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[Aller au sommaire du numéro](#)

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Beyond Unions and Collective Bargaining

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Leo Troy is well-known to Canadian readers for two particularly controversial articles he has written about the North American decline in union density in which he argues that the fate of Canadian unions inevitably will follow that of our neighbours to the south. Private sector U.S. union density reached a historic peak of 36 percent in 1953 and ended the 20th century at just over 9 percent. He has written that Canadian unions are following the same trend line, but, he asserts, this fact is being obscured deliberately by Canadians who are misreporting and misinterpreting their own data. In this latest work, perhaps mercifully he drops this controversy (except for the occasional aside), but opens another, much larger and more significant one. The book addresses the question of what is happening to the vast majority of American (and by extension Canadian) workers who are not part of the unionized workforce.

Troy's position is that there exists a system of individual representation. Troy does not follow the tendency that has become fairly widespread among industrial relations scholars to attribute much of the decline in American union density to anti-union employer behaviour. Although he readily admits that employers' preference for a nonunion system "can be taken as a given" (p. 10), he turns his attention elsewhere for an explanation of union decline. He presents the fairly novel argument that there is a "separate and independent demand by nonunion workers for individual representation." He arrives at this conclusion by the confluence of two presumptions. First, ninety percent of American workers are not covered by unions and hence must belong to a different system of representation. Second, every "no" vote in a union election must be an affirmative vote for independent

representation. He builds a case that nonunion workers have some sort of atavistic yearning, or articulate position or preference for an individual system of representation. Troy turns industrial relations scholarship on its head by arguing that there is a "participation rate" in nonunionism (p. 16). This assertion merits serious consideration in the field of industrial relations, and I do believe it deserves sustained scholarly attention.

In this book, however, principal evidence upon which this argument has been constructed is a 1984 Harris survey for the AFL-CIO. The survey found that for many American workers the union route is irrelevant to their jobs and their lives. Though the possible existence of a nonunion participation rate is an important insight, I am not satisfied that the book contains sufficient evidence to transform a rejection of unionism by both employers and workers into an endorsement of nonunionism. Further, to establish the cluster of practices that constitute a system of individual representation, Troy tends to rely on generalizing from the practices of an anonymous group of exemplar large companies (for example, which establish wage rates by systematically surveying their local labour markets) and then arguing that these rational, thoughtful practices are characteristic of the entire nonunion system.

Perhaps, with evidence, the notion of an independent system might be a compelling proposition for certain sectors of the economy in which workers have high individual bargaining power and greater mobility among firms. But Troy has lumped janitors and nannies in with computer analysts and physicians. He needs a much finer and more nuanced appreciation of the labour market. I have made the argument myself that workers with high personal efficacy should be

free to chose a union or an alternative institutional arrangement that suits their needs, or nothing at all—but I would never generalize from this group to all workers. It concerns me that Troy's giant net in which he sweeps up all non-union workers is borne of his strong desire to prove (with only limited evidence) that workers resoundingly reject unions. For example, he asserts that workers fear the "union unemployment effect" (that layoffs are more prevalent in unionized sectors than nonunion), and this motivates workers to opt for the individual system. I find it hard to believe that workers actually formulate a cognitive awareness that, first, unions lead to job losses and second, there is greater job security in nonunion firms. This is a leap without any foundation, either theoretical or empirical. But it does raise the issue of who, or what, protects non-union workers. His clear answer is predominantly "the market," with some assistance from employment laws. This answer likely fails to provide solace for large groups of vulnerable nonunion workers.

There are a few baffling points in this book. Troy repeatedly makes reference to the critically important effects of the Korean War (in this book as well as at least one article), but provides no explanation. He rejects the notion that there is any credence to a system of collective nonunion employee representation (as it is practiced in joint industrial councils, mandated health and safety committees, employee-management advisory committees, and other institutionalized vehicles) because the U.S. law has banned it in the Wagner Act. With some trepidation because of the risk of being accused of self-promotion, I feel compelled to correct his blanket dismissal of the scholarship on collective representation by nonunion workers, much of which is my own. While Troy concedes that perhaps nonunion representation practices are valid in Canada, he argues

that it has no relevance for American industrial relations. In our book on *Non-union Employee Representation*, Bruce Kaufman and I spend considerable space demonstrating that law or no law, a substantial number of American (and Canadian) workers have collective representation in nonunion companies. Because it is illegal in the U.S. does not mean it is non-existent. Further, there are significant examples of widespread company practice in the U.S. for companies covered under the Railway Labor Act of collective nonunion representation, e.g. Delta Airlines overtly operates a nonunion system for thousands of employees. Troy is dismissive but lacks any basis for his discarding a great deal of very carefully crafted empirical scholarship.

Beyond Unions and Collective Bargaining is provocative and intended to be so. Troy ventures into dangerous territory, virtually alone in the industrial relations field, and without much ammunition. It is a pity, for I believe there exists a wealth of empirical work within the field of human resource management. While it might not support the full model Troy tries to develop in this book, certainly there is a lot of systematically-gathered data that could be brought to bear about such matters as dispute resolution through the courts, the communication practices of large, medium and small nonunion companies, the nonunion arbitration system currently experiencing explosive growth in the U.S., and the use and contents of employee handbooks. Troy's book is a treatise on a nonunion philosophy of management, and its weakness is that it looks to the field of industrial relations for inspiration (or confrontation) when the more appropriate foundation for such work comes from the field of human resource management.

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