

# Workers' Labour Inspection Delegates in Belgium with Particular Reference to Mining

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## Introduction

IT WAS IN 1937 that the International Labour Office started work on the first model code for use in underground work in coal mines for the guidance of governments and the coal-mining industry. The project was delayed by the Second World War and postponed until a more propitious time. It was taken up again in 1949, and the code was revised by a tripartite technical conference, in which delegates from 15 coal-producing countries took part.

The code <sup>2</sup> recommends that authorised representatives of the workers should be permitted to inspect any mine; that all written reports and mine plans relative to safety should be made available for their examination; and that in case of a serious accident such representatives of the workers should have the right to examine the circumstances under which the accident occurred.

The model code was not made compulsory. Its authors merely hoped that governments would have regard to it when issuing or revising national safety regulations for underground work in coal mines.

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<sup>1</sup> Member of the Belgian Chamber of Representatives. The information given in this article is, in general, taken from parliamentary documents and from studies and bulletins published by the Mines Administration. The author wishes to thank all those who facilitated his research, especially in the Library of the Chamber of Representatives and in the Mines Administration.

<sup>2</sup> I.L.O.: *Model code of safety regulations for underground work in coal mines for the guidance of governments and of the coal-mining industry* (Geneva, 1950).

While I.L.O. action was initiated in 1937, the idea of having workers' representatives take part in mine inspection goes back to the end of the nineteenth century. Belgium, in fact, was the first country to move in this matter: an Act to establish posts of mine inspection delegates<sup>1</sup> was passed by Parliament in 1897, and workers' delegates have taken part in the inspection of coal mines ever since.

The Act had good results, as was unanimously recognised by the Inspectorate of Mines and by both sides of the industry. Belgium clearly played the part of a forerunner in industrial safety at a time when legislation in that field had hardly even begun.

Today, when the range of safety problems has become so wide, it may be of interest to recall the origins and trace the development of Belgian legislation on participation by workers' delegates in coal mine inspection and on the legal status of delegates, in particular. The first part of the present article studies the origins: as will be seen, the motive behind this legislation was a desire to strengthen the supervision of safety measures by associating skilled workers, with knowledge of mining and its social background, in that duty. The present legal status of the workers' delegates, its particular features, and the rights and duties it confers on the delegates will be the subject of the second part. Finally, there will be a review of other experiments in participation by workers' delegates in labour inspection, the practical consequences of legislation on the subject, and the lessons to be drawn from experience; in this context the role of the Inspectors of Mines will also become apparent.

## **Origins of participation by workers' delegates in mine inspection**

### **Historical background**

Participation by workers' delegates in the inspection of coal mines in Belgium was the culmination of a long and arduous struggle by mine-workers in social conditions that are now hardly imaginable.

The Industrial Revolution had been in process since the end of the eighteenth century. The invention of the steam engine and the establishment and growth of manufacturing industries led to a considerable demand for fuel in western Europe, and coal was the only efficient source of energy in that region. Among the producer countries that were to take part in the coming industrial expansion, Belgium possessed coal deposits that had been known since the dawn of history; but the pits, though numerous, were not very economic.<sup>2</sup> Soon, however, the small, shallow

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<sup>1</sup> Act of 11 April 1897 (*Moniteur belge*, 26 and 27 Apr. 1897).

<sup>2</sup> In 1850 there were 408 pits, producing a total of 5,820,000 tons.

pits, scattered where the seams came near the surface, were to spread more and more and to give rise to a great coal-mining industry, with an output that would rise continuously until the recent decline in the industry.

This expansion attracted towards the collieries the thousands of workers they required—workers who had suffered sorely from the social conditions of the age. It is not the intention here to give an account of nineteenth-century economic liberalism, with its enthusiasm over the first steps of technical progress, and, on the other hand, an industrial proletariat subjected to the abuses of economic power. However, it is impossible to understand fully the origins of Belgian legislation on participation by workers' delegates in mine inspection without some knowledge of the actual situation and social atmosphere at that time. Those who held political, and hence also economic, power were not insensible to the proletarian condition of the workers and their families but they regarded working-class poverty as the growing pains of a young industrial and capitalist age. The disease would cure itself, they said, and sooner or later things would come right of themselves. The State should abstain from any interference that might damage economic freedom and power, however slightly. "Aim at the greatest possible profit" had become a rider to the law of supply and demand, and the authorities should see to it that no obstacle of social origin be allowed to restrict the operation of that law.

Meanwhile, workers and their sons and daughters were crowding the slums of industrial towns. Conditions of work, life and housing were such that as late as 1891 Leo XIII observed, in his encyclical *Rerum Novarum*, that people in the lower classes were, for the most part, in a position of undeserved misfortune and poverty. Indigent, uneducated, often illiterate, the industrial worker stood alone. The labour movement had only just started and was taking its first painful steps, with the aid and support of a few intellectuals.

The miners provided no exception to the general hardship. Their number was constantly increasing—from 36,430 underground workers in 1850 to 90,000 around 1890. They and their families were the more sensitive to the social situation because of their specially dangerous and unhealthy conditions of work. The many accidents—falls of rock, mine floods, firedamp explosions—and the steadily rising number of victims aroused their anger. People were haunted by mine disasters: 121 killed at Agrappe on 17 April 1878, 113 killed at La Boule on 4 March 1887, 160 killed at Anderlues on 11 March 1892. The average annual rate of deaths in the mines between 1850 and 1890 was 2.75 per thousand workers. In 1890 there were 182 killed, out of a total of 89,038 underground workers, for an output of 20,366,000 tons.

Social tension was naturally aggravated by such events, which showed that, despite the praiseworthy efforts of the Inspectorate of Mines, mine-workers were the most exposed of all to occupational risk and that safety measures were being ignored or were inadequate.

Safety at work became the mineworkers' chief demand—the great objective they were to pursue with the aid of their unions and their political advocates.

### **The Defuisseaux Bill**

It was on 1 March 1895 that Alfred Defuisseaux, a member of the Chamber of Representatives, tabled a Bill to establish posts of worker inspectors for the supervision of underground work in mines.<sup>1</sup>

According to the author of the Bill, it was essential that there should be supervision of the mines by workers' inspectors, appointed by the workers themselves and chosen from their ranks. Any other appointment procedure would deprive the proposed service of its character and strength. Supervision of safety arrangements would not be effective and complete until worker inspectors had been added to the engineers of the Inspectorate of Mines responsible for supervision of underground work. Mr. Defuisseaux did not dispute the skill and vigilance of the engineers; nevertheless, they could not but carry out their duties better if assisted by workers who "know many things of which the engineers cannot be aware".

To achieve maximum effectiveness, a worker inspector must have absolute freedom in the performance of his allotted task. He must act in the sole light of his conscience and that of the workers who had chosen him. If he depended in the least degree on the State, which paid him, or on the operator he was required to supervise, his function would become pointless and his inspection ineffective; moreover, the miners would have no confidence in the supervision he was to carry out. It was necessary, therefore, to insist that the worker inspectors be nominated by the miners themselves; that they receive remuneration from the State; and that they enjoy a status giving them complete independence.

The Government did not endorse the Bill or the amendments made in committee and submitted in a report of 28 November 1895. Its refusal was resented by the trade unions and the population of the mining areas, and there was a fresh wave of disputes, strikes and social unrest, sometimes leading to violence.

Meanwhile many petitions in favour of giving the workers a share in mine inspection were sent to the President of the Chamber of Representatives, including a resolution by the Council of the province of Hainaut.

A terrible firedamp explosion had occurred at one of the most prosperous collieries in Hainaut. The site of the explosion was at the lower level, 400 metres under the surface. But to the stupefaction of the

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<sup>1</sup> Chambre des Représentants, Session 1894-1895: *Documents parlementaires*, No. 128.

inspectors most of the bodies were found at the higher, 300 metre level. How was this possible? It was soon found that, in defiance of the laws and regulations, the company had had clandestine passages constructed between the two levels.

The workers all knew about these passages, which Chief Inspector Jochamps described in his report as "very dangerous and specifically prohibited for safety reasons, but highly advantageous to the company as regards facility and economy of operation". As to how it could happen that such facts should escape the vigilance and discernment of the government inspectors, the official investigation revealed the following.

When an inspector arrived at the office of a mine to perform his task, he was detained at the surface for a few moments on some pretext or other. Meanwhile, in response to a pre-arranged signal sent underground, overmen had time to block the unlawfully built passages with boards, which were then sprinkled with coal dust. A signal was then sent to the surface, indicating that all was in order for inspection. The inspector came down, made his rounds and passed in front of the hidden openings without suspecting their existence. No sooner had he returned to the surface than the dangerous passages were cleared and work continued just as before.

The investigation into this case proved once again the objectivity and independent spirit of an Inspector of Mines. But it also led to the conclusion that the effectiveness of the professional competence and sagacity of any inspector, however honest, could be nullified or at least undermined by the attitudes and practices that were current at that time, which meant that the safety of the workers was gravely jeopardised.

Julien Weiler, another Inspector of Mines, had the courage to write in one of his pamphlets: "Because there is no proper organisation, the miners are at the mercy of attitudes which, though no doubt usually just and generous, sometimes unfortunately stem from an instinct of pure greed."

All these disclosures caused a sensation, shocked public opinion and induced the Government to re-examine the matter.

### **The government Bill**

In April 1896 the Government introduced a Bill to establish posts of mine inspection delegates, appointed by the Government on the nomination of the Councils of Industry and Labour, to supplement the existing mine inspection personnel.<sup>1</sup>

At the instance of Mr. Nyssens, the Minister of Industry and Labour at that time, the Chamber of Representatives referred the Bill to a special committee.

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<sup>1</sup> Chamber of Representatives, Session of 1895-1896, sitting of 30 April 1896.

After drawing up a number of amendments, the committee submitted its report on 22 May of that year. Nearly a year later, on 2 February 1897, there was a public debate in the Chamber. It dealt with both the government Bill and that of Mr. Defuisseaux. After 16 sittings, which included some particularly lively discussion, the government Bill was adopted by 81 votes to 5, with 25 abstentions; it then went to the Senate, which also adopted it. The Act received the royal assent on 11 April 1897, was published in the *Moniteur belge* of 26 and 27 April and came into force six months after promulgation. So that effect might be given to the Act, the Government asked Parliament for a credit of 90,000 francs.<sup>1</sup>

### **Utility of workers' inspection recognised by law**

In thus deciding to establish the post of workers' delegate—whether of its own free will or under the pressure of events—the Belgian Parliament intended to make labour inspection in mines more effective.

Nor is there any doubt that the Act was encouraged, if not actually inspired, by the Inspectors of Mines, who played such an important part in this whole matter.<sup>2</sup> The result is that Belgium stands among the very first countries to have associated workers in the supervision of health and safety in underground work.

The Act meant that the engineers of the Inspectorate of Mines, whose professional knowledge, zeal and integrity were recognised by all, were to be joined by worker colleagues, familiar with mine operations, knowing the peculiarities of individual pits, and enjoying the confidence of their fellow workers, from whom they could obtain information that would be of great value to them in the efficient performance of their supervisory duties.

Under the Act, delegates had to offer personal proof of competence, experience and respectability. Their independence of any outside control was assured. They were required to comply with the instructions of the Inspectors of Mines and notify them of any infringement of work regulations. Lastly, delegates were authorised to make any visits of inspection they might deem necessary, by day or by night, and were to note their observations in a special register kept at the office of the mine.

As regards the method of appointment, the workers' proposal that the delegates be directly elected by their workmates was rejected. Parlia-

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<sup>1</sup> Budget of 1898. The amount is expressed in the value of that time. The estimates for annual expenditure under this heading were distributed among the following items: 40 delegates (at 1,800 francs each), 72,000 francs; travel expenses (300 francs per delegate), 12,000 francs; special allowances, office expenses, and unforeseen expenses, 6,000 francs—making a total of 90,000 francs.

<sup>2</sup> See *Annales des mines de Belgique* (Brussels), first issue, Jan. 1963, pp. 30 ff. ("Célébration du cent cinquantième anniversaire de la loi du 21 avril 1810 sur les mines... et de l'institution du Corps des mines par le décret du 18 novembre 1810, Bruxelles, 7 novembre 1961", speech by Mr. GÉRARD, Divisional Director of Mines).

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ment gave its preference to a system under which they were to be appointed by the Government on the basis of proposals made by the coal sections of the Councils of Industry and Labour, that is by bodies on which employers and workers sat in equal numbers.

The Act of 1897 has not been exempt from the changes and improvements required by political, economic and social developments. It was amended on several occasions, notably by the Acts of 16 August 1927, 5 May 1929, 26 April 1933, 20 July 1955, 28 April 1958 and 25 July 1967.

The most important change was made by the Act of 16 August 1927. This Act gives the mineworkers' trade unions the sole right to recommend candidates for appointment as worker inspectors by the minister concerned, who has to take the relative size of the unions into account.

The provisions of the Acts on workers' mine inspection delegates were consolidated by a Royal Order of 31 December 1958. It is these consolidated Acts that now govern the delegates' functions and status.

### **Status of workers' delegates**

#### **Qualifications and application for appointment**

The promoters of the first Bill, introduced on 1 March 1895, already insisted that a workers' mine inspection delegate should have professional and personal qualities commensurate with the importance and delicacy of his task. He should, of course, possess a thorough knowledge of mining and therefore be of a certain age and have spent a minimum length of time in underground work. In addition, several strict obligations were to be placed upon him, for example: (1) he must make a certain number of visits every week to each of the pits in his inspection district; (2) the times at which he went below ground and returned to the surface must be officially recorded; and (3) an account of each visit, mentioning his itinerary, must be entered in a special register. Furthermore, the Bill would have enabled a delegate's appointment to be terminated by those who had nominated him, if he should lose their confidence.

The regulations in force today are based on the same approach. To be appointed as a workers' mine inspection delegate, a man must be at least 30 and not more than 48 years of age at the date of appointment; the upper age limit is raised to 56 years in the case of delegates who have completed a term and apply for reappointment. A candidate is required to have spent not less than ten years altogether in one or more underground jobs requiring apprenticeship; and for the last five years before taking up his post he must have worked without interruption in the division to which he wishes to be posted.

However, if a candidate holds a certificate of skill from a vocational school subsidised, approved and inspected by the State and in which the

curriculum includes a course on mine operation, the lower age limit is reduced to 25 years and the minimum period of employment to seven years.

A candidate shall not have been convicted of any of the offences specified under the Act respecting labour courts (*conseils de prud'hommes*) that are considered to make a person an unworthy citizen, nor shall he have been convicted during the previous two years of any breach of mine safety regulations.

A person who fulfils the above conditions and wishes to be appointed to a post of workers' delegate must make application, two months before the date for communication of the names of candidates, to the director of the mines division to which he wishes to be posted. He must at the same time produce documents showing that he meets all the conditions. If he does, he is called for a test of competence not less than one month before the above-mentioned date. Particulars of the test are determined by royal order.

### **Nationality**

There is no discrimination as regards nationality. Belgian citizenship is not required, so that foreign workers employed in Belgian mines may act as workers' mine inspection delegates if they meet the requirements.

If a number of workers in a given colliery do not easily understand and speak the language of the region, the delegate must have the assistance of an interpreter—whom he chooses from among the personnel of the mine—for his dealings with such workers.

### **Test of competence**

The test is carried out before a board composed of the divisional director of mines together with two employers' and two workers' representatives, appointed by the minister responsible for mines and preferably chosen from among the members of the National Joint Committee for the Coal Mining Industry.

To pass the test, which consists of a written and an oral part, a candidate must obtain six marks out of ten. The written test comprises an exercise consisting of a description and an explanatory sketch, in which the candidate recounts an event in mine operation and deals with problems—also relating to mine operation—that, though simple, require knowledge and application of the four rules of arithmetic.

The oral examination involves reading a text aloud, reading mine plans and answering questions on the chief measures relating to safety and health in mines and on the principles of labour legislation (on the eight-hour day, Sunday rest, employment of women and children, payment of wages and work measurement, and works rules).



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Holders of certificates of competence from vocational schools approved and inspected by the State and in which the curriculum includes a course on mine operation are exempt from those parts of the test that do not relate to safety and health in mines.

### **Presentation and appointment of candidates**

Each person who passes the test receives from the divisional director of mines a certificate attesting his competence to fill the post for which he has applied. It is from among the persons so certified that the workers' organisations at the national level that are most representative of miners choose the candidates for each district.

When the workers' organisations have officially communicated the names of their candidates, it is for the minister responsible for mines to make the appointments in consultation with the Minister of Labour. He first selects a titular delegate for each district, having regard to the relative membership, in the particular mines division, of the workers' organisations that have put forward candidates. He then appoints the other candidates as deputy delegates.

It may happen that the number of qualified candidates put forward by the workers' organisations does not reach the prescribed figure. In such a case, after consulting the organisations, the minister may choose titular or deputy delegates from among unsponsored candidates, provided they meet the statutory requirements.

All appointments are made for a term of four years. If for any reason a titular delegate vacates his post, a successor is chosen from among the deputies. If no deputy accepts such an appointment as titular delegate, or if none meets the requirements (because of the upper age limit, for instance), the minister may appoint a titular and deputy delegate as laid down by law. If a deputy is appointed to be a titular delegate during a term of office, he takes up his new post on the first day of the month following that in which he was appointed and his term expires at the same time as those of the other titular delegates.

### **Cases of incompatibility**

The Act provides that membership of a labour court, a municipal or provincial council, or one of the legislative Chambers is incompatible with employment as a workers' mine inspection delegate.

A delegate may retain membership of a trade union but is debarred from holding any office in it. He may not engage in commerce; the same prohibition applies to his wife and to any children or other relatives in the direct line who live in the same household.

Furthermore, if any workers' delegate has a relative in the direct line who is employed in a colliery in the district as member of the general

management, mine manager or head overman, the delegate may not continue to act as such without a special authorisation from the minister.

### **Duties of the workers' delegates and their subordination to Inspectors of Mines**

Workers' mine inspection delegates act in clearly defined districts; the number, extent and limits of which are determined by royal order and have been modified many times in accordance with the development of the coal industry. Since 1 July 1967 there have been 30 districts.<sup>1</sup>

The duties of the workers' delegates within their respective districts are determined by statute.<sup>2</sup> It is clearly stipulated that in the performance of his duties a workers' mine inspection delegate is subject to the direction and supervision of the Inspector of Mines and must comply with the latter's instructions.

To understand the importance and the professional ability of these valuable adjuncts to the Inspectorate of Mines one has only to recall that their basic duties are: (1) to inspect, from the standpoint of the workers' health and safety, underground work in coal mines, and such surface installations as directly relate to the operation of a mine<sup>3</sup>; (2) to assist in recording accidents and in investigating their causes; (3) to notify the Mines Administration of any infringements of the labour laws and regulations that the Inspectors of Mines are responsible for enforcing.

In case of need or emergency, a delegate must inform the mine management of any measures he considers should be taken without delay. At the same time he must inform the Inspector of Mines of his action. For this purpose, the mine management is required to facilitate contact between the delegate and the Mines Administration.

If it appears that a particular case of non-compliance with mine safety regulations is likely to cause imminent danger, the delegate confers on the spot with the responsible manager or his representative, and the manager is obliged to give immediate effect to any measures so decided.

These remain compulsory until modified or suspended by the Inspector of Mines, who must take action within 24 hours of the delegate's having noted the danger. Failure to give effect to such measures renders the manager liable to the penalties laid down in the Acts respecting mines, surface workings and quarries.<sup>4</sup>

<sup>1</sup> Royal Order of 24 May 1967 (*Moniteur belge*, No. 103, 1 June 1967, pp. 5913-5915).

<sup>2</sup> Acts respecting workers' coal mine inspection delegates, consolidated by the Royal Order of 31 December 1958 (*ibid.*, No. 30, 30 Jan. 1959, pp. 581-586).

<sup>3</sup> Following the introduction of a Bill (No. 354-67, tabled by R. Pêtre), Parliament passed an Act to extend the powers of workers' mine inspection delegates to all surface installations at coal mines (Act of 25 July 1967 to amend the Royal Order of 31 December 1958 consolidating the Acts respecting workers' coal mine inspection delegates (*ibid.*, No. 143, 28 July 1967, p. 8010)).

<sup>4</sup> Consolidated by the Royal Order of 15 September 1919.

### **Duties and powers as regards inspection**

The Act requires each workers' delegate to carry out at least 18 visits of inspection per month to the underground workings of the mines in his district.<sup>1</sup> After each visit he must enter the following particulars in a special register provided by the mines administration and kept at the office of the mine: (1) the date of the inspection; (2) the times at which it began and ended; (3) the itinerary followed; and (4) any important points observed. The register is available to the mine management and to the workers. The latter—as well as the responsible manager—are entitled to enter their observations opposite those of the delegate. A copy of all observations made in the register must be sent without delay by the delegate to the appropriate Inspector of Mines.

To enable the workers' delegates to perform their duties, the Act authorises them to examine the plans of the coal seams being worked, but they may not remove or copy them. They may also examine any other documents they require in the course of their work. Such documents are specified in a list prepared jointly by the minister responsible for mines and the minister responsible for giving effect to social legislation.<sup>2</sup>

The mine management is bound to give a workers' delegate every facility to visit the workings. It must provide a guide to underground workings if the delegate so requires. For their part, the delegates are bound to comply with the regulations respecting order and safety in the mines.

### **Penalties**

Fines ranging from 26 to 500 francs and imprisonment ranging from one week to three months may be imposed on any person obstructing a delegate in the course of his work. Heads of collieries are liable in civil law for payment of fines imposed on members of their managerial personnel.

### **Allowance and fringe benefits**

Workers' mine inspection delegates are entitled to an annual allowance from the State, as well as reimbursement of expenses incurred in the course of their work. The rates and mode of payment are determined by royal order.<sup>3</sup>

<sup>1</sup> Since the adoption of the Act of 25 July 1967, 16 of these visits are to underground workings and two to surface installations.

<sup>2</sup> Ministerial Order of 25 April 1959 to determine the list of documents that workers' mine inspection delegates may examine in the course of their duties (*Moniteur belge*, 23 May 1959).

<sup>3</sup> Since 1 March 1967 the annual allowance has been fixed as follows by the Royal Order of 16 March 1967: minimum, 161,052 francs; four two-yearly increases of 2,130 francs each; maximum, 169,572 francs (*ibid.*, 1 June 1967, p. 5915).

Parliament decided further that the workers' delegates should remain covered by the statutory social security scheme applicable to coal miners and should also enjoy the benefits granted to mineworkers by decision of the National Joint Committee for the Coal-Mining Industry. The employers' and workers' social security contributions, covering only pension insurance (old-age and survivors') and invalidity and sickness insurance, are paid on their behalf by the State into the Mine Workers' National Retirement Fund. The other social security benefits are financed entirely by the State.

The fringe benefits enjoyed by workers' delegates can be summarised as follows: (1) family allowances and birth grants, provided for under the scheme for state employees; (2) annual holidays, end-of-year bonus, attendance bonus, free travel on the national railways and free coal, under the mineworkers' scheme; (3) sickness and invalidity insurance, old-age pension and funeral grant, provided for under the mineworkers' scheme, plus a retirement pension financed from public funds.

### **Compensation for employment injuries, retirement and infirmity**

In the case of employment accident or occupational disease, a workers' delegate is entitled to statutory benefits on the same footing as a mineworker.<sup>1</sup>

The statutory age of retirement for workers' delegates is 60 years. However, a delegate who cannot be reappointed at the end of a term of service owing to the age limit of 56 years may claim a state pension on the expiry of his term if otherwise entitled. Such a pension is payable only to delegates with 12 years' state service (reduced to ten years in case of permanent physical disablement and to five years in case of disablement arising out of the performance of duties as a delegate).

As the delegates also retain their rights under the special retirement scheme for mineworkers, and since the period of service as workers' inspection delegate counts for the purposes of that scheme, they draw two pensions, one financed by the Mine Workers' National Retirement Fund and one financed from public funds.

In case of an infirmity that prevents a delegate from discharging his duties, he may be relieved of them by the minister.

### **Punitive sanctions**

If a delegate is guilty of serious breach of duty or renders himself unworthy in any of the ways laid down by law, he is liable to penalties

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<sup>1</sup> Act of 24 December 1903, later amended by several Acts and royal orders. Occupational Diseases Act of 24 December 1963.

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ranging from a fine (deducted from his salary) to temporary suspension without pay, or even dismissal.

Before imposing a penalty, the minister is required to consult the Director-General of Mines after the latter has heard a statement by the delegate concerned.

### **Other instances of associating trade unions in labour inspection**

#### **Inspection of surface mines and quarries**

Apart from the Act of 1897 relating to coal mines, an Act to establish posts of workers' inspection delegates in surface mines and in quarries (underground and opencast) was adopted in 1960.<sup>1</sup>

Although 63 years elapsed between the two measures—both of them, moreover, inspired by the same concern—it is worth recalling that in the debate on the 1897 Bill on workers' mine inspection delegates a member of Parliament, Mr. Denis, proposed that language be introduced enabling workers' inspection to be extended by royal order to opencast quarries also. Numerous accidents of some gravity were occurring in workings of that kind, and, moreover, many quarries were being developed underground.

The proposal was not accepted for the alleged reason that the legislation then in force did not apply to opencast quarries, since they were subject not to state inspection but to the local police.<sup>2</sup> It was only if a quarry was worked through underground drifts that it was supervised by the Inspectorate of Mines.

So Mr. Denis—a politician 63 years in advance of his time—was obliged to withdraw his amendment, although the reasons justifying participation by workers' delegates in the inspection of coal mines could just as well have been adduced in relation to other mines, surface workings and underground or opencast quarries. Accordingly, it is only since 1960 that quarrymen, like miners, can participate, under the direction and supervision of Inspectors of Mines, in the inspection of surface workings and of quarries.

The 1960 Act had the same spirit behind it as the Act of 1897 and the same purpose: to make labour inspection more effective. The rules governing the delegates' qualifications, appointment, duties and status are similar, save on a few points of detail, to those applying in the coal mines and, in the same way, only the workers' organisations at the national level that are most representative of the workers concerned may propose candidates for appointment.

<sup>1</sup> Act of 12 April 1960 (*Moniteur belge*, No. 138, 9 June 1960, pp. 4277-4281).

<sup>2</sup> Napoleonic Act of 21 April 1810 concerning the inspection of mines and quarries, section 81 (see *Annales des mines de Belgique* (Brussels), first issue, Jan. 1963, pp. 99 ff.).

The example of the first system of inspection by workers' delegates and long experience in applying it were certainly a decisive element in the legislation of 1960. It proved the effectiveness of inspection when workers' delegates take part in it.

**Construction industry: collective agreement setting up a joint committee and safety counsellors**

An altogether different kind of scheme relating to labour inspection may be mentioned here as a recent example.

As shown in the foregoing pages, participation by workers' delegates in the inspection of mines and quarries was brought about by legislation. A recent development in the construction industry took quite a different course.

This time there was a collective agreement concluded between trade union and employers' representatives in the National Joint Committee for the Construction Industry (a statutory body).<sup>1</sup> By this agreement the parties pledge themselves to promote industrial safety and health in construction undertakings. The bipartite Action Committee set up under the agreement is empowered, *inter alia*, "to visit, or cause to be visited, the worksites and workshops of construction undertakings with a view to giving practical advice, making suggestions and expressing opinions to heads of undertakings, staff delegates and safety officers".

The chair of the Action Committee is to be taken by an employers' member and a workers' member in alternate years. The Committee's powers include: (1) detecting dangers, deficiencies and unhealthy conditions in the establishments and worksites visited, with a view to informing the employers and, where appropriate, the members of the safety and health committees of the undertakings concerned; (2) providing and disseminating information on the safety measures to be taken; (3) making recommendations and proposals; (4) where advisable, notifying the official inspection services, technical and medical, of the facts discovered.

The agreement makes the necessary financial, material and organisational provision for the Action Committee to carry out its tasks. Standing orders govern the Committee's own proceedings.

Here it is enough to mention that the visits to worksites are effected by an executive body including a secretariat and safety counsellors. The standing orders provide for three such counsellors to be "gradually" appointed, chosen from among candidates who undergo an examination, in the light of their general education and training, their knowledge and experience of occupational health and safety protection, and their familiarity with construction work involving risk of accident. The appoint-

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<sup>1</sup> Agreement of the National Joint Committee for the Construction Industry signed on 11 March 1965.

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ments are made by the Livelihood Guarantee Fund <sup>1</sup> on the basis of proposals by the Action Committee.

The safety counsellors have the permanent duty of visiting the work-sites and workshops in their respective areas. They influence the personnel by persuasion while respecting the chain of command in the undertaking. They receive their general directives from the Action Committee and their particular instructions from the secretariat of the executive. Reports on visits are prepared by the counsellors and transmitted within three days to the secretariat, which sends them on to the heads of the undertakings concerned.

It is, of course, too early to see what lessons may be learned from this new experiment in safety promotion, since the three itinerant counsellors only began their work in the second quarter of 1967.

### **Some conclusions**

#### **Impact of the 1897 Act**

The most impressive aspect of the participation of workers in labour inspection is its psychological impact and its effectiveness.

At the end of the nineteenth century the typical worker was poor, indeed usually destitute, uneducated, without any social security, unemployment benefit, sickness or accident allowance, and at the mercy of arbitrary economic power. Kept in a state of subordination and inferiority, he felt himself unable to arrive alone at a clear understanding of his own problems. His one hope lay in the social awakening of men of his kind and above all in their determined efforts to organise themselves into political parties and workers' unions.

Seen in that spirit, and against the social background of the time, the Act of 1897 had a considerable psychological effect on the miners and also on the whole labouring class. In a way, it taught the workers that they could have confidence in themselves and their solidarity. The fact that for the first time working men were to be appointed by the State and given responsibilities that would safeguard their authority and independence in dealing with the mine owners opened new prospects of achieving equality of social and political rights.

By bringing genuine mineworkers into the inspection of mines the Act of 1897 had another merit, which is now recognised on all sides—that of increasing the effectiveness of inspection. The spirit of the age made miners suspicious of people they did not know who came to inspect underground workings in the name of laws and regulations with which the miners themselves were unfamiliar. But when the safety rules had been explained and enforced by delegates who had been working

<sup>1</sup> Set up by a Royal Order of 25 October 1960. See the Act of 7 January 1958 concerning livelihood guarantee funds (*Moniteur belge*, No. 38, 7 Feb. 1958, pp. 748-752).

miners like themselves, there was soon more understanding. Men had confidence in the new kind of inspectors, acknowledged their authority and had greater respect for the safety regulations. The Inspectors of Mines, for their part, soon came to appreciate the aid of the workers' delegates, whom they still describe as their "most valuable auxiliaries".

### **Mining dangers, the safety spirit, and labour-management relations**

Of course, the Act of 1897 did not put an end to individual accidents or even major disasters. Just as the best rules of the road do not eliminate traffic accidents, so the Act did not eliminate accidents in the mines. The death rate from this cause in 1850—with a total output of 5,820,000 tons and a workforce of 47,950—was 44.2 per 10,000 workers. With an output four times as great (23,463,000 tons) and a workforce of 132,750, the death rate had fallen to 10.5 per 10,000 workers by 1900. That progress was incontestably due to the efficiency of the Inspectorate of Mines and an improvement in the skill of mineworkers.

In the years 1900-15 the death rate remained between 10 and 11 per 10,000 workers. During the period from 1915 to 1965 it moved between 9 and 15 per 10,000, except in the war years 1914-18 and 1940-45, when the rate went up to over 18, and in 1956, the year of the terrible disaster at Marcinelle.

According to R. Stenuit's excellent study<sup>1</sup>, the great majority of fatal accidents in the mines are due to rockfalls when coal is being cut or roads driven, or during preparations for cutting. Firedamp is the most dreaded hazard, but falls are, in fact, more dangerous to life.

To sum up, the essential factor in safety is the miner himself, his expert vigilance, the perfect knowledge that he must have of his trade, his respect for preventive practices, encouraged by the presence of Inspectors of Mines and workers' inspection delegates.

It may be added that present legislation on the inspection of mines, which derives from the Act of 1897, has led to the establishment of close links between the workers, the occupational organisations and the inspectorate as regards the prevention of accidents and has also contributed to the development of peaceful industrial relations. It marks an important step in the advancement of the working class. Of course, industrial safety still raises problems, for whenever man succeeds in improving his position, new problems arise. The favourable contrast between social conditions today and those of the past justifies the assertion that the Act of 1897 benefited the workers, the employers and the Inspectorate of Mines. Indeed, despite subsequent amendments, the system of mine inspection conceived by Parliament at the time has not been changed in any essential.

<sup>1</sup> *Rétrospectives des accidents mortels de 1910 à 1948. Mines de houille*, by R. STENUIT, Principal Inspector of Mines (*Annales des mines de Belgique* (Brussels), Vol. XLVIII, sixth issue, Nov. 1949, pp. 713-716).



**Desirability of extending the system of collaboration between the Inspectorate of Mines and workers' delegates**

The duties of the Inspectors of Mines and of their direct auxiliaries, the workers' mine inspection delegates, have grown more extensive with the passage of time. The tasks they carry out are economic and social as well as technical. Their knowledge and long experience qualify them in a high degree to ensure respect for safety laws and regulations, and they do so in a spirit of co-operation that is hardly ever questioned today.

Whereas at present the workers' delegates act only in mines, surface workings and quarries, it should not be forgotten that the responsibilities of the engineers employed by the Mines Administration—who for over 150 years have formed the Inspectorate of Mines, with its own traditions and high qualifications—are far more comprehensive and too numerous to be mentioned here in full. Suffice it to say that their powers extend, throughout Belgian territory, to: (1) underground development work, including related geological prospecting; (2) mines and their ancillary installations, including power stations; (3) coking ovens and briquette factories; (4) opencast mines, underground and surface quarries, and their ancillary works; (5) lime, dolomite and brick kilns, and cement factories; (6) explosives factories and depots; (7) underground water-works; (8) prospection and development of bituminous rock, petroleum and fuel gas; (9) the iron and steel industry; and (10) installations, in the classes of undertakings specified above, that are scheduled as dangerous, unhealthy or disagreeable.

The Inspector of Mines is required to prepare a report on every serious personal injury. He sends the report to the public prosecutor, giving his opinion, where appropriate, as to who is responsible for the occurrence. In short, his duties include research, supervision, advice and policing.

These important, extensive and varied functions, with obvious social and economic aspects, will inevitably increase further with technical progress and industrial expansion.

From this point of view it would seem useful and indeed necessary that on the lines already followed for 70 years in the mines, and for seven years in surface workings and quarries, workers' delegates with safety duties should be associated with inspection and should act under the authority of the Inspectors of Mines in the other branches of industry for which the latter are responsible.

Social, political, economic and cultural developments amply justify such a course.