

# Focus on Social Security and Social Assistance Medicine in Italy

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## Introduction

In Italy, social protection against diseases or accidents is different according to their genesis: the so-called common diseases, not referable to work or war and diseases or accidents related to work activities. The provisions for the protection of the non-work-related illnesses are distinguished by Social Assistance and Social Security. Social Assistance is the set of interventions providing in favor of persons in need and who are not protected by the social security. The provision of assistance, both inherent in the health and economic context, is based on the tax levied on all citizens and addresses various categories, such as unemployed persons, minors and the elderly, indigent people.

Social Security, instead, does not protect all citizens, but only those who are working and have fulfilled the requirement of contributory payments. This concerns the so-called Social Insurance, which can provide safety measures for injuries and illnesses contracted due to work (managed by INAIL, the Italian National Institute for Insurance against Accidents at Work) or the common illness, which is not dependent on workplace causes and is protected by INPS (Italian Institute of Social Security).

## Italian social assistance protecting common diseases

Civil Disability (Invalidità Civile) and the recognition of the status of Handicap have been established under the Italian law for protection of the persons who are not assisted by Social Insurance. Civil disability, as sanctioned in Article 2 of Law No. 118 of 30<sup>th</sup> March 1971 [1], concerns a citizen affected by congenital or acquired invalidity (...) who has suffered a permanent reduction in their working capacity of not less than one third or, if under the age of 18, who has permanent difficulties in performing the duties and functions suited to his/her age [2]. Civil disability provides for a minimum legal medical recognition of a 34% reduction in generic work capacity, useful for economic contributions in order to obtain prostheses and aids; with the recognition of 46%, it is possible to activate job placements aimed towards disabled persons. For 67%, an exemption from any payment for medical visits is granted, whilst over 74% provides the provision of a monthly invalidity allowance, if the subject's annual income does not exceed the statutory limit. Finally, 100% (total and absolute invalidity) results in the provision of an invalidity pension, provided that the annual income of the subject does not exceed the limit established under the law. There is also an accompaniment allowance (so called *indennità di accompagnamento*) that is due to those who need continuous care due to being unable to ambulate without the permanent assistance of an accompanying person (Italian Law No. 508 of 21<sup>st</sup> November 1988) or to autonomously complete activities of daily living (Italian Law No. 18 of 11<sup>th</sup> February 1980).

A handicapped person instead is, rather, anyone who presents a physical, mental or sensory impairment (...) such as to cause a process of social disadvantage and marginalization. The recognition of the status of handicap, laid out in paragraph 1 of Article 3 of Law No. 104 of 5<sup>th</sup> February 1992 [3,4], grants the right to support during studies (for example, for a disabled student, being accompanied by a support teacher), vocational training, workplace integration and abatement of architectural barriers. The recognition of the status of handicap in situazione di gravità (paragraph 3 of Article 1 of Law No. 104/92) foresees, as a non-economic provision that is highly desirable for both the disabled worker and the worker who must assist a disabled relative, the possibility of three working days of leave per month, even divisible. In addition,

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specific economic and administrative provisions are recognized for people with disabilities civil blindness<sup>4</sup> (that is, not being due to work or war) and prelingual deafness (a new term replacing that of deaf mutism), being where deafness has arisen at a young age and has compromised or made it difficult to acquire spoken language.

### Italian social security protecting common diseases

The social security benefits provided by INPS for its insured persons in the case of a common illness are regular invalidity cheque (Assegno Ordinario di Invalidità – A.O.I.) and the regular invalidity pension (Pensione Ordinaria di Inabilità – P.O.I.). The prior (A.O.I.) establishes the entitlement, as laid out in Article 1 of Law no. 222 of 12<sup>th</sup> June 1984, to the insured party whose capacity to work, in occupations appropriate to his or her aptitude, is permanently reduced due to physical or mental infirmity or defect by less than one third [5]. For the provision of the economic benefit, the amount of which is variable on the basis of the contributions paid, it is necessary to satisfy the administrative requirements, being at least five years of contributions, of which three years in the five-year period precede the date of submitting the application. The regular invalidity pension (P.O.I.) rather, which foresees a similar contribution requirement, is issued, as stipulated in Article 2 of the said law, to the insured party who due to physical or mental infirmity or defect, is found to have an absolute and permanent inability to undertake any work [6].

### Italian social security protecting work-related illnesses or accidents

Inail, together with Inps, is part of the Italian Welfare System, to which the Italian State delegates all actions of social insurance [7]. It provides benefits in favor of workers suffering an accident at work or an occupational disease caused by working activity.

Legislative Decree no. 38 of 23 February 2000 redefined the overall role of Inail and brought about important innovations by placing the injury to the person of the worker at the center of the system, as an infringement of the fundamental right to health. Thus, it provided for compensation for biological damage, defined as injuries to the physical and mental integrity of a person, that can be subject to medico-legal investigation regardless of whether these injuries impair that person's ability to earn an income [8]. It also introduced the protection against the so-called accidents in itinere, Latin expression for Commuting accidents, occurred on the worker's journey from home to the workplace or from workplace to home.

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