

Like Nature, Industrial Relations Abhors a Vaccum. The Case of the Union-Free Strategy

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Volume 42, numéro 1, 1987

URI : <https://id.erudit.org/iderudit/050290ar>

DOI : <https://doi.org/10.7202/050290ar>

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Éditeur(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (imprimé)

1703-8138 (numérique)

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Citer cet article

Barbash, J. (1987). Like Nature, Industrial Relations Abhors a Vaccum. The Case of the Union-Free Strategy. *Relations industrielles / Industrial Relations*, 42(1), 168–179. <https://doi.org/10.7202/050290ar>

Résumé de l'article

L'équité est le contrepoids essentiel à l'efficacité dans la société industrielle moderne. La fonction du syndicalisme consiste à exercer une pression suffisante pour que ce principe d'équité soit respecté. S'il ne remplit pas adéquatement cette fonction, un autre mécanisme devra faire en sorte que l'équilibre soit restauré dans les relations industrielles. Dans un contexte où la résistance à la syndicalisation prend de l'ampleur aux États-Unis, l'auteur étudie ces mécanismes de substitution instaurés par le management ou l'État et montre comment ils entraînent aussi des coûts importants. Il argumente à l'effet que cette substitution n'entraîne pas nécessairement un gain.

Les employeurs américains n'ont jamais vraiment reconnu la légitimité du rôle du syndicat dans l'entreprise, mais l'armistice qui prévalait depuis les années 1930 a été remis en cause au cours des dernières années. L'armistice s'est maintenu, non pas parce que les employeurs ont accepté le principe du syndicalisme, mais parce que, étant donné le rapport de forces, il était normal qu'il en soit ainsi. Mais depuis les années 80, le contexte économique et politique ayant complètement changé, l'idée de relations industrielles sans syndicat a été rendue philosophiquement et pratiquement possible. C'est le nouveau modèle de relations industrielles (NMRI). Le NMRI met l'accent sur trois types de stratégies: la guerre d'usure au syndicalisme, l'évitement de la syndicalisation par un anti syndicalisme militant ou par une forme pacifique grâce à certaines politiques de gestion des ressources humaines, ou enfin, aussi curieux que cela puisse sembler, la collaboration patronale-syndicale. Après avoir illustré ces types de stratégies patronales, l'auteur développe son argumentation sur la base de ses travaux antérieurs sur la dynamique des relations industrielles.

Dans la mesure où il n'existe pas de contrepouvoir syndical pour favoriser l'application du principe d'équité, la «loi de l'équilibre» en relations industrielles signifie qu'un autre mécanisme se développera pour combler ce vide. En effet, selon cette démocratie pluraliste, l'État, les groupes informels ou encore le management lui-même devront rétablir un certain équilibre dans la régulation économique et sociale. Puisque chacun de ces mécanismes de régulation entraîne des coûts, la question cruciale consiste à évaluer leur efficacité respective. Par exemple, dans leur effort pour réduire la syndicalisation, de nombreuses entreprises ont investi davantage dans les programmes de gestion des ressources humaines. On observe alors une forme de marchandage implicite (cryptobargaining) en vertu duquel l'employeur accorde des conditions de travail comparables à celles des entreprises syndiquées. Et si un tel processus ne favorise pas un certain équilibre, le législateur et les tribunaux interviendront davantage dans la réglementation du travail. Or de telles interventions de l'État, au nom du principe d'équité, ont aussi pour effet de limiter les pouvoirs de l'entreprise.

L'entreprise étant stimulée par le principe d'efficacité et de profitabilité, il serait inévitable, selon l'auteur, qu'un contrepoids agisse pour restaurer un équilibre relatif dans les relations industrielles. Et s'il existe des stratégies pouvant contrer l'existence du syndicalisme, aucune ne peut faire abstraction de la fonction première de cette institution, à savoir la protection de l'équité. Dans l'état actuel des connaissances, il n'est pas évident que les politiques de gestion des ressources humaines ou encore l'intervention de l'État puisse remplir cette fonction de façon plus efficace que les syndicats. Aussi l'auteur avance-t-il plusieurs raisons suggérant que le syndicalisme demeure l'institution la plus appropriée pour faire prévaloir ce principe d'équité, lequel constitue une condition nécessaire à l'efficacité. Or si les employeurs étatsuniens peuvent toujours combattre le syndicalisme pour des raisons idéologiques ou politiques, il n'est pas démontré qu'une telle position favorise l'efficacité de l'entreprise.

Like Nature, Industrial Relations Abhors a Vaccum

The Case of the Union-Free Strategy

Jack Barbash

If unionism is not performing the equity function, another way will be found to ensure equilibrium in industrial relations. The author examines how management and the State have acted as substitutes.

THE ARGUMENT

Equity is efficiency's essential counterpoint in the modern industrial society. To the degree that a union isn't performing the equity function management and/or the state will find it necessary to pick up the slack left by the union. Neither of the union substitutes is without cost. Indeed, it is an open question as to whether management necessarily gains economically by the substitution. I argue there is no demonstrable gain.

American management has never really come to terms with the legitimacy of the union's function in the work place. But for the half-century since the 1930s an uneasy armistice prevailed. The armistice lasted not because management accepted the union principle but because, given the array of forces, it was unlikely to prevail. By the 1980s the economic and political alignment changed radically and, almost suddenly, the union-free environment became within reach.

The conception of a «union-free» environment is gaining ground philosophically and practically. The union-free doctrine has been endorsed not only by antiunion managements but by managements with «good» labor relations. This is why formation of a Council on a Union-Free Environment by a former U.S. Steel vice-president on behalf of the National Association of Manufacturers set off such a tremor in union circles. If U.S. Steel was not a perfect employer it was a tolerable one.

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** Presented at the International Industrial Relations Association, 1986 Congress, Study Group on Industrial Relations Theory and Industrial Relations as a Field. Hamburg, Germany, Sept. 5, 1986.

*** *Note:* I want to acknowledge the suggestiveness of Professor Noah M. Meltz's papier, «Industrial Relations: Balancing Efficiency and Equity», (University of Toronto, 1986) which I ran across as I was polishing this work.

The unfurling of the «union-free» banner is part of a general mood which I call here the New Industrial Relations (NIR). NIR, the hard-line strategy of management on the offensive, is the product of the Great Recession and a series of market reversals. Unlike previous movements of its kind — the open shop, the American Plan, right-to-work — NIR is not being conducted as a moral crusade but as a matter of inexorable economics even though there may be an ideological undercurrent at work here. NIR in practice consists of union attrition, union avoidance and, curious as it sounds, union-management cooperation. Any of the three can — but does not have to — lead to a union-free result.

UNION ATTRITION

The method of union attrition forces the union to accept sharp wage and job cuts, compensation reforms and narrowed bargaining units. More than expedient concessions for the moment, union attrition is striking at the whole structure of union standards.

A successful scenario of union attrition runs like this: Management demands heavy concessions as critical to the company's survival, warning that it will do whatever is necessary to put the concessions into effect. Union members reject the demands and strike. Management reopens the plants, first with executives and supervisors, then with permanent replacements and finally with back-to-work strikers. The strike lengthens. Union efforts to block the entry of strikebreakers fail. Before too long returning strikers and replacements constitute a new majority. A National Labor Relations Board vote finds that the striking union has lost its majority and is decertified. Somewhere a «labor relations consultant» gets into the action to steer management through the shoals of legality and illegality.

The present concession movement is different in kind from the wage reductions that typically accompany cyclical adjustment. It is not temporary. The concessions of the 1980s have continued throughout the full cycle to become a way of life. If, as this is being written, a downturn should materialize, the concession movement will have lasted a full cycle from one recession into the next. Even profitable companies make concession demands to keep up with the competition. Also distinctive is that the wage and job cuts are of unprecedented magnitudes and effects. Two-tier wages, nonunion subcontracting and broadened job definitions are forcing unions to draw back from traditional principles of job control and equal pay for equal work.

The statistics confirm the radical nature of the changes wrought by union attrition. Record-low wage adjustments have continued from year to year in the 1980s. Similarly, increases in employment costs — wages plus benefits — in private and state and local government have slowed to their lowest rates since the statistic has been collected.

Concessions are part of the same alignment of forces that have contracted the unions' ranks. Unions have lost two million members between

1980-84, going from 20 million in 1980 to 17.4 million in 1984. With the labor force growing at the same time that membership is declining union density has thinned out from 23% to 19.1%¹.

Attrition has cut deep into the union heartland. The unions in auto, steel, airlines, meatpacking, coal and copper mining, retail trade, lumber, apparel and textile have all been rocked by substantial bargaining reverses and losses in membership. The initiating cause of decline differs by case — international competition in steel (also technological backwardness), autos and apparel, deregulation in airlines, collapse of commodity prices in copper, overpricing of labor and «featherbedding» in construction and coal. But in all of the cases, the roots are structural not cyclical.

UNION AVOIDANCE

Union avoidance has become a «coherent, articulated, strategy»². Resistance to union organizing is its militant form. The nonbelligerent form of union avoidance is human resource management (HRM).

Much of union avoidance action in union organizing involves a National Labor Relations Board which, by common consent, is committed to redress what it deems to have been a pronoun imbalance. «The decline of [union membership]», according to Harvard economists Richard Freeman and James Medoff, «is due largely to the dramatic increase in the amount of sophistication of both legal and illegal company actions designed to forestall the organization of workers, and reduced union organizing activity per nonunion worker»³. Paul Weiler of the Harvard Law School attributes «the decline of union representation in the work force... in large part to management's determined resistance to the growth of collective bargaining»⁴.

Human resource management is put forward as a total approach to the management of employees. HRM «bypass[es] the union and deal[s] directly with the worker and his needs»⁵. Instead of confronting the union head-on HRM strikes at the sources which breed unionism to begin with. On the money side HRM «compete[s] with the compensation and benefits existing in collective bargaining». On the human side management looks to «the

1 Joan BORUM and James CONLEY, «Wage Restraints Continue in 1985 Major Contracts», *Monthly Labor Review*, April 1986, p. 22; Clyde FARMWORTH, «Wages and Benefit Costs Rose More Slowly in '85», *The New York Times*, Na. 28, 1986; Larry T. ADAMS, «Changing Employment Pattern of Organized Workers», *Monthly Labor Review*, February 1985, p. 25.

2 T. KOCHAN and M. PIORE, «Industrial Relations in Transition», in T. Kochan ed., *Challenges and Choices Facing American Labor*, Cambridge, MIT Press, 1985, p. 3.

3 Richard B. FREEMAN and James L. MEDOFF, *What Do Unions Do?*, New York, Basic Books, 1984, p. 22.

4 Paul WEILER, «Striking a New Balance: Freedom of Contract and the Prospects for Union Representation», *Harvard Law Review*, Vol. 98, No. 2, December 1984, p. 35.

5 Randolph M. HALE, «The New Industrial Relations in a Global Economy», *Spring Meeting*, Industrial Relations Research Association, Atlanta, 1986, (mimeo), p. 7.

design of the organization and the workplace, the leadership performance of superiors and the involvement of individuals and small groups of workers in workplace problems and decisions» to bring about a fair, agreeable and participatory work environment⁶.

Management's practice of the equity principle could be the single most important cause of the union lag in white-collar membership. Here, for example, is IBM — perhaps the preeminent practitioner of the equity principle — asserting that despite bleak prospects «full employment 'is fundamental to the way we do business'»⁷. IBM's «resource balancing» exhausts every other alternative mode of retrenchment before recourse is had to layoffs: for example, reduction of overtime and internships, hiring freezes, reductions in grade, etc.⁸. Layoffs would «destroy IBM's prized trust between management and labor»⁹.

UNION-MANAGEMENT COOPERATION

Union-management cooperation is expressed through employee stock ownership, profit sharing, quality circles, quality of work programs and, on occasion, union representation on the company board of directors. For the most part, this cooperation is a product of crisis expediency, not ideology. The objects sought are the softening of adversarial attitudes and, in the case of profit sharing and employee stock ownership, the shifting of some part of risk to employees.

General Motors and the United Auto Workers (UAW) represent the forward salient in union-management cooperation at the shop floor. «The union agrees [one UAW regional director says] to abandon part of its traditional role in favor of a proactive advocacy role while the company surrenders some of its traditional management prerogatives in favor of conferring with the union on important issues»¹⁰. Chrysler may be the best example around of union representation at the board level; if Frank Borman is right, Eastern Airlines may be one of the worst examples.

The same union-management cooperation feared by many unionists as cooptation is perceived by equally good and true unionists as an omen of a new day. Cooperation on the shop floor coexists with adversarial hard bargaining at the corporate apex.

HIR has inevitably forced a new realism on the unions. Unions now see that some part of the adversarialism which yielded high returns for the unions in good times will have to give way to mutual concerns. No fact

6 *Ibid.*, p. 17.

7 John MARCOM, Jr. and Dennis KNEALE, «IBM 'Battle Plan' Points to Longer Term», *The Wall Street Journal*, July 18, 1986, p. 4.

8 «IBM's Fancy Footwork to Sidestep Layoffs», *Business Week*, July 7, 1986, pp. 54-55.

9 MARCOM and KNEALE, *The Wall Street Journal*, *op. cit.*

10 Bruce LLLE, *U.S. Labor Law and the Future of Labor-Management Cooperation*, U.S. Dept. of Labor, 1986, p. 4.

demonstrates the new realism more concretely than the union reluctance to strike in the face of provocations which earlier would have caused unionists to mount the picket lines. «In 1985 [BLS reports] fewer major work stoppages occurred, fewer workers were involved and less work time was lost, than in any year in the 29 years of this service»¹¹.

EQUITY AND EFFICIENCY

To return to the main premise: Equity is the essential counterpoint to efficiency — on first impression, a denial of efficiency. As it has worked out, however, equity is an indispensable condition of efficiency. Unionism is the institution which has historically taken the protection of employee equity as its primary task. Much of management practice and state enactments are directed toward equity.

There is probably a consensus among all the participants in the industrial enterprise that equity means fairness, that workers have a «right» to fairness and that «real» efficiency requires fairness. Spelled out further fairness is (1) having a say in the work, (2) «due process» in the handling of complaints, (3) fair treatment at work, (4) meaningful work, (5) fair compensation and secure employment. Although these precepts sound vague, there is actually sufficient context to impart substance to these apparent generalities. In a real sense equity asserts the human essence of the labor commodity. The art in modern efficiency is how to infuse efficiency with a measure of equity in a way to avoid the extremes of Taylorism and paternalism.

If a union is not around to assert an institutional interest in equity, my «law» of equilibrium in industrial relations holds that under a pluralist democracy some other institution — the state, management or an informal work society — will try to fill the vacuum created by the union's absence.

The critical question then becomes which mode of equity will yield the greatest «real» efficiency. The choices are never between «perfect» and clearly imperfect solutions, *i.e.*, theoretically pure management rights vs unionism — this kind of choice exists nowhere — but between imperfect solutions. In this light a case can be made that unions are possibly better for «real» efficiency than HRM or government intervention, although all of these avenues in some mix will turn out to be necessary. This is because basically unionism is better adapted to the equity function so long as the countervailing forces of management and the state are around to check and balance.

Defenses against inequity come about (a) through informal restriction of output, (b) through unions, (c) through state intervention, (d) through individual bargaining, (3) and management, usually under pressure, introduces its own equity by way of human relations, etc.

¹¹ U.S. Dept. of Labor, Bureau of Labor Statistics, *Major Work Stoppages, 1985*, Release # 86-74, February 26, 1986.

The fear that low morale will cause inefficiency and union proneness spurs management on to human relations equity. Even without a union employees try to enforce their own sense of equity by withholding efficiency by excessive quits, absenteeism, tardiness and indiscipline; and the evidence from the socialist systems as well is that there isn't much that even a totalitarian management can do about it punitively.

Management has come to understand that it's not union agitation that causes inequity. Rather, it is industrialism's inherent inequities which attract the union agitators. The union as an institution is expendable. But its protective functions are not. The fact is that modern industrial society, particularly of the pluralistic democracy type, is so formed that *somebody* or some institution will perform these protective functions. This «dialectic» between efficiency and equity has probably saved western capitalism from Marx's scenario of catastrophe because the western states and capitalists, contrary to Marx's assumption, had the wit and the political insight to grasp the connection and do something about it in time.

CRYPTOBARGAINING

The human resources function, in the view of an NAM expert, carries «the same importance which the labor relations function once received»¹². Indeed, in many respects HRM amounts to a kind of union substitution; that is, in the interest of union avoidance among others, management finds itself doing on its own initiative many of the things (and more) that it would have done under collective bargaining, like enlisting consent and paying competitive wages. I call the relationship cryptobargaining, bargaining because each side wants something of value from the other — management wants high morale leading to high productivity, employees want improved equity terms. The sanctions which the bargainers apply to get the other side to listen are the employees' ability to withhold efficiency and management's ability to withhold jobs and other rewards. It is *cryptobargaining* because the participants do not necessarily acknowledge that they are bargaining but, nonetheless, like Schelling's «tacit» bargainers the «adversaries watch and interpret each other's behavior, each aware that his own actions are being interpreted and anticipated, each acting with a view to the expectations that he creates»¹³.

Management cryptobargaining forestalls unionism and state intervention. Management's cryptobargaining may not entail much additional cost because full employment, in any case, forces management to bargain in order to hold on to its employees. Cryptobargaining and the «greening» of a management consciousness that equity is also good business has brought personnel administration from timekeeping and accident prevention to human relations, humanization of work and now human resource manage-

¹² HALE, *op. cit.*, p. 7.

¹³ Thomas C. SCHELLING, *The Strategy of Conflict*, New York, Oxford Univ. Press, 1963, p. 21.

ment. As a Harvard Business School group says, human resource management is a «process of mutual influence between two sets of stake holders — management and employees»¹⁴.

If a management loses the battle of union avoidance it then rationalizes its labor relations to cut its losses. By the 1980s, for the reasons indicated, management has rationalized its labor relations to include the union-free option. Adhering to my «law» of industrial relations equilibrium, these union-free managements have also found it necessary to «compensate» employees for loss of union protections by augmenting its HRM effort. One human resources consultant counsels, «Adapting to a union-free environment» requires «the maintenance of fairness in all aspects of the employer-employee relationship... pay, communications, policies, overall treatment or equity between the parties»¹⁵.

Over the long run the state's effect has been to strengthen employee equity by enacting legislation on full employment, labor standards, labor relations, equal opportunity and social welfare. More recently the Reagan administration has abated the state's prounion effect. But even a Reagan administration could not let unemployment run on too long, cut social security too drastically or permit its labor department to present only an anti-union face.

«LAW» OF EQUILIBRIUM

Industrial relations in the pluralistic democracy abhors a vacuum. It follows that the void created by the union-free strategy will be filled somehow. This «invisible hand», unlike Adam Smith's, is activated by political, not mystical, forces.

The history of American industrial relations is full of examples of the law of equilibrium. The Wagner Act represented a reaction to the rampant open shop of the early 20th century. Taft-Hartley and Landrum-Griffin moderated the Wagner prounion swing. The Reagan administration moved the pendulum even farther from prounionism. With the appointment of a Bill Brock as Secretary of Labor the Reagan administration seemed to be implicitly saying that the antiunion readjustment had moved *too* far and needed a midcourse correction. This new labor department under Secretary Brock is stressing labor-management cooperation and affirmative action, perhaps as a counterpoint to union attrition and union avoidance. The courts, meanwhile, are drastically modifying the common-law doctrine of employment-at-will to impose union-like constraints on the employer's right to fire.

14 Michael BEER et al., *Managing Human Assets*, New York, Free Press, 1984, p. 11.

15 Thomas J. RALEIGH, «Adapting to a Union-Free Environment», *The Wall Street Journal*, Oct. 22, 1984, p. 26.

There is an intuitive equilibrium theory in a *Business Week* observation that «as unions weaken workers are finding champions in courts and legislatures»¹⁶. Later on, *Business Week* editorializes: «Increasing restrictions on management decision-making... could make many companies decide that collective bargaining is preferable to legislation as a means of representing workers' interests»¹⁷. Almost seventy-five years ago, John R. Commons, the noted Wisconsin historian, observed in his classic *History of Labour* in the United States: «The repeating cycle of politics and trade unionism, political struggle and economic struggle, political organisation and economic organisation marks out the course of this history of labour»¹⁸.

Equilibrating forces are at work in other systems. Japan's large firms offer «strong employment protection» to «their core labor force». By comparison with the American, Japanese management makes «minimum resort to layoffs or dismissals»¹⁹. «In France the role of government is a direct result of the relative weakness of the organizations of employers and employees...»²⁰.

WHY IT'S BETTER WITH A UNION

Considering that management in the pluralistic democracy is never in a position where it can act in labor matters without taking countervailing influences into account, mightn't management be better off in any particular case with a countervailing union than with a countervailing state; or, so to speak, a countervailing human resource management? In many respects HRM is management's own check and balance against hyper-efficiency. Here are some reasons why aspects of the equity function might be better carried out by a union:

1. Unions are easier to negotiate with than are state bureaucracies or the informal or underground work society.
2. Union negotiations adjust better to particular cases than does state intervention.
3. From the standpoint of gaining consent, employee involvement is nowhere else as straightforward or as orderly as it is in the union.
4. The union now appreciates more than ever that its security objectives are inextricably tied to the efficiency of enterprise and is, therefore, less likely to press uneconomic demands.
5. Management cryptobargaining tends to lean over backward; that is, to concede more than it has to in the interest of credibility.

16 «Beyond Unions», *Business Week*, July 8, 1985, n.p.

17 *Ibid.*, p. 116.

18 Vol. I, New York, Macmillan, 1926, p. 5.

19 U.S. Dept. of Labor, *U.S.-Japan Comparative Study of Employment*, 1985, p. 1.

20 Organisation for Economic Cooperation and Development, *Labour Market Flexibility*, Paris, OECD, 1986, p. 8.

6. The union «shock effect» confronts management with the consequences of its actions more relevantly than any other protective response.

7. Collective bargaining including grievance procedures reviews management labor policy more realistically than do management's own internal processes. The latter is more likely to come up with what the top wants to hear rather than what it should hear.

8. The union doesn't really want to run the company. Running the company weakens the union's paramount interest in bargaining. The more management responsibilities the unions assume the less they can maneuver as partisan bargainers. What the union wants from management is not to displace it but to hold it to account.

9. Unions and managements are essential to each other. Management, if it's playing the game right, constrains the union tendency to overprice the labor that it bargains for. The union constrains management's tendency toward overexploitation and alienation. It is just possible that the absence of reciprocal constraints accounts for much of the rampant labor inefficiency in statist industrial relations.

10. The necessary condition for workable industrial relations is the availability of structures for equity to travel through. Unions and collective bargaining, if I am not mistaken, best fulfill this condition.

11. Social upheaval is too inchoate and too dominated by outrage to yield constructive results on its own — but social upheaval happens when other protective responses are foreclosed.

12. American management could take some solace from the fact that the American trade unions are alone among the unions of western industrialisms in not embracing socialism. In consequence, codetermination is not the irritation in American industrial relations that it is in western Europe. But the satisfaction would have to be tempered somewhat by the complementary and curious fact that the labor relations of the western social democracies are, on the whole, more stable, more socially responsive and less adversarial. No claim is made, however, that industrial relations in western Europe is necessarily «better», whatever that is.

For management, unionism has liabilities that go with its assets. The union has frozen itself into too rigid an adversarial mold overshadowing interests that link union and management. Many unions agree, but with the proviso that there is, nonetheless, a hard core of valid price-power differences with management. Because the union is also part of a social movement it takes on solidaristic «social justice» goals which transcend the immediate interests of the individual enterprise and its work force.

The union's social justice interests confront business in the political marketplace. Many managers fear, therefore, that by bargaining with unions business is «presiding over its own decline». Unions are corrupt from time to time, but most often corruption is a joint enterprise.

WHY THE U.S. IS DIFFERENT

American management's commitment to a union-free condition makes it different from counterparts in other advanced industrialisms. American managers, in the west European and Japanese view, seem to be «obsessed with being non-union, when their own experience... suggests that union relations can often be managed successfully just like other aspects of business»²¹. The difference may come down to something as simple as: American business can get away with a union-free strategy and the west Europeans can't.

But there is more. West European unions are rooted so firmly into the social fabric that it would take a great social upheaval to dislodge them. West European business would think this is too high a price to pay for freedom from unions.

But beyond these facts of power are differences in management outlooks between the U.S. and western Europe. The American frontier, somebody once said, was not only a physical fact, it was also a state of mind. The industrialization of frontier individualism is management rights. Management resists unions because they cost too much but also because unions demand a share of managerial power. State intervention has this effect too. American management is willing to pay a premium to conserve management rights even if it doesn't cause management to be all that more efficient.

In the structured European social order — some inappropriately call it corporatism — unions have a legitimate place: to represent the working class just as employer associations represent the employer class. West European employers are also willing to pay a premium. But this is a premium to preserve the social peace. In the European experience unions, with all their aberrations, basically represent a conservative force which business can meet across a bargaining table or in the parliament rather than confront them in the streets. American ideology rejects the idea of a structured class society in general. In particular, American values do not fully concede the legitimacy and efficacy of union representation.

CONCLUSIONS

Like management, the trade union is simultaneously an interest group, an ideology and a function. The union interest seeks to maximize effectiveness as a bargaining association. The union ideology justifies its existence as an institution. The union function is to counter management efficiency with a measure of equity.

History and experience has pretty well demonstrated that efficiency is untenable unless mitigated by equity. The union is the classic exponent and protector of equity. But the equity function is also performed by the informal work society in the absence — or even in the presence — of a union, by

²¹ BEER et al., *op. cit.*, p. 60.

the state whose own stability can be threatened if a deep sense of inequity permeates the work force, and by management which has learned from experience that equity is a condition of «real» efficiency.

The union-free strategy can get rid of a union but it can't get rid of the function. Somebody will have to perform it. On the face of it there is no reason why management or the state should perform the equity function better or worse. There is, to be sure, the psychic value of not having the carping presence of a union around, which is something American management seems to be willing to pay extra for. But whether efficiency is thereby increased commensurately is another question.

Comme la nature, les relations industrielles ont horreur du vide: les relations industrielles sans syndicat

L'équité est le contrepoids essentiel à l'efficacité dans la société industrielle moderne. La fonction du syndicalisme consiste à exercer une pression suffisante pour que ce principe d'équité soit respecté. S'il ne remplit pas adéquatement cette fonction, un autre mécanisme devra faire en sorte que l'équilibre soit restauré dans les relations industrielles. Dans un contexte où la résistance à la syndicalisation prend de l'ampleur aux États-Unis, l'auteur étudie ces mécanismes de substitution instaurés par le management ou l'État et montre comment ils entraînent aussi des coûts importants. Il argumente à l'effet que cette substitution n'entraîne pas nécessairement un gain.

Les employeurs américains n'ont jamais vraiment reconnu la légitimité du rôle du syndicat dans l'entreprise, mais l'armistice qui prévalait depuis les années 1930 a été remis en cause au cours des dernières années. L'armistice s'est maintenu, non pas parce que les employeurs ont accepté le principe du syndicalisme, mais parce que, étant donné le rapport de forces, il était normal qu'il en soit ainsi. Mais depuis les années 80, le contexte économique et politique ayant complètement changé, l'idée de relations industrielles sans syndicat a été rendue philosophiquement et pratiquement possible. C'est le nouveau modèle de relations industrielles (NMRI). Le NMRI met l'accent sur trois types de stratégies: la guerre d'usure au syndicalisme, l'évitement de la syndicalisation par un antisindicalisme militant ou par une forme pacifique grâce à certaines politiques de gestion des ressources humaines, ou enfin, aussi curieux que cela puisse sembler, la collaboration patronale-syndicale. Après avoir illustré ces types de stratégies patronales, l'auteur développe son argumentation sur la base de ses travaux antérieurs sur la dynamique des relations industrielles.

Dans la mesure où il n'existe pas de contrepouvoir syndical pour favoriser l'application du principe d'équité, la «loi de l'équilibre» en relations industrielles signifie qu'un autre mécanisme se développera pour combler ce vide. En effet, selon cette démocratie pluraliste, l'État, les groupes informels ou encore le management lui-même devront rétablir un certain équilibre dans la régulation économique et sociale. Puisque chacun de ces mécanismes de régulation entraîne des coûts, la question cruciale consiste à évaluer leur efficacité respective. Par exemple, dans leur effort pour réduire la syndicalisation, de nombreuses entreprises ont investi davantage dans

les programmes de gestion des ressources humaines. On observe alors une forme de marchandage implicite (*cryptobargaining*) en vertu duquel l'employeur accorde des conditions de travail comparables à celles des entreprises syndiquées. Et si un tel processus ne favorise pas un certain équilibre, le législateur et les tribunaux interviendront davantage dans la réglementation du travail. Or de telles interventions de l'État, au nom du principe d'équité, ont aussi pour effet de limiter les pouvoirs de l'entreprise.

L'entreprise étant stimulée par le principe d'efficacité et de profitabilité, il serait inévitable, selon l'auteur, qu'un contrepoids agisse pour restaurer un équilibre relatif dans les relations industrielles. Et s'il existe des stratégies pouvant contrer l'existence du syndicalisme, aucune ne peut faire abstraction de la fonction première de cette institution, à savoir la protection de l'équité. Dans l'état actuel des connaissances, il n'est pas évident que les politiques de gestion des ressources humaines ou encore l'intervention de l'État puissent remplir cette fonction de façon plus efficace que les syndicats. Aussi l'auteur avance-t-il plusieurs raisons suggérant que le syndicalisme demeure l'institution la plus appropriée pour faire prévaloir ce principe d'équité, lequel constitue une condition nécessaire à l'efficacité. Or si les employeurs étatsuniens peuvent toujours combattre le syndicalisme pour des raisons idéologiques ou politiques, il n'est pas démontré qu'une telle position favorise l'efficacité de l'entreprise.

Les relations industrielles

Une pratique et une discipline

Jean Boivin

L'auteur présente une discussion des principaux concepts utilisés en relations industrielles et examine si la façon de présenter les connaissances en ce domaine est basée sur la réalité concrète.

Les relations industrielles peuvent être considérées de façon empirique ou analytique. Sur le plan empirique, on se réfère à un univers de phénomènes qui se prêtent à une pratique ou à «l'art» des relations industrielles. Sur le plan analytique, on se réfère à l'organisation systématique des connaissances portant sur ces phénomènes et qui conduit éventuellement à la «discipline» des relations industrielles.

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