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négociations si elles veulent que l'arbitre choisisse leur projet de convention. Ce faisant, on parviendrait à éviter les deux principaux écueils du système d'arbitrage obligatoire traditionnel, à savoir : l'absence de négociations véritables avant le recours à l'arbitrage et le maintien de positions extrêmes sachant que l'arbitre divisera la poire en deux.

Malgré ces apparentes qualités potentielles de la procédure de « final offer selection », le professeur Gilroy en souligne à juste titre de nombreux inconvénients. D'abord, il n'est pas si certain que les parties ne maintiendront pas des positions extrêmes, surtout lorsque des questions vitales sont en jeu. (Que l'on se rappelle le problème de la sécurité d'emploi dans les dernières négociations entre l'Etat et le Front commun au Québec). Dans ce cas, l'arbitre se trouve dans une position difficile et, peu importe son choix, il risque que la partie perdante rejette sa décision. Par ailleurs, cette procédure exige de la maturité et de la flexibilité de la part de négociateurs ayant des mandats leur permettant de prendre de véritables décisions. Encore une fois l'expérience du Québec montre que ce n'est pas toujours le cas et que les négociateurs patronaux ont souvent « les mains liées ». De plus, le « final offer selection » comporte des risques politiques pour les deux parties. Dans ce genre de jeu, une partie gagne tout et l'autre perd tout ; il n'y a pas de possibilité de sauver la face pour le perdant et l'on sait combien il est parfois important pour un syndicat de retourner devant ses membres avec au moins quelques gains particuliers même si la bataille a été perdue dans l'ensemble. Bref comme le dit le professeur Gilroy, même si cette procédure mérite d'être étudiée plus attentivement, elle semble se présenter davantage comme un jeu plutôt que comme un processus rationnel de prise de décision et elle pourrait fort bien être inacceptable à long terme à cause de sa trop grande rigidité.

Le dernier article de Morris Slavney, directeur de la Commission des relations du travail et l'Etat du Wisconsin, « Representation and Bargaining Unit issues», est le résultat d'une étude extensive des pratiques en vigueur aux Etats-Unis en ce qui a trait à la détermination des unités de négociation et du choix de l'agent négociateur pour les employés visés. L'auteur discute de questions telles la reconnaissance exclusive, l'extension au personnel de cadres des droits syndicaux et de l'étendue de la juridiction des unités de négociation.

Enfin, il est bon de souligner que le volume **Dispute Settlement in the Public Sector** contient également une bibliographie sélective concernant la médiation, le « fact finding » et l'arbitrage et qui compte plus de 60 références.

Jean BOIVIN

City Employee Bargaining with a Divided Management, by Thomas A. Kochan, Monograph Series. Wisconsin, Industrial Relations Research Institute, University of Wisconsin, 1971, 75 pp.

The transposition of private sector practices to public employment relations has created problems for the bargaining process. In this book, Thomas A. Kochan explores the impact of one of the unique features of the public sector which is often cited as a source of confusion in collective bargaining relationships : the divided authority structure found in public sector management.

Underlying all of collective bargaining theory is the assumption that two identifiable organizations, one representing the interests of management and the other representing the interests of the employees, interact in a bilateral relationship. In the private sector the employer presents a monolithic front. Private employer representatives have broad discretion to negociate and commit the organization on almost all matters. This is not true in the public sector. There is a diffusion of decision-making authority to a much greater extent than in private industry and there is even confusion over determining just who is the « employer », i.e. where the authority lies to make an agreement conclusive on behalf of the government. According to Kochan, and he is certainly right, the core of the problem is the historical dependence, mainly in the United States, on the concept of the separation of powers within government. The result is the existence of a public employer that is characterized by a composite of voices which often speak independently of one another and respond to different constituencies.

Kochan's study focuses on the decision-making process within municipal management as it affects the collective bargaining process. Two case studies are used to illustrate the author's point of view : the negotiations implying locals of the International Association of Firefighters (IAFF) with the cities of Madison and Janesville, Wisconsin. The first two chapters after the introduction place the case studies in a theoretical perspective : Chapter II examines the nature of the management decision-making process in private sector enterprises with the emphasis being placed on the means used to resolve internal conflicts as they relate to the collective bargaining process. After identifying the major sources of conflict within private sector management, Kochan suggests three major countervailing forces to internal conflict : the profit motive, union pressure, and the chain-of-command principle. Chapter III is devoted to a discussion of the decision-making structure found in municipal government and the problems involved in adapting this structure to the process of collective bargaining. The author insists on the fact that the divided decision-making structure imposes significant obstacles to the establishment of a bilateral collective bargaining process. More precisely, according to Kochan : 1- It fosters increased conflict among management officials. 2- It creates uncertainty concerning who has the actual authority to make decisions, and in determining who should represent that authority at the bargaining table. 3- It results in conflicting attitudes towards the appropriate role for collective bargaining in municipal government. 4- It provides the incentive for unions to engage in political bargaining. 5- It promotes the involvement of interest-groups in the bargaining process. Finally, Kochan adds that because public sector employees are normally prohibited from imposing direct costs of disagreements on the municipal employer (he has in mind the United States experience where most municipal employees do not have the right to strike), the major incentive for these management officials to overcome their international disagreement is absent. This last statement is certainly an exageration since, even in instances where the right to strike exists, public management is often internally divided for other reasons.

A case study of the 1968-1969 dispute between the City of Madison, Wisconsin, and Local 311 of the IAFF is presented in Chapter IV. In Chapter V, the 1969-1970 dispute between the City of Janesville, Wisconsin, and Local 580 of the IAFF is analyzed. Finally, the author ends up his study with very pertinent conclusions and implications for future research concerning collective bargaining in municipal governments.

As a result of the two case studies, Kochan concludes that in both cases « the labor-management decision-making process that took place in the disputes failed to conform to the traditional bilateral type of collective bargaining process. In both instances, city officials were unable to resolve their internal differences in order to present a unified position in negotiations until a credible strike threat was made » (p. 58). Hence, according to Kochan, it seems that the divided authority structure built into city governments is in direct conflict with the bilateral assumption of the collective bargaining process.

Kochan ends up his study with a very important consideration for policy-makers. He mentions that the major implication of his analysis is that the decision of whether or not to opt for a private sector type process necessarily involves a choice between two highly regarded practices — bilateral collective bargaining and separation of governmental decision — making powers. The major issue is how to devise a bargaining system for municipal employees (we can add for any type of public employees) which insures them the rights of « first class citizenship » and still provides a voice for the pluralistic interests of the community. Unfortunately, the author dœs not make any kind of suggestions to improve the actual situation. However, we must give him credit for having done an excellent job in diagnosing one of the major obstacle to a genuine collective bargaining system in the public sector.

Jean BOIVIN

Investment in Human Resources and Manpower Planning, United Nations, Papers presented to the eighth session of Senior Economic Advisers to ECE governments, New York, United Nations, 1971, 165 pp.