in schools and in professional qualification and training courses.

## Insured workers

The worker is the party protected by the insurance, insofar as he/she is the recipient of the benefits provided in the event of accident at work or occupational disease.

In addition to specifying the hazardous activities and the employers who must take out insurance, the law identifies in the compulsory Inail insurance **those workers who are protected** according to certain requirements. It is important to know who they are because:

- **the employer is under obligation to insure them**
- **they are entitled to the benefits provided regardless of whether the employer is up to date with the insurance (for the principle of automatic entitlement to the benefits, according to which the insurance protection also includes cases where the employer has failed to pay the due premium).**

### Subjective requirements

To be covered by Inail insurance, the worker must meet the following requirements:

- **be assigned permanently or temporarily to one of the jobs that the law defines as hazardous**
- **perform manual work involving the direct or environmental contact with the sources of risk**
- **perform his/her work as an employee and under the direction of others**
- **receive payment, in any form, even in kind.**

## Insurance and contributions in agriculture

Protection in agricultural work is governed by Title II of the Consolidated Law.

This sector is distinct from, and independent of, the industrial sector, in consideration of the different socio-economic context, the different field of application, the benefit levels and the different financing system.

The notion of the insured event and the procedure to award the benefits is shared by the two sectors.

The field of application of coverage is defined by the objective requirement - the activities covered - and the subjective requirement - the persons covered.

An agricultural activity must be practised as part of **an agricultural business** in order to be covered. Art. 2135 of the Civil Code identifies an agricultural business (farm), since it defines the **farmer** as: *“anyone who operates one of the following activities: land cultivation, forestry, animal farming and related activities”*.

For the purposes of insurance coverage, agricultural work, as long as it is performed on the land or in the interest and on behalf of the farm, includes:

- land cultivation, forestry and livestock farming (main agricultural work) even if undertaken using machines;
- related work that, although not directly referring to agricultural production, increases its effectiveness by means of preparation or stimulus; complementary work relating to the use of by-products; ancillary work promoting better use of the land.

All of these types of work must fall exclusively under “normal” agricultural operations; in the absence of this condition they must instead be insured under industry sector.

In practice, it is not easy to distinguish whether a product transformation process is agricultural or industrial.

The guiding principle is to consider as insurable those operations of product handling linked to the production cycle that are indispensable to ensure product preservation.

From the same viewpoint, a further principle is that identified more recently

by Legislative Decree no. 228/2001 which, in line with the evolutionary trends of agricultural activities and, in particular, activities related to agriculture, has ruled unequivocally that the possession of land is no longer indispensable to the activity of the agricultural entrepreneur.

In fact, the aforementioned decree introduced the concept of prevalence, by which activities performed by the same farmer are considered in any case related when their purpose is the handling, storage, processing, marketing and promotion of the products obtained predominantly from cultivation of the land or woodland or from rearing animals, as well as activities for the provision of goods or services through the prevalent use of farm equipment or resources normally used for farming, including activities to promote the local area and the rural and forestry heritage, i.e. of accommodation and hospitality as defined by law.

- Forestry work, intended as the cultivation of forests, plantations, cutting and transportation of plants, carbonization etc.;
- the activities referred to in Title I of the Consolidated Law if undertaken by a farmer in the interest and on behalf of agricultural businesses (farms);
- other activities considered as agricultural if performed independently of agricultural production processes (e.g. forestation, maintenance of irrigation systems, care of fauna, gathering of agricultural products, agricultural and forestry sector and maintenance services).

Lastly, pursuant to Law no. 96/2006, agritourism activities fall within the scope of agricultural insurance.

With regard to persons entitled to insurance cover, art. 205 of the Consolidated Law lists:

- permanent or temporary workers employed by farms or forestry companies;
- the owners, sharecroppers, tenants, their wives and children who work regularly on their farms (Law no. 203 of 3 May 1982 has provided for the conversion, among others, of sharecropping and colony contracts into rental contracts for self-employed farmers. The contracts that still exist, therefore, are to be phased out);
- work supervisors. If, however, they are classified as employees or managers, they are insured exclusively by Enpaia (National Institution of Social Security for Personnel and Employees in Agriculture) and not by Inail;

- members of cooperatives;
- family members working on the farm or in the forestry company.

As from 1 June 1993, due to the effect of art. 14 of Legislative Decree no. 155/1993, converted with amendments into Law no. 243/1993, protected self-employed agricultural workers are identified according to the same criteria that define the area of persons insured for invalidity and old age.

Furthermore, the amendment has redefined the concept of regularity, which is to be intended as an activity carried out exclusively or predominantly, which occupies most of the year and constitutes the main source of income.

Self-employed workers are requested to register as agricultural workers with Inps (National Social Security Institute). The contribution regulations in force require:

- a) a contribution by the employer and the lessors of the shared land to be calculated on the basis of the actual remunerations of employees;
- b) an annual per capita contribution for self-employed workers and the lessors of sharecropper and colony land. This share is fixed for each active unit forming part of the self-employed farmer's group.

The following cases relate to activities that, although agricultural, fall within the scope of the protection provided for by Industry sector (Title I of Presidential Decree no. 1124 of 30 June 1965 and payment of the premium under ordinary management), according to how this agricultural activity is performed:

- cooperatives and their consortia that transform, handle and market mainly agricultural or animal husbandry products of their own or supplied by their members, which are consequently subject to the obligation and insurance protection for all workers employed by these companies, both with permanent and temporary contracts;
- mechanical-agricultural activities performed exclusively or predominantly on behalf of third parties;
- agritourism businesses in the case that their activity is independent of the farm activity.

Semi-subordinate workers operating in the agricultural sector are also subject to

the provisions of Title I of Presidential Decree no. 1124 of 30 June 1965 and are therefore insured by Inail through ordinary management (insurance premium calculated on the basis of the remuneration and tariff rate for the activity undertaken).

In fact, art. 5 of Legislative Decree 23 February 2000, no. 38 has extended the obligation of insurance to semi-subordinate workers, identified as subjects that are paid according to coordinated and continuous collaboration relationships<sup>1</sup> and who perform hazardous working activities, independently of the “sector” to which the contracting party belongs and therefore also in the case in which it is performed in the agricultural sector.

As a result of the entry into force of Legislative Decree no. 38 of 23 February 2000, Inail also compensates biological damage, i.e. the injury to the psychophysical integrity, open to a medical examiner’s evaluation, of the person (for events occurring since 25 July 2000).

To cover the costs of applying the indemnity regulations for the recognition of “biological damage” in agricultural sector, up to 2012 there was a specific additional charge on insurance contributions determined by decree of the Ministry of Labour and Social Policies.

The insurance contributions are collected by Inps (National Social Insurance Institute) together with those due for social security, according to procedures laid down by the same institution, and are then credited to Inail quarterly.

## **The insurance of seafarers**

As a result of the transfer to Inail of the functions of the former IPSEMA (Social Security Institute for the Maritime Sector), employees in maritime navigation and sea fishing are insured with Inail, subject to the requirements provided for by art. 1, paragraph 3, nos. 11 and 12 (protected activities), by art. 4, last subparagraph (characteristics of persons insured) and by art. 9 of Presidential Decree no. 1124 of 30 June 1965, (insuring parties).

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<sup>1</sup> Art. 50, paragraph 1, letter c-bis of the TUIR (Consolidated Law on Income Tax) approved by Presidential Decree 917 of 22 December 1986.

The insurance of the workers in the maritime sector compulsorily protects crew members and fishermen on seagoing vessels or on floats, even for recreational purposes<sup>2</sup>.

Crew members of the vessel are considered to be all those duly recorded in the crew register or in any case taken on board to work on the ship.

The activities covered are navigation and fishing, which presuppose the use of ships.

Insurance is compulsory for people who are engaged in maritime, lagoon, lake, river and aerial navigation (except the sole activity of flying, excluded from compulsory Inail insurance), as well as fishing undertaken using vessels or floats, including any form of fishing for sponges, coral, pearls and tuna; lagoon fish farming, mussel farming, oyster farming.

The owners of vessels or those who are regarded as such by law are considered to be employers for insurance purposes with regard to workers engaged in maritime navigation and fishing.

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<sup>2</sup> Vessels intended for recreational sailing are called pleasure craft, meaning any construction of any type and with any means of propulsion intended for recreational sailing.

Pleasure craft are divided into the following groups:

- pleasure ship: any craft with a hull length exceeding twenty-four metres;
- pleasure boat: any craft with a hull length of between ten and twenty-four metres;
- pleasure sailboat: any pleasure craft with oars, or with a hull length of less than ten metres.

Pleasure craft are used for recreational sailing i.e. undertaken for sporting or recreational purposes and not for profit, as well as for commercial purposes, including using boats intended exclusively for tourist hire. A pleasure craft is used for commercial purposes when:

- a. it is the subject of lease and hire contracts;
- b. it is used for the professional teaching of recreational navigation;
- c. it is used by diving centres as a support unit for divers diving for sport or recreational purposes.

## Categories of protected workers

The following table shows the other categories of workers who, by law or due to the rulings of the Constitutional Court, fall under those protected and to be insured.

WORKERS	CHARACTERISTICS
<b>Work supervisors</b>	Even if they do not physically take part in the work.
<b>Craftsmen (obliged to self-insure)</b>	Who regularly carry out manual work in their respective companies.
<b>Apprentices</b>	As defined by law.
<b>Teachers, pupils, instructors, attendants and officers</b>	Who take part in technical-practical exercises, professional qualification and training courses or other work exercises, including physical education.
<b>Spouse, children, relatives and kin of the employer</b>	That under his/her employment perform manual work or supervise work.
<b>Participants in the family business</b>	Spouse and the relatives up to the 3rd degree, as well as kin within the 2nd degree, who do manual work or supervise the work within the family business without the constraint of subordination or corporate regulations.
<b>Company and cooperative shareholders</b>	Even de facto, irrespective of name, constitution or operation, who do manual work or supervise work.
<b>Travelling salesmen and sales representatives</b>	Who regularly use personally driven vehicles to undertake their business.
<b>Hospitalized</b>	In nursing homes, institutes, hospices and hospitals whose internal services and occupational activities involve high risks, as well as their instructors or supervisors.

<b>Prisoners</b>	In institutes or establishments for prevention and punishment whose internal services and occupational activities involve hazardous activities, as well as their instructors or supervisors.
<b>Religious people</b>	That carry out paid manual work employed by third parties (excluding the ecclesiastical bodies), even if the agreements and the remuneration were established directly with the ecclesiastical body to which they belong.
<b>Fishermen</b>	Of small-scale fishing and inland waters.
<b>Crew members of ships incl. pleasure craft</b>	Taken on board to carry out tasks relating to driving the boat or assigned to complementary on-board services.
<b>Domestic workers and family carers</b>	Those who perform their duties exclusively for the functioning of family life, as subordinate workers, even part-time and with remuneration in money or in kind.
<b>Self-employed doctors and radiology technicians</b>	Exposed to X-rays and radioactive substances.
<b>Homeworkers</b>	Who, as subordinate workers, carry out at home, even with the support of family members only, paid work also on behalf of multiple business owners.
<b>Dancers and terpsichoreans (dancers in dance corps)</b>	Who perform their art under the constraints of subordination, are assigned to the staging, rehearsal and performance of shows for public entertainment.
<b>Foremen</b>	Those who are appointed by their employer to control the work done by another employer on behalf of their own employer.
<b>Personnel assigned to electric machines, computers, etc.</b>	People assigned to operating electrical machines in general, computers, cash registers, typewriters, etc.
<b>Drivers of motor vehicles</b>	Those who drive motor vehicles personally and regularly for their assigned work.

<b>Entertainers</b>	Those who, with a tie of subordination, perform artistic activity in environments organized for staging, rehearsing or performing public entertainment shows.
<b>Trade unionists</b>	Those who undertake trade union activities full time and operate directly for a Trade Union from which they also receive payment.
<b>Tourist entertainers</b>	Those who, with a tie of subordination and in tourist hospitality facilities, organize games, competitions and shows for the benefit of customers.
<b>Associates of professional firms</b>	They are insured if they operate under the same conditions as the partners of simple partnerships, "pursuant to articles 1 and 4, par. 7 of Presidential Decree no. 1124 of 30 June 1965, or in the presence of a relationship of "functional dependence", i.e. if the professional, integrated in the corporate structure, works on behalf of the company.
<b>Persons assigned to socially useful jobs of public utility</b>	Those who are engaged by the Promoters as part of specific projects.
<b>Contract workers</b>	Hired by authorized agencies (outsourcers) registered in a special register held at the Ministry of Labour and Social Policies.
<b>Housewives/ husbands</b>	Persons aged between 18 and 65 who perform non- occasionally, free of charge and free from the tie of subordination, work to care for their family and the environment in which they live.
<b>Executive workers</b>	When they are engaged in one of the hazardous activities referred to in art. 1 of the Consolidated Law and even if already protected, contractually or by law, by private insurance policies.
<b>"Semi-subordinate" workers</b>	When they are engaged in one of the hazardous activities referred to in art. 1 of the Consolidated Law or use, non-occasionally, vehicles that they personally drive that are instrumental to executing the duties performed.
<b>Employee professional athletes</b>	For sports activity performed with a tie of subordination on a professional sports clubs.

**Trainees** For the activities included in the training and orientation programme, even if possibly performed outside the company, without any limitation.

**Casual workers** Art. 54-bis of Law no. 96 of 21 June 2017 contemplates two ways of using the vouchers, namely

1. Family Book: with which natural persons, not in the conduct of professional or business activity, use vouchers for housework, home care for children and for the elderly, sick or disabled and for supplementary private lessons.
2. Casual work contract through which the user (different from the natural person referred to in the Family Book), obtains small amounts of casual or occasional work in a simplified way.

## The role of the employer

In general, it is the employer that insures his/her employees, who still are entitled to Inail benefits even if they have not been duly insured (for the principle of automatic entitlement to benefits).

When taking out insurance, the employer is exempted from civil liability for accidents at work of his/her employees, with the exception of liability as a consequence of offences subject to public prosecution.

For the purposes of the obligation of insurance, employers are defined as follows:

### **natural or legal persons, private and public institutions, including the State and Local Authorities**

that employ personnel assigned to:

- machinery, equipment, systems or who in any case operate in organized environments for works and services
- hazardous activities as strictly listed by the law.

## Specific types of employers

In order to avoid doubts about the identification of the person required to take out Inail insurance, the law has highlighted other persons who are to be considered employers.

The table below shows, for each employer, the workers that have to be insured.

<b>EMPLOYER</b>	<b>WORKERS TO BE INSURED</b>
<b>Craftsmen</b>	Themselves, their employees and family members, relatives and kin who work in the company.
<b>Companies of any type and cooperatives</b>	Shareholders who undertake paid manual work and supervisory work.
<b>Profit-sharing associates</b>	Profit-making associates who undertake paid manual work or supervisory work.
<b>Port companies</b>	Members engaged in operations of loading and landing, transshipment, storage and movement in general of goods and materials.
<b>Groups of porters and similar</b>	Its own members.
<b>Ship owners</b>	Workers engaged in navigation and sea fishing.
<b>Concession holders for on-board radiotelegraphic services</b>	On-board radio operators, not hired directly by the ship owners.
<b>Schools, educational institutions, professional course providers, on-site training providers</b>	Teachers, assistants or other workers who use electrical machines (VDTs, photocopiers, VCRs, tape recorders, projectors, etc.) as part of their work, or who frequent an organized environment where such machines are found or who undertake technical-scientific, technical-practical exercises or physical education. Students who perform technical-scientific, technical-practical exercises of physical education. Private sponsors of trainee internships.
<b>Nursing homes, institutions and hospices</b>	Hospitalized persons, instructors or supervisors whose internal services and occupational activities considered as hazardous.
<b>Prisons and detention centres</b>	Prisoners whose internal services and occupational activities considered as hazardous.
<b>Contractors and subcontractors of works and services</b>	Even if the work is performed on behalf of the State, Regional, Provincial or Municipal Authorities or other Public Authorities.

**Those who actually benefit from the provision of services**

Staff employed in breach of the provisions of the law.

**The persons who directly and on their own behalf assign people to hazardous activities, within the limits indicated alongside**

- even one single person assigned to the following activities: building works, open-air or underground excavation, work involving the use of mines, private security, rearing, breeding and keeping animals, staging, rehearsing and execution of public performances, setting up and operating amusement parks;
- more than three people, even if not at the same time, involved in the other hazardous activities.

**Holders of any capacity of radiological equipment and radioactive substances**

Doctors exposed to X-rays and radioactive substances.

**Promoters of work that is socially useful or of public utility**

Workers engaged in specific projects.

**Employment agencies**

Agency workers with fixed-term or permanent contracts.

**Housewives/ husbands**

Themselves.

**Contractors of "semi-subordinate" work**

"Semi-subordinate" workers, including coordinated and continuous service providers.

**Contractors of casual work**

Workers who provide occasional services within the scope of the activities and of the areas covered by article 54-bis of Law no. 96 of 21 June 2017 (Family Book and Occasional Service Contract).



## Employer obligations

When starting his/her business, the employer takes on the following obligations with regard to the insurance institution and the insured workers:

- 1. declaration of work**
- 2. DNA (Declaration of Names of Insured persons) and mandatory communications**
- 3. declaration of names of craftsmen and non craftsmen partners/collaborators/assistants**
- 4. single employment ledger**
- 5. payment of premiums**
- 6. reporting of accidents**

The contractor of “semi-subordinate” work is considered equivalent to an employer for all requirements relating to compulsory insurance.

### 1. DECLARATION OF WORK

At the time he/she starts a business, the employer must submit to Inail a declaration of works (or business) containing for each individual work premise all the elements, news and indications required for risk assessment and the calculation of the insurance premium, i.e. the type of business, the work performed and the total expected annual remuneration of the workers for this work.

Businesses must use the ComUnica electronic service of the Chambers of Commerce for Industry, Crafts and Agriculture for registration on the Companies Register and simultaneously with Inail with a single procedure.

The use of ComUnica for insurance purposes is not required for subjects that are not businesses, ship owners and for persons with special policies. In such cases, the electronic declaration of registration/operation must be submitted via the online service of the Inail portal.

In addition to the personal details of the employer, the company name, address, legal representative and tax code, the declaration of work must specify the nature of the work, the machinery used, any complementary and ancillary activity,

the exposure of the workforce to the risk of silicosis, information on the staff employed and wages paid.

The declaration must be submitted electronically at the start-up of works or, where this is not possible - due to the urgency and the nature of the work- within five days of the start of work, with due justification for the delay (art. 12 of the Consolidated Law, amended by Ministerial Decree of 19 September 2003).

If relatives or kin of the employer or members of cooperatives or other type of company, even de facto members, who undertake manual and non-manual activity, take part in the work, their names must be reported.

The employer must also submit to Inail, within thirty days, specific declaration for each total or partial variation of the activities already insured (separation or cessation of one or more works, change of the extension and the nature of the risk etc.). He/she must also provide declaration, within the same period, of any changes concerning the identification of the business owner, their residence as well as the registered address of the company (art. 12 of the Consolidated Law, amended by Ministerial Decree of 19 September 2003).

Change of the extension and the nature of risk is intended as the modification of one of the following elements: the nature of the work performed, the use of machinery other than those declared, the inclusion in the insurance relationship of other categories of workers.

## 2. DNA AND MANDATORY COMMUNICATIONS

The DNA (Declaration of Names of Insured Persons), required for employees and semi-subordinate workers by art. 14, paragraph 2, of Legislative Decree no. 38/2000, has been abolished. From 11 January 2008, all employers, in the event of recruitment, termination, modification and extension of the employment relationship, must send a single electronic notice to the Employment Services.

**Domestic work employers (domestic workers and carers) must send mandatory notices for the recruitment, termination, transformation and extension of the working relationship to Inps (National Social Security Institute).**

### **3. DECLARATION OF NAMES OF CRAFTSMEN AND NON-CRAFTSMEN PARTNERS/COLLABORATORS/ASSISTANTS**

Employers are obliged to report to Inail the names of the following workers, in the event that their employment is not the object of a preventive communication to the Employment Services:

- collaborators and assistants in family businesses;
- assistants in commercial enterprises;
- partner workers in commercial enterprises and corporations.

Declaration is sent via the DNA partners electronic service available at [www.inail.it](http://www.inail.it) (online services-declarations).

### **4. SINGLE EMPLOYMENT LEDGER**

Private employers, with the sole exception of the domestic employer, must establish and keep a Single Employment Ledger, which must include entries for all subordinate workers, coordinated and continuous collaborators (with or without a project) and active profit-making associates.

The Single Employment Ledger has the fundamental function of documenting for each individual worker the actual status of his/her employment and for supervisory bodies the occupational status of the company.

The Single Employment Ledger is kept and stored at either:

1. the registered address of the company or;
2. the offices of the labour consultants or other qualified professional or;
3. the services and support centres of the trade associations of craft companies and other small enterprises, including cooperatives.

The Single Employment Ledger may be kept as follows:

1. automatic processing and printing on continuous loose sheets, duly numbered on each page and stamped by Inail or stamped at the time of printing by qualified subjects;
2. laser printed, with prior authorisation from Inail for printing and generating automatic numbering;
3. on a computer. This method is not subject to compulsory stamping and authorisation by Inail. Prior to implementation, written communication must be sent to the relevant Local Labour Inspectorate.

## 5. PAYMENT OF PREMIUMS

Another fundamental obligation of the employer is the payment of premiums: in fact, pursuant to art. 27 of the Consolidated Law, “the cost of insurance is borne exclusively by the employer”. This cost consists of the payment of the “premiums” in the industry, which also include the premiums of the maritime sector and the “contributions” in agriculture. As regards “semi-subordinate” work, the cost is distributed, instead, between the contractor (2/3) and the “semi-subordinate” worker (1/3).

The ordinary insurance premium is determined by two factors:

- the total of remunerations paid to workers during the insurance period;
- the premium rate, namely the numerical translation of the severity of the risk of a job; this is indicated by a per mille ratio of earnings (remunerations x rate / 1000).

The premium rate is established in correspondence with the average national risk of individual insured activities, so as to include the financial onus corresponding to the injuries over the insurance period.

The premiums for the maritime sector are determined pursuant to art. 41 of Presidential Decree no. 1124 of 30 June 1965, applying the rates established by the specific tariff.

The first payment of the premium for the period running from the start of business to 31 December of the same year is made by the employer at the request of Inail (request attached to the certificate of insurance).

This premium must be paid in advance and is calculated on the basis of the presumed remunerations indicated by the employer in the declaration of activity start, unless there is a subsequent adjustment to be made of the remunerations actually paid.

From the second year onwards, the employer pays the premiums directly in relation to the adjustment of the previous year and the advance instalment for the year under way, as provided for by Ministerial Decree of 23 October 1990.

The Self-settlement procedure is organized as follows:

- by 31 December of each year, Inail:
  - notifies the employer of the rate applicable from 1 January (20 SM form);

- provides employers with information on the basis of the insurance premium calculation by publishing the necessary elements on its website.
- by 16 February of each year, the employer:
  - calculates the annual premium per adjustment, including additional ANMIL (National Association of Mutilated Workers and Disabled at Work) charge of 1% and subtracts from this amount that of the advance instalment;
  - calculates the advance premium per instalment with the same procedure used for adjustment, using the rate notified by Inail for that year;
  - performs the algebraic sum of the adjustment and of instalment and pays the resulting positive amount with proxy form F24. Following the transfer of the maritime sector in 2016 to GRA Web, ship owners also pay using the F24 form.
- by 28 February of each year (29 February in a leap year) the employer:
  - submits a declaration of the remunerations actually paid in the previous year through the special online services.

The procedure described above is the general rule, to which the exceptions are:

1. the communication of a reduction in expected remunerations. In the event that the employer, for the instalment-only year, expects to pay remunerations lower than that those paid in the previous year, he/she will be able to calculate the premium instalment based on the smaller amount of remunerations, providing motivated communication to Inail by 16 February via the dedicated online service (art. 28, paragraph 6 of the Consolidated Law, paragraph replaced by Ministerial Decree of 3 December 1996);
2. the faculty to pay the annual premium, instead of in a single payment:
  - in four quarterly instalments of equal amount, with deadlines on 16 February, 16 May, 20 August (art. 3-quater, Legislative Decree 16/2012 converted into Law 44/2012) and 16 November (Law 449/1997 and subsequent amendments) respectively, indicating this choice when sending the remunerations statement. Interest is applied to the second, third and fourth instalments at a rate set by the Ministry of Economy and Finance (calculated at the average rate of interest of public debt securities for the previous year);
  - in consecutive monthly instalments pursuant to Law no. 389/1989, subject to the submission to Inail of a reasoned application to pay in ordinary instalments, which must be approved and authorised. Instalment interest shall be paid from the second instalment onwards (calculated on the basis of the minimum rate of participation for the main refinancing operations of

the Eurosystem, former Official Reference Rate, increased by 6 percentage points).

There are also the so-called “special premiums” (e.g. unitary craftsmen premium) which are applied in all cases in which the nature and the modality of work, or other circumstances, do not allow to identify the necessary elements for the calculation of the ordinary insurance premium.

In some cases, moreover, the law establishes relief or specific contribution reductions that allow an employer to pay a lower insurance premium than the ordinary premium.

## **6. REPORT/COMMUNICATION OF ACCIDENT AND REPORT OF OCCUPATIONAL DISEASE**

For statistical and information purposes, the employer is obliged to send Inail electronically, and through it the National Information System for Prevention in the Workplace (SINP), within forty-eight hours of receipt of the medical certificate information (certificate identification number, date of issue and period of prognosis), the details and information relating to accidents at work involving employees or similar that lead to absence from work of at least one day, excluding the day of the event<sup>3</sup>.

Accident report must be sent electronically using the “Accident report” application to be found in the online services at [www.inail.it](http://www.inail.it)

If the prognosis recorded on the first medical certificate is for more than three days, excluding that of the event, the employer must send accident report for insurance purposes using the service “Accident report/communication”, again on the website [www.inail.it](http://www.inail.it).

In the event of a fatal accident, or when the severity of the incident could result in such an eventuality, the report must be sent within 24 hours of the accident, by any means that provides proof of sending.

The report/communication of an accident must be performed electronically by employers in the public and private sectors, by labour consultants authenticated

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<sup>3</sup> Small-scale craftsmen, small traders, self-employed farmers, workers in a family business and the shareholders of simple partnerships in the agricultural sector are excluded for events that happen to themselves.

in advance at the Inail offices, by those listed on the registers for “lawyers, accountants, chartered accountants and of commercial surveyors”, who have sent the required online communication to the Local Labour Inspectorate, by Trade Associations.

For accidents occurring to those engaged in maritime navigation and sea fishing, the report/communication must be sent by the ship’s captain or, when impossible, by the ship owner/employer.

If the accident occurs during navigation at sea, the report/communication must be sent on the first day of landing after the accident, in the event of an existing medical certificate that records a prognosis of more than three days, drawn up at sea by the ship’s doctor.

The report of injury must be sent electronically by the doctor or healthcare facility of issue within two days of the date in which the employer received notice of it and must be accompanied by references to the medical certificate already sent to the insurer.

The medical certificate details are made available electronically by Inail to the subjects required to send electronic report, in compliance with the provisions referred to in Legislative Decree no. 196 of 30 June 2003 and subsequent amendments.

The employer is also obliged to send a report of occupational diseases, which must be sent electronically by the employer as indicated above, always accompanied by references to the medical certificate already sent to the insurer, directly by the doctor or the healthcare facility of issue, within five days of the date in which the employer became aware of the case.

Accidents or occupational diseases shall be dealt with by the local offices in the region of domicile of the injured person.

For the employer subject to the insurance obligations, the requirement of sending a report of every fatal injury or injury with prognosis of more than thirty days to the local public safety authority is fulfilled by sending electronic report of an accident for insurance purposes.

The data of reports are made available electronically by Inail to subjects obliged to send electronic report, in compliance with the provisions referred to in Legislative Decree no. 196 of 30 June 2003, and subsequent amendments.

## Insurance premiums

### Ordinary premium - the four Premium Tariffs.

The insurance premium due to Inail is calculated by multiplying the remunerations paid to workers covered by compulsory insurance by the “premium rate” relating to the work performed by these workers.

The remuneration useful for the purposes of calculating the premium can be:

- the remuneration actually received;
- the remuneration conventionally established, for certain types of workers, by Ministerial Decree or by Law;
- comparable remuneration of an amount equal to the minimum established for annuities paid by Inail, which is adopted on a residual basis in the absence of conventional remuneration and actual remuneration.

The technical instrument used to establish the premium rates relating to the individual activities is the Premium Tariff.

This is a technical classification of insured activities with different corresponding rates depending on the specific risk of the working activity, as resulting from the costs/remunerations ratio recorded by Inail over a given period of observation.

The insurance premium is therefore proportional to the actual level of risk of a specific job, expressed as a numeric value which is the “premium rate”.

The tariff system is structured through “Tariff sectors” (Industry, Crafts, Services and Other Activities), which each has a corresponding specific Premium Tariff. The classification of employers in the individual “Tariff sectors”, also called “sectoral classifications”, is determined by the “business classification”, valid for social security and welfare purposes.

The premium required from an individual company varies in relation to different parameters that all aim to award more favourable treatment to companies with lower accident risk.

The instrument used is the “rate fluctuation system” (no-claims bonus system), which, within predetermined limits, allows the amount of the “national average rate” to be reduced or increased.

The system distinguishes between newly-formed companies, considering such those that have been operating for less than two years, and those that instead have been operating for more than two years. In the first two years from business start-up, the situation of the company is considered only in relation to compliance with the rules for accident prevention and work hygiene.

Subsequently, however, the following elements are considered:

- the accident trend of the company;
- the implementation of interventions for the improvement of hygiene and safety measures in the workplace, in addition to those provided for by the relevant legislation (Legislative Decree 81/2008).

With the adoption of the rate fluctuation system, the premium also becomes an efficient instrument for the prevention of occupational accidents and diseases within a larger and more coordinated system of incentives, all aimed at encouraging the adoption of health and safety measures in the workplace.

### **Special unitary premiums**

In many situations, where it is difficult to determine the insurance premium in the manner outlined above, article 42 of the Consolidated Law provides for the possibility of establishing “special unitary premiums”, determined on the basis of elements different from those indicated above (remuneration and tariff rate), such as the number of persons, the nature and duration of the activity and the number of machines.

The categories of insured persons for whom “special unitary premiums” currently apply are the following:

#### ***a) Craftsmen business owners, craftsmen shareholders, family members of a craftsman business owner, associates of a craftsman entrepreneur***

Art. 4, paragraph 1, no. 3, of the Consolidated Law includes in the compulsory insurance managed by Inail craftsmen who regularly carry out manual work in their own companies.

As regards the insurance premium due, payment of “special unitary premiums” is envisaged, applied to owners of craft businesses, shareholders of partnerships among working craftsmen as well as family assistants.

The present Tariff subdivides the insured activities - identified according to the

Premium Tariff entry codes of the Crafts Tariff - into nine classes of risk for which premium amounts are established compared to the minimum annual taxable remuneration in terms of contributions (see Ministerial Decree of 1 February 2001 and Ministerial Decree of 12 December 2000).

The special premium due for every person entitled to compulsory insurance is that established for the risk class to which the activity performed by the workers in question belongs. However, the system allows to choose a remuneration higher than the minimum one: in this case, the premium is increased proportionally according to the parameters indicated in the same Tariff.

The annual special premiums are inclusive of the silicosis additional premium and are not subject to fluctuations due to accident trends.

***b) Porters, carters, coachmen and horse-drawn transporters gathered in cooperatives and de facto associations***

Quarterly premiums are established per person in relation to the actual daily remuneration - not below the minimum daily remuneration established for the majority of employees of the company - and, for porters, per activity sector. These quarterly premiums can be divided into 3 working months and the monthly amount obtained is multiplied by the months of duration of the activity, from the entry to the withdrawal of the partner.

***c) Persons engaged in crushing and pressing olives subject to compulsory insurance***

Premiums are established per oil mill (considered as a technical-operational unit regardless of the number of employees) in relation to the actual or chosen daily remuneration - not below the daily minimum, the mill type (Type A: with a mill tank and up to 2 presses or super presses; Type B: any other mill) and the duration of the work.

***d) Small-scale sea and inland water fishermen (Law no. 250/1958)***

These are the seafarers who fish professionally with boats not exceeding 10 tons of gross tonnage and licensed inland water fishermen, who are not employed by a third party such as concessionaires of a body of water, fish farms, etc.

The legislation in force establishes a monthly premium per person in relation to the chosen daily remuneration, not below the minimum daily wage.

***e) Pupils and students of schools or educational institutions of all types and levels, not state-owned, involved in technical-scientific learning or practical or professional exercises***

Accident prevention coverage of pupils and students of schools and institutions of every type and level envisages the payment of an annual premium per person that varies depending on the annuities' adjustment. Students and pupils are insured against accidents that happen in the course of technical-scientific learning, work experience, practical exercises that also include lessons in computer literacy and foreign languages, carried out with the aid of electrical machines.

***f) Candidates for emigration subject to a skills test prior to expatriation***

A premium is established per person per skills test, incumbent upon the institutes, training centres or companies at which the skills, technical-practical or eligibility tests are performed.

***g) Radiologists, radiology health technicians of and students***

Annual premiums are established per piece of radiology equipment and per quantity of radioactive substance in use (regardless of the number of persons exposed to ionising radiation) in relation to the type of device and the radiotoxicity of the radioactive substance in use.

These premiums are paid by the holder in any capacity (owner, free loan, hire, use) of functioning radiology equipment or radioactive substances in use, including manufacturers, representatives and dealers that use medical staff for testing or trialling the appliances or handling the substances.

***h) Persons engaged in free activities of public utility***

Experimentally, for 2018 and 2019, a special unitary premium is envisaged that ensures the insurance coverage of persons engaged in free activities of public utility, such as defendants on trial in criminal court, found guilty of driving under the influence of alcohol or under the effect of drugs, drug addicts convicted of a "mild" offence involving drugs.

The compulsory Inail insurance applies where the requirements established by article 1 "protected activities" of Presidential Decree no. 1124 of 30 June 1965 are met and is paid for by an experimental fund established at the Ministry of Labour and Social Policies that reimburses Inail for the charges arising from insurance coverage of persons engaged in free activities of public utility, within specific limits of expenditure<sup>4</sup>.

<sup>4</sup> Art. 1, paragraphs 180 and 181 of Law no. 205 of 27 December 2017 (Budget Law 2018).

***i) Students enrolled in organized courses of vocational education and training (leFP)***

The special unitary premium ensures insurance coverage against accidents at work and occupational diseases for students enrolled in organized courses of vocational education and training led by educational institutions and equivalent private schools, accredited by Regional Authorities.

In order to promote the school-work integration programme, with effect from 2018<sup>5</sup>, a share of the state budget has been devoted to financing the coverage of the lower revenue from Inail premiums resulting from the additional costs of ensuring risk protection for students enrolled in leFP courses during the training they undertake in work environments.

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<sup>5</sup> Law no. 205 of 27 December 2017. Legislative Decree no. 150 of 14 September 2015.