

PETITION TO THE EUROPEAN PARLIAMENT UNDER ARTICLE 227 OF THE
TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

WITH THE FOLLOWING REQUEST:

REQUEST FOR A SOLICIT FROM EU TO ITALY FOR A NEW LEGISLATION IN THE FIELD
OF ARDUOUS OCCUPATIONS

Promoters of this petition are:

Nadia Carmen Brignone, born in Acqui Terme on 27/4/1969, and resident in Cairo Montenotte, Via Mameli 10, C.F.: BRGNCR69D67A052C, C.I. n. AN9465135 released by Comune di Cairo Montenotte (SV), who declares that all the communications related to this petition must be send to the following PEC address: **nadia.brignone@ordineavvocatisv.it**

on her own quality of mouthpiece of the no-profit association **A.L.C.E.V. Associazione Lavoratori centrale Elettrica di Vado**, with the social object of defending, protecting and representing workers and ex-workers of the Vado Ligure power station, promoting their rights and legitimate interests as workers, as Italian and European citizens, as human and legal persons.

In addition, the following workers:

- Vincenzo Giamello, born in Savona (SV) on 16.07.1965, C.F. GMLVCN65L16I480G, in his own quality of President of the Association,
- Ivo Cambone, born in Savona (SV) on 14.03.1965, C.F. CMBVIO65C14I480C, in his own quality of VP of the Association,
- Luca Gheresi, born in La Spezia (SP) on 18.09.1961, C.F. GHRLCU61P18E463B in his own quality of Secretary of the Association,
- Mauro Cedro, born in Savona (SV) on 19.01.1961, C.F. CDRMRA61A19I480X, in his own quality of Councilor of the Association,
- Rabellino Giampaolo nato a Savona (SV) on 18.12.1964, C.F. RBLGPL64T18I480I, in his own quality of Councilor of the Association,
- Giovanni Maiocco, born in Vado Ligure (SV) on 18.02.1962, C.F. MCCGNN62B18L528Q, in his own quality of Councilor of the Association,

All the ALCEV members – employees at the Tirreno Power S.p.A., in the Vado Ligure Power Station – are, at the moment, running a serious risk of being fired, or, to express even better their position, for most of them the end of the employment contract is the only certainty.

Premise

1) THE SPECIFIC CONTEST OF THE ALCEV WORKERS

The conditions that the ALCEV workers are forced to deal with are *very particular*, especially with regard to the “DISASTRO AMBIENTALE E SANITARIO” (environmental and sanitary disaster) as underlined by the Italian Judge about the Vado Ligure Power Station and by the precautionary seizure of the coal groups of the Power Station.

UNIQUE PREMISES that, just by themselves, legitimate a normative provision that can take care of the workers.

The Precautionary Seizure of the coal groups

On 11/3/2014 the Italian Judge for the preliminary inquiry at the Court of Savona, Doc. Fiorenza Giorgi, ordered the seizure of the coal groups at the Vado Ligure Power Station.

The reasons for this provision have been largely based on the terrible sanitary consequences of the coal groups operation, characterized by “*a programmatic violation of the prudence rules and the correct management of the implant, in compliance not only with the BAT (in Italian MTD), but even with the orders of extreme compromise and favour for the productive finalities set by the Public Authorities...*”.

The “environmental and sanitary disaster”

On 20.07.2016, the Public Prosecutor’s Office at the Court of Savona, Doc. Sandro Ausiello, send to trial 27 persons, previously investigated, within the penal legal action n. 5917/2013. All those people, with a senior position at the Tirreno Power, acting with negligence and/or malpractice, did not act with the due caution and care and, most of all, in compliance with the specific provisions of law having regard to the environment and people protection, causing an “*environmental and sanitary disaster*”.

The fear for the dangerous substances treated at the Vado Ligure Power Station

The above mentioned penal legal action has been undertaken after some epidemiologic researches on the resident population around the Vado Ligure Power Station.

Since her foundation, ALCEV asked repeatedly to the Authorities for a serious investigation about the possible effects of *working in the Power Station*, in order to submit all the workers to an epidemiologic and sanitary research. Sure enough, if the Power Station is able to put the population’s health in danger, even more so for the workers inside the structure.

Only in this autumn, the ASL 2 Savonese (the local public service of health) authorized valuation activities of how operating in the Power Station may have affected the workers.

The Vado Ligure Power Station has been identified in accordance with the Seveso Directive. Moreover, several evaluations and reports have been undertaken to verify the existence of carcinogenic substances, fuel oil¹, diesel², hydrazine until 1995³, asbestos.

1 Classified under the regulation (CE) N. 1272/2008

2 Classified under the regulation (CE) 1272/2008 (CLP)

Flam. Liquid 3; H226

Asp. Tox. 1; H304

Skin Irrit. 2; H315

Acute Tox 4; H332

Carc.2; H351

STOT Rep.Exp.2; H373

Aquatic Chronic 2; H411

In fact, each day, the workers at the Vado Ligure Power Station are exposed to multiple risks connected to the operations carried out in the headquarter.

Just few examples:

- heating systems for the production of high pressure gas;
- electrical, electronic and electromagnetic instrumentation functioning in low, medium and high tension;
- inorganic and organic chemical products.

The difficult Graveyard Shifts

In the above mentioned context, in addition to the evaluation of environmental disaster and daily risks, it is important to underline the difficulties of shift work, often by night; moreover, the afternoon shift lasts until 11 p.m. for the heat shift (10 p.m. for the coal shift). The majority of the workers boasts an average of 60 working nights in a year, a number that increases every time there is the necessity of substitute an absent colleague or (more frequently) for reduction of the employees.

2) The current condition of the workers after the above mentioned events (evaluation of environmental and sanitary disaster and precautionary segregation of the coal groups)

- **After the aforementioned events, the Tirreno Power workers who support this petition (and also the others employed at the Vado Ligure Power Station) are running a serious risk of being fired;** in several public occasions, Tirreno Power stated the intention, after the precautionary segregation, of reducing the employees.

3) The Italian current legislation about arduous work

The Italian legislation has provided a defense for those workers who are exposed to unfavourable conditions in their place of work, conditions that could led them to get very negative consequences for their health.

For these kind of people, the safeguard consists in getting a social benefit, that is the possibility to retire ahead of time, at the age of 61 years with 35 years of paid taxes.

The aim of the law about arduous occupations is clear: a concrete application of the Social Justice. Who finds himself in negative circumstances of work, has the right to get a social benefit.

However, the parameters requested by Italian law for identifying an arduous work, by now, are not satisfying and fitting the real needs of the population. In fact, the Italian legislation has, substantially, pointed out an explicit record of works that must be considered as arduous occupations. Obviously this can not be a satisfying and thorough way of including all the people who should have the right to get the provided social benefits. Just to point out the unfairness of the present law, working as a teacher in a kindergarten is considered an arduous occupation, while the ALCEV workers is not.

The ALCEV workers (and also all the Vado Ligure Power Station workers) have operated without any doubt in negative and disadvantageous conditions, however they do not satisfy the requirements provided by Italian law to be considered into the category of “arduous occupations”. So, when they will be fired, they are not going to get the social benefits provided for this kind of professions.

The unsuitableness of the current Italian legislation about arduous occupations is clear, pointed out several times by a considerable number of members of Parliament, who asked for a reorganisation of the regulation in this field. Recently, in May 2016, a draft law has been proposed by the honorable Senator Ichino. This bill expressly foresees new parameters and precepts that should inspire a new regulation with regard to the arduous occupations providing the possibility to obtain an earlier retire. Some modifications of the current law are essential to reach a concrete fulfillment of the Social Justice, that inspired the Lawyer in granting social securities for arduous occupations.

It is necessary to increase the category of arduous occupations foreseen at the moment, not only through a closed list but also identifying some standards on which operate an effective Social Justice.

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The European contest and the necessity to find communal characteristics without list exactly all the occupations

In 2013/2014, the EFBWW, in cooperation with the European Trade Union Confederation (ETUC) and IndustriAll Europe, EPSU, ETF, UniEuropa and EFFAT, carried out a study with the financial assistance of the European Commission, entitled “Better understanding of Arduous Occupations within the European Pension Debate”, looking to assess the reality of arduous and hazardous work and trying to link this reality with a realistic and worker-friendly end-of career policy.

In the final report, there is an attempt to give a general definition of “*arduous occupation*”: it clearly emerges the necessity, as the concept of arduous work is not unitary, to find some communal aspects without listing properly all the occupations, just because come explicit records would not be exhaustive.

As set out in the above mentioned final report, “*taking into account the various parameters that characterise arduous occupations, arduous occupation can be (provisionally) defined as “occupations involving the exposure of the worker over a period of time to one or **several factors** leading to professional risks susceptible to leave long-lasting and irreversible effects on his/her health; these factors are related to physical constraints, an aggressive physical environment, working rhythms or psychosocial risks”.*”

It is also explicated that an additional and extremely important characteristic of arduous occupations is the profound – yet dormant – impact on the physical and/or psychosocial constitution of workers in the medium (10 to 20 years) and long term (more than 20 years).

In conclusion:

- In consideration of the fact that the work developed at the power station has been carried out in an physically aggressive space,
- In consideration of the fact that due to the above mentioned situation the Vado Ligure Power Station workers are running a serious risk of being fired,
- In consideration of the fact that, the majority of the workers has been submitted to shifts, also including night shifts at an average of 60 days/year,

there is a combination of several factors relevant to the identify an arduous work.

Italian legislation needs to be changed in order to guarantee a real Social Justice establishing effective parameters for the identification of arduous works.

After all these premises, considering that EU is entitled to modernise social security systems and to encourage her members to share the best practises on pensions, the object of the Petition is:

Having regard with the above mentioned considerations, we ask the European Parliament to promote a change in the Italian legislation that may allow to identify those groups of workers who are potentially eligible for social securities, not only with an express punctuation of categories of workers in relation with specific works, but also with the identification of parameters that can permit a real SOCIAL JUSTICE

and more specifically

we ask that the groups of workers who are potentially eligible for social securities are will be identify by the two following parameters:

workers who operated in environmental aggressive locations (especially with regard to those who worked in locations object of a precautionary segregation due to a probable environmental and sanitary disaster) and who are fired with no possibility to retire.

With observance.

Savona – Vado Ligure, 25/11/2016

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Rabellino Giampaolo

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