



Dr. Ing. Leonardo Bonini INGEGNERIA of SECURITY, AMBIENT and QUALITY



## BULLETIN N.8/2020

### REPETITA IUUVANT

The Court of Cassation (sentence n. 13575) has ruled that a company can be convicted if the organisational model (MOG) adopted is insufficient in relation to the purposes of prevention and protection of the safety and health of employees.

The incident involved a burnt-out worker who had been in an operation without gloves.

A recklessness that did not save the Company, because the gloves provided were not adequate.

Underlying the condemnation is the failure to buy gloves to avoid burns, the failure to update the DVR and the poor training of workers.

The advantage for the Company was in saving expenditure resulting from the failure to purchase more effective devices than those in use, as well as in the absence of training courses, as well as in the greater gain given by production rhythms made faster by the absence of stringent safety measures.

The Supreme Court recalls the rules that companies must abide by in order to avoid conviction, which are more useful in the period of coexistence with the pandemic. In the workplace, for the judges, the misconduct of the employees also had to be charged to the company because of the information and training gaps.

In addition to providing the optimal protections, the company must put the worker in a position to deal with all the foreseeable risks. A specific guilty hypothesis has been challenged at the Società " ... omission and planning of an appropriate organisational model, which also includes the lack of information and training of employees."

Lo **Studio Dr. Ing. Leonardo Bonini** is on hand to provide you with a first written advice by visiting: **CONSULENZE**- 1st level consultations – **Dlgs 231/01**

**Bologna 07/05/2020**



Intertek STUDIO CERTIFICATO UNI EN ISO 9001:2015 Value Quality. Delivered. Certificate No. 1215872-01

Via Galliera No.34, 40121 BOLOGNA Tel.: '39 051 240 241-FAX: '39 051 716 032 3

Email: [l.bonini@leonardobonini.com](mailto:l.bonini@leonardobonini.com) Web: [www.leonardobonini.com](http://www.leonardobonini.com)



Dr. Ing. Leonardo Bonini INGEGNERIA of SECURITY, AMBIENT and QUALITY



Intertek STUDIO CERTIFICATO UNI EN ISO 9001:2015 Value Quality. Delivered. Certificate No. 1215872-01

Via Galliera No.34, 40121 BOLOGNA Tel.: '39 051 240 241-FAX: '39 051 716 032 3

Email: [l.bonini@leonardobonini.com](mailto:l.bonini@leonardobonini.com) Web: [www.leonardobonini.com](http://www.leonardobonini.com)