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les assistés sociaux, les handicapés, etc. Katherine Lippel souligne qu'il y aurait pénurie d'avocats pour une telle pratique alors que «[...] le Barreau du Québec s'inquiète de la saturation du marché, il reste des milliers de clients non desservis par les avocats» (p. 598). Cette pratique comprendrait l'utilisation politique du droit et de multiples manières: «[...] Le rôle du juriste, c'est de garantir ce droit de parole; le rôle du militant et de la militante est de s'en servir» (p. 599) ou encore, «[...] de fournir les outils juridiques permettant la repolitisation d'une question politique judiciarisée» et même de revendiquer le «droit au chauffage». On rapporte par la suite, à titre d'illustration, de nombreuses affaires où l'on utilisa ces approches. Parlant sans doute d'expérience, l'auteure nous fait part de la difficulté de vivre une telle pratique: «On a beau faire les meilleures analyses sur le rôle du droit et de la justice, il faut quand même plusieurs années pour bien intégrer le principe qu'on a gagné en perdant un procès. [...] On a beau savoir que l'échec judiciaire peut mener à la victoire politique, il est quand même difficile d'avoir constamment l'impression de se cogner la tête contre un mur» (p. 617).

En raison de son caractère propre et de la lecture particulière du droit que nous proposent ces trente auteurs, il n'y a pas que les étudiants des facultés qui auraient intérêt à lire cet ouvrage. Avocats certes, mais aussi politologues, sociologues et historiens pourraient y puiser un enseignement stimulant et permettant même certaines remises en cause. En attendant, espérons que cette jeune équipe de juristes publieront davantage et fourniront quelques pistes ou éléments de réponse aux très nombreuses questions qu'ils ont eux-mêmes soulevées en 1987.

Fernand MORIN

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Flexibility and Labour Markets in Canada and the United States (Research Series 94) by Gilles Laflamme, Gregor Murray, Jacques Bélanger and Gilles Ferland (eds.), Geneva, International Institute for Labour Studies, 1989, 317 pp., ISBN 92-9014-462-9

Economic flexibility, including how employers allocate labour, has been an important issue over the past decade. Catalyzed by the relative decline of North American industry over the past two decades, labour flexibility involves lifting or loosening up restrictions placed upon employers in their allocation of labour. And though many would have us believe that this is a relatively new issue, labour flexibility has been around for decades in such forms as contracting out, lay offs, job enlargement and job enrichment schemes. Though it may be the case of old wine in new bottles, economic conditions have brought about a renewed debate on labour flexibility, on the level of the national and international economies as well as within the enterprise.

Unlike earlier critiques from the business community or classical economists which were aimed at specific state and trade union «imposed» restrictions on the allocation of labour, the entire «post-war accord», described by some as «Fordism», has come under increasing criticism for being inflexible. «Fordism» has been described as an historically specific form of capitalism which saw economic prosperity in post World War II North America founded upon such production techniques as the assembly line and such institutional arrangements as industry-wide pattern bargaining and the welfare state. The traditional assembly line has long been for dehumanizing work and for being locked into an inflexible strategy of standardized mass production. Advocates of shop floor «flexibility» recommend modifying or dismantling of the Taylorist assembly line, so as to increase product quality, make industry more responsiveness to consumer demands and to create more fulfilling work.

The labour market institutions of North America which arose around an economy built upon the inflexible assembly line, including income support programs for the unemployed, **Wagner-Act**-style labour legislation, industry-wide collective bargaining and job regulation unionism, have also faced increasing criticism. For flexibility on the shop floor to succeed, it has been argued, these institutional arrangements must be altered or eliminated in their current form to promote labour market flexibility.

The hue and cry for greater «flexibility» has generated a lively debate over the past decade. Much of the debate has been polarized, with some viewing flexibility as a panacea for all types of economic and social woes, while others perceive it as a smoke screen to roll back the hard won benefits of collective bargaining and income support systems. The current debate is not as much about flexibility in and of itself, something which most view as somewhat inevitable. The debate revolves around what the central objectives of this labour market flexibility will be.

Flexibility and labour markets in Canada and the United States is a compilation of papers and commentaries presented at a colloquium jointly hosted by the Department of Industrial Relations at Laval University, the ILO's International Institute of Labour Studies and the Government of Québec in September of 1988 in Québec City, dealing with this issue. The colloquium and the ensuing book are intended to provide a North American perspective on the flexibility debate, a debate which many see as more advanced in Western Europe, both on the academic and public policy levels. And though the title may appear to keep the debate within the book narrow, included are articles concerned with shop floor, corporate and industry-wide strategies towards flexibility, as well as two articles on the Western European experience of labour market flexibility. Similarly, the book is strengthened by the participation of members of the business community, trade unionists and government officials.

The introduction by the editors and the individual articles by Gilles Laflamme, Guy Standing and Lise Poulin-Simon provide information on the current economic situation and the nature of the debate on flexibility. Laflamme's article brings forward the three dimensions of labour flexibility (both within the firm and in the external labour market); namely wage flexibility, numerical flexibility (i.e. flexibility in the number of workers and/or the hours they work) and functional flexibility (i.e. flexibility in terms of skill). For Laflamme, it is important that decisions concerning labour flexibility not be unilaterally determined by business, but that unions and governments must become involved in the decision-making process to allow the best form of flexibility to emerge.

Guy Standing's article looks at the recent Western European developments towards labour market flexibility. Standing sees a deliberate attempt by certain Western European governments to dismantle the post-war consensus and shift the economic and social burden onto the backs of workers and the economically marginalized, so as to create a more «competitive» corporate sector. He is less optimistic than Laflamme about the potential for a humane form of labour flexibility built on social consensus. Standing does note the positive example of Sweden, where flexible labour market policies have been created within a national consensus.

Lise Poulin-Simon places Canada within the Western European debate. She notes that Canada lacks the corporatist institutions, the ideology of social solidarity and the tradition of full employment which exist in much of Western Europe and which have allowed a mature, consensus-driven debate on flexible labour market policy to take place. Unless there is such a debate, according to Poulin-Simon, the situation of the economically marginalized in Canada, such as women, youth and recent immigrants, may deteriorate if public policy is aimed solely at trimming labour costs and pursuing a narrowly defined notion of «economic efficiency».

F.R. Curd Jr. of General Motors, David Robertson of the Canadian Auto Workers and Professor Jacques Bélanger deal with shop floor innovations introduced to produce functional flexibility within the North American auto industry. Pointing to innovations in work organization and technology within GM Canada, Curd describes how these changes have resulted in an increase in the overall skill level of GM employees. He also emphasizes the importance of the company seeking union participation in matters relating to flexibility. Robertson notes that unions must guard against any managerial drive for flexibility, in case such changes are simply a «Trojan horse» to intensify Taylorism. However, Robertson does believe that management and union can work together if the goal of flexibility is to truly rehumanize work. In reviewing the recent experiences with workplace innovations within the North American auto industry, Bélanger discovers mixed results, both in terms of productivity and in genuinely «rehumanizing» work.

Donald Carter and Michael Lynk offer very different prognoses on the future of Canadian labour law within an increasingly flexible labour market. Donald Carter sees labour legislation in Canada changing little as a result of economic restructuring. According to Carter, the trend towards increased state intervention in industrial relations matters will continue, noting the growing prevalence of restrictive collective bargaining legislation in the public sector. Carter describes traditional collective bargaining as a «remarkably flexible institution» and argues that labour flexibility issues can be dealt with within the existing framework of collective bargaining. Jean-Jacques Bourgeault of Air Canada, commenting on his company's experience, agrees with Carter on the ability to deal with labour flexibility issues within traditional collective bargaining.

Michael Lynk, on the other hand, sees macro-economic restructuring, especially the Canada-US Free Trade Agreement (FTA), as a serious threat to current labour legislation in Canada. Lynk fears that this new continental economy will place increasing pressure upon Canadian governments to amend labour legislation so as to allow Canadian firms to compete with their US counterparts on a «level playing field». Lynk fears that the «lowest common denominator» may prevail, with Canadian legislators adopting US measures such as elections for certification and «right-to-work» laws. Lynk points to the recent «anti-union» amendments in the British Columbia and Alberta legislation as a sign of things to come.

Articles by Gerry Rodgers, Michael Piore, Gregor Murray and Diane Bellemare all deal with the increase of precarious work, namely temporary, part-time, term or other forms of «atypical» employment, over the past decade. Rodgers notes the growth of precarious jobs throughout Western Europe. He perceives this trend as more than merely the result of the recession of the early 1980's and labour market deterioration. Structural changes, according to Rodgers, are also to blame for the rise in precarious employment.

Michael Piore perceives increasing job precariousness as, in and of itself, not necessarily detrimental. However, according to Piore, US firms, in introducing precarious work, face a choice between a flexibility which aims to deskill workers and lower labour costs and a strategy, known as «flexible specialization», which introduces new, flexible technologies and reskills the workforce. Piore believes US firms need to resist low wage strategies and strive for «flexible specialization», which takes advantage of the relatively educated US workforce.

Gregor Murray deals with the strategies available to unions to deal with job precariousness, namely collective bargaining, lobbying for legislation and organizing the unorganized. Murray believes that the inherent contradictions of the market require union strategies that go beyond collective bargaining and into developing a broader political agenda which better incorporates the concerns of precarious workers, unionized or not.

Diane Bellemare argues that governments in Canada have dealt with precarious work and the problem of unemployment by providing minimal income assistance programs and relying upon private firms and the «market» to generate new jobs. Bellemare is critical of this laissez-faire approach which assumes economic insecurity to be beneficial to society. She believes an alternate strategy, based upon guarantees of full employment and democratic participation, is a far more socially desirable approach to establishing labour market flexibility.

Paul Osterman's article on employment policy in the US and commentaries on the article by Anthony Giles and Paul-Martel Roy concentrate on the role of training within a flexible labour market. Osterman, looking at the US experience, is critical of traditional government policy in the US related to job training. Osterman believes that this current system acts merely as a type of income support, rather than meeting real training needs. Potential workers, who are stigmatized by these training programs, as well as employers, who do not get adequately trained workers, loose out according to Osterman. He envisages broadening training programs so that they assist workers at all levels and involves potential employers in the training process at the secondary school level. Giles criticizes Osterman's recommendations for catering mainly to the demands of employers, while treating the needs of workers as secondary. Roy is somewhat more supportive of Osterman's article, yet questions the feasibility and desirability of a national strategy of firm-specific training carried out through the secondary school system.

The final four articles come from a round table discussion on the impact of the Canada-US Free Trade Agreement (FTA) on the Canadian labour market. Gerard Docquier of the United Steelworkers of America, Richard Belous and Claude Rioux all express similar fears to those raised by Michael Lynk, namely that FTA will place serious pressures upon Canadian labour legislation, labour market policy and wage levels in an attempt to improve Canada's competitive position with the US. Belous notes, that over the past decade, labour costs in Canada have risen, while productivity in Canada has fallen, when compared to similar developments in the US. Any recent labour cost advantage for Canada, Belous argues, has come about due to a depreciated Canadian dollar and a substantial appreciation of the Canadian dollar could jeopardize Canada's ability to benefit under FTA. Rioux and Docquier both indicate that supporters of FTA ignore important characteristics of the Canadian economy, such as the high degree of US ownership of manufacturing interests in Canada. FTA could result in Canadian branch plants of US firms shutting down as production is shifted south, where weaker labour laws and lower labour costs prevail.

Judith Maxwell of the Economic Council of Canada, on the other hand, sees FTA as potentially beneficial to Canada, forcing firms to become more efficient and potentially creating a quarter of a million jobs by the turn of the century. Maxwell is also confident that Canada's current labour market policy is flexible enough to handle the impact of FTA.

Overall, this collection provides a good overview on the issue of flexibility. It is suitable both as an introduction as well as a valuable contribution to the labour flexibility debate within North America. The discussion of FTA exemplifies the immediacy of these policy issues.

Most of the authors see the drive by governments and firms to introduce labour flexibility as inevitable, and in some instances necessary. However, the blueprint for this flexibility, either based upon the short-term demands of the business community or within a new social consensus, is a matter of serious debate. It would seem that within Canada, and to a lesser extent, the United States, a labour flexibility, on the shop floor and within organizations, which is truly in the workers' interest can only be constructed if trade unions remain informed and maintain their strength so as to be able to press for an improved workplace. One of the common themes running throughout the book is the leading role the labour movement must take to help construct the post-Fordist accord.

The labour movement's potential to force such a policy debate on the national level in North America appears bleak. The US labour movement has declined to the point where it is but a minor player on the American political scene. It is too busy struggling to survive, nevermind leading the fight for a better tomorrow. And in Canada, as Poulin-Simon points out, the lack of full employment, social solidarity and an institutional framework for corporatist decision-making makes arriving at such a consensus on the nature of national labour market flexibility policy all the more difficult. In Canada, the Free Trade Agreement was not a product of social compromise but arose to meet the short-term demands of the business community. To say FTA has been a source of conflict within Canadian society is an understatement of major proportions. This example points to the difficulties in establishing a flexible labour market policy, which is humane and consensual. Unless these difficulties are overcome, the benefits of the post-war accord will continue to erode. The outcome could be the continued development of a «flexible» North American economy which exacerbates current economic inequities, a prospect which may only antagonize social tensions which are already building within Canada and the United States.

Brad PRAGNELL

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L'entreprise à l'écoute, par Michel Crozier, Paris, Inter Éditions, 1990, 218 pp.

La sociologie des organisations est, aujourd'hui, au centre de l'attention des responsables et des observateurs des entreprises, et nul doute que Michel Crozier ait beaucoup fait pour que son statut, son niveau et son rayonnement, tant parmi les chercheurs que parmi les praticiens, deviennent, dans notre pays, ceux auxquels elle doit légitimement correspondre. Et le recensement des préoccupations de certains congénères de Crozier, que les exigences des années 80 ont rapproché de la vie réelle des collectivités de travail, en est un témoignage.

Ce livre apparaît comme une preuve, et un point de repère, de ce que Wiewiorka et Trink appelaient récemment («Le modèle EDF», La Découverte, 1989) «le grand renversement» de la discipline, «l'essor foudroyant» de la reconnaissance du facteur humain, et «le formidable tournant» dans les pratiques des managers, le discours des consultants et les analyses de «certains sociologues». M. Crozier note bien que «le problème est désormais sociologique»: un nouveau mode d'organisation, fondé sur la coopération (qui n'existe pas sans conflit et qui, d'autre part, requiert plutôt un plus d'organisation qu'un moins) et la communication (d'où l'écoute), sous entend un changement de logique qui s'éloigne de la sacrosainte croyance d'une rationalisation accélérée pour mobiliser les capacités individuelles et collectives.

L'entreprise change de peau, notait il y a peu Federico Butera, fameux sociologue des organisations lui aussi, l'interprète italien le plus attentif et, probablement, le plus autorisé d'une nouvelle frontière de la culture d'entreprise, assise sur la centralité de la ressource humaine — «rare», «fondamentale», «structurante», «décisive» dit Crozier, autour de laquelle s'ordonnent toutes les autres, car c'est elle «qui fait la différence». Toutes les autres — matières premières, techniques, capital — pour lesquelles il faut disposer de ressources humaines qui permettent leur mise en oeuvre et, ajoute Crozier, de la capacité de mobilisation des divers partenaires. Avec cette précision à la clé: on ne mobilise et on ne motive pas les gens,