

Relations industrielles Industrial Relations



Jan ADAM : *Employment in the Soviet Union and Eastern Europe*. 2nd ed., London, The MacMillan Press, 1987, 224 pp., ISBN 0-333-41775-5

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Volume 44, Number 3, 1989

URI: <https://id.erudit.org/iderudit/050525ar>

DOI: <https://doi.org/10.7202/050525ar>

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Publisher(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (print)

1703-8138 (digital)

[Explore this journal](#)

Cite this review

Jecchinis, C. (1989). Review of [Jan ADAM : *Employment in the Soviet Union and Eastern Europe*. 2nd ed., London, The MacMillan Press, 1987, 224 pp., ISBN 0-333-41775-5]. *Relations industrielles / Industrial Relations*, 44(3), 729–730. <https://doi.org/10.7202/050525ar>

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grève». La question présuppose un exposé des données essentielles du régime juridique de la grève en R.F.A., construction jurisprudentielle édifiée autour de cet article 9 al. 3 de la Constitution. Résultat: «...la 'fonction d'ordre' de la convention collective prime, quitte à limiter le droit constitutionnel de grève (p. 366). L'obligation implicite de paix n'est toutefois que relative. L'accompagnement d'autres obligations à la charge du syndicat signataire: celle d'exécution de la convention collective, celle, même, de veiller à ce que ses membres la respectent... Le syndicat en vient à assurer — comme au Canada au niveau de l'entreprise — un «rôle de police syndicale» (p. 398).

La partie normative de la convention collective comprend deux ensembles de normes: celles d'une part, qui façonnent le contrat individuel de travail, qui ne sont applicables qu'aux seuls salariés syndiqués (à moins que leur contrat ne contienne une clause de renvoi à la convention). Celles, d'autre part, qui, cette fois, sont communes à tous les salariés de l'établissement. Elles y aménagent notamment l'organisation de la représentation élue (constitution sociale de l'établissement). Plusieurs illustrations permettent de cerner la pratique conventionnelle récente. Les controverses doctrinales ne font pas défaut pour autant! Signalons notamment la question de la validité dans la convention d'une «clause d'ouverture», dérogation au principe de l'inaliénabilité de la convention — celle-ci «domine», en effet, autrement la relation individuelle de travail. Une telle clause permet des accommodements au niveau de l'établissement, par exemple, pour ce qui est du temps de travail. Il y a aussi la justification du «principe de faveur», qui permet le paiement par l'employeur de salaires supérieurs à ceux de la convention... Dans son ensemble, le contenu de la convention collective «... reflète en grande partie la conception restrictive du pouvoir normateur autonome» (p. 529).

Ce constat rejoint celui qui se manifestait déjà au sujet de la portée de la négociation collective. Il traduit donc la vision essentielle que l'auteur, au terme de sa pénétrante analyse, retient du système allemand de négociation collective et de sa judiciarisation. Cette étude a le grand mérite de procéder d'une confrontation constante, claire et nuancée des différentes positions doctrinales autour desquelles le droit allemand des conventions collectives s'est édifié. Non seulement l'ouvrage a-t-il cette ampleur, mais il rattache également, sur plusieurs points, ces vigoureuses controverses de la doctrine allemande à certaines positions observables dans la doctrine d'autres pays européens.

Pierre VERGE

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Employment Policies in the Soviet Union and Eastern Europe, Edity by Jan Adam, Second Edition, London, The MacMillan Press, 1987, 224 pp., ISBN 0-333-41775-5

Any effort to do research and write a book about employment in the centrally planned economies of Eastern Europe is fraught with difficulties. Although the situation is beginning to change, it has always been difficult for outside researchers to obtain the kind of data that objective analysis requires. There was, and to a certain extend still is, tight political control over all relevant information including statistics.

The International Labour Office has encountered the same problems in its effort to get at the true picture of the general employment situation in Eastern Europe and the Soviet Union. Glasnost is a more recent development.

Jan Adam and his collaborators in the book are to be congratulated therefore, for undertaking the difficult task of unravelling the complexities of labour shortages in Eastern Europe, and in spite of the difficulties in coordinating the research work of many scholars, to report and analyse in depth the facts they have managed to obtain with no apparent contradictions.

It is also significant that the ILO report of 1984 on the Employment situation and economic development in the Soviet Union and Eastern Europe, had reached some similar conclusions as those of the contributors to this book, concerning the reasons for the labour shortages in those countries. These include the slow-down of population growth, the movement of workers from agriculture to industry without proper skills, and that workers of 20 to 55 years of age constitute the 97 - 99% of the male labour force (mainly because of the existing retirement policies which discourage the employment of older workers).

The ILO report went further in making a number of recommendations aimed at the improvement of the labour shortages situation, which affects adversely economic development. It recommended for instance that there should be more energy savings, reductions in the wasting of raw materials, wider adaptation of new technology, and more importantly, drastic changes in the planning and management of the economy. It is not the task of a scholarly effort as that of the book of the Employment Policies in the Soviet Union and Eastern Europe, to include policy recommendations, but the conclusions reached by the contributors to this book indicate also some of the required remedial action.

The book, which is a revised edition of the 1982 volume, consists of two parts. The first part is made-up of five country studies dealing with the employment problems of the Soviet Union, Poland, East Germany, Czechoslovakia and Hungary. These country studies attempt to analyse the reasons for the existence of labour shortages, policies for coping with them and the extent of their success. The second part contains four complementary studies: two for the Soviet Union (one dealing with the impact of technological change on education and the displacement of workers, and the other with the problems of working pensioners), one comparative study dealing with similarities and differences in the treatment of labour shortages among Eastern European countries, and one study dealing with the problems related to regional employment policies and the allocation of qualified labour.

The political reforms and the rapid economic changes that are taking place currently in the Soviet Union and other Eastern European countries, may in the future require another more comprehensive study of all the problems related to economic development and employment. The proclaimed «openness» may also make such task a little easier. However, whatever studies are published in the next few years concerning the success or failure of «perestroika», they will not affect the considerable value of this book's contribution to the better understanding of the employment aspects of current and future economic policy in that important part of the World.

Chris JECCHINIS

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Public Sector Bargaining, 2nd Edition, Benjamin Aaron, Joyce M. Najita and James L. Stern editors, Industrial Relations Research Association Series, Washington, D.C., Bureau of National Affairs, 1988, 334 pp., ISBN 0-87179-566-3, ISBN 0-913447-37-4 (pbk)

Cette publication de l'IRRA constitue une mise à jour du volume qui avait paru dix ans plus tôt sur le même sujet. L'ouvrage est un collectif d'auteurs et ces derniers, à l'exception de