

Enrico Gibellieri, Social policy instruments in the Treaty establishing the ECSC

Caption: In this note, Enrico Gibellieri, who served as the last President of the Consultative Committee of the ECSC from 10 October 2001 to 23 July 2002, reviews the advances made in the fields of social policy over 50 years in Europe as a result of the instruments provided by the Treaty establishing the European Coal and Steel Community (ECSC), particularly the instruments for sectoral dialogue and those for the improvement of living and working conditions.

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Social policy instruments in the Treaty establishing the European Coal and Steel Community (ECSC)

Enrico Gibellieri
President of the ECSC Consultative Committee (2001–2002)

1 — Introduction

Writing about the ECSC Treaty will be a task for historians possessing both the analytical tools and the necessary distance from events that alone make objective evaluation possible. I myself cannot be an impartial witness, having spent my whole professional career (35 years) and a great part of my personal life (54 years) in the iron and steel industry. For some 20 years, moreover, I have participated actively in the work of various consultative bodies established by the Treaty — first and foremost the ECSC Consultative Committee, of which I have the honour to be the last President.

Although I have been and still am actively engaged in research in the iron and steel industry, my activities on ECSC consultative bodies are based on credentials from Italian and European trade union organisations, for which I continue to act as an expert adviser on a voluntary basis. That rare combination of personal experience has enabled me to maintain a unified view of the sector's technical and social aspects.

Being both a witness to and a participant in events also enables one to assess the practical effects of decisions taken at European level. In my case that is particularly true of the iron and steel industry, but I shall also be referring to the coal industry, with which it shares many features.

My contribution to this publication consists in a description of the European-level consultative bodies that have accompanied and made possible the application of the ECSC's social policy instruments.

2 — The legal and financial basis for ECSC social policy

The ECSC Treaty made major innovations in the social field, especially with regard to:

- sectoral dialogue, and
- the implementation of measures for continuous improvement of the particularly arduous living and working conditions of persons employed in the two sectors.

The main innovation was that social provisions were placed on an equal footing with those relating to the market, product prices, technological innovation and economic and financial matters. Above all, it was the first time that a supranational agreement paid specific, detailed attention to social issues.

To properly appreciate the significance of this for the period during which the ECSC Treaty was conceived and applied, it is sufficient to note that, even in the European Union, there are countries in which social provisions are considered secondary, are increasingly called into question and are constantly liable to be sacrificed for economic motives.

Furthermore, the ECSC's social instruments have been applied in practice much more efficiently than similar provisions in other Community treaties, mainly because the context is different: sectoral in the case of the ECSC, general and territorial for the others.

The main legal basis for social intervention by the ECSC was established by:

- Article 3, which states that 'Within the framework of their respective powers ... the institutions of the Community shall ... **(e) promote the improvement of the living and working conditions of the labour force in each of the industries under its jurisdiction so as to make possible the equalisation of such conditions in an upward direction;**' and
- Article 55, which states that 'the High Authority shall encourage technical and economic research concerning the production and the development of the consumption of coal and steel, **as well as labour safety in these industries.**'

The financial basis for a policy of social intervention was provided by the ECSC operating budget. Contrary to general practice, this budget was funded directly by companies in the sectors concerned via a levy on coal and steel production, which gave the social partners far greater real power than under the general treaty.

3 — Sectoral dialogue instruments

3.1 — The ECSC Consultative Committee

The main instrument for dialogue among the parties concerned, and between those parties and the High Authority (Commission), was the ECSC *Consultative Committee* established by Title Two, Article 18 of the Treaty.

Given its tripartite membership (equal numbers of producers, workers and coal and steel consumers and dealers) and the tasks assigned to it under Article 19 of the Treaty, dialogue among the parties in the ECSC Consultative Committee, and between the Committee and the Commission, went beyond traditional social dialogue as practised between both sides of industry in the various Member States and defined today in the Treaty of Amsterdam and official Commission documents.

Dialogue in the ECSC Consultative Committee, which might be described as *structured sectoral dialogue*, is both more and less than traditional social dialogue:

- it concerns two distinct industrial sectors simultaneously;
- it involves three parties rather than the two traditional sides of industry (employers and workers);
- it is not confined to typically social issues but covers a vast range of topics relating to the life of the two sectors;
- although the Committee also has a right of initiative, dialogue in the ECSC Consultative Committee has in most cases been initiated by the Commission in compliance with its obligations under the Treaty;
- it does not provide for the possibility of concluding trade-union agreements between parties at European level.

Reference should also be made to two aspects of the ECSC Consultative Committee's activities that transcend the formal institutional framework.

In the first place, apart from the formal process of consultation by the Commission, the simple fact that for almost 50 years leading figures in the coal and steel industries of all the EU countries have gathered in Luxembourg at least four times a year has created a network of continuous, often personal relations that is an asset in itself.

On the fringes of the meetings, especially in times of great concern about the situation in the coal and steel industries, direct contacts between leading figures in the ECSC sectors, free from the pressure of national, private and corporate interests, have facilitated the formulation of industrial policy at European level that helped to overcome crises which could not otherwise have been resolved without creating unsustainable social tension.

Today, European institutions seeking instruments for managing the increasingly dramatic and frequent sectoral crises in the major globalised sectors of activity should draw on the ECSC model, updated as appropriate, and benefit from experience gained in the actual management of processes of social and economic transformation rather than in bureaucratic organisations far removed from real life.

It was in this spirit that the Commission, at the request of the Member States, proposed incorporating the experience of the ECSC Consultative Committee in the work of the Economic and Social Committee, as a first step towards including sectoral aspects in the activities of that major EU institutional body.

Furthermore, the ECSC Consultative Committee gave rise to a series of other consultative bodies specialising in particular aspects. While not provided for in the Treaty and less well known than the

Consultative Committee itself, those bodies played a very important technical role as ‘collective consultants’ for the Consultative Committee, allowing it to concentrate on major issues of social and industrial policy.

3.2 — The Mixed Committees for the harmonisation of working conditions in ECSC industries

Within the narrower context of what I have termed sectoral dialogue, two bodies concentrated on more typical issues of social dialogue, namely:

- the Mixed Committee for the harmonisation of working conditions in the steel industry and
- the Mixed Committee for the harmonisation of working conditions in the coal industry.

These two bodies, each composed of an equal number of representatives of producers and workers (i.e. with a membership differing considerably from that of the Consultative Committee), acted independently of each other, concentrating on specific issues such as: work organisation; recruitment, training, qualification and requalification requirements; and the management of operating personnel in the sectors concerned, especially during the restructuring exercises made necessary by technological developments or market conditions. In cooperation with Commission staff (DG EMPL, formerly DG V), they pursued studies and inquiries that resulted in a better understanding of the realities in individual companies in various European countries, the exchange of information, and the dissemination and socialisation of knowledge.

A particular feature of both the mixed committees was that, at least in the latest period, their members were proposed to the European Commission by European organisations representing industry and workers, with due regard to a balance between the organisations of the individual Member States and the relative weight of the two industries. In addition, the European organisations each appointed a representative on the Mixed Committee. Here again, the two committees departed from the complex procedure laid down for the appointment of members of the ECSC Consultative Committee.

In view of the expiry of the Treaty in June 2002, both sides of industry in the two sectors are working in close cooperation with the European Commission to transform the two mixed committees into European sectoral social dialogue committees. The work is going well and should ensure that dialogue between the parties continues without interruption when the Treaty expires.

4 — Instruments for improving living and working conditions

From the earliest years of the ECSC, the improvement of living and working conditions has been pursued through specific practical measures aimed at meeting the basic needs of workers in the two sectors.

We must not forget that, in 1952, Europe had just been through a world war that had devastated its production sites — especially those of coal and steel, which were the basic industries for the military potential of all the countries involved — and its cities, and with them the dwellings of the workers in those industries.

4.1 — ECSC housing construction programmes

In the 1950s the ECSC conducted 12 housing construction programmes for workers in the two sectors concerned. These programmes enabled hundreds of thousands of workers and their families to become owners of decent living accommodation, often resolving real emergencies and rescuing workers and their families from a systematically precarious existence.

Whole districts were built in all the coal and steel areas of the countries that eventually became part of the first European Coal and Steel Community. By the end of 1979, after completion of the first eight programmes, over 150 000 dwellings had already been built and handed over, and were followed by others in the ensuing period.

Nor should we forget that these programmes also made home ownership possible for numerous emigrants

who set out in the immediate postwar period and the following years to seek work in ECSC industries in other countries, enabling them to be reunited with their families.

The type of assistance afforded under these programmes gradually changed as general economic conditions improved. Mortgages were granted to individual workers wanting to buy or build their own homes, with a view to avoiding local concentrations of people already working together. That became an urgent requirement after the crises of the 1970s and 1980s, when hundreds of thousands of people lost their jobs and the districts in which they lived risked becoming genuine ghettos.

At the level of individual countries, the programmes were administered by joint committees of workers and industry — set up under the auspices of the ministries responsible allocating the funds — which examined the applications from companies or workers.

Following the decision taken at the beginning of the 1990s to terminate the ECSC Treaty on the prescribed expiry date, the ECSC housing construction programmes were halted, although there were still a considerable number of applications from workers outstanding.

4.2 — Improvement of working conditions

Technological progress is generally accompanied by an improvement in working conditions, but the latter also depends on factors that cannot be attributed to technology, such as how the work is organised. Other contributors to this publication will no doubt discuss the continuous development of production processes in the coal and steel industries as a result of technological innovations that were themselves the fruit of ECSC technical research activities.

Apart from general instruments, the merit of the ECSC Treaty was to introduce for the first time measures designed to evaluate and improve working conditions through targeted innovations tailored to the specific conditions of the coal and steel industries.

4.2.1 — Bodies promoting safety at work

Two initiatives taken under the ECSC Treaty to protect the health and safety of workers deserve special mention.

The first, immediately after the disaster of 8 August 1956 at the Bois du Cazier colliery in Marcinelle, Belgium, in which 262 miners lost their lives, was the creation of a standing committee known as the Mines Safety Commission (ECSC Council decisions of 6 September 1956 and 10 May 1957).

The second was the establishment, on 6 September 1964, by the ECSC High Authority of another standing committee: the General Committee on Health and Safety in the Iron and Steel Industry.

While the latter ceased activity *de facto* in 1988, the Mines Safety Commission gradually extended its ambit and eventually moved from the ECSC framework to the more general framework of the EEC Treaty, to become the Safety and Health Commission for the Mining and Other Extractive Industries.

Through detailed analysis of all major incidents — first in the coal industry alone, and then in all European extractive industries — and periodical promotion of studies and safety campaigns on specific aspects, plus consultancy support for Commission departments preparing European legislation on the extractive industries, this standing committee helped achieve a dramatic reduction in accidents at the workplace and a substantial improvement in workers' safety. The results of its work were also passed on to industries in other countries, especially — in recent years — to new candidates for EU membership.

It is here, above all, that the work of the standing committee is still needed for the next few years — to ensure genuine integration of work safety requirements in all the countries that will be joining the European

Union, where the extractive industries are a major sector of the economy.

4.2.2 — ECSC research programmes

On the legal basis of Article 55 of the Treaty and the financial basis of the ECSC budget, the first research activities began in 1955 and gradually involved companies, research centres, academic institutions and both sides of industry in all the countries that acceded to the ECSC Treaty in the course of time.

ECSC research was divided among three separate budget headings:

- the Steel Research Programme (managed by DG RDT, formerly DG XII);
- the Coal Research Programme (managed by DG TREN, formerly DG XVII);
- the Social Research Programme (managed by DG EMPL, formerly DG V, in Luxembourg).

The two ECSC technical research programmes for coal and steel were concerned above all with the improvement of production processes and products in the two sectors. The aim was to turn Europe — which had previously been a net importer of technology, especially from the United States — into a technology-exporting area, right from the start of the postwar period.

In managing the ECSC's technical research programmes (which were generally five-year programmes), the two directorates-general responsible availed themselves of the services of experts from industry and associated research centres in all the countries of the Community, building up a network of technical bodies, the best known of which are the Steel Research Development Committee (SERDEC) and the Coal Research Committee (CRC), and establishing a series of executive committees on major aspects of interest.

The ECSC's research activities mobilised several generations of experts who, in the framework of the bodies referred to above, were able to discuss and exchange experience and know-how by participating in joint research projects whose results now form the basis of Europe's steel and mining culture.

The ECSC's truly great innovation was to conceive and carry out social research programmes in which the word 'social' meant the improvement of working conditions in the two sectors.

4.2.2.1 — ECSC social research

Research on the improvement of working conditions in the European coal and steel industries was notable for the full range of topics covered and for its concentration on specific, verifiable objectives. This was ensured by the involvement of both sides of industry at every stage. Through their appointed experts and representatives, they assessed the scientific validity and practical use of the research proposals, participated in decisions approving them, monitored the progress of the work, and verified the results and their application.

ECSC social research was divided into five areas:

- pollution in the steel industry;
- industrial hygiene in the mining industry;
- safety at work;
- occupational medicine;
- ergonomics.

The first two areas were specific to the steel and coal industries respectively, while the other three were common to both.

ECSC social research was organised under programmes covering all aspects of the topics concerned, to be carried out within a specified period of time (generally five years). The research proposals were put forward by ECSC companies according to formal procedures specified in the programmes themselves, which also defined the budget resources envisaged and the funding criteria.

The research programmes were prepared by the European Commission in consultation with experts and both sides of industry. After consulting the ECSC Consultative Committee, the Commission submitted the programmes to the Council of Ministers for approval and published them in the Official Journal of the European Communities.

Research proposals consisted of an organic description of the methods to be applied and resources to be devoted to a topic selected from those listed in the research programmes.

After approval by the consultative bodies at the various levels, the Commission allocated partial funding (generally covering 60 % of the total costs) by means of a contract under which the beneficiary undertook to provide six-monthly status reports on the research activities and the costs incurred, and to make the results available to all interested parties in the Community.

Figure 1 shows the advisory structure established by the Commission for examining and approving ECSC research proposals in its various sectors, consisting of national and European-level bodies, each with specific powers and attributes.

The national-level consultative bodies, provided for in the ergonomics programme and the last occupational medicine programme, were responsible for promoting the submission of research proposals by maintaining contacts with national industry, research centres and academic circles, and for verifying the conformity of their objectives with programme guidelines, the scientific level of the methodology proposed, and the practical value of the stated aims.

The expert committees at European level evaluated the proposals mainly from the point of view of scientific quality, while the Producers' and Workers' Committee and Subcommittee (the terms 'producers' and 'workers' are used in the ECSC sphere to denote the two sides of industry) delivered an opinion on the conformity and usefulness of the proposals' objectives, with due regard to the costs envisaged in relation to budget resources for the current financial year.

[...]

Figure 1 — Consultation procedure for ECSC social research

In practice, although the budget resources for a programme were allocated for various periods (normally five years), funds were actually released on a year-by-year basis.

Finally, the Committee of Government Experts was responsible for verifying the compliance of research proposals with the legal provisions of the Treaty and evaluating their content.

Evaluation and dissemination of the results of ECSC social research have been the subject of numerous studies, publications and information seminars organised at national and European level for each of the sectors concerned.

4.2.2.2 — The human and financial resources for ECSC social research

Table 1 gives the main data concerning ECSC research on the improvement of working conditions in the coal and steel industries.

The corresponding organisational and financial effort resulted in the implementation of over 1 500 research proposals in the various disciplines, through the allocation of Community funds amounting to over 240 million AU (accounting units, now euros), plus an equal amount from companies in the sector, i.e. total funding of around 500 million AU.

Furthermore, the formulation, submission and implementation of research proposals involved thousands of

researchers in research centres, universities and companies in all the countries of the European Union, who were able to meet, pool their knowledge and experience, thus helping to create a European culture of improvement of health and safety conditions in the workplace.

Table 1 — Overview of ECSC social research activities

[Overview of ECSC social research activities](#)

The experts and representatives of the two sides of industry and of governments who participated in the work of the national and European consultative committees for the evaluation and selection of research proposals also came from organisations in which knowledge and experience were at a premium, creating a very valuable body of knowledge.

Evaluation studies by independent bodies have highlighted the positive economic spin-off from ECSC research in general. Social research as such brought about substantial improvements in working conditions, as can be seen from the accident and industrial illness statistics for the sectors concerned.

What is quite clear is the favourable relationship between, on the one hand, the relatively modest funding devoted to the ECSC's five social research programmes from 1955 to the present day and, on the other, the large number of research proposals, the high scientific quality of the results and the positive effects of applying those findings in practice.

The data quoted here give no more than a general idea of the results obtained in the course of over forty years of ECSC social research in various fields of activity. Anyone wishing to go into particular aspects in more detail may consult the records of the closing conference on ECSC social research, held in Luxembourg on 5–8 July 1999, and the many publications on the subject.

ECSC social research was the first and unique example of applied interdisciplinary research aimed at improving health and safety conditions in the workplace and the environmental impact of productive activity. It created a body of knowledge and research results that have profoundly influenced European social thinking.

ECSC research and social action have been marked by constant attention to the dissemination of findings and to the training of workers in health and safety disciplines: there were numerous operations of this kind, both actual research projects and direct action such as safety campaigns, information seminars, workshops or, more simply, printed or audiovisual educational material.

The subject of training and the dissemination of information was also taken up in EU directives on prevention at the workplace. In every case, research findings were made available to all citizens of the European Union upon request.

Despite all this, at its meetings of 29 April 1991 and 24 November 1992 the Industry Council confirmed that the ECSC Treaty would expire on 23 July 2002 and requested the Commission to prepare a programme for phasing out the regime established by that treaty and gradually incorporating, or phasing in, the coal and steel sectors into the provisions of the general EU Treaty.

These decisions resulted in substantial changes to the ECSC budget lines for technical coal and steel research and social research. The financial resources allocated to them were phased out, and new allocations for research proposals from the industrial sectors concerned were inserted in the fourth and subsequent European Union framework research programmes (phasing-in).

The phasing-out programme prepared by the European Commission (Doc.SEC(93)1596 final of 20 October 1993), which proposed drastic reductions in research funds, proved unrealistic. The position taken by the Consultative Committee partially corrected that programme by restoring minimum budgetary conditions for the pursuit of coal and steel technical research until expiry of the treaty, and including under those headings

a few aspects previously covered by ECSC social research.

Funding for ECSC social research as such ceased from 1994.

A serious consequence of these decisions was the dismantling of the consultative bodies, the loss of a heritage of knowledge and a network of experts that took decades to build and could still have been usefully employed in gradually extending the results and methodology of ECSC social research to other industrial and service sectors so as to put into practice the principles set out in the European directives on improvement of the workplace.

As for ECSC technical coal and steel research, a series of decisions was taken — beginning at the Amsterdam Council meeting in June 1997 — that culminated in the protocol attached to the Treaty of Nice in December 2000. That protocol made it possible to continue research in the coal and steel sectors after expiry of the ECSC Treaty, using the interest generated by the Commission's management of the ECSC reserve and guarantee funds. It included topics relating to improvement of the working environment and the environmental compatibility of processes and products in the two sectors concerned.

5 — Conclusions

In this brief description I have tried to convey the complex and comprehensive nature of the main ECSC social policy instruments from a non-academic standpoint, that of a person who participated and is still participating actively in the work of almost all the bodies referred to in the text.

Bitterness at the imminent end of the ECSC Treaty — and the consequent loss of much of the heritage of organisations and experience built up over many years' passionate endeavour by thousands of men and women from the two industrial sectors concerned — is amply offset by the results achieved, and above all the leading role played by our industries in the achievement of peace in Europe and construction of the European Union.

Today, there exists more than just hope that part of the ECSC experience will live on in institutional contexts other than those of the past. I refer in particular to:

- the incorporation of the ECSC Consultative Committee's experience of structured sectoral dialogue in the work of the Economic and Social Committee;
- the continuation of the work of the mixed committees on the harmonisation of working conditions in ECSC industries within the European sectoral social dialogue committees now being set up for each of the two sectors;
- the continuation of research activities in the framework of a new technical research programme, including social and environmental content specific to the coal and steel sectors.

These major results have been achieved thanks to the tenacity of those who work in the coal and steel industries, where the arduous working conditions have led to high human qualities, a sense of solidarity and social awareness.

The year 2002, which begins with the adoption of the euro as the single currency in many of the EU countries, will see the end of the ECSC Treaty on 23 July.

For me, this coincidence is confirmation that the inspiring results achieved in European integration have their origin in the steel foundries and coal mines where whole generations of workers, technicians and managers strove to transform their war industries into industries of peace.