

# Alcune riflessioni medico legali sull'obbligo di informativa all'autorità giudiziaria delle ipoacusie da rumore segnalate all'INAIL

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## KEY WORDS

Occupational diseases; noise-induced hearing loss; information to judicial authority

## SUMMARY

«*Medical legal aspects of the requirement to report noise-induced hearing loss notified to INAIL to the judicial authorities*». **Background:** *Law 689/81 redefined how personal lesions could be prosecuted by means of explicit mention of occupational diseases among the type of offences subject to mandatory reporting. The high prevalence of noise-induced hearing loss (NIHL) among occupational diseases has monopolized attention towards identification of a method that can define the penal limits of this occupational disease; however, up to now no single univocal approach exists. For this reason operators in this field are perplexed as to the requirement of reporting judicial authorities (J. A.). On the other hand, the great changes that have occurred in compensation of occupational diseases by INAIL (sentence 179/88 of the Constitutional Court) and the evaluation of the same in terms of biological impairment (Law D.Lgs. 38/00 and Law D.M. 12.7.00) have led to an ample and accurately assessed protection against, work-related hearing loss. Objectives and methods:* *From this perspective the authors analysed 52 cases of NIHL reported to INAIL. They compared the assessments made according to Law D.M. 12.7.00 and the guidelines for reporting to the J.A. according to four different methods generally used in the criminal field: Benciolini, Merluzzi, SIMLII guide lines and SIO guidelines. By stressing the need for a preliminary qualitative evaluation of NIHL in the penal report, the authors. restricted the analysis to the quantitative aspect with technically compatible graphs. Results:* *Processing the data resulting from application of the different methods, led to the assumption that audiometric graphs that showed a percentage of biological impairment according to Law D.M. 12.7.00 higher than 2.40% must always be reported to the J.A. For audiometric graphs that show impairment of less than 0.5% recommendations to report are rather sporadic. For the graphs with intermediate values recommendations to report to the J.A, which are always present in at least one of the methods, are not constant, and in particular there is no linear correlation between the percent grading of biological impairment and the recommendation to report; this is probably due to a difference in concept of the various methods which reflects on the respective scale of values. Conclusions:* *On the basis of these results the authors suggest that reporting to the judicial authority can be recommended for all those cases whose quantification, according Marellò's schedule, is higher than 0.5%, as these cases can, according to the penal code, supplement assessment of impairment.*