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Ouvrage recensé :

Arjun P. AGGARWAL : *Sexual Harassment in the Workplace*. Toronto, Butterworths, 1987, 230 pp., ISBN 0-409-80532-1

par P. Andiappan

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La seconde moitié est consacrée à l'analyse des résultats d'un questionnaire auprès de 50 des 60 brasseries du pays, complété par des entrevues effectuées dans 25 de ces établissements. Il s'agit d'une industrie qui emploie 69,000 personnes et qui est fortement syndiquée (pp. 118-120). Le schéma de la page 105 présente l'essentiel des dimensions de la recherche: la technologie et les autres variables environnementales, les comportements et conditions propres aux processus de négociation, les types de perception des relations patronales-syndicales et enfin, la satisfaction du management comme des syndicats envers le changement technologique. Le questionnaire portait sur ces divers aspects; il fut administré dans chaque cas auprès des représentants patronaux et de ceux des syndicats. Les résultats sont livrés de façon claire et les analyses statistiques sous-jacentes permettent de bien cerner les différences entre les deux points de vue (les analyses de corrélation, avec le Tau de Kendall, bien employé, permettent de voir où se situent les différences significatives).

Là où se trouve la principale faiblesse à notre avis, c'est dans le fait de mettre tous les types possibles d'application des technologies dans le même ensemble; la distinction n'est presque jamais établie entre les technologies orientées soit vers la gestion (et aux divers modes de contrôle sous-jacents), soit vers l'automatisation (et aux divers modes de production sous-jacents), sauf dans le questionnaire (question 4), qui a pu servir à construire une variable dont on ne s'est pas vraiment servi pour spécifier l'analyse. Aussi, il est difficile d'établir si les répondants parlent bien de la même chose, ceux-ci ayant pu cocher indifféremment les deux types d'application si c'était pertinent pour leur entreprise. Dans le relevé des différences entre le personnel du management et les représentants des syndicats, la confusion persiste constamment, les uns se référant davantage à la bureautique et les autres, à la production assistée par ordinateur.

En conclusion, l'auteure finit par reconnaître que même si la technologie n'est pas orientée au départ et qu'il existe des choix possibles dans la détermination de ses finalités (productivité, enrichissement des tâches, qualité de vie au travail, etc.), celles-ci restent largement liées aux prérogatives patronales. Les possibilités de réduction des heures de travail, de partage du travail ou d'allongement des vacances ne sont invariablement pas utilisées; les seuls gains partout observables furent de légères augmentations de salaires. Il s'agit d'un constat qui rejoint ce que plusieurs autres auteurs ont déjà observé ailleurs.

Davies conclut (pp. 203-205) que la perception syndicale du processus de négociation est marquée par une impression d'une forte implication au sein des processus de changement, impression qui n'a trop souvent que peu à voir avec la réalité. Elle prétend ensuite qu'un des problèmes majeurs relevés est le manque d'information permettant aux syndicats de s'impliquer dans le processus décisionnel entourant les changements technologiques. Elle déplore enfin que les politiques de main-d'oeuvre n'intègrent pas suffisamment les données des études sur les nouvelles technologies. Après avoir brossé ce tableau avec le cas des brasseries, fort intéressant en soi, le sentiment demeure que même s'il s'agit là de technologies dites «nouvelles», les enjeux et problèmes qui persistent sont tout à fait liés à ceux que l'on observe à travers les processus classiques de modernisation industrielle.

Guy FRÉCHET

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**Sexual Harassment in the Workplace**, by Arjun P. Aggarwal, Butterworths, Toronto, 1987, 230 pp., ISBN 0-409-80535-1

One of the most controversial and, often, complex issues in the workplace in the 1980's in Canada is sexual harassment. It knows no boundaries and its victims have suffered for long without recourse. Until recently, legislators, employers, and unions have not bothered to deal

with the issue. With the enactment of specific provisions in the provincial and federal human rights laws prohibiting sexual harassment and with the various decisions handed by Boards of Inquiry set up under Human Rights laws prohibiting sex discrimination in employment, remedies are now made available to the victims of sexual harassment in the workplace. The emergence of sexual harassment as an important issue in employment in the U.S. has produced several books, the most significant being Catherine MacKinnon's (**Sexual Harassment of Working Women**, Yale University Press, New Haven, 1979). But, for those interested in learning about the sexual harassment in employment in Canada, there was no such luck till now. Professor Arjun Aggarwal's book fills this vacuum and does it well.

The first chapter discusses the development of U.S. legislation, equal employment opportunity Commission's guidelines and the court decisions dealing with sexual harassment in employment. The two major developments in the U.S. are crucial. One is the determination that sexual harassment is sex discrimination, and the other is the **Bundy v. Jackson** 641 F. 2d 934 (D.C. Cir., 1981) decision where the federal court held that sexual harassment in the workplace creates harmful environment and is actionable under the **Civil Rights Act** of 1964. This was affirmed by the U.S. Supreme Court in **Meritor Savings Bank v. Vinson**, 106 s. ct. 2399 (1986). These developments are critical for development of public policy on sexual harassment in Canada. As Aggarwal points out, jurisprudence on sexual harassment in Canada began in 1980 with **Cherie Bell** case (1 C.H.R.R. D/155) where it was established that sexual harassment amounts to sex discrimination which is prohibited by human rights legislation. Professor Aggarwal has devoted considerable attention to this case and has discussed, with clarity and insight, the problems in defining sexual harassment, issues of proof and the use of similar fact evidence. The discussion in chapters 2, 3, 4 and 5, generally, is legal in nature, as expected. However, the author has described various concepts in a lucid manner so that human resource professional can understand the complexities involved.

Employer liability for sexual harassment by supervisory employees is discussed in detail in chapter 4. In the **Robichaud v. Brennan** (1987), 8 C.H.R.R. D/4326, Canadian Supreme Court resolved the «uncertainty» by declaring that the employer under federal jurisdiction is liable for the discriminatory acts of an employee whether or not the employer authorized such actions. The author has provided an excellent analysis of the court decisions on employer's responsibility in dealing with sexual harassment in the workplace.

Chapter five contains an analysis of the various possible remedies available to the victims of sexual harassment. While grievance arbitration is a viable option, the author concludes that remedies available are «rather limited» since it is doubtful that an arbitrator can award all the remedies that may be available from a Board of Inquiry or a Human Rights Tribunal under a Human Rights law. On the other hand, it usually takes longer time to get a decision from a Human Rights Tribunal. In this chapter, it would have been useful had the author included a discussion on whether sexual harassment victims could obtain remedies under worker's compensation legislation. Otherwise, the author explores in detail the various possible remedies for sexual harassment.

Typically a book of this nature is complete with the legal discussion of the problem on hand. But Professor Aggarwal has found it fit to include a detailed discussion on prevention of sexual harassment and devoted a chapter (chapter six) on how an employer should proceed in establishing and implementing a sexual harassment policy in unionized and non-unionized workplaces. This chapter is extremely useful for human resource managers who want a simple guide to establishing a sexual harassment policy.

The last chapter — unions and sexual harassment — is probably the most interesting from the point of view of the students of Industrial Relations. The author raises troublesome questions such as whether unions have lived up to their role as protectors of «underdogs» when it comes to sexual harassment? What should unions do when a union member claims harassment by a fellow union member or by a union official? Have unions acted as «model employers» when it comes to dealing with harassment of employees of their own union? A lively discussion of issues raised by these questions makes this chapter especially worth reading.

Professor Aggarwal has written a book on sexual harassment in employment in Canada for both legal scholars and human resource managers — a task that is not easy even for the seasoned authors. The author's writing style and his ability to clearly state complex issues have made this book very useful for both lawyers and human resource managers. Union officials would also benefit considerably by reading this book.

**P. ANDIAPPAN**

University of Windsor

**Participative Systems at Work: Creating Quality and Employment Security**, by Sidney P. Rubinstein, ed., New York, Human Sciences Press, 1987, pp. 180, ISBN 0-89885-338-9

This is a very useful collection of writings linking worker participation with quality and employment security. In the introduction senator Bill Bradley emphasizes the urgency of a substantial change for the better in the labour-management relations. S. Rubinstein, president of Participative Systems, Inc. presents his broad experience in quality control and the practical application of the participative problem solving concepts at the shop floor level and up the hierarchy. He also offers a design of a total plan system of worker participation. The second part is devoted to the specific participatory projects implemented in the 34 shop floor teams of workers and supervisors in the Riverdale plant, several teams of the joint union-management cooperation in the Ethicon's Somerville (N.J.) plant. The reports are supplemented by the testimony of one management executive and one trade union official; both of them explain problems and advantages of the union-management cooperation.

In the third part S. Camens, assistant of the president of the United Steelworkers of America, describes the need to democratize industry, Lynn Williams, president of the same Union lays out his justification for having unions involved in work reforms, and finally John Hoerr, a journalist, provides the assessment of the worker participation movement in general.

Innovations discussed in this book definitely require skilled and devoted **consultants** who would facilitate and monitor the complicated process of introducing a new system. In Sweden this function is quite often fulfilled by academic workers who cooperate with management as well as the trade union. In Yugoslavia one of the major weaknesses is the shortage of reliable consulting which would translate the general ideas into the shop floor reality. In the U.S. there is much consulting in the field, but the example presented in the book is particularly convincing and reliable.

It is necessary to gain the support of all interested parties, particularly the middle management and the local trade union unit. There are several barriers to overcome which originate from the lack of mutual trust, vested interests really or only potentially endangered by the innovation, lack of experience in the application of the joint problem solving pattern, different perspectives appearing at different levels of the hierarchy. All these sensitive areas necessitate