



The European way(s) back to work

International Conference, 28 – 29 June 2007, Lucerne

Peculiarità del lavoro marittimo. Il lavoratore marittimo ed il reintegro professionale a seguito di infortunio

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FORUM EUROPEO

“THE EUROPEAN WAY BACK TO WORK”

Lucerna 28 – 29 giugno 2007

IPSEMA - ISTITUTO DI PREVIDENZA PER IL SETTORE MARITTIMO – Institute Of Social Security For The Maritime Sector – is the Entity who is given the job to assist workers with compulsory insurance against the accidents at work and professional diseases as well as during maternity, in the maritime sector and for airline crew members.

The maritime work characterizes itself by a few specifications which renders it “unique” in the panorama of working activities, if we only think of the particular place in which such activity is carried out, that is the sea and the ship. These peculiarities alone should be enough to monitor attentively the questions concerning the work of the sea worker and to foresee ways of greater protection for the confrontation of accidents caused by the working activity.

During the Conference in which we take part, organized by the European Forum about insurances against accidents and professional diseases on the theme of professional reintegration following accidents, it seems opportune to call the into attention of the audience here present a crack of reality of all peculiar things like those of the maritime sector.

In fact, a common approach and an exchange of opinions and experiences can be useful in order to together estimate and find solutions to the problems concerning work safety for sea workers, contributing to giving them a high relevance at European level even amongst a high percentage of accidents, professional diseases and deaths which occur in such sector.

As a matter of fact, the European Commission, drawing up the classification of jobs that offer high risks, has put fishing in third place, after construction and agriculture. It is necessary to start promoting and creating awareness about health and safety that may contribute to reduce the number of such accidents and deaths.

According to the European Maritime Safety Agency (EMSA), that offers consulting and technical assistance to the European commission and to the State members about maritime safety, about l’80 % of the accidents at sea is caused by human errors, wrong decisions taken under difficult sea or weather conditions; but technical malfunctioning (engines or other machinery) and incapability to overcome emergency situations can also cause accidents.

Most of the time the causes and the way these accidents happen are due to the peculiarity of the place of work and in such circumstances strong attention should be concentrated on the proposals about protection of the work at sea.

The mobility of the ship and the logistics of shortage of space represent the real risks for the safety of sea workers. Structure, stability, the floating condition of the ship, paving and walls, machinery installations, electric installations, staircases, ladders, corridors, passageways, and air and lighting installations, transport of dangerous products, (explosive, inflammable, toxic, corrosive), precarious exit ways: are all factors of risk whose danger is traditionally known and to which other unsafe elements are added , such as different shifts of the workers, the loading and unloading of cargo, maintenance operations while sailing, and unfortunately, still persisting, the frequent absence of safety signs, sanitary installations, first aid and lack of equipment for personal protection.

The sea worker is considered a “unique worker” taking into consideration the nature and type of work that he develops:

- **Procedures to have access to the job** → certain requisites are requested, such as specific professional attitude, certificates of academic qualifications and sanitary and medical control – medical appointments before embarkation, biannual medical appointments a order to maintain his registration – practiced by the State organs. These services are offered only by special state organs, still, differing from other workers.
- **Discipline of the terms of work**→ besides the general rules that regulate the terms of work for workers in general, that go from the protection of rights in the place of work to national collective contracts of the maritime sector, we find applications of specific dispositions contained in the Navigation Code, the active Regulations and the International Conventions.
- **Nature of the relationship at work**→ certain rules of a particular discipline apply. The contract of enrollment, controlled by the navigation code and by the collective contract should be the State interest to have safety in navigation, guaranteeing work not only for the private sector but above all for the safety of the ship crew coming as the first public interest.
- **The way the job is carried out** → the sea worker only has an occupation while embarked, for a certain period of time; he remains without occupation till the next period of embarkation.

In order to fully protect the sea worker regarding his job and to guarantee him his rights, efforts must be done to eliminate the risks at the place of work, to install instruments of protection and isolate him from sources of risks, to recover his physical and professional integrity, should an accident occur. He must be given full attention and support to enable him return to society, as a person and a professional.

It is necessary to call the attention of national and European institutions to such problems and deepen initiatives which aim to facilitate the reintegration of such workers in the working world, and that specifically regards IPSEMA’s efforts in favor of the sea workers, also by agreements with ship owners and other public and private sectors.

The social and economic advantages for both, the worker, absent from work due to an accident, and the employer, are bigger if the re-integration in the work place occurs as quickly as possible, not neglecting, of course, the period for necessary medical assistance.

The scope for a fast re-integration is to avoid lateness and absence due to accidents or diseases, but it is also in the interest of the worker himself, that he should not face isolation, social marginalisation or depression, as a result of a long absence: the reintegration should be an integrated part of the recovery.

The function of reintegration consists of an unavoidable and essential issue for the sea worker as already shown in the Single Law from 1965, which foresees that indemnities be part of other payments such as general assistance and social services.

IPSEMA is working hard to propose and carry out, in a short term, initiatives to assist the disabled sea worker, similarly to other public entities, regarding confrontations of the insured worker himself, through a system that foresees:

- a) the timely recovery of health conditions and compatibility with the sudden impairment;
- b) the supply of assistance and/or prosthesis that allow integration with other entities' initiatives;
- c) the re-entry into the working cycle of the original employer's company with different duties from those of sea workers.
- d) the re-entry into a productive cycle of non maritime activity.

The objective here is to enhance the philosophy of intervention, regarding victims of accidents and professional diseases, that accentuates not their impairments but their "various abilities", be it in their own interest as well as that of the employer's, because they can continue to use and offer their professional knowledge, experiences and skills previously acquired.

Finally, it is thought useful to briefly bring to light the particular discipline foreseen for pregnant sea workers and their professional reintegration after maternity leave. Even though the theme in discussion in the Conference in which we are part of is the reintegration in the workplace as a result of industrial accident and professional disease and pregnancy does not fall into this category, it seems, nevertheless, that this is a good opportunity to take note of some peculiarities of the maritime work and in particular to introduce the inconvenience in which a female worker of sea or air is put under in the case of pregnancy, and the difficulties encountered when they re-enter work after maternity.

In fact, the maritime work characterizes itself, more than in other sectors, by the importance and the distinction made between physical suitability of on-board services of the ships and working capacity. For pregnant women the on-board activity is considered tiring, unhealthy and dangerous, according to article 7 of D.Lgs. n. 151/01, which is expressly present in art. 5 of the D.P.R. n. 1026/77. Consequently, given that there is a check up examination when applying for recruitment, the doctor checks the state at which the pregnancy is at and indicates any problem that may prevent enrolment. The working conditions in navigation have always been incompatible with the state of pregnancy of the female worker, for it is a rule that imposes to them absolute prohibition, hence the work contract which concludes the violation of the said disposition, is therefore non-existent. Hypothetically, if a female worker under a regular contract is certain of and declares her pregnancy, she must proceed to disembarkation. For the period in which the prohibition of undertaking working activities on board is foreseen, the worker must be assigned to other duties. Should this not be possible, she is not qualified to work any more. In general, it is not up to the female marine worker to have the option of abstention, since the necessary conditions demanded in order to do so must include the existence of a working condition that manifests itself with the disembarkation when pregnant.

An exchange of thoughts, experiences and suggestions given in a European level, would hence be seen as extremely valuable, in order to understand how to confront and resolve, from other states, the problems inherent to female sea workers.



**Forum Europeo, Lucerna 28 e 29
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“Peculiarità del lavoro marittimo”

L'IPSEMA – Istituto di previdenza per il settore marittimo, è l'ente cui sono affidati compiti in materia di assicurazione obbligatoria contro gli infortuni sul lavoro e le malattie professionali, prestazioni di malattia, nonché di maternità sia nel campo marittimo che per il personale di volo.

PECULIARITA' DEL LAVORO MARITTIMO

Per i marittimi sono previste particolari modalità di costituzione e svolgimento del rapporto di lavoro

- ✓ **accesso al lavoro** → sono richiesti requisiti professionali specifici e la gestione è affidata ad appositi organi;
- ✓ **natura del rapporto di lavoro** → disciplina di natura pubblicistica del contratto di arruolamento;
- ✓ **disciplina del rapporto di lavoro** → si applicano disposizioni speciali tra le quali, in particolare, quelle del Codice della Navigazione;
- ✓ **modalità del suo svolgimento** → temporaneità del rapporto di lavoro;
- ✓ **luogo particolare in cui si esplica** → permanenza a bordo per lunghi periodi su ambienti instabili.

PRESTAZIONI EROGATE

Le prestazioni erogate dall'Istituto si distinguono in prestazioni di natura assistenziale e prestazioni legate all'assicurazione obbligatoria contro gli infortuni sul lavoro e malattie professionali.

- **Malattia fondamentale** → indennità erogata direttamente al lavoratore dall'Istituto e non dal datore di lavoro.
- **Malattia complementare** → trattamento indennitario erogato ai lavoratori marittimi qualora si ammalino entro 28 giorni dallo sbarco;

• **Temporanea inabilità alla navigazione** → prestazione particolare riconosciuta ai marittimi titolari di libretto di navigazione, che al termine di un periodo di inabilità per malattia o infortunio, siano giudicati temporaneamente non idonei alla navigazione;

• **Prestazioni contrattuali non di legge** → indennizzi un tantum previsti dai contratti collettivi settoriali, erogabili in caso di morte del lavoratore per malattia, di inabilità permanente parziale o totale, di morte a seguito di infortunio e rischio in itinere;

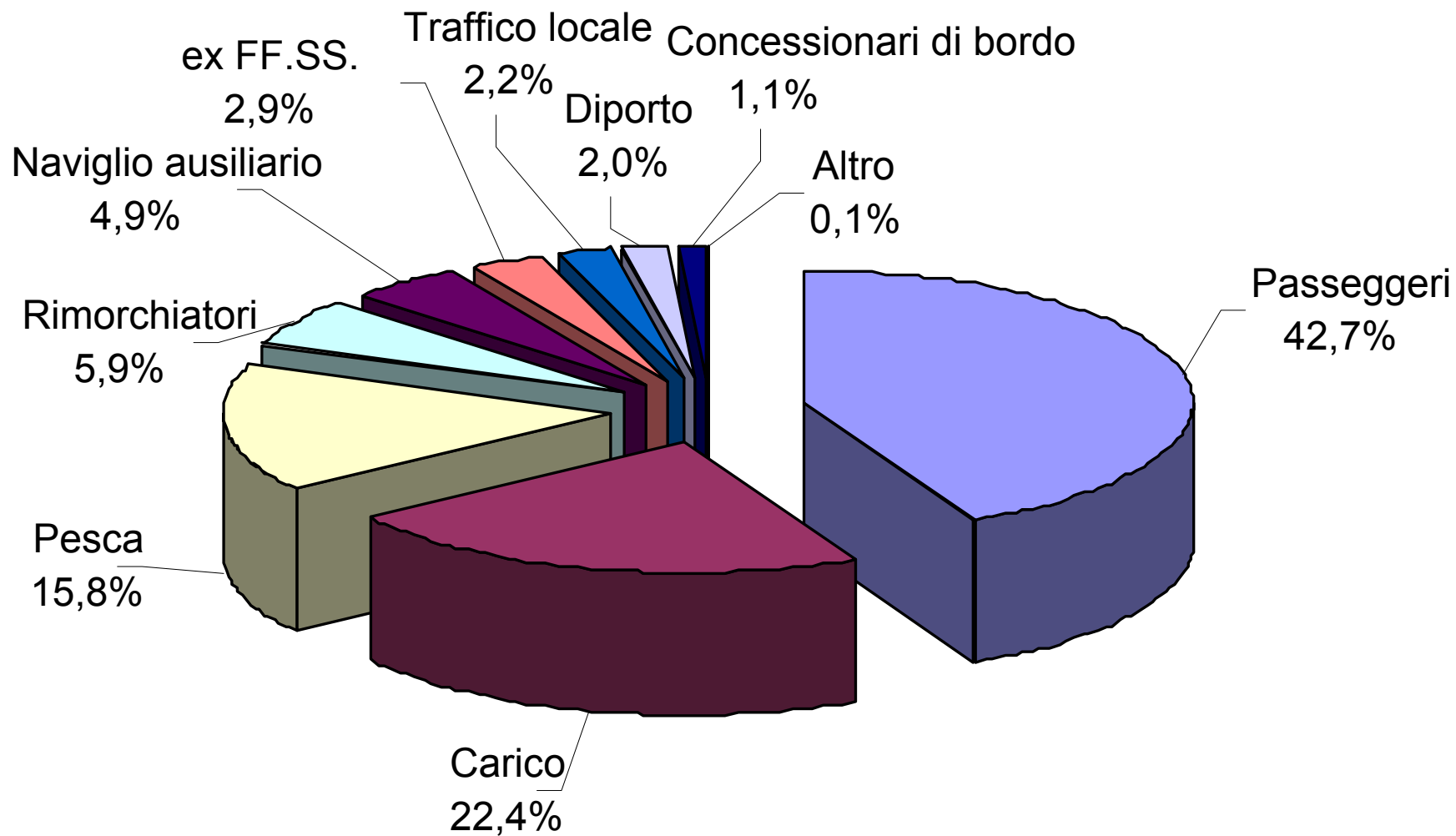
• **Indennità di maternità** → erogazione diretta ai marittimi, nonché al personale di volo, prevista dal D.Lgs. 151/01.

ALCUNI DATI SUGLI INFORTUNI NEL SETTORE MARITTIMO

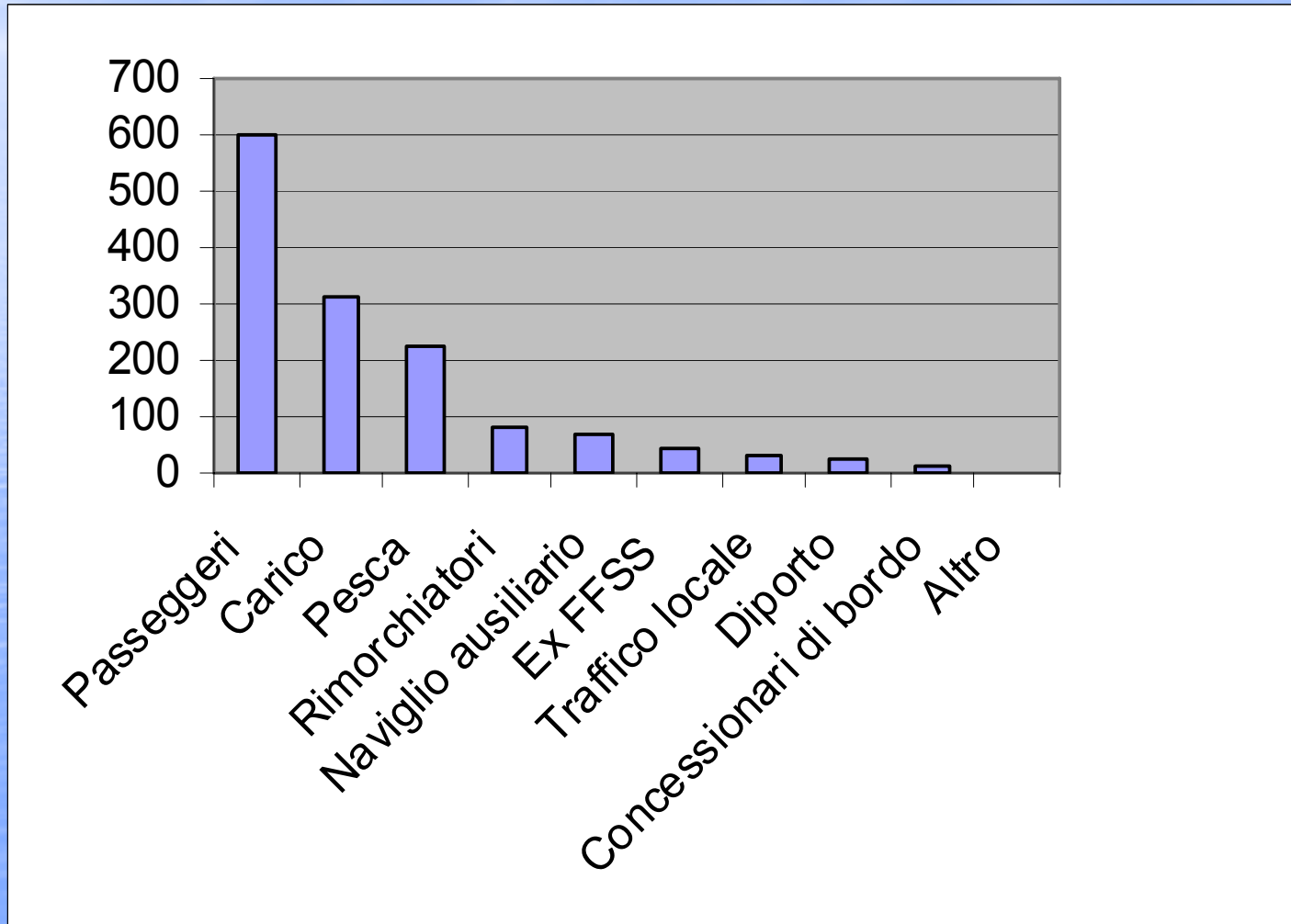
Gli infortuni registrati dall'IPSEMA nel 2006 e classificati secondo le codifiche ESAW, sono complessivamente 1.404.

Come risulta dai grafici che seguono, la maggiore concentrazione di eventi si è verificata nella categoria naviglio "Passeggeri" (43%), seguita dal "Carico" (22%) e dalla "Pesca" (16%). Gli infortuni delle tre categorie complessivamente rappresentano circa l'81% del totale.

Distrib. infortuni 2006 per categ. naviglio



Numero infortuni 2006 per categoria naviglio



- Nel 2006, nel 23% degli infortuni la lesione ha interessato gli arti inferiori, nel 19% dei casi sono state danneggiate mani e dita.
- La lesione a mani e dita nel 22% dei casi si è verificata durante un lavoro legato alla pesca. In 1/3 degli infortuni a carico di mani e dita la lesione è stata costituita da “fratture, infrazioni e schiacciamenti”

Nel grafico di seguito riportato si può notare la forte concentrazione di:

- *contusioni, escoriazioni e abrasioni* nella categoria “Passeggeri”
- *fratture, infrazioni, schiacciamenti* nelle categorie “Pesca”, “Rimorchiatori” e “Naviglio ausiliario”.

Numero infortuni 2006 distribuiti per natura lesione e cat. naviglio

Natura lesione	Tot. Cat.	Passeg	Carico	Pesca	Rimorch	Navigl	Ex FFSS	Traff locale	Diporto	Conces bordo
Contusioni, abrasioni	615	339	140	60	25	17	14	8	6	6
Fratture, schiacciam.	242	61	51	70	23	16	3	8	8	2
Slogature, lussazioni	179	72	37	19	14	6	17	6	5	3
Ferite lacere contuse	104	38	28	17	2	9	2	4	2	2
Distrazioni muscolari	41	14	6	5	7	5	-	2	1	1
Lesioni multiple	41	16	10	5	4	2	-	-	2	1
Ferite da taglio	41	19	7	6	3	1	4	-	1	-
Ustioni	31	15	9	3	-	3	-	1	-	-
Amputazioni	24	2	5	13	1	1	-	2	-	-
Commozioni, ernie	15	8	1	2	2	2	-	-	-	-
Corpi estranei	14	4	6	4	-	-	-	-	-	-
Nessuna informazione	14	3	8	1	1	-	-	-	1	-
Ferite lacere	13	3	4	5	-	-	1	-	-	-
Annegamenti	9	-	-	9	-	-	-	-	-	-
Intossicaz. gas, alimen.	9	3	3	1	-	-	-	-	2	-
Colpi di calore	7	-	-	-	-	7	-	-	-	-
Ferite da punta	4	2	-	1	1	-	-	-	-	-
Congelamenti	1	-	-	1	-	-	-	-	-	-
TOTALE	1.404	599	315	222	83	69	41	31	28	15

Nel 2006 l'IPSEMA ha, inoltre, rilevato 12 infortuni mortali, concentrati per l'83% nella "Pesca costiera". Il settore della pesca è purtroppo particolarmente rischioso a causa dell'elevato stress psicofisico a cui sono soggetti i lavoratori, dovuto sia alle disagiati condizioni in cui viene svolta l'attività (movimenti dell'imbarcazione, rumore che provoca un forte inquinamento acustico, pavimentazione bagnata e insufficiente illuminazione nelle ore notturne), sia alle caratteristiche tipiche del lavoro stesso (maneggio del pescato, sollevamento carichi, ecc.)