

APPUNTI DI METODO

Il nuovo sistema di tutela indennitario degli infortuni e delle malattie professionali: caratteristiche e specificità della riforma introduttiva del danno biologico

P. ROSSI

Sovrintendenza Medica Generale INAIL, Roma

KEY WORDS

Accidents at work and occupational diseases; impairment compensation; biological damage

SUMMARY

«The new system of compensation of occupational accidents and diseases: features and details of the reform introducing the concept of biological damage». *The compensation system concerning accidents at work and occupational diseases has been substantially modified by the Accidents at Work and Occupational Diseases Insurance (Amendment) Regulations 2000 which introduced compensation for biological damage. This kind of impairment is already a well known legal and medical concept in civil liability. Therefore, while in the past the generic working capacity was taken into account in order to obtain the impairment percentage, this kind of evaluation is now based on the damage to biological and relational capacities of the person. Thus, while the medical premise evaluated in percentage, i.e. the biological damage, unites INAIL's system with the ordinary system of civil liability, the economic evaluation highlights difference between the two compensation systems. The system as modified by the above mentioned Regulations provides, along with compensation for biological damage, compensation for financial losses caused by psycho-physical impairment, i.e. impairment of working capacity. The legal instruments provided by Parliament to implement the two kinds of compensation (biological damage and financial losses) were passed by the Secretary of State for Employment with Approval of Tables of Impairments, Biological Damage and Coefficients Regulations 2001. Three tables have been approved: the first with impairments in order to have a percentage evaluation of the biological damage; the second with the coefficients to obtain the percentage of impairment to working capacity; the third for the economic conversion of the impairment percentage evaluated with the first two tables. The paper goes over the framework of the new protection system, analyses the instruments for its implementation, i.e. the tables, and explains methods for their application.*