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RECENSIONS

Trends in Industrial Relations Systems of Continental Europe, by Paul Malles, Study no 7, Task Force on Labour Relations, Ottawa, Privy Council Office, 1970, 215 pp.

Comparative industrial relations is a neglected field of analysis. Even the conference sessions of the International Industrial Relations Association focus on national experiences. The major post-war effort at formulating a theory of industrial relations models dwelt primarily with developing countries. In the pre-war years, studies concentrated on comparative trade-union or labor movements, implicitly revealing the absence of truly crystallized stable systems of industrial relations. These came primarily in the post-war years, as the interwar period witnessed the struggle to create the basic institutions. Comparisons were rife in the early post-war years as United States practitioners sought to spread the American gospel of collective bargaining. These analyses petered out as visitors from abroad found the pattern less satisfactory than the claims and Americans realized that their institutions and procedures could not be exported. An era of intellectual isolationism in the study of industrial relations pervaded both sides of the Atlantic. Techniques for comparison languished; paradigms remained unformulated.

Two interests in comparative studies appeared which could have but didn't correct the failings. Both concentrated on institutional and procedural aspects of industrial relations rather than on investigating the fundamental functions of industrial relations in the total economic and social systems. American corporations sought knowledge about the industrial relations patterns in the European countries in which they acquired substantial manufacturing holdings. But most of them did not intensely pursue the subject as they adopted local patterns; those which sought independent ways generally found them to be neither constructive nor even viable. Very few tried to integrate American and local patterns. The interest continued to be

superficial but prompted support for a conference on Western European industrial relations systems sponsored by Loyola University and a comparative pragmatic study of detailed practices between the United States and six European countries. Neither effort produced an impressive intellectual landmark or even significant materials.

Two other events might have started up a foray of investigations but did not. They reflected a preoccupation with national problems and showed no interest in or conviction that detailed functional international comparisons could be profitably made. A useful paradigm for international analysis did not exist and there was no assurance that one could be formulated. Practitioners even denigrated the suggestion. Both Great Britain and Canada undertook national reexaminations of their domestic industrial relations systems. The former led to legislation which significantly changed a number of procedures relative to unofficial strikes, strike votes and the enforceability of agreements and increased government intervention into collective bargaining procedures. The Canadian review also the result of a spat of strikes produced no apparent legislative action. None of the parties at interest felt pushed to seek changes in the industrial relations systems. The present study is one of the series contracted for by the Task Force on Labor Relations to aid in its study of the problems.

Another initiative visible in several trade-union movements to introduce structural changes remained national in its orientation. Proposals for constitutional innovations are being considered in Great Britain, West Germany, Netherlands and Sweden, but they don't get to the heart of the problems which beset the trade-unions. The creation of a common market trade-union organization and instrumentalities for dealing with multinational corporations has not led to a wholesale reappraisal of trade-unionism in the modern era.

Despite frequent international meetings and resolutions on international industrial

relations problems, trade-union leaders remain national in their orientation and generally lacking in the intellectual instruments or urge for profound comparisons. They also have no theoretical structure for integrating their analysis on an international basis such as Marxism provided them in earlier epochs. No profound anxiety exists about the present state of unionism or the collective bargaining system. Their disappointments with the ineffectiveness of their representation on national policy agencies, the programs for income redistribution, the social security systems, and the works council systems which have sharpened the gaps between themselves and their following have lead to an occasional new foray but no new search for answers. The proposal for worker sharing in capital formation is such an idea but it has already been stripped of much of its glamor in its practical implementation in Germany.

The renewal of rank and file militancy proves recurrently embarrassing when it breaks out in unofficial strikes but it has not prompted profoundly new programs. But it has reminded leaders of its membership. Reared in opposition politics trade-unionists and their political allies, even when in control of the government have not gone or proposed much beyond the platform of the welfare-interventionist-democratic measures of the early post-war labor parties. They have not shown the way to dealing with inflationary pressures of an expanding society with a vocal aspiring population seeking implementation of their goals. Even when restrictive economic policies produce widespread unemployment, they have not offered new programs.

There is some realization of the dysfunctionality of the old arrangements but there is no sense of urgency about finding new answers. There is an underlying belief among leaders that the post-war order produced a new historic epoch of well-being and rights but no discernment of the unrest among the younger generation and others who seek further advances and the realization of their aspirations. The intellectual stagnancy pervading the trade-union movement necessarily penetrated the collective bargaining process where it retained the initiatory role.

Paul Malles' study integrated a series of memoranda prepared for the Task Force on Labour Relations. Its emphasis

is upon the profiles of trade-unionism and collective bargaining on the Continent, primarily in Northern Europe as they developed in the post-war years. Little insight is given into the tension prevailing in Britain and on the Continent. No reference is made to the substantive changes in standards of living and benefits or workers' attitudes. Designed to serve the Task Force in its review, its major contribution to them should have been the underlying theme that the state of industrial peace, a phrase popularized in the United States, is a product of an «umbrella of economic and social policies» rather than institutional arrangements. No definition is offered on the precise contribution which the latter actually made. Being essentially a series of essays rather than scholarly examination of problems and experience one may look to the report for suggestions of conventional judgments rather than an integrated evaluation. No paradigm for analysis is provided. The study is fundamentally expository and impressionistic rather than critical.

The continental industrial relations systems are the result of spontaneous development and not deliberate legal design. Their similarities stem from a common economic and social environment and the fount of philosophic outlooks. Their achievements are most marked in providing minimum terms of employment, social protection and political benefits and achieving class cohesion. Trade-unions supported the broad goals of the social democratic parties, but have been least successful in formulating programs for effective protection for individuals at the job level or in materially realizing their aspirations for industrial democracy. Not tied to the workers' occupational interests they have played a minor role in the actual industrial relations operations at the plant level, with the result that American corporations have felt freer of union restraints in Europe than at home. A major source of industrial relations friction has therefore been absent on the Continent, and concurrently a significant form of worker protection is lacking.

Trade-unions on the Continent as the author makes clear are differently oriented than those in North America. They are largely industrial in structure, voluntary in conception and concerned in recent years with minimum standard setting and general wage increases rather

than detailed supervision of job conditions and control of the exact terms of employment. This arms-length relationship to the worker on the job may help explain the absence of industrial conflict and the ease with which most settlements are reached, and the modest role of the government in guidance of these relations particularly until such time as administration seeks to enforce economic controls. Even then the employer's self-interest moves him to greater liberalism in action than the law or agreement prescribes and creates a level of industrial relations quite independent of the formal one. But the truncated Continental system appears to have run its course.

Solomon BARKIN

The Legal Status of Collective Agreements in England, the United States and Canada, by B.L. Adell, Kingston, Queen's University, Industrial Relations Center, 1970, xxxi et 240 pp.

Il s'agit d'une étude du caractère obligatoire de la convention collective en Angleterre, aux Etats-Unis et au Canada, selon le partage classique : effets « contractuels » entre les signataires et « normatifs » par rapport aux salariés. Chacun des trois tableaux trace la genèse du droit positif.

Jusqu'à présent du moins, dans le premier cas, la convention collective s'était tenue à l'écart du courant contractuel ; si elle a une portée normative, ce ne pourrait être qu'en tant qu'usage ou coutume. Au contraire, aux Etats-Unis et au Canada, après maintes tentatives d'utiliser les techniques du droit commun, l'arbitrage, surtout, apporte les solutions. Beaucoup plus sûrement aux Etats-Unis, où la convention s'impose directement plutôt que par le biais du contrat individuel de travail. La théorie de l'incorporation du contenu de la convention dans ce dernier continue toujours en effet de mener une vie parallèle au Canada, ce qui ne peut qu'être prétexte à l'intervention du tribunal de droit commun. L'on doit par ailleurs examiner le rôle que peut jouer le salarié dans la mise à exécution de la convention, sans le concours du syndicat. Dans la mesure où le pouvoir de représentation de ce dernier y fait obstacle, doit s'affirmer l'obligation d'une représentation adéquate du salarié. Le Québec s'insère dans cet ensemble, comme on l'affirme d'ail-

leurs, bien que l'on fasse relativement grand état du régime assez particulier de la convention collective étendue.

Pour éviter des absolus dangereux : l'ouvrage marque assurément une date importante dans le développement du droit du travail au Canada. Il évite la simple juxtaposition, souvent superficielle, des onze lois pour aller à la racine de l'ensemble du droit applicable, qu'il expose ensuite rigoureusement. Le recul de l'étude théorique de la convention collective, y compris l'examen critique de certaines données passées ou étrangères, permet à l'auteur de faire progresser la solution des principaux problèmes pratiques qui s'attachent, d'un point de vue juridique, à la mise à exécution forcée de la convention collective.

Pierre VERGE

The Growth of White-Collar Unionism, by George Sayers Bain, Don Mills, Ont., Oxford University Press, 1970, 233 pp.

L'une des caractéristiques du développement des économies modernes réside dans l'accroissement considérable aussi bien en termes absolus qu'en termes relatifs du nombre de cols-blancs par rapport aux cols-bleus. Cette évolution se produit à un rythme tel que le nombre des cols-blancs dépassera bientôt celui des cols-bleus dans la plupart des pays industrialisés où ce n'est pas déjà fait.

Cette situation soulève un certain nombre de questions quant au développement du syndicalisme dans l'avenir car si les syndicats n'arrivent pas à rejoindre ces travailleurs, ils sont condamnés à occuper une place de plus en plus marginale au sein de la main-d'œuvre active.

C'est à quelques-uns des problèmes posés au syndicalisme par ce changement dans la structure occupationnelle que l'auteur, George Sayers Bain, s'intéresse dans cet ouvrage qui est le résultat d'une recherche qui a duré quatre années. Il a tenté en effet de découvrir quels sont les principaux facteurs qui favorisent le développement du syndicalisme chez les cols-blancs en Grande-Bretagne et en particulier dans l'industrie manufacturière.

Après avoir étudié l'importance des cols-blancs dans la main-d'œuvre anglaise, l'auteur fait état de la situation syndicale dans ce secteur.