SPECIAL STUDY No. 6

Canadian Labour Relations in an Era of Technological Change

by

Jean-Réal Cardin



Prepared for the Economic Council of Canada





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Preface

This study will attempt to evaluate the contribution of current labour relations in Canada to solving the problems of manpower adjustment to technological and other changes. The paper will deal with weaknesses in the present situation, and suggest certain institutional means that may improve the quality of this contribution. It is not my intention, however, to diagnose the nature, pace and extent of changes affecting labour in Canada, nor to describe or analyze the different formulas used until now or likely to be used, through collective bargaining or otherwise, to reduce adverse effects on workers. Although this study does not constitute a systematic examination and evaluation of the experiences of labour-management co-operation in Canada in the pursuit of various objectives, it nevertheless does draw inspiration from these experiences, and I will occasionally refer to them.

The basic hypothesis of this survey is that our system of labour relations, because of its ideology and because of the functions performed by the parties to this system (enterprises, unions, public authorities), has not been successful, up to now, in permitting the introduction of an effective manpower policy; and that progress towards certain better-adapted forms of meeting and of dialogue among labour, management and governments, intended to assist or extend traditional collective bargaining, could be of great importance in changing people's points of view in this field.

There is no practical need to advocate the establishment of a Canadian system of labour relations which is totally different from the one we have — by importing wholesale, for example, elements from foreign systems. It is rather a matter of trying out certain suggestions and exploring certain institutional procedures in the light of experiments in co-operation taking place in our own country and elsewhere. With the help of these experiments, unions, employers and public authorities could participate more widely in drawing up and carrying out specific remedies, both short-term and long-term, for the problems created by technological and other changes affecting manpower.

After having briefly noted, by way of introduction, certain difficulties peculiar to our own country in this field, I shall survey in the two chapters which follow the attitudes, structures, and internal communications in the labour movement and management. In a third chapter, I shall attempt to assess collective bargaining as it is practised here, including the question of labour-management communications concerning problems of manpower adjustment. The role of public authorities in labour relations and the state of communications among labour, management and government are the subject of the fourth chapter. In the final chapter, certain suggestions of a general and long-term nature, as well as others more

appropriate for immediate application, are presented for the purpose of discussion by the parties concerned as being likely to improve the contribution of labour relations to solving the problems of manpower adjustment to changes.

I would like to thank all those who, either directly or indirectly, have helped me in carrying out this survey. I particularly want to emphasize the readiness with which the persons I met submitted to my questioning during its preparation. Finally, I want to thank the Economic Council of Canada for having provided me with the opportunity to undertake this survey, and also its representatives for their invaluable co-operation in its preparation.

Jean-Réal Cardin

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Introduction

Canada, like other industrialized countries, is looking for practical solutions to the problems created by the extent and pace of changes affecting its economy. It would be a truism to state that changes having a bearing on technological development and automation are among the most spectacular at the present time, due to rapid scientific progress which is being quickly transmitted into the whole system of technical and economic activity. Technical progress itself has been at the root of labour relations problems since the very beginning of industry. Because it can bring about fundamental changes in an economy, it is often among the principal concerns of governments and industry.

Among other factors that help to explain the increased importance which technological change is assuming in Canada is the interdependence of modern economies, resulting from an ever-increasing degree of integration and concentration in various industrial sectors. This interdependence also manifests itself in the international economy, and poses serious problems of economic balance and development for countries that want to remain competitive in international markets.

It is no exaggeration to say that in this field the position of Canada is by no means an easy one. Besides various other problems of an economic and geographic nature, Canada has certain serious handicaps of a psychological, social and political nature in trying to meet the challenge of necessary changes and of the manpower adjustments which are absolutely required. Let me mention only a few that I consider particularly important.

Canada, like the United States, is psychologically ill-prepared to accept the idea of an active manpower policy, which would appear to go against certain ideological premises which have traditionally characterized North American society. Individualism and freedom of decision in economic and social matters, freedom of contract and of business, and competition on product and labour markets involved in the decentralization of the processes of decision, primarily at the microeconomic level — all of these things mean that the agents of economic life are, instinctively, extremely wary of collective decisions where their individual or group interests could be subjected to outside controls beyond their reach, and which they consider detrimental to the very idea of democracy.

These psychological characteristics — these attitudes — have contributed to our lack of institutional cohesion in economic and social matters. The scattering of the centres of decision, as well as the fragmentary character of existing organizations in the business world, in labour organizations, and also (up to a certain point) at the level of public authority, is evident to any objective observer.

The heterogeneous nature of the scope and interests of the Canadian business community, the very great effect in certain industries of the constraints of

international trade, and the unusual degree of control of several of the most important companies by foreign interests, are all hindrances to a cohesion in attitudes and to the forming of a minimum consensus suited to the creation of useful means of communication, representation, and action, through which business could enter a dialogue with the other forces in the economy. With regard to wage-earning workers, aside from the fact that only about one third of this work force belongs to union organizations, the Canadian labour movement is extremely decentralized in terms of organization, authority and policy. All of these are characteristics of an institutional nature which public authorities have to take into account when trying to find over-all solutions to manpower problems in Canada.

Finally, at the constitutional and legal level, our federal system and the often fairly well-defined division of powers between the central government and the provinces, the virtually complete legislative and administrative decentralization in the field of labour and of labour-management relations, and also the geographical, cultural and economic regionalism which characterizes the country, only add to the complex problems of co-ordinating manpower action on a country-wide scale.

While these characteristics serve as serious challenges to concerted action with regard to manpower, they also emphasize the vital need for Canada to meet these challenges by means of a manpower policy which takes into account both the factors which are peculiar to this country and the steps necessary to adapt these factors to the urgent needs which demand attention at the present time.

It must be recalled here that objectives of an economic nature, although vital in themselves, are no longer the only ones calling for concerted action in the adjustment of manpower to changes. Objectives of a purely social and human nature should henceforth be accepted as imperatives in themselves, which any developed society must strive to achieve in the greatest possible measure compatible with its resources and the need for economic balance.

The war on poverty, increasing and better distributed levels of general welfare, and participation in the fruits of technology through general full employment, are all objectives to which public authorities have committed themselves and which call for the adoption of effective manpower policies. Such policies should follow from other effective measures aimed at maintaining a high level of employment. Indeed, a full-employment policy, with the assistance of a very flexible labour market policy, cannot be separated from measures to facilitate manpower adjustment to technological and other changes. In addition, it is essential in these areas that actions by the private sector take full account of policies and programmes developed by the public sector, to achieve the appropriate degree of coordination.

To what extent are industrial relations practices and institutions likely to fit into a coherent and effective manpower policy in this country? It is illusory to try to develop such a policy if we are unable at the start to ensure the positive participation of various social groups, i.e. the "social partners" (an expression seldom used in this country). In order to be effective, this participation must involve the co-ordination of labour relations institutions with manpower policy.

The Economic Council of Canada has emphasized this need, at least implicitly, in several portions of its First Annual Review, when dealing with certain important factors of economic growth, and more specifically when approaching the problem of technological change. Referring to factors other than the more intensive use of capital which determine the productivity of labour, the Council mentions the improvement of industrial relations. And further on, when discussing the possible adjustment of displaced workers in a period of strong economic growth and a high level of employment, the Council concludes: "Indeed, there may well be much more ready opportunities for shifts of this nature even within the same firms under generally strong demand conditions, particularly when such adjustments are facilitated by intelligent and co-operative planning and actions on the part of both management and labour."

Finally, noting that technological development is now a complex and universal phenomenon capable of contributing to progress and prosperity, the Council remarks that "This dynamic process, operating in many different points in the economy, clearly requires interrelated and complementary public and private action in respect of basic education, training, retraining, mobility and job placement in order to facilitate the myriad individual adjustments required by ceaselessly changing work patterns and job opportunities. It also poses rapidly changing problems and tasks for labour-management co-operation."

What is meant by "labour-management co-operation" within the framework of a manpower policy that is really intended to be effective? No effort seems to have been made in Canada to outline realistically and as completely as possible the implications and the consequences of this idea in terms of attitudes, structures and powers, forms of action, and the roles that each participant in the system of labour relations must assume. Until now it has been enough to accept a rather vague concept of "co-operation", but it is significant that this co-operation in the problems of labour would appear to have been envisaged as something somehow "superimposed" on the existing labour relations structures and mechanisms.

It is obvious that the development and the carrying-out of a manpower policy presuppose the establishment of procedures for dialogue and action which go beyond the existing sphere of labour relations. It is unthinkable, however, that these new procedures be considered as being divorced from those with which we are already familiar in the area of industrial relations. It is highly important that these techniques be fitted into a better-integrated manpower policy. Such are the problems we must face if we are to succed in carrying out the task of efficient adjustment of manpower to changes. It is also in the light of the above discussion that we must evaluate the contribution of our system of labour relations to the manpower policy to which the Canadian government has committed itself.

But before undertaking this part of the study, it is appropriate to point out that although government efforts to draw up and carry out manpower adjustment programmes are relatively recent, several measures, at both federal and provincial levels,

¹Economic Council of Canada, First Annual Review: Economic Goals for Canada to 1970. Ottawa: Queen's Printer, 1964, p. 153.

²Ibid., p. 156.

³Op. cit., p. 157.

are already in operation and have had certain effects. The Economic Council of Canada as well as other public, semi-public and private councils and study groups at the provincial level have already contributed to the elimination of certain barriers to a tripartite dialogue on economic and social matters, and even labour-management relations as such.¹

There have also been a number of recent examples of government endeavours towards an active and continuing manpower policy. Among these are: the creation of the Department of Manpower and Immigration, measures to assist the mobility and training of workers, the work of the Manpower Consultative Service, and the recent creation of research committees in certain specific displacement and readjustment cases with the co-operation of provincial authorities concerned.

Finally, the collective bargaining process itself, in spite of its inherent deficiencies, has, to a certain extent, helped in finding answers to these problems by means of various proven methods known to all industrial relations experts. It is beyond the scope of the present paper to review these methods or discuss their contents. I will, however, attempt to analyze the Canadian labour relations system in this light, considering the attitudes, the structures, and the internal relationships of each of its participants. I will also assess the relationship of collective bargaining to labour-management-government relations. And finally I will make certain proposals for a better adjustment of the system to an integrated manpower policy.

¹W. Donald Wood, "The Current Status of Labour-Management Co-operation in Canada", Economic Council of Canada, Report of the National Conference on Labour-Management Relations. Ottawa: Queen's Printer, 1965.

I - The Canadian Labour Movement

For obvious reasons, trade unions across Canada are greatly concerned by technological changes, automation, and the deep long-term and short-term repercussions which these changes — as well as other changes of an economic and commercial nature — are having on the whole of manpower in Canada.

Unions never miss the opportunity to point out forcefully that although such change "has within itself the potential for much economic good" and is a primary factor in rapid economic growth, it nevertheless "causes great hardships for the people involved", and "so far the group in our society that has been called upon to make the greatest adjustments are the working men and women". The unions also recognize that Canadians have not yet succeeded in planning the implementation of technical progress and that each of the participants in the labour relations system — employees, employers and governments — is partly to blame for the situation. Consequently, various people are calling for the immediate drawing-up and carrying-out of the necessary measures in this sphere, and for the participation of trade unions, employers and the government in the development of these policies.

It is in this light that the Canadian Labour Congress, during its convention in April 1966 in Winnipeg, outlined its sketch of a national programme dealing with automation in which, after having discussed the respective duties of unions, employers and federal and provincial governments, it proposed the immediate launching of an information campaign for its affiliated members, and the institution of a CLC Executive Council committee to co-ordinate the efforts of the movement in accordance with the recommendations contained in the programme, and to consider the opportunity of setting up future tripartite committees on a federal and provincial basis to deal with these problems and make general recommendations.²

The Confederation of National Trade Unions, for its part, points out in its annual brief to the federal Cabinet that "in order to attain reasonable economic stability, a manpower policy will have to be established". After enumerating a series of measures which should be included in such a policy, the brief concludes: "All these measures, be they medium- or long-term measures, must not be brushed aside, but strongly promoted. But, during the lapse of time required for these reforms or adjustments to occur, no one has the right to sit tight and await the results. The Government of Canada must regulate its economic policy so as to maintain a high level of employment and, in order to accomplish this, it must strive for the

¹Canadian Labour Congress, "Statement on a National Program to Cope with Automation". Document No. 11 presented to the biennial convention of the Canadian Labour Congress, April 1966, p. 1.

² Ibid., p. 4.

highest degree of autonomy in its decision." The CLC also brings this point forward in its April 1966 "Statement of Economic Policy", in which the Congress outlines what it considers to be the fundamental elements of a general manpower policy. The Statement makes a critical examination of the present manpower services and makes some very interesting remarks about the present gaps in research and the weaknesses of certain factors involved in implementing such a policy. One could go on at length quoting opinions expressed by the trade union movement on the subject for the past few years.

This proves that organized labour in Canada is deeply aware of the problem. However, even though it is admitted officially at the highest levels of the trade union hierarchy that great ideological, institutional and structural obstacles still exist which impede a useful contribution by wage-earners to the establishment of collective undertakings of an economic and social nature, one cannot help but notice the complete silence which is observed concerning these "obstacles" and the means by which they could be effectively removed.

One may also reasonably suppose that this official silence is due precisely to the fact that the lower echelons of the union movement, where the real decisions are made, are far from being aware of these problems. A certain hesitation in tackling these problems squarely also stems from the fact that trade unions are not the only group involved, and before submitting to self-examination and initiating the adjustment process, they prefer to wait until the government and the employers determine their respective positions more clearly with respect to the questions. One must admit that the two other groups feel the same way, which is obviously of no great help.

How, then, can we evaluate the contribution of Canadian organized labour to the solution of problems of manpower adjustment to changes? What are labour's ideological, structural and functional characteristics, and how do they affect its response to these problems? This is the question I will try to answer in the following pages.

ATTITUDES

Being generally pragmatic and having no revolutionary aims, the labour movement has adopted, almost without modification, the scale of values of the society in which it has developed, and it has made use of the same symbols. Because of this, even after the "revolution" of the 1930's, and the rise of the large industrial unions, "business unionism" prevails, operating within economic structures based on the postulates of a traditional capitalist economy: private ownership, free enterprise, freedom of contracts, the wage-earning system, the principle of competition in goods and labour markets, etc.

¹Confederation of National Trade Unions, Memorandum Submitted to the Federal Cabinet, February 16, 1966, pp. 14-15.

²Canadian Labour Congress, "Statement of Economic Policy". Document No. 12 presented to the biennial convention of the Canadian Labour Congress, April 1966.

³Labour Costs in Canada: An Examination of Wages, Prices, Profits and Productivity, first in a series of studies on present economic problems. Ottawa: Canadian Labour Congress, February 1966, pp. 22-23.

Labour action has primarily been of an economic nature, dealing almost exclusively with such labour market problems as organization and collective bargaining for specified groups of workers according to trade or industry, and using as a main pressure lever the bargaining powers available to these groups in this particular market.

Its political action has traditionally been based upon influence or pressure, which consists of exacting from the legislature those pieces of legislation which labour considers necessary for the greater effectiveness of its own activity in the labour market. One should also add that this form of pressure group activity on the part of the two major trade unions has only been used as an accessory to the economic demands made directly by individual unions or union locals. The result is that the trade union movement has, in a way, directed its efforts almost exclusively towards defending and promoting the economic and occupational interest of its members by means of recurring demands that are aimed primarily at controlling labour supply in order to promote job security.

This "Gompers" tradition, or "business unionism", practised originally by the old craft unions, was adopted by the large industrial unions organized between the two world wars. It accounts for the concrete, immediate and detailed character of union objectives, and for the short-term procedures adopted by unions concerning the means to be used for achieving these aims. In current discussions for joint action with respect to the manpower question, many observers deplore the lack of a broad outlook on union action, which inevitably gives rise to union behaviour which might be described as "irrational" with respect to certain common objectives to which they would otherwise be required to commit themselves entirely.

It must be pointed out here that the unions have simply acted according to the logic of a financial system forced on them by other groups whose control of the industrial production apparatus has been just about complete. In accepting the free-market system of trade and production, the unions have necessarily confined themselves to a role of pure bargaining and the constraint of management decisions concerning working conditions and job security for their members.

In Canada, in particular, several factors have helped to accentuate the fundamental "insecurity" which such a role confers upon organized labour. Aside from geographic, demographic and cultural problems on which I cannot elaborate here, the nature of the Canadian economy, based as it was until after World War II on a low degree of industrial diversification and on the production of primary goods by a limited number of firms which were highly dependent on international trade, has been largely responsible for the weakness of organized labour and for the uncertainties and difficulties encountered by the labour movement in its attempts to carry out its tasks.

Consequently, one is justified in saying, as does Jamieson, that labour organizations in general have been historically less likely to gain the "recognition" of Canadian employers and government than have their U.S. counterparts. Therefore, as Jamieson also points out, a labour movement which does not feel accepted

¹Stuart Jamieson, Industrial Relations in Canada, Ithaca, New York: Cornell University Press, 1957, p. 13 ff.

cannot be expected to act in a fully "responsible" way in its relationships with other groups.

Finally, in a "liberal" economy, decisions are of an individualistic and microeconomic nature with each person responsible for the promotion of his own interest; and the individual is undoubtedly inclined to identify his own particular interests with the common good. These beliefs are shared by the labour movement. They are also sanctioned, at the industrial relations level, by current legal structures and by the policies of government departments and agencies which administer them. This results in union demands which are often expressed in terms of the needs of particular small groups, thus reducing labour solidarity to the dimensions of these same groups.

In spite of the rapid progress of the labour movement since World War II, of the more positive attitude of the government towards it, and the profound changes in the field in which unions have operated these last few years, I do not believe they have departed very much from their fundamental positions. In general, these positions still influence union behaviour. It must be added, however, that these attitudes can also be accounted for and are justifiable from the historical point of view, considering the environment and the circumstances of their origins and evolution: lack of well-defined social classes, strong society mobility, full political rights for everyone, veneration of the right of private ownership and free enterprise, and the traditional dynamism of business.

Moreover, it is undeniable that this ideological framework has enabled trade unions to provide their members not only with a higher standard of living but with improved social status.

The fact remains that although such an ideology may have gained from the plight imposed upon the workers by a certain economic system, it seems to have bequeathed to the trade union movement a stock of values which threaten to leave it unable to cope with the demands of the "new society". Several of these principles, though they may be valid in themselves, can no longer, when considered in the light of traditional performance, provide by themselves the solution to recent manpower problems. It would therefore be helpful if they were re-examined and adjusted to new requirements. A few examples will be mentioned in Chapter III on collective bargaining.

STRUCTURES AND POWERS

The structures and powers within Canadian organized labour provide quite an accurate reflection of the attitudes which I have just described, and labour also reflects them in its organizing practices and in the sharing of responsibilities among its various organizations.

Trade union structures may be considered under two aspects which, in order to be seen in relation to each other, must nevertheless be examined separately up to a point. The first aspect has to do with the categories of wage-earners recruited

¹Stuart Jamieson, "Industrial Relations and Government Policy", in *The Canadian Economy: Selected Readings*, ed. John J. Deutsch, et al., Toronto: Macmillan Company of Canada Limited, 1961, pp. 134-135.

by trade unions, the occupational groups forming its ranks, and the procedures for rearranging these groups. This leads us to the establishment of different unions according to craft, industry, or according to various combinations and formulas representing a series of arrangements ranging from the most complete occupational homogeneity to the suppression of all occupational distinctions.

The second aspect is more specifically concerned with the organic structure of trade unions (starting at the basic unit and ranging up to the top levels of the movement as a whole), with the responsibilities of each group, and with the hierarchy of competence which keeps them related to each other.

With reference to the first aspect, certain observations should be made concerning the requirements which manpower problems are apt to force upon organized labour in this country. One may say that the prevailing type of organized labour in Canada is industrial unionism, i.e. unions recruiting members in a single industry, or — as is becoming more and more frequent — on a multi-industry basis. We have a relatively small number of "general" unions, compared, for instance, with Britain.

The prevalence of industrial or multi-industrial unionism was not really apparent before the turn of events in the trade union world which coincided with World War II. Before that, as in the United States, recruiting by craft or craft groups was the principal criterion of organized labour. Therefore, even today these two main types of arrangements, namely craft and industry, are generally seen operating in parallel within the labour movement. Such is the case even with the Confederation of National Trade Unions (CNTU) where, from the start, federations were organized on an "industrial" basis; the craft formula has been maintained in such important sectors as the building and printing industries, for instance, at the local chapter level. When the CLC merger took place in 1956, the Congress adopted a peaceful coexistence policy within its own organization of the craft and industry formulas inherited from the predominant structures of the two parent centrals, the Trades and Labour Congress of Canada and the Canadian Congress of Labour.

Finally, even though technological progress has tended until now towards doing away with occupational barriers and traditional craft boundaries, thus accounting largely for the trend towards progressive broadening of union ranks, it must be noted that a very strong tradition within organized labour, as well as the practice and enforcement — not to say the spirit — of labour laws which date back to World War II, have resulted in parallel development of the two formulas and even in the establishment of numerous and important sub-groups, based on craft or occupation, within the industrial or multi-industry organization itself. Moreover, the new horizons of technological innovation, by a somewhat paradoxical turn of events, appear to be indicative of a return to the formation of "craft" organizations based upon new occupations, extending beyond the regular jurisdictional rights of the established unions. This tendency is very noticeable in aeronautics, construction and electronics, and it is characteristic of other areas of labour to varying degrees.

This coexistence, then, of different types of union organization, within not just the movement as a whole but within each congress and even occasionally within a single union, means differences in attitudes, in interests and in policies of action which can have far-reaching effects upon the requirement for workers to adjust to technological and other changes.

It should also be noted that the labour movement in Canada did not grow according to an over-all plan or even an initial guiding logic, but rather as a response to various factors and in response, in all or nearly all cases, to concrete needs for efficiency and control in a labour market which was unorganized and abandoned to the play of competition. This characteristic is explained by the quasi "private" character which it adopted, i.e. being organized around the economic interests of groups limited, in most cases, to one establishment or sometimes even to a tiny faction of the employees of such an establishment.

This situation, which was encouraged by the managerial structure itself and legally recognized by our labour laws, has resulted in the decentralized and extremely heterogeneous or even incoherent nature which is still a characteristic of our labour movement, handicapped as it is by rivalries and by a lack of any fundamental solidarity.

The craft unions are, in my opinion, least capable of offering an effective contribution to the resolution of manpower problems in times of rapid technological change. The limitation of these groups tends to a particularity in the appreciation of problems, leads to an attitude of protecting existing rights, and tends to result in jurisdictional disputes when technological change becomes a problem.

This does not mean that the industrial unions* as they exist at present are entirely free of the inadequacies which I attribute to the craft unions. Fragmentation of union locals by establishment or by employer, and the general spirit of "job security", together with their functioning as "private" agents for negotiation, often make industrial unions indistinguishable in practice from craft unions, especially to the degree that technical evolution breaks down the barriers between industrial sectors and imposes on the workers affected by change a need for geographical and occupational mobility.

Moreover, the very fact that industrial unions include several occupational groups whose interests are often different, if not divergent — in short, their heterogeneous character — often makes the job of their leaders extremely difficult in the actual practice of industrial relations where they have to co-operate in implementing necessary manpower adjustment programmes. As a result, the solutions often tend to become "political", rather than technical or truly objective, because of the various internal pressures being brought to bear on the spokesmen for the unions. Formulas to unify and harmonize these differences within unions must be found if an effective adjustment policy is to be pursued seriously.

Finally, the degree of union penetration in Canada, much as in the United States, has remained relatively weak on the whole (approximately one third of non-agricultural wage-earners): organized workers are very unequally distributed through the various sectors of industry; organization is incomplete in nearly all these sectors and has been limited almost exclusively, until recent years, to blue-collar workers of the primary and secondary goods-producing industries.

^{*}For the purposes of this paper, I include under this heading all unions which go beyond the organization of one given craft or compound or "extended" crafts and which may be designated as semi-industrial, industrial or multi-industrial.

It should be mentioned, however, that in the last few years there has been progress in organizing workers previously difficult to organize: white-collar workers, workers in both private and public service industries, professional people and managerial employees. The proportion of unionized workers to all those who could conceivably become unionized, a proportion which seemed to have reached a plateau and even to have declined in the last 10 or 15 years, will likely increase again in the next few years in the light of these new developments.

At a time when technology is changing the nature of industrial organization and employment structures and tending, by rationalization, to reduce the number of workers who simply carry out orders in the traditional jobs, the labour movement, if it remains confined to the position which it now occupies and does not gain the support of workers in many new classes of occupations, will be less able to cooperate fully in the solution of the problems of adjustment which these transformations require.

If, as Alain Touraine claims, technological change forces the labour movement to enlarge its occupational base and no longer to limit itself solely to industrial workers, then there is all the more reason why it should tend to round out its membership and give itself an occupational foundation broad enough and diversified enough to contribute effectively to the community action which is becoming necessary.

As for the second aspect, that of the organic structure and hierarchy of authority within the labour movement, the most important characteristic which must be noted, in the Canadian situation, is the decentralized nature of union organizations in matters of authority and action.

I shall not give here a complete descriptive study of the structure and government of unions in North America: many general and specialized works exist on this subject. I shall limit myself to outlining certain characteristics of union structure as regards their present or foreseeable effects on the problems of the adjustment of labour to technological and other changes.

I said earlier that the fact which most impresses the observer of union organization in Canada is its decentralization. This decentralization of authority and action is largely the direct result of the atmosphere in which labour organizing has historically been carried out in this country, as was indicated in discussing the types of organizations, the categories of wage-earners involved and the degree of union penetration in the labour force.

In general, the classic studies of the North American labour movement show that the centre of union activity quickly established itself at the level of individual unions, which became the real decision centres in the area of economic demands of a given industry or craft. The craft or industrial unions thus possessed the broadest autonomy in the role of making demands in the labour market. This, as we know, has constituted to date far the most important function of North American

¹Economics and Research Branch, Canada Department of Labour, Labour Organizations in Canada, 54th ed. Ottawa: Queen's Printer, 1965.

²Alain Touraine, "Les chances du progrès technique", Revue française du Travail, October-December 1965, No. 4, Department of Labour, Paris, p. 31.

unions. Hence, the fields of recruitment, organization, collective negotiation, administration and supervision of the other means of union pressure were left entirely to the discretion of the individual unions. Each of them, because of the principle of exclusive jurisdiction within a single, central body, is free to pursue its own policies of action, as shaped by the individual needs of its members at the craft or industrial sector level and conditioned by the economic circumstances and management decisions which it must face.

Still, it should be emphasized that the present concentration of authority at the level of the individual union only came about gradually over the years. Originally, in practice, the local units held a relatively broad degree of autonomy at the plant level because of the general practice of organizing at this level and because the individual collective agreement was confined, formally at least, within these limits.

Strictly in terms of structures of authority and power, the constitutions of the two trade union centres (CLC and CNTU) insure that the local and regional levels in Canada possess, in my opinion, far more decision-making power than is the case, for example, in the United States.

In the case of the Canadian Labour Congress, the merger of 1956 certainly gave greater cohesion to that part of the labour movement represented by the CLC by recognizing a peaceful coexistence of the "craft" and "industry" formulas in the field of organization, and also through no-raiding pacts between affiliated bodies, mergers on the regional level (district councils, provincial federations, etc.), as well as by the adoption of officially defined political thought and action. However, in terms of industrial action and collective bargaining, the situation which I described above has, on the whole, evolved very little.

As for the provincial federations, it should be pointed out that they lack any "legal" authority over their affiliates; indeed, CLC affiliates are not even obliged to belong to the federations, as membership is voluntary. Problems of representation in matters of co-operation with the other social groups within various councils and on commissions may result on the provincial level from this situation.

Still, in relation to the situation in Canada, I must emphasize again the persistent recurrence of disputes between craft unions and industrial unions, the duality of jurisdiction sanctioned by the constitution of the CLC in a single industrial field to the advantage of the unions from the ranks of the TLC and the CCL respectively, and the existence of independent unions which compete with those of the Congress in certain industrial sectors.

The CNTU, for its part, has displayed quite different characteristics in terms of structure and power, as well as in terms of long-term attitudes, ever since its foundation as the Canadian and Catholic Confederation of Labour (CCCL), in 1921. Confined mainly to Quebec, having enjoyed at least until very recent years an almost total cultural homogeneity, with a membership which long represented only a very small proportion of the Canadian labour force, it was able to a great extent to avoid the problems of fragmentation which have characterized the rest of the movement in Canada.

Still, the organization of the CCCL until recent years remained largely decentralized as to authority, which centred mainly on the local unions. With the reorganization which began in the late 1950's and the redistribution of power towards a greater centralization at the Confederation level in the fields of organization and finance, the CNTU has made gains in the sense of an improved integration of its structure and power.

Nevertheless, the fact remains that the Canadian labour movement as a whole is characterized at the levels of daily methods of action and of collective bargaining by the North American tradition and that it shares both the strong and the weak points of this tradition — as we shall see later.

We can see from these few remarks, however, that the organization and power structures in our labour movement are more or less well adapted to the policies which the public authorities are called upon to adopt in the manpower field. Co-ordination of activities between the private sector and the public sector is extremely difficult to achieve when the structure of the institutions themselves allows with difficulty the necessary minimum of cohesion and the channeling of initiatives and decisions which the different phases of manpower policy necessarily demand.

COMMUNICATIONS

The formal structure of organization and power within an institution of any kind does not automatically determine the behaviour of the individuals and the groups which make it up, nor the network of actual relations which are established between these individuals and these groups.

Often — one might say almost always — the actual powers within such an organization are not located precisely where the formal structure of authority has placed them. Factors of personality, natural leadership, inadequacy of the formal structures to meet actual needs, absence of effective communications, etc., may explain this phenomenon. Many studies in human relations have been devoted to this subject.

Still, it is obvious that the structure of organization and power within organizations like the unions directly affects the play of communications which ought to develop between the members and their organizations and between the latter as such. From what we have seen of the thinking, the structures and the powers within the labour movement, one can easily understand that these arrangements are not conducive to developing the best possible communications between the different levels of organization which make it up and between the groups which it represents.

By communications I mean the methods by which the labour movement can achieve, through its "legal" structures — its formal organization — the objectives for which these structures exist. They are also the means by which it should be able to ensure that the "perception" of situations, problems and aims is as far as possible the same within its affiliated bodies and their members. This does not imply, however, that this "perception" necessarily leads to identical points of view and to the adoption of similar positions by one and all.

I believe, however, that in a democratic movement in which there is no question of absolute centralization of authority nor of dictatorial imposition of basic rules and orders, effective communications are all the more essential if unions are

to achieve greater cohesion of thought and of action to meet the changes which affect labour.

Fundamental to good communications is a need for the best organized and most objective information possible, not only in relation to problems to be studied but also concerning the elements of solution for these problems. The same is true of the recommendations or decisions, as the case may be, which may be made at the various hierarchical levels of the movement.

In the present state of union structure and attitudes, many problems arise in regard to inter-union communications and the information which underlies them. Each union organization often speaks its own language when it is defining the group's interests, the methods of action to be employed and the co-ordination needed to compromise between these interests and methods of action. Because concepts and structures, as well as negotiation practice, have always been centred primarily on particular and limited objectives, there is always the tendency to judge problems and their solutions by the narrow viewpoint of the group or sector in which one is acting.

Without valid information and effective channels of authority and communications between the union locals, it is extremely difficult to achieve a valid consensus on the solutions which these problems may demand.

The state of competition which exists between the unions, often within a single establishment or in relation to a single employer, prevents them, because of the internal "politics" to which they are subject, from reaching any objective basis for discussion and co-operation at the very times when, in fact, this is essential.

Various experiments in facilitating labour mobility have served as examples of this phenomenon. Leaving aside for the moment the management aspect of the problem, these examples reveal serious deficiencies in union communications which have showed up not only between the different groups represented by the same union, but also between the membership and the leadership at the local level and between the local leadership and that of the union as a whole, to consider only the vertical structure of the movement.

For example, the reactions to a plan for transferring a certain number of workers who have been displaced from one plant to another plant within the same company are not the same among the employees already at work and those who are on waiting lists at the plant where the transferees are to be absorbed; the same is also true of the varying reactions of skilled and unskilled workers, which often comes down to the same thing. This is only normal. What is less normal is that these reactions often turn into intransigent attitudes on the basis of individual cases which do not in themselves provide valid motives for systematic and generalized obstruction by the group as a whole. In a local community, for example, one would wish to reserve certain jobs requiring qualifications not possessed by local members who are on layoff but are still on seniority lists. In the event that some of these members eventually have opportunities for training, they should be given the necessary chance, and outside employees must be refused transfer rights even where such employees have the necessary qualifications. In such a case the local members who are usually most unhappy about employees transferring into the plant

may be incapable of performing these jobs themselves. When we succeed in locating the origin of such an obstruction, we can see that deficient information is at the root of the problem, and that the lack of useful communications between the groups in question, and also between them and their local leadership, has much to do with this sort of case.

This is but one example which is also true of relations between locals of the same union or federation when the question arises of extending the limits of seniority in order to preserve certain advantages acquired by workers who have been displaced under a mobility programme. Local preferences often act to scuttle mobility projects which the union and even local officials had already approved, honestly expecting their members to do the same.

The major problem, under the present structure of the labour movement, is to develop the ability to overcome the natural egotism of a group; the narrowness of its interests; the apathy of its members towards questions of general interest; and sterile competition and rivalries within the locals, the unions and even the central bodies.

Within the union congresses, structures ought, first of all, to allow greater organic and psychological cohesion from top to bottom through more effective hierarchical and disciplinary organization and more direct channels of communication, capable of broadcasting information more objectively to the members and to lower-level representatives. This need is of capital importance in the field of manpower adjustment, because the policies and programmes in this area inevitably affect the workers in their actual place of work and in their most intimate occupational concerns. Early-retirement plans, programmes of occupational and geographical mobility, occupational development by on-the-job training or by educational up-grading courses, broader seniority systems, etc.: all these, in a framework of free labour, need as their basis information and acceptance as well as discipline among the members, and these can only be achieved through the development of better communications.

The presence in Canada of two major labour congresses, plus a few independent organizations, may contribute to the problem of communications within the labour movement. I do not believe, however, that this state of affairs in itself represents an insurmountable obstacle to the accomplishment of the aims outlined above.

Certainly rivalries, often bitter and sometimes unjustified, can have serious repercussions on the ability of the Canadian labour movement to take part in the preparation and, particularly, in the application of programmes of manpower adjustment. Divergent ideological positions, struggles for prestige, the clash of opposed interests, etc., can constitute major obstacles to a valid labour consensus when dealing with the public authorities and employers within organizations or during preparatory meetings. Quarrels over jurisdiction, counter-bidding, ill-timed organizing drives, outright refusals to co-operate can, on the local or regional level, constitute obstacles to the considered agreement of workers to the solution of certain problems of adjustment which technological innovation demands.

Nevertheless, the fact remains that in a system of free trade unionism it is practically inevitable that the allegiance of the workers will be divided, possibly

among several organizations. Provided that these organizations are really representative, their problem is not so much to seek organic union as to find, through agreements, through a code of ethics or otherwise, the path of peaceful coexistence first, then that of co-operation and mutual aid, through the establishment of coalitions of various kinds, in order to be able to ensure the best possible communication among themselves and to achieve the minimum consensus needed for the solution of these problems.

II - Management in Canada

If the preceding analysis indicates how difficult it is in Canada to speak of organized labour as a structurally and ideologically homogeneous entity, how much more difficult it is to speak of Canadian management in the present state of affairs.

We ought rather to speak of the employers of Canada in order to indicate clearly the absence of formal organizations, the diversity of attitudes and interests, and the multiplicity of problems and policies which are typical of the Canadian business community in general and of Canadian employers in particular.

Within the scope of this paper, it is impossible to make all the distinctions which should normally be made in a study dealing more specifically with the sphere of management. Although here one might risk oversimplifying, and thus misrepresenting, the facts to a certain degree, I shall try in the following remarks to give a broad outline of the area of management in Canada, its attitudes, its structures and the communications which it maintains within its organizations.

ATTITUDES

It seems fairly clear, first of all, that management and the business community in general agree that in the labour field, as in economic matters generally, the liberal philosophy which had prevailed in our country in the past is in a process of transformation. We have simply to recall that the Canadian Manufacturers' Association and the Chambers of Commerce do not seem to be opposed to a certain degree of State intervention in the economic field and in labour problems, although their attitudes do not yet appear to be clearly defined in this area.

The Professional Association of Manufacturers of Quebec has displayed its interest in this question for several years through initiatives of all kinds, which makes it probably one of Canadian management's most advanced groups in this respect. As a result of this interest, a Quebec Council of Employers has recently been established to channel management representations on community policies which demand a high-level dialogue, and thus prepare the formal contribution of the business community to the discussion of the many problems which demand its attention.

More diverse initiatives are already in existence on the provincial level, in the form of bipartite or tripartite councils of private, semi-public or public origin, in which the most representative employers discuss with labour organizations and, to a certain extent, with government authorities, various questions of mutual interest on this level, from labour legislation to broader economic questions, including those of manpower, unemployment, productivity, etc. The experience of Nova Scotia also provides an excellent example of labour-management-government co-operation at this level. Finally, more strictly within the manpower field, a certain number of employers co-operate voluntarily with the federal Manpower Consultative Service

and with the provincial governments on ad hoc committees on labour mobility, thus indicating a real desire to work together with the other "social partners" on an institutional basis for the solution of these problems.

Leaving discussion of their merits aside for the moment, these facts demonstrate beyond a doubt that Canadian management is awakening to the present state of affairs and that a certain movement of ideas is coming to light within it towards acceptance of some form of community action in the field of economics and, in particular, adjustment to the changes which affect manpower. Nonetheless, it must be recognized that traditional management attitudes in Canada leave employers ill-prepared to co-operate effectively in the over-all solutions which these problems require.

The Canadian management community, as a whole, has historically been influenced by the postulates of traditional economic liberalism: freedom of initiative and enterprise founded on the right of private property as sanctioned by the common law and originating in the Industrial Revolution; free competition on product and labour markets; profit-oriented production or service; and control over labour based on the "rights" of the business head as proprietor of the capital and organizer of the factors of production for optimum returns in a given market.

This individualistic philosophy — reinforced by the vitality and enormous success of the North American economy, sanctioned by law and embodied in political institutions, respected by public opinion and by public authority, and accepted in principle by the labour movement as a whole — has predominated to date in Canada as well as in the United States. It has invested management with a role and a prestige which have made it the real and practically the sole custodian of actual power in the field of economic and industrial organization.

Although these basic attitudes apply generally to management as a whole in Canada, one should emphasize at the same time that, on the level of specific business interests, differences in size, market, sector, geographical environment and technology (to name only a few factors) make Canadian management a mosaic in which it is very difficult to reconcile various points of view in order to establish concrete policies and achieve management co-operation in putting them into operation.

The basic philosophy which I have outlined, as well as the divergence of interests, go together to explain the lack of consensus in Canadian management towards government initiatives in the manpower field, and the difficulty of management in equipping itself with institutions for dialogue on the different levels at which it is being urged to participate.

The major problem for Canadian management is to reconcile principles which it regards as unalterable, such as free and "individual" initiative, autonomy of decision, business secrecy in a competitive system, the sanctity of the rights of management in its relations with organized labour, on the one hand, with participation in an effective manpower policy, on the other. For in the manpower field, as in any other field, if we hope to try and improve the capacity of our system of industrial relations to adapt to the problems created by the changes affecting workers, solely

private decisions cannot succeed; the need is for programmes and procedures implying government participation from the start, as well as the active co-operation of business and labour organizations.

This implies, therefore, a revision in depth, not so much of the principles themselves, which could not possibly disappear in a democratic system, but rather in the application of them in concrete situations where manpower adjustment programmes are needed on an economy-wide, industrial or regional scale. These program mes, and the forecasting which they imply, as well as the "inter-firm" and "interindustry" nature of the measures to which they inevitably give rise, require individual employers to make joint decisions on matters which they had formerly handled individually and to submit to certain compromises which would have appeared unacceptable without such measures.

STRUCTURES

The Canadian business community is not without associations — far from it. However, although on the level of commercial, industrial and financial operations, our country has many highly diversified associations, we lack something which the European countries in general do have: employer organizations that are truly integrated and are devoted, in whole or in part, to the problems of labour relations at the industry or interindustry level.

The great majority of the specialized associations which exist in Canadian business circles do not deal at all with industrial relations, at least not directly, and cannot be termed *employers' associations*. They are national groups (very often the Canadian branches of "international" or U.S. associations) or else provincial, regional or local bodies, whose aims are either vaguely defined as mutual assistance and co-operation in general, or else they are very highly specialized in certain fields characteristic of specific groups of businesses. These organizations of a general nature are groups of industrial or commercial companies with decentralized structures and with optional membership.

Although they are, for all practical purposes, the principal spokesmen for management in Canada, because of the size and diversity of the membership and their geographical breadth, the Canadian Manufacturers' Association and the Chambers of Commerce are not, properly speaking, employers' associations. Their objectives are general and aimed primarily at the advancement of the general interests of industry and commerce in Canada. The "employer" aspect is, briefly, simply a by-product of their specific functions and finds expression only through their presentations to the public authorities and public opinion of the general positions of the business community and of industry in the field of labour relations.

The Canadian Manufacturers' Association, the organization most concerned with the problems of labour relations at the national level, because of the very nature of its membership and its immediate problems, maintains an industrial relations service at the level of each of its divisions. This service is, however, only one of several, just as industrial relations are only one concern of all those which demand the Association's attention.

It is important to note that, within our general associations of businessmen, representation is geographical or regional by nature, rather than "functional" or specialized according to the sectors of activities to which the members belong. This is true on the national level as well as on that of the provinces. These members, moreover, are recruited directly, without passing through any intermediary structure of a branch or sector of activities.

Such organizations may be adapted to the promotion of the very general interests of one social class, allowing it to act as a pressure group on public authorities and public opinion; but they only with difficulty allow effective action on the level of functional interests or a structured participation in the solution of problems typical of each industrial sector.

They are a good reflection of the general solidarity of the business community on the level of class interests and the principles which underlie them, but they are conscious at the same time of the individualism which characterizes business and of the very heterogeneous nature of the specific interests of which it is composed. Finally, our "management" associations are not generally empowered or organized to participate in collective bargaining. At the very most, they limit their activities to providing certain advisory services regarding legislation and procedures to firms who may ask for them. Except in a few quite rare cases such as the building trades, certain sectors covered by the Collective Agreement Act in Quebec and, more recently (also in Quebec), certain public services (for example, the school and hospital services), collective agreements remain the concern of the individual employer and even quite often of the local management of each plant of a single firm.

Besides the central bodies such as the Canadian Manufacturers' Association, the Chambers of Commerce and the Association professionnelle des industriels — Professional Association of Manufacturers — in Quebec, there are other important, specialized associations which concern themselves with the particular interests of one sector of the economy such as the pulp and paper industry, mines, the textile industry, etc. — each one with its own problems, its needs, its methods of action and an influence proportional to the importance of the sector it represents.

Finally, there is a plethora of associations of all types and with all purposes ranging from pure philanthropy to the most specific interests, on a national, provincial, regional or local scale; these associations overlap and there is no order among them or link betweem them.¹

This sort of mosaic of organizations within the management community is characterized by an overlapping and duplication of aims and appurtenances and by an unco-ordinated clash of special interests. It also shows a marked separation between the small and medium-sized businesses on the one hand and large companies on the other.

Finally, it gives rise to problems of negotiation and representation when businessmen have to meet to take co-ordinated action at some level. The experiment of

¹During its 1963 Annual Assembly, the Association professionnelle des industriels noted a survey undertaken by its own divisions, according to which there were no less than 515 "employer" associations or branches of associations of all kinds in the Province of Quebec alone.

setting up a Management Council in Quebec revealed similar difficulties in adjusting existing structures; and efforts at present taking place at an economy-wide level with the aim of working out certain management representation formulas at this level seem to confirm these difficulties.

COMMUNICATIONS

In the field of communications, management in Canada is subject to the direct effects of the structural fragmentation we have just examined. Dialogue and the sharing of intersectoral problems as well as those between individual employers do not often have the advantage of valid institutional channels for formulating a common policy towards the unions and public authorities when questions arise of importance to the community as a whole.

The absence of powers and means of control among the general organizations, the compartmentalization of interests in the specialized associations, the division between big businesses and those on a small or medium scale, and geographic and cultural regionalism, are often hindrances to good communications within Canadian management.

The businessman and even the firm, as employers, often remain isolated and without concrete guidance when they are faced with special problems in their relations with their work force. This is especially so in the case of small and medium-sized enterprises which do not have suitable research and personnel facilities to guide them in their decisions. It is significant that present attempts to build up a certain management front, both on the national and regional level, are mainly the results of efforts by representative individuals in the personnel field or are due to the firms to which these individuals belong; it is also significant that, up till now, only "informal" communications on a personal level have had any chance of bringing these projects to a successful conclusion. The associations, confined within their respective mandates, are, for their part, inclined to hesitate when faced with an official confrontation of their points of view.

A serious problem in the field of communications is that of making the small and medium-sized employers sufficiently well-informed; these employers are by far the largest group in Canada but generally (and for obvious reasons) they are not in the forefront of current activities. The problem, therefore, is to inform the small and medium-sized employers as fully and objectively as possible of the questions which are being studied and at the same time to persuade them to emerge from their isolation and take part in these activities.

This seems to me to prove the need for better adapted management organizations through which normal and official channels of information and communication can function in both directions and can make sure that there are discussions within management which may lead to the emergence of certain common attitudes towards the unions and public authorities.

¹John H.G. Crispo, "The Nova Scotia Labour-Management Agreements" in Report of the National Conference on Labour-Management Relations, Economic Council of Canada. Ottawa: Queen's Printer, 1965, p. 281 ff. Also, C. Roy Brookbank, "Une expérience de relations patronales-ouvrières en Nouvelle-Écosse", in Relations Industrielles, Vol. 20, No. 3, July 1965, pp. 478-498.

But beyond or besides problems of cohesion, information and representation at the discussion level, and at that of the adoption of manpower adjustment policies, it is vital that management should be able to co-operate in putting these into effect at the regional level and at the level of the industrial sectors. Here the problem arises of co-operation between individual enterprises and between the general and local managements of these enterprises.

Where problems of labour relations and personnel management are concerned, there is often a tendency to decentralize decisions and leave local management with a large degree of autonomy in these matters. What has happened in the case of certain attempts at transferring employees to other jobs shows that, as on the union side, local management is not always well enough informed of the contribution required of them.

Local initiatives may occur which contradict agreements made at a higher level and risk jeopardizing the solution of the problems which are the object of such agreements. And often the very solution of the problem rests entirely on the consent of local management, which means that representatives of top management cannot negotiate with all the authority that one is entitled to expect from these spokesmen.¹

Finally, the bureaucratic organization of the large enterprises may itself constitute an often serious hindrance to the implementation of manpower adjustment policies when communications are deficient.

Without unduly elaborating on this point, I should point out that, as technological progress develops, the nature of a business takes on a different aspect and leads to a "growing autonomy of the various levels of operation in the production system", to use a phrase of Alain Touraine; this means that problems of decision, organization and even of the performance of work tend to become increasingly autonomous of each other.

It is, therefore, vital that management develop not only a dialogue and an information service between enterprises but also within them which will be able to provide a valid basis for co-operation in the programmes in which management will take part through its active involvement in programmes at the community level.

¹See also Gérard Dion, L'Expérience d'une commission conjointe de recherche dans un cas de conversion industrielle (Experience of a Joint Research Commission in a Case of Industrial Conversion). Paper presented to the Congress of the Canadian Institute for Research in Industrial Relations, Toronto, May 25, 1966.

²Alain Touraine, op. cit., p. 25.

III - Collective Bargaining

Having discussed attitudes, structures and problems of communication within labour and management respectively, I will now outline the essential elements of our system of collective bargaining. This may allow us to evaluate the state of communications between the unions and management, to emphasize certain major problems of the present system of collective bargaining when confronted with manpower adjustment problems and to judge the contribution of collective bargaining to the solution of these problems in the framework of an over-all manpower policy.

Collective bargaining in Canada, as in the United States, traditionally follows a system which could be called unique of its type, relative to those of other Western countries.

The collective agreement in North America is essentially seen as a counter-weight to the authority of the employer in deciding on conditions of work affecting labour.¹ It has been up till now the particular and, one might say, almost exclusive weapon of North American trade unionism in trying to protect and promote the interests of its members. This is easily explained if one considers the ideological climate in which trade unionism developed, and which has made it not a union for social or political change but rather a union for making economic demands of the type called "accommodation" within a liberal and decentralized economic and social system.²

Envisaged in this way, collective bargaining has become the principal concern of union leaders and their members; this state of affairs has been sanctioned in labour law by the adoption by governments of Labour Relations Acts which have resulted from the principles of the New Deal of the 30's in the United States and which were passed in Canada during and after World War II.³

The collective agreement and collective bargaining have taken on a "private", contractual character and have been, on the whole, only the transposition to a group level of the individual contract of employment which prevails in a non-union system. In by far the greatest number of cases, bargaining is carried out at the level of the individual firm and, very frequently, for relatively limited numbers of workers within the firm, by means of the certification of bargaining units based for the most part on the occupational characteristics of groups of workers.

¹Clark Kerr, et al., The Public Interest in National Labour Policy, by an Independent Study Group, Committee for Economic Development: New York, N.Y., 1961; esp. the chapter entitled "The Functions and Limitations of Collective Bargaining", pp. 28-36.

²Louis-Marie Tremblay, "L'influence extragène en matière de direction syndicale au Canada", in Relations Industrielles, Vol. 19, No. 1, 1964 pp. 36-53.

³For a biting attack on this state of affairs, see Pierre Vadeboncoeur, "Projection du syndicalisme américain" in Les Écrits du Canada français, Vol. IX, pp. 151-259.

Collective bargaining in our system of labour relations has inherited a legal character which has become more and more marked as the public authorities have intervened to fix its status and the procedures according to which it should be carried on. Negotiations are carried on according to prescribed procedural conditions and stages, and for periods and at intervals which have been quite strictly laid down. The contract thus agreed on must be in writing and for a fixed period during which the parties undertake to "keep the peace". If conflicts arise during the period of the agreement, only those which are specifically related to the terms of the agreement are open to "judicial" settlement by the parties.

The aim of negotiations is wholly (or almost) left to the initiative of the contracting parties who may include in their discussions all the contract clauses which they consider fit matter for bargaining. Under present conditions, the North American collective agreement has often become a very complex document in which the reciprocal rights of management and unions, monetary conditions and other increasingly numerous and important advantages concerning the welfare and social security of the employees are usually laid down in a very detailed way.

The practice of certification on a local basis and of groups which are often divided up by the bodies responsible for applying our labour relations laws has contributed quite considerably to giving collective bargaining this piecemeal character; but the principal historical reasons for this phenomenon result mainly from our decentralized system of economic decisions as well as from the philosophy, the structures and the behaviour of management and the trade union movement as I have outlined them above.

COLLECTIVE BARGAINING AND LABOUR-MANAGEMENT COMMUNICATIONS

In terms of the solution of the problems of manpower adjustment to technological and other changes, it is very significant to note that collective bargaining, in this country, is for all practical purposes the only means of labour-management communication concerning labour relations.

We have not experienced, as in most European countries, any of the joint council formulas at the level of the firm, of the employer, of the industry and of the entire economy where organically, by means of legislation or voluntary agreements, management and labour meet to discuss their common problems and within which negotiations can be carried out on many subjects in a different atmosphere and according to different formulas from those of the bargaining table as we know it here.¹

I do not want to conclude from this last fact that foreign systems of industrial relations work better than ours in general, or that the legitimate interests of the participants are necessarily better protected there. It is undeniable, however, that certain structures that have been developed in other countries constitute, at the very least, institutional frameworks which are conducive to communication between

¹J.-R. Cardin, "Experiments and Progress in the Field of Labour-Management Relations in Europe", Economic Council of Canada, Report of the National Conference on Labour-Management Relations, Ottawa: Queen's Printer, 1965.

management and the unions, if they are used positively and realistically by the parties concerned.

Since the period between the two great wars, and especially during World War II, we in Canada have certainly been concerned with developing better relations between employers and employees but, as Donald Wood shows in his study on the present state of labour-management co-operation in Canada, when the states of emergency which gave birth to this preoccupation disappeared, the preoccupation could not be translated into stable formulas of wide enough scope to have any real influence on the state of employer-employee communications on labour relations. Since these committees, which were created at times of crisis, were not based on the presence of a union in the factory, many of them had no further purpose when a union was organized or collective bargaining instituted, and in consequence they simply disappeared.

The efforts which were made after this to maintain these formulas and develop them all proved to have rather limited results because their supporters had restricted themselves to a rather vague concept of "co-operation" which was often without any real links with the vital questions at the heart of collective bargaining. Finally, since these bodies were of an entirely voluntary nature, had aims which differed very greatly according to the circumstances, and worked on an essentially local and scattered basis, they did not really, I feel, influence the general state of communications within our system of industrial relations.

The recent initiatives taken by governments, whether federal or provincial, by setting up councils of different types where employers and union representatives meet, as well as the other more or less official experiments which are in progress across the country, mark a necessary development in terms of labour-management communications in this country. However, it must be noted that they are taking place outside the scope of collective bargaining at a very high level, and that for all practical purposes they have not yet, despite their efforts, succeeded in influencing the traditional state of communications between employers and unions in their everyday labour relations practices concerning concrete problems.

COLLECTIVE AGREEMENTS AND THE PROBLEMS OF ADJUSTMENT TO CHANGE

Up till now, collective bargaining has been by far the main means of communication between management and unions in Canada. Such is my opinion. How well does bargaining carry out this task and, more specifically, what is the quality of its contribution to the solution of manpower adjustment problems? This is a question which has been discussed quite often recently. Many studies, conferences and statements of opinion have looked at this question and given particular answers.²

¹W. Donald Wood, op. cit., Part II.

²Considerable material exists on this topic. Recent publications include: OECD, Les tâches automatisées, Conférence mixte nord-américaine, Washington, D.C., December 8 to 10, 1964. Final Report and Supplement, Paris, 1965, esp. Part I Final Report, pp. 5-105 and Part II Supplement, Ch. III, pp. 235-315 and pp. 455-515. Gerald Somers, et al., Adjusting to Technological Change, I.R.R.A. Series, New York, N.Y.: Harper and Row, 1963. Harold W. Davey, et al., New Dimensions in Collective Bargaining, I.R.R.A. Series, N.Y.: Harper and Row, 1959.

I do not intend to go over all of them since this would, in itself, be a vast study and would go beyond the framework of the present undertaking. However, a few comments must be made.

Collective bargaining, as practised in Canada, has traditionally been analyzed in economic terms. There are very good reasons for this, and as a whole the method is justified, considering the function that our system of industrial relations has acquired on the labour market. There is still, however, too strong a tendency to overestimate the economic aspects of collective bargaining and to see it as just a procedure for determining salaries and other working conditions of a monetary nature.¹

As Jamieson rightly points out, over the years bargaining has perhaps become a reality of a more "political" and sociological nature. It has become a matter of strategy and calculation on both sides, a struggle between management and the unions where the stake is the loyalty of the employees to one or other of the institutions concerned. It is directly, and increasingly, subject to the internal "policy" of each institution as labour relations become institutionalized, as the negotiations specifically cover things such as management's rights and the security and permanence of the union as such, and as the leaders of management and unions become separated from their final representatives, and identify themselves as distinct functional groups.²

All these factors especially complicate the situation during the bargaining period. The negotiations still keep the appearance of bargaining and of serving demands, but they are organized around very complex problems and attitudes and according to judicially rigid procedures which do not allow them to become a valuable instrument of communication between the protagonists when problems arise, such as those of the adjustment of manpower to change, which should demand objective and, in some way, nonpartisan discussion between them.

The atmosphere of "crisis", which is often talked about when bargaining is under way, and which is noted as a major obstacle to an effective contribution by collective bargaining to the solution of manpower adjustment problems, results precisely from the factors described above, as well as from the formalism, legalism and strict periodicity which govern the conclusion and renewal of collective agreements in our enrivonment.

Periodic meetings to draw up a contract, for the duration of which both sides will be bound, do not permit the objectivity necessary to air conflicts of points of view, powers and rights which, in a system of free enterprise and trade unionism, place the parties in opposition to each other with regard to their respective participation in the solution of manpower adjustment problems.

Management, for its part, remains imbued with its traditional rights in the matter of industrial control, economic decisions, the allocation of factors of production,

¹Stuart Jamieson, "Industrial Relations and Government Policy", op. cit., p. 121.

²The recent labour disputes in Canada and in the United States, which have arisen to a large extent from problems of technology and adaptation, reveal the leadership uneasiness which exists within the North American unions and clearly indicates a gap between official representatives and the membership during negotiation.

technological innovation and personnel management. However, the unions, for their part, not being and not considering themselves in any way part of the enterprise, see in collective bargaining the only way in which they can ensure — through their bargaining power — a certain security of employment for their members by limiting management initiative and surrounding the workers with a protective network of increasingly numerous and demanding contract clauses.

Although the collective agreement has, through its "philosophy" and its present structures, managed to put the union in a very advanced position of control of management decisions, it has not hitherto permitted the setting-up of effective channels of communication which would signify a gradual abandonment of entrenched attitudes on both sides and a far more realistic role for the agreement itself.

In my opinion, the most serious problem facing collective bargaining at the present time, in view of changes affecting manpower, is mostly crystallized around the attitudes of management concerning its traditional rights to manage, on the one hand, and the attitudes of the unions with reference to their methods of safeguarding the security of employment of their members, on the other.

It seems rather paradoxical that, in spite of the fact that the parties involved in collective bargaining in our industrial relations system are at liberty to include in their discussions almost anything they wish, collective bargaining is — according to the opinion of nearly all observers — unlikely in the present state of things to make a meaningful contribution to the solution of manpower adjustment problems. But this paradox is only an apparent one. The insufficiency of collective bargaining is due precisely, in large measure, to the attitudes held by management and the unions.

Of course collective bargaining as it is practised in North America must be credited with everything that its natural flexibility has thus far permitted in meeting the challenge of technical change. Several of the essential elements of any integrated manpower adjustment policy have been tried and even applied with success in a certain number of collective agreements. As the pressure of technological innovation has increased, and as its position has become strengthened within industry, the labour movement has dropped the policy of pure and simple obstruction and of competition, as defined by Slichter, in order to adopt, if not an attitude of total co-operation, at least an acceptance of the principle, while cautioning its members in each concrete case about the adverse effects which such co-operation might have with regard to their security of employment. This has been achieved primarily by means of a control on the rights of management which has been strengthened by means of the classical clauses dealing with grievance procedures and seniority. Then, bit by bit, an attempt has been made to go further ahead in the "prevention" of the effects of technical changes or at least in the dampening of these effects on the job security of the members.

Advance notice, natural reduction of the work force (attrition), a better application of seniority clauses, all kinds of indemnities in case of lay-offs, transfers, vocational retraining programmes, unemployment insurance supplements and a

¹Sumner H. Slichter, Union Policies and Industrial Management, Washington, D.C.: The Brookings Institution, 1941, Ch. VII-IX.

guaranteed annual wage, the reduction of working hours and of the working week; sabbatical leave, early retirement under improved conditions, etc. — all these things are elements of a manpower adjustment policy which has been developed through collective bargaining in the United States, and to a lesser degree in Canada.¹

It must be noted, however, that these measures have been developed in a very pragmatic manner, depending upon existing situations in which they could be negotiated, and that they are still far from being in general use in Canada. The various reports on collective bargaining published by the Economics and Research Branch of the federal Department of Labour give us an idea how few agreements, on the whole, have thus far contained one or several of the above-mentioned methods of protection in the face of changes affecting manpower. These measures are not able by themselves, therefore, to constitute the basis of a manpower policy worthy of the name, as the phenomenon of change grows and as its pace increases.

Certain obstacles which might be considered insurmountable explain why such a situation exists in the present system of collective bargaining. It is not necessary to repeat what has been said on the subject thus far, but it should be mentioned, however, that one of these obstacles is the fact that collective bargaining is most often practised at the local level or, at best, in a very general manner, at the level of the firm. This, as we have seen, is especially characteristic of labour relations in this country, and may help to explain the limited development of adjustment formulas comparable to those which certain large U.S. industrial sectors have managed to draw up.

The fragmentation of bargaining units, encouraged by our labour laws, as well as the other obstacles of a psychological, structural and "political" nature which have already been emphasized, make these measures, as a whole, a series of incoherent experiments unrelated to each other — chance happenings in terms of the climate and of the power relationships of the parties concerned, and confined to small groups. I would even go so far as to say that in the present state of things collective bargaining, with its "classical" measures of protection (seniority, local employment preference, clauses with regard to call-back to work, preferential waiting lists, etc.), may even constitute a serious hindrance to the establishment of an effective manpower and employment policy in Canada.

Experiments currently being carried out under the auspices of the federal Manpower Consultative Service and of analogous provincial services prove that such is the case.

This is a point of cardinal importance which merits serious attention, although there is an unfortunate habit of skipping over it when referring, in North America and perhaps especially in Canada, to the role of collective bargaining in solving manpower problems. People often satisfy themselves by saying that solving these

¹For an interesting report of these procedures developed by the collective agreement in the United States, see Amold Weber, "La contribution des conventions collectives", in OECD, op. cit., pp. 235-265.

problems of adjustment by means of collective bargaining "would be asking too much of it".1

It is obvious, however, that collective bargaining by itself, even though adapted to the maximum to present contingencies, could not constitute the sole instrument of solution of manpower adjustment problems. Everyone agrees on this point. We shall see further on that the positive action of public authorities, with the active co-operation of the various forces in the economy at levels transcending collective bargaining on the labour market, is an immediate requirement. In my opinion, however, the real question does not lie there. If is rather that of knowing how far, and how, collective bargaining can adapt itself, integrate itself in some way with the programmes which will be decided upon and put into operation through the establishment of effective manpower and employment policies, operating within "politically" defined economic and social priorities, with the democratically agreed help of employers and unions. What is worrisome is the divorce which seems to be taken for granted between the process of collective bargaining itself and the structural and other solutions which are envisaged in order to facilitate the adaptation of workers to change.

THE NEED TO ADAPT COLLECTIVE BARGAINING TO AN INTEGRATED MANPOWER POLICY

It should be taken into account right from the start that any government effort will be futile, or at the vary least seriously limited in its results, if the practice of collective bargaining remains what it is in Canada. Solutions with regard to geographical and occupational mobility, to vocational training, to planning with regard to workers and their training, to their employment in the proper sectors, etc., naturally extend beyond the frameworks of the establishment, the enterprise, and even of an entire industrial sector. If bargaining remains generally fragmented at the local level and continues primarily to function as the instrument whereby particular groups are protected, government efforts as well as those made by senior management and union authorities will be reduced in practice to very little.

I do not want to create the impression, however, that this problem has not been taken into consideration by the responsible union and management people in our country. Authorized representatives of both groups have voiced firm opinions which clearly show that they are seriously concerned about this question.²

However, in the present state of structures and of communications between labour and management and within their respective organizations, I doubt whether these declarations are sufficiently shared by lower official levels to bring about a serious and general examination of the problem. Contradictory declarations are fairly frequently made in various quarters and, anyhow, such statements rarely indicate concrete means whereby the adaptation hoped for can be reached.

¹Clark Kerr, et al., op. cit., p. 33. This is only one of several similar statements in specialized circles.

²See, for example, the opinions expressed on this subject by William Dodge in a memorandum prepared for the joint labour-management study conference in Nova Scotia, November 1963, entitled: "Labour-Management Relations To-day", reported by Crispo in *The Prospect of Change*; see also Roger Chartier and Jack Belford in OECD, op. cit., p. 43.

Finally, it would seem that the current conception of collective bargaining is still too narrow. Perhaps this further explains the pessimism about the role of collective bargaining in facilitating adjustment to changes. Bargaining always seems to be considered as an economic test of strength, a game of balancing immediate and consequently opposed interests. This aspect of bargaining is real and inevitable, and it must be recognized as such in a free economy, yet it is so much a part of the thinking of negotiators that it seems impossible to go beyond the short-term view which the practice of traditional bargaining has imposed upon us. I have often been in a position to establish this fact while participating in the work of government bodies or of particular commissions which included representatives of both the unions and the business community.

The attitudes and reflexes inspired by traditional bargaining often take the upper hand over objective, nonpartisan discussion of problems which, nevertheless, go far beyond daily preoccupations and are considered at a higher level.

In order to play a constructive role in the matter of manpower adjustment, collective bargaining must acquire new dimensions, not only in its structures but perhaps to a greater extent in the conception we have of it. It must no longer be relegated to the sole area of immediate working conditions, nor to the narrow legal framework which it has at the present time. It must open up a wider area and include the questions which it has thus far ignored. The term "bargaining" must no longer be opposed to that of "participation" in discussions at a higher level. Because in a system of broader and better co-ordinated policies this very participation is in fact a form of collective bargaining.

IV - The Role of Government

GOVERNMENT CONTRIBUTIONS TO MANPOWER POLICY

It is useless to insist here on the unavoidable nature of governmental action in connection with the problems of adaptation of manpower to changes. The action is recognized by all as necessary and urgent. The real question is not whether there should be any intervention by the public authorities in this field, but what should be the nature, the methods and the means of carrying it out. What are the implications of such intervention for our system of labour relations?

It is not my intention to describe in detail what an integrated manpower policy should be in Canada as far as the public authorities are concerned. Excellent studies have been devoted, in Canada and abroad, to the various elements which must be part of such a policy, and especially noteworthy are the sections devoted to this question in the first two Annual Reviews of the Economic Council of Canada.¹

When referring to manpower policy in this paper, I include the entire range of measures intended to favour the best possible adaptation of labour supply to labour demand, in the occupational and geographical areas, so as to attain the best use of human resources and to harmonize that use with our objectives of economic growth and of well-being. Thus, I include in my definition of manpower policy both "employment policy" and "labour market policy". Although the two could logically be viewed as separate policies, in my opinion the proper adjustment of manpower to change depends on the whole range of measures constituting an integrated manpower policy. One cannot hope to solve the problems of adaptation to change without embodying the solution within such a policy.

As mentioned above, efforts now are being made by the public authorities, both federal and provincial, to solve, here and there, problems of retraining and transfer of workers affected by the closing of a factory, reorganization of production methods, or the introduction of technological changes requiring a vocational change on the part of the workers. Efforts are also being made, through legislative and administrative channels, to increase the general and vocational level of training of people who are already employed or who are about to enter the labour market. Incentives are given to enterprises and to workers in order to favour greater geographical and industrial mobility, and to bring about a more frequent use of the various "classical" measures developed through collective agreements or within ad hoc agreements which have arisen in a certain number of specific cases, either by the sole

¹ See also studies by the OECD and the ILO on this topic, and *Une politique globale de la main-d'oeuvre?*, the Report of the 21st Laval Conference on Industrial Relations, Université Laval Press, Quebec, 1966.

initiative of the employers and unions concerned, or through commissions set up with the help of the appropriate government agencies.

But these measures do not, in my opinion, constitute a manpower policy in terms of the objectives referred to above. At most, they consist of programmes aimed at warding off problems that already exist — and not so much at foreseeing future developments in this field and planning them on the basis of accepted principles incorporating well-defined and methodically pursued objectives, and of concrete solutions fitting within some general framework. Moreover, it is a matter of taking initiatives that have a specific character in each case, the success of which depends upon the goodwill of those concerned.

In the past, government measures were the responsibility of various administratively nonintegrated bodies, which often lacked any means of action in the area of jurisdictions, powers, structures, personnel, research and finances. In its first two Annual Reviews, the Economic Council of Canada emphasized these gaps in labour market and manpower policy in Canada.

Institutional reforms have already taken place within government bodies in Ottawa, through the establishment of the Department of Manpower and Immigration and by the integration with this Department of the National Employment Service and the Manpower Consultative Service. Also, at the provincial level, at least in certain provinces, first attempts are being made at interministerial and interagency planning.

It remains to be said that an effective manpower and employment policy must first be able to forecast manpower requirements, as economic contingency and the transformation of the economy demand them, and allow as a consequence the occupational and geographical mobility of workers and also the arrival on the labour market of people who have received the best preparation possible in terms both of general education and technical and vocational training.

Such functions require from the public authorities not only the internal structural reforms which have already been referred to, but also a constant and systematic dialogue between government agencies and management and the unions. As long as we have fragmented initiatives which are ad hoc, specific and aimed at warding off the negative effects of decisions which have already been taken, the relations between labour, management and government have few chances of bringing about a high degree of concern among the participants in the industrial relations system.

Seen in the light of an effective manpower policy, this problem acquires an importance and even an urgency which should place it at the very centre of the preoccupations of each of the three parties concerned.

THE STATE'S TRADITIONAL ROLE: ITS CONSEQUENCES FOR LABOUR-MANAGEMENT-GOVERNMENT COMMUNICATIONS

What has the role of the public authorities in labour relations been and what have their relations with management and labour been until now?

Public authorities in Canada at both federal and provincial levels have been slow in intervening in labour relations. Sharing the system of values of the capitalist world and of political democracy founded upon the classical postulates of the right of property, of individual initiative in economic and commercial matters, and of government nonintervention in these matters, the public authorities in Canada, as in the Western world as a whole, at first played the role of policemen. The watertight distinction between private rights and public rights only leaves a supervisory role to the State as far as the established order is concerned, without powers of intervention in the mechanisms of the labour market.

Although, beginning with the final years of the nineteenth century, the public authorities had abandoned the nonintervention of the pure "liberal" period, they only intervened progressively in order to re-establish a certain equilibrium between employers and wage-earners. At first they did this by protecting wage-earners in the settlement and the carrying-out of their individual labour contracts (protection laws and the very first social security measures). Then, gradually, they intervened more and more in order to emancipate the labour unions from the legal restrictions inherited from common law, by legalizing their existence and by authorizing some of their methods of action. Various forms of legislation were even adopted at a fairly early stage in order to impose in certain cases, or to offer voluntarily to the parties concerned in a collective dispute, certain methods of settling this conflict. An embryonic administrative and semijudiciary organization was set up for this purpose at the levels of the federal government and of the provinces.

Giving way finally to the state of tension created by World War II, the public authorities, both federal and provincial, in recognition of the extent and vitality which the labour movement had acquired through recent industrial developments, resolved for the first time to legislate not only on the principle of association and the settlement of collective labour disputes, but also on the actual organization of labour relations, by authorizing and even in some cases requiring collective bargaining between employers and labour unions. This was the beginning of labour law as we know it today — basically the same across the country, although differing from one province to another in some of the ways in which it is applied.

It must be emphasized that although the public authorities, through the present laws on labour relations, have increased the part they play in these relations by laying down more complete and detailed rules of the game for employers and unions, they have respected the traditional autonomy of these groups in preparing their institutional reports and in determining the content of collective labour agreements. Thus, labour relations laws, whatever may be said about them, fit into a fairly pure tradition of economic liberalism to such an extent that there is, in my opinion, no real labour relations policy to speak of in Canada. These laws have appeared only bit by bit through the years, progressively and in relation to circumstances, to permit a certain balance between the opposing forces, having as their opposite extremes the protection of certain recognized rights on both sides and the prevention of conflict arising from the exercise of these rights.

This collective "laissez-faire" has resulted in relations among employers, unions and the authorities having been, thus far, reduced to their simplest form.

¹ H.D. Woods, "United States and Canada Experience: A Comparison", in I.R.R.A.; Public Policy and Collective Bargaining, Joseph Shister, B.Aaron, et al., eds., Ch. 8, p. 218; also Roger Chartier, "Législation du travail, liberté, peur et conflit", in Relations Industrielles, July 1958, Vol. 13, No. 3, pp. 254-309.

Management, in accordance with the "philosophy" described above, has often seen government intervention in labour relations as the gradual loss of the position which it originally held in the field of industrial management and the determination of working conditions. When management appeals to the State, it is far more in the hope of obtaining more favourable conditions for industrial or commercial initiatives than of claiming from the State a participation which business deems to be disadvantageous to the free expression of its own initiatives.

The unions, for their part, have often regarded the public authorities as a potential defender grudgingly handing out concessions on the right of association and collective bargaining. The "self-help" policy of the trade unions which followed the "Gompers" philosophy long prevented them from undertaking any well-founded political action or requesting government intervention in labour relations. In general it may be said that, even up to the present time, labour, like management, has refused to look upon the public authorities except as a legislator more sympathetic to the interests of capital, from whom each party attempts to obtain greater freedom of action for its own activity on the labour market through amendments to existing laws and administrative practices. Important distinctions should be made at this point so as not to oversimplify these statements, but I feel that they are fair on the whole and in the long run.

The traditional contacts between the public authorities, employers and unions have been limited in practice to times of labour-management conflict. Government agencies have then assumed the role of arbitrator, conciliator, mediator-extraordinary, policeman or judge. As for representation of interests, procedures have consisted primarily of the presentation of annual or special briefs in the course of formal meetings, or of declarations solemnly made for the benefit of public opinion, or of all the means open to pressure or interest groups in a democratic system.

Although these practices are quite consistent with the ideology and accepted methods of action in a system of industrial relations like that in which they have existed to date, it must be recognized that they have perpetuated a certain attitude of mistrust towards government on the part of the employers and the unions, the government seeming to be in their eyes more a referee than a real partner.

It is necessary, therefore, to recognize that governments can no longer limit their action to regulating from a distance the conflicts between two "private parties" and to acting solely as the counterweight in the balance of relative strength between employers and employees. In my opinion, it is today a paradox that a system of industrial relations should be, for all practical purposes, based on the almost absolute liberty of the parties to the negotiation, and on bargaining within a perspective of private law in which only the interests of the opposing groups count. The common good must be redefined, and the idea of liberty balanced by that of responsibility towards the community as a whole.

Whether we like it or not, the problems of labour relations are gradually acquiring a dimension which I would term a "political dimension". The fact that the State itself is assuming the role of employer for ever greater numbers of persons and in ever more diversified sectors, that union rights are being gradually extended to its employees, and that even labour conflicts in the private sector often have a considerable effect on the whole economy, illustrates these points very well.

Recent labour disputes in Canada, many of which are the result of technological problems, and the uneasiness which they reveal within the labour movement, demonstrate the inability of our labour laws, of union and management structures, and of the accepted ideologies, to resolve effectively the problems of the day.

THE NEED FOR THE PUBLIC AUTHORITIES TO RE-EVALUATE THEIR LABOUR RELATIONS POLICIES

The public authorities, in such a situation, ought then to abandon their policy of nonintervention and no longer be content simply to establish the rules of the game; they should enter the game themselves. They should, to use the phrase of Levine and Karsh, "be present at least implicitly at the bargaining table". They should establish and maintain contact with the two other participants in the system through organized consultations and documented information on the socio-economic aspect of the problems being debated by these groups. They should, finally, organize programmes and legislate in accordance with them. In a word, they should provide the organizations involved with the economic, legal and administrative instruments they need for responsible action on their part.

What does all this mean in somewhat more concrete terms and with reference to the aims of a manpower policy, as they have been outlined above?

It means, first of all, that the public authorities should, as the very first step, adapt their labour relations policy to the requirements of a manpower policy. In particular, they should begin revising the assumptions on which our labour legislation is now based, as well as the practices and procedures which are reflected in it. One cannot, however, go into a detailed analysis of the principal elements of our labour laws at this time. Suffice it to say, as examples, that the following topics should be seriously examined with a view to re-evaluation and some radical changes: 2 conditions for exercising the right of association and of union certification; definition of bargaining units; procedures for the settlement of grievances; the very concept of grievance; concepts and methods of conciliation and arbitration; the length, content, extension and methods of renewing collective agreements; and the strike and its prerequisites.

In particular, the public authorities should assist employers and unions in re-evaluating, objectively and with regard to present problems, their respective positions towards "management rights", on the one hand, and union methods used to date to safeguard workers' "job security", on the other. I have emphasized these two vital points of the contract which are basic to the major and most serious of the obstacles to labour-management co-operation in the area of adjustment to

¹ Solomon B. Levine and Bernard Karsh, "Industrial Relations for the Next Generation", in Quarterly Review of Economics and Business, Vol. 1, No. 1, February 1961, p. 27.

² For an evaluation of Canadian legislation as a whole, see H.D. Woods and Sylvia Ostry, Labour Policy and Labour Economics in Canada, Toronto: Macmillan, 1962, esp. p. 256 ff.; studies by Arthur M. Kruger in Public Policy Toward Unions and Collective Bargaining; H.D. Woods, "Trends in Public Policy in Labour Relations" in Relations Industrielles, Vol. 20, No. 3, July 1965; J.-R. Cardin, "Le rôle de l'État en relations du travail", in Socialisation et relations industrielles, Report of the 18th Laval Conference on Industrial Relations, Quebec: Presses de l'Université Laval, 1963, pp. 75-98.

changes which affect labour. A minimum consensus should be reached among the "social partners" on their respective rights and responsibilities as to decisions about the introduction of technological changes and the means of protecting workers against the negative effects of these changes, particularly in the short run, on their job security.

If such a consensus is not achieved in the very near future, problems may be predicted in the field of adjustments to changes in concrete cases. Recent events show that we have not yet reached this objective. The discussions concerning the Freedman and Little reports, for example, the opposition to compulsory arbitration in certain disputes over problems connected with technological innovation, as well as the claim — ever more clearly expressed by the unions — to the effect that the very introduction of technological change should be subject to negotiation, despite management positions which in principle remain the same as before, tend to show that the split between employers and unions in Canada is becoming greater.

And this is only one example — the most serious, perhaps, and probably the most striking — of the problems which must be solved in relation to the implementation of a truly effective manpower policy. Some other questions, which have been mentioned above, should also be subjected to close examination: the scope of certified bargaining units, of negotiation and the rules of seniority, for example, are only the most obvious examples.

Public authorities in Canada, both federal and provincial, thus have the responsibility of taking the steps necessary to assist in the solution of these problems. One of these steps, and not the least important, is the revision of our legislation on labour relations. It is the role of the public authorities, in their legislative capacity, to ensure first of all that the legal framework and administrative practices of labour relations do not in themselves constitute obstacles to the adjustment of manpower to changes and to better co-operation of employers and unions, both between themselves and with the political authorities.

This re-evaluation of labour relations policy could not possibly come about in a democratic system without the active participation of employers and unions. The public authorities, even if they must as a last resort decide on the legal structure and administrative forms — for these are political decisions — should not do so before the most extensive and articulate consultation possible with the groups concerned. In this way, and in this way alone, can they be sure of the co-operation of these groups in carrying out the political decisions. These principles are universally applicable in a democratic system, but they still need to be reiterated in the present state of labour-management-government communications in Canada.

¹ Canadian Labour Congress, Memorandum to the Government of Canada, February 15, 1966, pp. 32-34; cf. their "Statement on a National Program to Cope with Automation". These deal with a new kind of demand. Formerly the unions did not ask to negotiate on the actual introduction of technological changes, but attempted only to lessen the effects on their members by protective clauses.

V - Towards Improved Industrial Relations

How can unions and employers prepare themselves to contribute their share to the development and application of community decisions? In other words, how can they become more capable of co-operating among themselves and with the public authorities in a manpower policy? This is the question I shall try to answer in this last section of the present study.

A. SUGGESTIONS FOR THE LONGER-TERM FUTURE

Generally, it is clear that labour and management cannot contribute to changing their environment except by compromising at the outset — that is, by agreeing to reformulate the ideological assumptions which now support their actions, and by providing themselves with the necessary organizations and with a research and management staff in order to be able to carry on a dialogue at the highest levels in an objective and informed manner.

1. THE LABOUR MOVEMENT

(a) A Better Balance between Bargaining Demands and Participation in Public Affairs

The Canadian labour movement, for its part, ought to make an effort to resolve the contradiction which at first sight appears to exist between the traditional conception of its role in the economy and the very idea of participation in the establishment of policies able to affect its bargaining role — an apparent contradiction which has already been discussed. As Alain Touraine points out, when technical evolution transforms the nature of the enterprise and the conditions in which work is carried out, the labour movement risks finding itself trapped in the dilemma between simply making demands as to the determination of working conditions (its traditional role), and participation in a deeper (community) activity on the more general aspects of labour conditions, such as those of economic growth or of the consequences of automation (the evolved role).

It is clear that this diversity of roles creates tensions within organizations whose traditional activity was centred more on the economic defence of workers in a enterprise. These tensions can only be overcome if labour influence is progressively institutionalized. This old type of trade unionism can develop despite an almost total absence of access to power; a situation of pure opposition is more and more dangerous today and there is a great risk that a union movement oriented solely to disputes may be reduced to effective intervention on only the most elementary level.¹

¹ Alain Touraine, op. cit., p. 31.

Trade unionism must undertake an "ideological reappraisal" within its organizations in order to resolve this superficial dilemma of necessary contention as opposed to equally necessary participation with the other sectoral groups in the public policy decisions which concern it. This is essential in order to improve the state of communications among the unions, employers and the public authorities which will be from now on the criterion of the dialogue organized between them as manpower problems arise.

The labour movement, although it has never developed the revolutionary schemes of certain European movements, has nevertheless developed, as we have seen, attitudes, organizations and methods of action which are so centered around demands alone that the very idea of participation at the highest level risks being regarded by some militant members as an unacceptable obstacle to the traditional aims of the labour movement. They thus experience some difficulty in conceiving of participation in organizations within which certain forms of demands would be abandoned to make room for community views and longer-term perspectives, where the situation as a whole would be studied in view of the new imperatives which a general manpower policy would impose on them.

But the dilemma, as has been pointed out, is only superficial. Participation does not at all imply that the unions must abandon their role of presenting demands, an essential role in a democratic system. It implies only that these demands will take other forms, will be expressed on higher levels in some cases and in relation to broader objectives than those with which they have dealt to date. It also implies a more satisfactory balance between this latter role and the possible concessions which are necessary to obtain longer-term benefits for the wage-earners.

The unions would achieve this desired balance by harmonizing, as far as possible, objectives which are primarily economic, detailed and immediate, with those of better adjustment by their members to technical changes, by abandoning decentralized bargaining when necessary, and hence by adapting their structures.

(b) Greater Cohesion of Organizations and Better Organization of Authority

In the field of structures and authority, the Canadian labour movement should first make an effort to achieve unity of action, which does not necessarily mean an amalgamation of already existing structures at the congress level, but can very well come about in the form of a coalition of unions, or in any other form of close inter-union co-operation. This unity of action would mean for union representatives – regardless of the organization to which they belong – a community of attitudes both as to the objectives of their respective congresses as regards appropriate solutions and as to the means which they intend to use to attain these objectives. This should involve preparation by them of a minimum union programme covering, if possible, both longer-term aims and those to be achieved in the more immediate future.

One might suggest for this purpose the formation of joint consultative interunion committees concerned, at the congress level, with general problems involving all industrial sectors and workers and, at the level of the individual union, with the particular problems of each sector of craft or industry. Such committees within the labour movement could also be formed on the provincial or regional level. Procedures for prior agreement have already been occasionally followed on various questions by representatives of union congresses when they sit, for example, as members of various government bodies. But the point here is that this process should be institutionalized, as it were, and established on a permanent basis. Thus, the labour movement would be ready in a position to develop common attitudes and proposals as problems arise and in a systematic fashion from the bottom up.

It is absolutely necessary, besides developing this close and systematic cooperation on the higher levels of the union organizations, that labour in Canada undertake a redistribution of authority within its various organizations. When consultations are to take place, or even when decisions are to be made in connection with the preparation of certain general measures or manpower programmes, the representatives of the labour congresses must be in a position to exercise sufficient authority so that these measures and these programmes may be put into effect by the movement as a whole and by the organizations concerned.

In fact, it is quite futile to reach decisions on various subjects — contributions to retraining plans, geographic or vocational mobility programmes, agreements on certain key clauses in collective agreements, methods of solving conflicts brought about through technical changes, etc. — if, due to the nature of the power structure within large congresses, these decisions cannot be applied because of a lack of co-ordination of authority and action and of too great a degree of autonomy at the level of the local or of the individual union.

Individual unions, for their part, should be less numerous but larger in order to be better prepared for the carrying-out of general or particular measures concerning them. A consolidation of structures at this level would thus appear necessary. Because of the evolution of technology and because of its consequences for the nature of jobs and the needs for employee mobility and for vocational training, the typical union in years to come will, in my opinion, have to evolve towards the multi-industrial and the multi-vocational type. Such a union could even include manual, office, technical and even professional workers, with each of these groups having a certain autonomy and a separate organization at the local level.

Eventually the unions may even have to structure themselves according to the manufacturing process in order to follow the evolution of industrial organization more closely. For in order to reach a greater versatility in their lines of production, firms are tending to organize themselves according to the requirements of a technological process as in the electronics and chemical industries, so as to have the required flexibility to meet market requirements. Although I am projecting somewhat into the future here, it is opportune when considering possible structural reform to foresee that organizations based on craft or even industry in the traditional sense of the term will sooner or later have to give way to an expanded type based upon technological processes in use.

As to the union local, its function should be changed accordingly. This is because of the higher level at which certain decisions should be taken, and which collective agreements should take into account and also, because the increase of authority conferred to the upper echelons of the union movement makes it imperative for the local to adjust its points of view and its action more to the over-all decisions concerning the adjustment of workers to changes. One might refer again to seniority clauses, for instance, which should allow for greater transfers of workers faced with an adjustment problem by means of enlarged areas of seniority. The same holds for the local preference clauses in hiring and those concerning waiting lists, etc., which should disappear or at least be adjusted in terms of agreements made in connection with programmes adopted by the authorities of the bodies to which the locals belong.

A certain fairly advanced process of centralization at the level of the unions is already taking place, and I believe that it will need to be accelerated. On the other hand, the local should increasingly play the role of an efficient information agency, throughout the movement, so that union representatives belonging to the top echelons may be made as fully aware as possible of the reactions and concrete problems of their membership. Likewise, the locals should serve as information channels for the explanation of agreements and procedures negotiated by the officials and which should serve as standards or precedents for local and specific agreements. It is obvious that the union local would remain the basic unit of the movement from which would finally emanate the truly representative character of union representatives in discussions with management and public authorities. It would also continue to fulfil its role as a form of union authority with regard to the management of the enterprise and as partner with regard to the application of agreements and with respect to the terms of agreements of a more general nature applicable at its level.

(c) The Need for Research

In order to participate effectively in a manpower adjustment programme, union organizations in Canada should obviously set up research units composed of specialists and consultants who are well grounded in the social sciences, preferably university graduates in fields closely connected with the different aspects of manpower problems: economists, sociologists, psychologists, specialists in labour relations, etc. Once familiar with the concrete implications of the problems, these research groups would be in a position to collect the necessary information, to analyze it and make recommendations to the union representatives responsible for discussions with management or the various governments or for applying the results of these discussions to their respective sectors.

One cannot put enough stress on the need for consulting staff within the labour movement and on the need for far more systematically and intensely pursued research. It should be recognized that labour in Canada is rather ill-equipped in this respect. A shortage of specialists is felt at all levels of organization, and this deficiency was strongly emphasized by the union leaders with whom I was in touch during the preparation of this survey. The need for far more intense research constitutes an essential prerequisite for "the educational effort of the first magnitude" which "is at the same time necessary and urgent" among the members, in order "to allow all categories of the union movement to grow familiar with the numerous aspects of

technological progress and to learn how to cope with it efficiently". It is also necessary for the purpose of an objective confrontation and discussion of the results of research which government bodies and the management will have to provide on the subject.

In spite of efforts made thus far by the congresses and certain unions to organize research services and to provide technical staff, the demands of daily union life have not permitted these specialists to spend much time on the problems of adjustment to changes which have inevitably given way to the current needs of traditional collective bargaining.

2. MANAGEMENT

(a) A Wider Concept of the Social Role of the Firm

Many of the suggestions which have just been made in connection with the union movement can be applied equally to Canadian management. With regard to attitudes, it would be in the interest of business, as in the case of labour, to proceed without delay in bringing its ideological arsenal up to date. What management must recognize is the evolution which the concept of the firms has undergone with the acceleration of scientific and technical progress.

It must face up to the fact that the social significance of the firm is changing as these various forms of progress demand from it a "social rationalization" whose object is in the first place the integration and adaptation of manpower.

It seems less like an autonomous economic agent — even in a liberal society — and more like an organization, a social environment...in which the firm and labour organization cannot be separated. The claim by private enterprise to a proper principle of legitimacy, whether it be traditional or charismatic, is lessening. It is judged in terms of the "services" which it provides, i.e. its participation in economic development and its capacity to establish a recognized liaison between growth and social progress, specifically the increase of wages, the improvement of working conditions and job security. The firm no longer tends to be either a private economic entity or a non-autonomous element of a vast production plant, but a private institution, i.e. an autonomous actor, but whose functioning is judged by referring to social values which go beyond it: rational growth and the democratic utilization of this growth.²

In my opinion, these words by Alain Touraine sum up perfectly the new light in which management must henceforth envisage the carrying-out of its functions. Such a conception of its role would assist in bringing about a marked increase in flexibility of the position of several company managements on questions such as that of the rights of management, for instance, during bargaining with unions or of their participation in bodies aiming at reducing the negative effects of technological and other changes. A certain number of employers already think this way, especially some of those who voluntarily participate in current experiments with employee transfers.

¹ CLC, "Statement on a National Program to Cope with Automation", p. 3.

² Alain Touraine, op. cit., p. 26.

But a deeper penetration of these new management concepts would be of great help in bringing about improved results, by allowing the solution of a series of problems which are connected with the transfer of employees as such, and which are not considered to be the responsibility, at least shared, of the company. I have in mind the financial or other aid to be granted to a worker who has been transferred; his settling into his new home, and his problem of selling property in his former place of residence. Another example is the adjustment of certain very particular cases of disadvantaged employees who do not exactly satisfy pre-established conditions enabling them to take advantage of an adequate retirement fund. These are only a few concrete examples of how the conception of the role of the company in connection with manpower problems can influence the solving of these problems, and which consequently demands an immediate re-evaluation.

In its relations with public authorities and unions, management, considered as an intermediary body, is subject in substance to the remarks pertaining to principles already made on the subject of organized labour.

Management should visualize that its participation will entail some inroads into the present power structures and will tamper with the underlying postulates of these structures; in other words, management would have to concede some of the traditional privileges inherited from the period of pure economic liberalism. To adopt a different attitude would only mean a "superficial" participation. It would not truly be co-operation and this might lead to frustration on the part of the unions. By agreeing to an empty "dialogue", it might fairly soon develop a feeling of complicity and of collusion with the other groups, and this feeling would ultimately be detrimental to the basic aspirations of their members and would put union representatives in an untenable situation with their membership.

The concept of participation is often accepted, as being solely an action by the public authorities likely to create a better "climate" for free enterprise and to provide it with better initiatives. Ambiguities should not be allowed to continue with regard to the way in which participation is conceived, by both the union and government sides, and also by management, because they would have immediate and negative repercussions on manpower adjustment policy.

(b) The Need for Representative Organizations in the Field of Labour Relations

With regard to organizations, it is, in my opinion, most urgent that Canadian management develop truly representative organizations endowed with definite authority over labour relations and related problems. This could be achieved, either by restructuring the large existing associations in business and industry and by co-ordinating them with respect to their objectives as management associations, or quite simply by setting up new ones devoted at least in part to labour relations and able to represent management in economic and social matters which require co-operation at the national level.

Whether either of these methods is used — both types of associations exist abroad and may serve as examples — there should first be a regrouping, both vertically and horizontally, of the largest possible number of employers in Canada. By

this I mean regroupings according to sectors of activity, independent of geographical boundaries (vertical level) and regroupings by provinces and economic regions, independent of the industrial nature of the firms (horizontal level). This does not prevent but rather presupposes the presence of local associations or of associations on a more limited regional scale of both a specialized and general nature, where these prove to be necessary.

I believe that, as in the case of the labour movement, these types of structures are necessary and must coexist among employers, especially in connection with the solving of manpower problems, where the demands of a labour market and employment policy are both of an occupational and geographical nature — mobility, retraining, manpower forecasting, problems of local unemployment or of particular occupational shortage, etc.

These organizations should in turn be represented at the highest level in a Management Council, or if a representative confederation proves to be impossible because of various factors of an ideological, cultural, political or other nature, then various coalitions of a permanent nature should be formed if possible, and I hope would be the case for the unions and similar bodies at other echelons, in order to insure the existence of responsible representatives within management as a whole who are capable of carrying on a dialogue with the unions and the public authorities.

I know that the nature of business, its internal structures, its financial organization, and its particular problems in the areas of trade and industry in a free economic system, make problems of communication and of organization at the levels which have just been described quite complex and very specific. Nonetheless, these obstacles should not be a pretext for avoiding a serious effort at reorganization along the lines which have just been outlined.

At any rate, whatever formulas are used in practice, it should be possible to structure management in such a way that the various categories of employers can make use of the structure and be represented in it by agents who are truly representative of their various interests.

Here arises the problem of very large, middle-sized and very small firms and their respective interests. In most countries where management organizations exist, these difficulties of sometimes opposing, or at least divergent, interests have had to be overcome. No exceptions need be made. In the matter of manpower, these differences can be of extreme importance. What is feasible for a large firm may not be so for an average or small company. The nature of the problems is often not the same, either.

These various categories of employers should be able to have access to representation and to express their points of view in discussions at all levels and on all questions concerning them. The means of information and also the financial means, depending upon the case, should also be accessible to them so as to enable them to contribute their share towards research and study on their particular situations.

Finally, the higher bodies (management council, coalitions of employers, industrial federations, etc.) should have at their disposal, if not a hierarchical authority — as is the case in Sweden, for instance — then at least broad moral support from their affiliates so that there will always be at least a minimum of discipline to insure the observance of agreements or other directives given by the delegated representatives.

(c) More Advanced Research

It is obvious that, as in the case of unions of workers — and even more urgently in my opinion — an immense effort in education and research must be made by the employers. The representatives of management whom I have met in connection with this survey were unanimous in deploring the lack of research within the management community with respect to labour relations and in particular to manpower problems.

I definitely want to lay more stress on the fact that, properly speaking, it is impossible for the public authorities to pursue their own research on manpower forecasting, on changes and their implications with respect to the quality and the quantity of labour with a view to the movement of workers, if employers themselves do not pursue part of this research on their own account and do not communicate their results to government agencies.

One aspect of this problem is very well brought out by the Economic Council of Canada in its First Annual Review as follows:

Active co-operation between the employment service and employers is indispensable. No employment service can fulfil its role effectively without having an accurate and up-to-date knowledge of labour markets. This knowledge can only be obtained if there is an effective relationship between the local employment office and employers in the area. The key to an effective employment service is prompt reporting by employers of their unfilled job vacancies, and their expected vacancies.... To formulate an active labour market policy without this fundamental knowledge (economic information on the labour market) is impossible.¹

This is only one aspect. Let me say by way of an example, before closing this section, that companies, like the unions, must pursue serious studies with respect to the relations between the consequences of changes on manpower and their effects on the structure of collective agreements according to the groups of workers and the industries affected by these changes.

3. COLLECTIVE BARGAINING

We have seen above both the deficiencies of collective bargaining as it is currently practised in Canada in the face of the need for effective manpower adjustment programmes, and the almost exclusive role which it plays in the matter of communications between management and unions. We have noted that this is one of

¹ Economic Council of Canada, First Annual Review: Economic Goals for Canada to 1970. Ottawa: Queen's Printer, 1964, p. 177.

the great weaknesses of our system of industrial relations when it is a matter of proceeding to a better adjustment of manpower to changes.

At this point, it would be a good idea to look into the future a little and suggest some modifications of a type that would make collective bargaining more fitted to fulfil its functions in this regard. In terms of what I have just said about management and unions and the reforms which these should now make in their ways of thinking and their organization, collective bargaining can only follow a move of this kind and it should acquire other characteristics than those which we have seen in it up until now.

(a) The Need for Collective Bargaining at a Higher Level

With regard to technological changes, one can say, as do certain U.S. specialists is labour relations, that collective bargaining must become a sort of industrial government. I do not wish to cause confusion here in my use of this term by letting it be supposed that this is a revolutionary concept. It is simply a general term which means that collective bargaining must become wider in scope and be able to serve as a meeting point for a frank, objective, in some way permanent and well-informed, discussion of the problems that characterize the different sectors of industry.

Without, therefore, losing its private character, i.e. founded on the free will of the parties, it must acquire a "community" character in the sense that it must no longer deliberate in the closed world of the exclusive and immediate preoccupations of the groups concerned but must consider more general policies and programmes of action worked out at a higher level.

Different formulas could be suggested to achieve such a result. The first solution which comes to the minds of several observers would be to provide for a progressive shift of collective bargaining from the local level to that of the industry and even to the multi-industrial level in some cases. In the United States, various types of industry-wide bargaining are already carried on in some sectors. In Canada, there have been various reasons why bargaining is not generally carried on at this level: the fragmentary character of union organization, the absence of real management associations, the constitutional division of jurisdiction with regard to labour, etc.

It would perhaps be necessary to consider, at the very least, proceeding by stages and developing company-wide bargaining, as far as possible, as is already the practice in certain public and private industries both here and in the United States. If negotiation takes place at the level of one industry or one employer, one might also think that it could at least be carried on at regional or provincial level, if it is impossible to achieve industry-wide bargaining in the near future because of the limiting factors to which I have just referred.

Here I do not wish to be dogmatic but I firmly believe that the decision-making centres in labour relations in Canada must move to a higher level and that, with technological and social evolution as they are, it cannot be otherwise in the fairly near future if useful results are to be achieved in the matter of balanced economic growth.

At least in so far as problems of manpower adjustment to change are concerned, it is inevitable that the crucial "bargaining" should be carried on between the management of firms and the unions at a level higher than that of the plant and that probably this level will be at least that of the whole industry. The important thing in this proposal is that the terms of agreements signed at a lower level should take account of higher level agreements and not be hindrances to their implementation. This obviously presupposes that employers and unions will make the changes in their power structure that have already been suggested for them.

It must be emphasized that when I talk about collective bargaining, I am referring only to the actual process of bargaining and that this in no way implies the setting-up of rigid agreements which must be applied without discretion or significant modifications in all the local or particular situations represented at this negotiation.

On the contrary, the agreements which act as frameworks must stay very flexible in their application to the local level. This is, moreover, exactly what their purpose must be — that is, to allow a wider, more objective discussion with a better scientific and statistical backing and which is less affected by the emotional aspects of the problems, at the same time making the parties more capable of grasping particular situations in their true perspectives and to harmonize the solution taking into account their own requirements and the ways in which they can be satisfied.

A variant of this type of industry-wide bargaining has already been envisaged as possibly offering some elements of the solution with the aim of better adapting the latter to an over-all manpower policy; this variant is inspired by certain European systems and by the Quebec system of the legal extension of collective agreements. Le Conseil supérieur du Travail du Québec, during its last term of office, made a study in depth of this procedure and envisaged some very interesting ways of adapting it to the determination of basic wages and minimum working conditions in various industrial and geographic sectors.

I admit that the procedure of legal extension is not a part of North American practices in general and that European experiences since the end of World War II do not arouse overwhelming enthusiasm for this idea. Nevertheless, despite the difficulties of applying it (determination and application of the criteria of representativeness of the negotiating parties, delimitation of the aims and areas of application of the legally "extended" agreement, problems of the equilibrium to be maintained between the marginal enterprises and the others, etc.), it is still a model which it would, I think, be desirable to see examined on its merits and with the necessary imagination by the interested parties.

¹ P.-P. Proulx, "Politique de main-d'oeuvre et négociation collective" in *Une politique globale de la main-d'œuvre*?, Report of the 21st Laval Conference on Industrial Relations, Université Laval Press, Quebec, 1966, p. 102.

² J.-R. Cardin, "Experiments and Progress in the Field of Labour-Management Relations in Europe", op. cit., pp. 125-218.

(b) Joint Negotiating Councils

It goes without saying that broader collective bargaining, whatever its form and its aims, cannot be carried on according to the same procedures and in the same spirit as that which is carried on now at the local level. I think it is indispensable that it should proceed within permanent joint bodies (committees, commissions, joint councils, etc.) within which the parties would periodically meet and discuss their common problems as they develop so that with the help of technical advisers, economic and other research, and in a fully objective way, they can set guidelines which would lead to the conclusion or renewal of an agreement which could serve as a pattern for their reports at the industry level and serve as a basis for local and regional agreements.

This is, I feel, the only way to dissipate the "atmosphere of crisis" and to eliminate as far as possible the legalism and the sterile strategy which have too often marked labour-management communications on the occasion of collective bargaining in our country. This "paritarism", inspired by European examples, is perhaps the one characteristic of these foreign systems which is the most amenable to a valid adaptation for use in Canada and which is most likely to prove of real value in helping to improve the state of our labour relations, especially with regard to manpower problems.

This must not be seen as a form of disguised co-determination — far from it — and even less an organized collusion. There has often been a tendency in our environment to see joint bodies in industrial relations as alternatives to real negotiation. This false conception is largely due to the fact that most of the time such formulas have been put forward as substitutes for negotiation or as a sort of counterweight to it under the pretext that there should be no discussion of divergent interests — the real problems — only of higher common interests, the underlying (and wrong) idea being that if the parties managed to "understand each other" at meetings and on aims outside their ordinary disputes, no conflict could continue between them.

This, in my opinion, is what brought about the relative failure of the various formulas of co-operation which people have tried in the past to promote in Canada. Lacking a valid aim and without any very precise goal, and most of the time dissociated from the real problems, they did not survive when confronted with harsh reality. It is not surprising that the labour movement, as a whole, showed little enthusiasm for this kind of "paritarism" and often saw it as nothing but a way of putting each other off or falling into collusion.

The "paritarism" which I suggest here is a "form of bargaining", a means of confrontation and, if possible, of agreement on matters which vitally affect relations between management and the unions. If representation is good and basic, democratic control is assured; and also if the parties are ready to participate frankly and objectively, there is no reason why such a formula should not in the long run bring really positive results.

It is to be noted, finally, that this "paritarism" should be reproduced wherever necessary — especially at local levels, for it is there that daily problems arise, that decisions made often at a higher level are actually implemented, and that individuals are concerned.

I am aware that these suggestions aimed towards transforming our system of collective bargaining are not flawless. Each system contains inconveniences and its own deficiencies. European examples of negotiations at the industrial level and joint formulas should help us to be realistic. However, although this may be surprising at first, our system of labour relations includes certain features which, if properly adapted, could constitute both a means of control and a guarantee of the implementation of the agreements at the industrial level; this is something that European systems generally do not have and this is the reason for many of the problems involved in their ways of collective bargaining.

One might note in particular the force and dynamism of our local institutions in labour relations, of the legal presence of the union at the level of the firm and of the direct and often very large control that the unions now exercise at this level. All these elements are largely lacking in most European labour relations systems and we could derive great benefit from them if we could adapt them accordingly. This is particularly true in the matter of manpower policy.

If I have dwelt for some time on institutional solutions which are general in character and, in the eyes of some people, more theoretical than practical, if is because, having analyzed the actual weaknesses of our system, I do not want to lose the opportunity of exploring in outline the modifications and changes which become necessary, at least logically, under present circumstances.

I realize that there is no question of bringing in ready-made foreign formulas which would fit badly into the North American and especially the Canadian situation. They would, moreover, have no chance of success. But I firmly assert that the essence or at least the idea of the main changes suggested in this study does not in any way constitute a pure and simple transplanting of any system whatsoever and that there is nothing inherently Utopian about them. On the contrary, if we really wish to settle certain basic problems which everyone is ready to deplore, we must achieve these changes not by sweeping aside all the existing mechanisms — which would be Utopian — but by using these mechanisms as a basis and adapting them to our needs, taking into account the special conditions of this country.

With the International Labour Office I believe, moreover, that:

employers' and workers' organisations, particularly in the industrialized countries, can often exert considerable influence on the formulation and implementation of plans outside the institutional framework by resorting to the highly varied kinds of action open to them in any given situation. Indeed, the main point of formal participation arrangements may be to permit the orderly concentration and confrontation of these scattered pressures at the technical level.¹

But I am also in accord with the ILO in believing that:

neither planning, however, nor the machinery for participation in it, are merely passive reflections of national conditions. Once they have been installed and

¹ ILO, "Participation by Workers and Employers in Economic and Social Planning: some introductory remarks", in *International Labour Review*, XCIV, 4, April 1966, pp. 333-334.

have become a living reality, they tend to modify the basic features of economic and social life, especially those determining the role of occupational groups in general and of employers' and workers' organisations in particular.

This is a fair summary of my position with regard to the relationships between structures, attitudes and behaviour and explains the reason for the way I have proceeded so far.

B. SUGGESTIONS FOR THE IMMEDIATE FUTURE

(a) A Nation-Wide Joint Committee on Manpower Problems

In the immediate future, I would suggest the setting-up of a joint consultative committee between, on the one hand, authorized and representative management delegates from the main organizations in business and industry — preferably people who command the greatest respect personally and who are likely to have a good audience among management in general — and, on the other, union representatives from the two Canadian congresses. This committee should be formed to take a serious look at all the problems due to changes affecting manpower and to delimit with the greatest possible accuracy the areas of understanding and of possible or apparent conflict between employers and unions on this subject.

The question arises here of whether such a "summit" committee should result from the exclusive and free initiative of these two "social partners" and whether this committee should function with or without government representation. Here there may be a legitimate difference of opinion.

As for the first part of the question, it would, in my opinion, be much more in conformity with our labour relations customs, and at the same time more auspicious for the effectiveness of the proceedings, if the parties took the initiative for this on their own. This would obviously presuppose their putting aside, at least for the purposes of these meetings, their traditional rivalries, their mutual mistrust and a certain apathy when it comes to going beyond the usual aims of their respective functions.

If such a voluntary effort shows itself to be impossible or too slow in starting, then I believe that the public authorities should in some way or other take the initiative and, after consultation, summon those who they consider can most validly represent management and employees on such a committee.

As for the second part of the question, here again opinions differ. Nova Scotia's experience seems to indicate, however, that it is preferable, where manpower problems are concerned, for the public authorities to take part in such a conference at least as observers and technical advisers who can provide information of a statistical or other nature. Especially if we envisage the formulation and implementation of an integrated manpower policy by the public authorities, it seems inevitable that they should be present and take part in this "summit" committee since, if legislation is to result from these discussions, it is the State which must pass this

¹ Ibid., p. 334.

legislation; in this way the legislation is much more likely to reflect the legitimate points of view expressed by this committee and the discussions which may take place there.

There is obviously nothing to prevent the management and union representatives from changing their respective positions before and during the discussions as long as this is done in the frankest possible spirit of co-operation with the position of the government and with the aim of adding to the effectiveness of the consultation.

This committee would also have the task of collecting existing data from research into manpower problems, of stimulating the research effort and orientating it towards the organizations concerned, and of making the results known as widely as possible among the population at large and especially among management and union organizations.

This function of the committee should be accompanied by an intensive and well-run information and education campaign directed at the employers and the intermediary executives of the union movement, so that it can reach management as a whole at all levels and also the union members.

I believe that this function of broadcasting information about manpower problems, the nature of technical change, its short- and long-term effects, the means of benefiting from it and minimizing the bad effects, etc., among management and union members, constitutes a preliminary but essential stage in the effective implementation of an integrated manpower policy in Canada. In my opinion, it is perhaps what is most lacking in Canada today. It is of the utmost importance that objective, "factual" information, with no emotional colouring, should be spread as widely and intensely as possible among both employers and workers. Without such information, there is a risk that these parties will see the measures which are being considered at the moment and those which will be developed in the near future in a dangerously negative way, on the whole, because their view of them will be incomplete and subjective.

Later, after it has examined the over-all situation and fixed the main points of conflict between management and unions concerning the introduction of changes and adaptation to these changes in collective labour relations, this committee should, I think, make a determined and frank start on an in-depth study of these areas of contention. This should be done in order to sort them out and, if possible, arrive at a certain consensus or, at least, to reduce the irreconcilable disagreements as far as possible so as to remove all ambiguity about them and perhaps allow for certain compromise formulas which will be acceptable to both sides.

For I am convinced that it is useless to skip the real problems at this level of discussion under the pretext that subjects of ordinary collective bargaining should not be mixed with the discussion of manpower problems. Moreover, any agreement which results from a divorce between these two types of considerations would almost certainly have no valid results at the level of concrete problems.

I am thinking particularly of the questions of principle implied in the introduction and application of technological and other changes (management rights and union security) in the factory, and also of the various measures to protect security

of employment (seniority, etc.) which have been used up till now in agreements.

I feel that such a committee is perhaps the only place at the present time where an objective discussion of such fundamental topics has any chance of producing profitable results. The public authorities alone could not possibly solve problems of this nature, in my opinion, by legislating from a position of authority, independent of any organized consultation. On the other hand, their presence within the committee under consideration would be of considerable assistance in such consultation and would greatly encourage acceptance by the parties concerned of any legislative or administrative measure which might possibly result from it.

Finally, at a third stage, this committee could advise on the adoption of a memorandum, or even possibly of legislation informing the general economy of certain measures of adaptation to change, such as necessary advance notice and vocational training or retraining programmes. There might even be certain typical proposals as well, relating to the conditions under which the various measures may be applied, as for example: reduction of work force by natural attrition, transfer, portability of pension rights and adjustments to the new all-inclusive government plans, severance pay arrangements, mobility and relocation allowances fitting in with government arrangements, supplementary unemployment benefits, etc.

Naturally, this does not mean that such a committee could, through its activities, in any way replace federal or provincial government action in the field of employment and labour market policies on any matters involving the spheres of decision and programming which are properly their responsibility. It would act instead as a point of contact for consultation and discussion as well as for adjustment to the proposals or initiatives of the public authorities in these fields.

The discussions and agreements within this committee would profit from the research and services of the State and ensure that the steps taken by the latter would be better received and more likely to be acted upon by the individuals and organizations able to make use of them.

(b) Joint Industrial Committees

I would also suggest that meetings take place and if possible that joint committees of representatives of management and labour be formed as soon as possible at the levels of the different branches of industry most severely affected by technical progress, either for the whole of the industry itself if this appears feasible, or on a provincial or regional scale at the very least, if not at both levels simultaneously, in the hope of encouraging the co-ordination needed between the organizations thus formed. Such committees should be set up where they do not now exist, and where certain comparable structures do exist they should make an effort to take on the characteristics and the functions of these groups.

I feel that the existence and the influence of the "summit" committee should help to overcome the obstacles, which I admit are very imposing, brought about by structural weaknesses, antagonism and the disparity of interests which exist at this level. In any case it is essential, in my opinion, that such meetings (such committees), enjoying some permanence and unquestioned loyalty, be formed even if they exist at first on a purely "voluntary" and informal basis.

These committees or permanent conferences would make it their airm, on the one hand, to receive and support the efforts of the "summit committee" and to inform and persuade the organizations and leadership at the level of the sector involved and, on the other, to provide their own efforts for research and adjustment in relation to their own problems and to inform the "summit" representatives and the federal and provincial government services of these efforts.

They should also, through their nature and their position, assist the consultative committees attached to the regional and local employment offices to the best of their ability.

(c) Joint Organizations at the Employer and Establishment Level

Finally, it seems urgent that joint, periodic and somewhat institutionalized meetings be organized at the level of the individual employer, particularly among those whose companies are involved in urgent and major manpower problems. These meetings should be located at the employer level first, because it is at this level that the problems of adaptation can be more effectively discussed and properly solved. Certain transfer, reclassification and seniority measures, etc., should often be applicable among the various establishments of the same enterprise.

The experience of certain manpower adjustment commissions demonstrates that, if such meetings or mixed joint committees existed on the level of the entire enterprise, the work of adjustment would be greatly facilitated because of the studies and preliminary agreements possible at this level.

These company-wide committees, as well as the local or plant committees which should also exist for purposes of analysis and discussion of local problems, should, I feel, function in accordance with the spirit and recommendations of the higher-level organizations which have just been discussed, and should act as channels of information to the employees.

The kinds of problems to be dealt with during these meetings on the company and plant level should be left, at least for the present, to the initiative of the parties involved. As for their composition, I would emphasize only that they should normally include representatives from all the employer's union groups within the company-wide committees, and all those which operate in a given establishment within the plant committees.

Clearly, I have sketched only very briefly a general outline of the structures of co-operation which I feel could be achieved in the near future. I believe, however, that such "paritarism", expressed as joint bodies with equal representation between employers and unions in Canada, plus the collaboration and effective action of the public authorities on all levels, could go a long way in making the principal groups involved aware of the problems, first of all, and could then possibly lead to over-all and longer-term solutions which were generally described earlier in this study.

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