

Protection of third parties in current legislation and preventive practice

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KEY WORDS

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SUMMARY

The problem of safety and the management of risks to third parties, which may be caused by a change in the mental or physical health of an employee, is one which affects a number of different areas (infectious diseases, psychiatric illnesses, conditions of drug and alcohol abuse, etc.). Italian legislation deals with the issue of fitness for work through a variety of laws, decrees and regulations which, because many of them were issued in different historical circumstances, are not always mutually harmonized. The growing complexity of the workplace makes the role of the Occupational Physician more complex, and to this person the law assigns the exclusive task of monitoring the health of employees in the cases covered by the current regulations. In our opinion, the Occupational Physician, to the best of his knowledge and conscience, having taken into consideration all the aforementioned factors, must take each case on its merits, in the most responsible manner possible, weighing up the complexity and delicacy of the aspects discussed earlier, and decide to deliver a verdict of fitness and/or to break or not to break the obligation of confidentiality, tending, in our view, to favour the need to safeguard collective health, or that of third parties, should there be a conflict of interest.