

The Current Unilateralist Counterattack on Unionism and Collective Bargaining

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[See table of contents](#)

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Article abstract

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The Current Unilateralist Counterattack on Unionism and Collective Bargaining

Solomon Barkin

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Western societies face widespread uncertainties about philosophies and policies to follow in face of the issues generated by stagflation, high unemployment, the recession, incomplete recovery and vexatious political, social and international problems. At this time conservatives inaugurated an offensive to displace the dominant reformist views of the preceding three decades. They seek to regain the power previously enjoyed in society. In this new battle, their special targets are the government, the highly expanded aspirations of the work force and the aggressive trade union movement. Government intervention had limited the operations of the market place and society. Its initiatives guided, restrained or dictated action in the name of the public interest, rather than fostered private profit. But the effort to dislodge this force proved to be gigantic. As a social instrument government had gained considerable approbation for its efforts to stabilize the private economy in the thirties, limit the abuses generated by the private economy, guide and assist in postwar recovery, economic growth and full employment during the fifties and sixties. It enacted a host of positive measures to assure the security and improve the life and work standards of the work population. One goal of the conservative movement was to reestablish management's preeminence in industry. Thus it glossed over management's derelections and discouraged or even stifled criticism of management performance. Periods of criticism were shortlived, despite the continuing evidence of its

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failings and abuses and at best desultory and delayed efforts at innovation and invention in enterprises.

The other targets were the trade unions and the labor parties. Conservatives charged that their conduct and policies were largely responsible for periods of slow growth and high unemployment. In this area, conservatives sought to restore the prior balance of power, with management philosophies in control and decision making of trade unions and employees sharply curtailed. Some advocates of this new direction for public policy spoke openly of curbing if not eliminating improvements in labor standards introduced in former years. They also hoped to constrict the influence of the social democratic and labor parties.

This analysis will illustrate the developments and contents of the new policies in the field of industrial relations noting that another equally dramatic account may be set forth in the fields of wage policy and social welfare programs.

DEFINITION OF ISSUES

At the heart of the controversies in the industrial relations field is the contention by the conservatives that the responsibilities for all decision making in the enterprise should be vested in management, even in matters affecting the employees. Unilateral control is the essential objective. The argument runs that employers by reason of their rights in the property on which the enterprise is built must be able to set the terms and conditions of employment and the rules of conduct within the workplace. Democratic principles are irrelevant if not injurious to the operation of a business enterprise. In an international economy, employers must keep costs and products competitive and reflect the pressures of the international market.

DENIGRATION OF TRADE UNIONS

To support this swing of ideological and political views toward a conservative approach, the advocates boldly pronounced their litany that union activities and programs were responsible for the nations' economic and social difficulties. Unions through their advocacy of many economic and social policies had burdened management and the society with excessive costs. They had stimulated and broadened the aspirations and expectations of the lower income groups and therefore encouraged widespread social unrest. In preaching the doctrines of industrial democracy, they had encouraged demands to limit management's rights and obtained restrictions

on its initiatives. In battling for consultative and codetermination rights they had reached beyond the subject matter of direct concern to the employee to the upper realm of the conduct of the enterprise itself. Managements resented these incursions into their freedoms for decision making and action. Nor would most of them make extensive efforts to revise their systems of management to allow for this new influence and force in their organization. Many made these irritations the source of their repeated complaints that their business difficulties stemmed from this source of diversion of resources and time. For them the essential demand was the restoration of unilateral decision making. They were joined in this refrain by economists, legal authorities, management philosophers and journalists who built their logics upon the legal assumptions of an earlier century¹.

Another academic group which was critical of trade union intrusions into the policy making field, particularly at the political level, were those political scientists who considered themselves to be corporatists². They rejected both the fascist and nazi models of political reconstruction effected during the interwar period. This opening of the public policy agencies to private interests, primarily industrialists, financiers and landowners was considered injurious to the public good. But the transfer of this image to trade unions in their relation to private authority in the enterprise and to public authority in the public arena was based both on a superficial analysis and hasty judgements. They forgot that consultation of public agencies with private persons had been long practiced, probably existing even in early modern history when the national government began to intervene into economic affairs for tax and trade regulatory purposes. Informal consultation between the governmental representatives and private interests, usually the dominant economic powers, continued to this date. The only new aspects of recent developments were the formalization and routinization of the arrangements and that the postwar arrangement provided for representation of new interest groups including labor, consumers and environmentalists. The fear that labor organizations would become subservient to the political regime overlooks the democratically structured nature of these independent organizations which makes leadership dependent on the support of and free acceptance by the membership. The frequency of local revolts,

¹ James A. ATLESON, *Values and Assumptions in American Labor Law*, Amherst Massachusetts, University of Massachusetts Press, 1983.

² Andrew COX, Jack HAYWARD, «The Inapplicability of the Corporatist Model in Britain and France: The Case of Labor», *The International Political Science Review*, 1983, vol. 4, no. 2, pp. 217-240; Marion ALEXIS, «Neo Corporatism and Industrial Relations: The Case of German Trade Unions», *Western European Politics*, vol. 6, no. 1, January 1983, pp. 75-92.

schisms and dissent attests to this democratic nature of the institutions. Western unions have made a point objecting to unions controlled by the government by characterizing themselves as «free». Union claims for consultation and co-determination are generally not for rights to be implemented primarily at a central level but within the individual plant or enterprise. It calls for face dealings between local union representatives and the management. This program, moreover, received early support from the International Labor Organization founded in 1919.

The need for political consultation between the special groups and the governmental bodies won recognition in political circles. It was the base for efforts after World War I and later to introduce and organize consultative bodies or special chambers as in France for the consideration of economic and social issues. A parallel movement for consultation with trade unionists at the national level can be traced in several countries to the period of World War I. It was strengthened with the formation of Social Democratic and labor governments and coalitions after World War II and particularly at the end of the sixties and seventies. As many ministers in these governments had been active participants in the labor movement, they had long engaged in direct discussions with unionists in the shaping of policy and political positions.

The consultative process has moreover been institutionalized in a number of countries. In Sweden, it became the established practice for governmental commissions to include representatives of a wide range of opinions on public issues so that the recommendations would reflect a consensus among the competing groups. In the United States lobbying has become an accepted procedure for interest groups to influence legislative and executive opinions and decisions. Moreover, interest groups are given an opportunity to offer their views and supporting data before legislative and administrative agencies. The challenges sounded by conservative governments to these practices led them in many cases to eliminate the bodies or emasculate their proceedings and powers so that the agencies atrophied. Nevertheless consultation remains an integral part of the governmental process, both of the political structure and even the industrial one.

THE WEAKENING OF TRADE UNIONS

In this new conservative era, efforts at weakening the union did not stop with the exclusion from the consultative process. Deliberate steps were taken by the national governments to deflate union powers through legislation and administrative action. Evidence of these moves are most clearly illustrated in the recent history of Great Britain and the United States.

In Great Britain the Conservative Administration installed in 1979 progressively imposed restraints on union action. Fiscal austerity produced shrinking budgets and reduced the size of the civil service. Privatization of the public services and enterprises further advanced the process of staff reduction. Encouragement of private competition with public services had similar effects. At another level, the Administration limited employees and unions through aggressive restrictions on employee rights gained in recent years. It fought union strikes and in most cases successfully sustained its position which further encouraged the enhancement of managerial powers. Government restrictions on wage rises proved a model for the private sector. Under the pressure of governmental policy, the British Confederation of Industry, the employers organization, withdrew its support for a consensus approach to industrial relations. A succession of legislative acts repealed union immunities and privileges. New legislation offers finances to unions for the conduct of secret elections for the choice of officers and members of executive officers and strike action. Though rejected by the Trade Union Congress, several prominent national unions accepted this offer, producing threats of expulsion by the Congress. Union rights for picketing were limited to immediate suppliers, consumers and associated employers. Unreasonable denials of admission to unions in closed shops were outlawed. For the introduction or continuance of a closed shop, support of eighty five percent of the employees had to be obtained every five years. Actually, in subsequent tests, unions have generally been successful in obtaining these votes. Several unions which followed the TUC position of avoiding such tests have lost the formal authority. Unions were made liable for the illegal acts of their representatives unless they explicitly repudiated the acts. Interunion and political disputes were excluded from the immunities granted unions in case of trade disputes. Unions were prohibited from requiring the exclusive use of union labor in commercial contracts. Workers dismissed in the operation of closed shops became entitled to claim compensation. Union funds for political action had to be approved by the membership every ten years; this test was successfully met by eight unions in recent months³. Significantly the government banned trade unions from the national communications center at Cheltenham, contending that union membership was not consistent with the maintenance of strict control of secret operations.

Another target now appears to be wage councils established at the beginning of the century to protect workers in unorganized and sweated industries by establishing minimum wages. One additional effect appears to

3 Winton HIGGINS, «Political Unionism and Corporatist Theses», *Economic and Industrial Democracy*, *The Economist*, November 10, 1984 (p. 63) and December 1984 (p. 73), August 1985, vol. 6, no. 3.

be that employers are now less reluctant to turn to legal remedies to enforce their position against unions.

Nevertheless, employers remain averse to spearhead the enforcement efforts. With the continued pervasive presence of unions throughout industry, it is obvious to employers that they will continue to need union support for their own local efforts to reorganize their structures, achieve more efficient operations and secure concessions to make them more competitive. While employer anti-union action has been muted, the overhang of large scale unemployment, plant closings, intensive competition from foreign sources, decline in union membership both absolutely and as a proportion of the civilian labor population have moderated the behavior of most sections of the trade union movement⁴.

The second country in which a new conservative administration deliberately undertook to denigrate and weaken unions is the United States. The anti-union blast came rather early in its life. The 1981 air controllers strike was condemned by federal authorities, following which the union was decertified and the strikers were dismissed. Concurrently the administration cut off all contacts with the trade union movement. The practice of consulting with unions on national policy affecting workers disappeared. The Secretary of Labor eliminated all ties with the movement. Publically, he declared, that his responsibility was to the interests of labor as a whole including the managers and chairmen of the corporate boards rather than solely with the views of trade unionists. He allowed the department's staff to be curtailed and many regular activities were either abandoned or sharply contracted. Particularly dramatic was the slow down in the drafting of standards in the field of health and safety which was mandated by law. The courts later issued statements, ordering the early implementation of the responsibility. The organization faithfully followed the administration policy of minimizing the regulatory burden supposedly imposed on business. Enforcement was diluted. Business was to be left to pursue its own course.

Another illustration of this new spirit of administration was the cancellation of a forty years ban on homework knitting and embroidery. The intent was to contract the system of social and financial protection for workers erected over the last fifty years. One further result of this determination was the elimination of the supplementary federal unemployment payments program which gave benefits up to a maximum of 14 additional weeks to employees in areas of high unemployment who had exhausted their

⁴ David SOSKICE, «Industrial Relations and the British Economy, 1979-83», *Industrial Relations*, vol. 23, no. 3, Fall 1983, pp. 306-322.

basic benefits. It took congressional action to modify this proposal by extending the benefits for a short period.

A critical leverage providing the administration with the means for changing the legal climate for unions is the National Labor Relations Board. This agency administers the law which affirms workers' rights to organize, form unions, and bargain collectively with management. To achieve its goal, the administration appointed Democrats, so-called independents and Republicans with a conservative slant on industrial relations so that they achieved a majority on the Board. The new philosophy is epitomized by the outlook of the Chairman who declared that «collective bargaining means labor monopoly, the destruction of individual freedom and the destruction of the market place for determining the value of labor».

The Board has since reversed many significant policies and rendered decisions which reflect a decided management orientation. As the agency through which all complaints are filed and determinations are made as to which of these complaints are to be pursued, its views define what will be considered illegal under the new regime. As these judgements constrict the types of cases which are accepted, it necessarily weakens the protection of workers and unions in the industrial relations process. Moreover, the legal processes provided management with the opportunities to challenge Board decisions, to obstruct the review procedures and to delay the time before the judgements are finally passed upon by the highest courts. Delay in enforcing the orders constitute a significant emasculation of worker rights, which call for quick action by the governmental agency. In addition, the penalties imposed for misconduct hardly discourage persistent violators. Furthermore, the courts themselves have tended in the past to become citadels of conservatism by assigning a high priority to the defense of property rights enjoyed by the owners and management of the enterprises. (See footnote 1) The consummate effect has been the narrowing of the protection of workers' rights.

Following even the successful pursuit of the cases, resulting in certification of the bargaining agent, there is no assurance that the spirit of the *National Labor Relations Act* (NLRA) would be implemented. The original assumption underlying the Act was that management would accept the results and bargain in good faith. The actual experience has been quite different⁵. In the passing years the resistance to the consummation of

⁵ For a recital of union complaints and economic evaluations of the Board's performances, United States, 88th Congress, 2nd Session, House of Representatives, Subcommittee on Labor-Management Relations and Manpower and Housing Subcommittee of the Committees on Government Operations. Joint Hearings. *Oversight Hearings on the Subject: Has Labor Law Failed?* June 21, June 25, and June 26, 1984. Washington, D.C. Government Printing Office, 1984.

agreements by management has become stronger and more pervasive. Many charges have been filed claiming that employers are not bargaining in good faith. While extensive studies have not been made, it appears from several investigations that only about one-third of the certified agents succeeded in concluding agreements with management.

Further evidence of the continued employer resistance to accepting collective bargaining and formal agreements is contained in the persistent anti-union and non-cooperative attitudes prevailing at the local levels. Basically, many leaders of American business have not accepted unionism and collective bargaining as a permanent feature of the industrial governance system. Representation elections have become veritable miniature class wars. Employer opposition to unions has converted the election primarily into a contest on worker censure of outsiders and a vote of support for management, departing from its purpose of determining bargaining agents for a specific workplace.

In organized units, employers have incited employee dissenters to carry on anti-union activities. Encouragement is often given to efforts at securing the decertification of unions. The number of such petitions has risen and the rate of union successes in resisting these attempts has dropped. Employers on occasion exploit strike situations to man their plants with new employees thereby, under the rules of the National Labor Relations Board, disqualifying the striking employees of voting rights. Among the other tactics have been the closing or dismantling of sections of entire plants. In establishing new plants, employers seek «union free environments», looking to rural areas in the North and the southern states. Others have resorted to subcontracting parts of the operations to shrink the size of their organized units. Quite generally the proportion of unionized plants in multiplant operations has declined.

Employers financed the formation of agencies for promoting anti-union literature and supporting legal attacks on union behavior or legal decisions which favor unionization. The current propaganda has replaced the older shibboleth of the «open shop» with the term «union free environment». The anti-union National Right to Work Committee is ever on the alert to support individual employees who are challenging unions. Among the issues they have promoted are discharges under closed shop agreements, use of union funds for political action, and action taken by unions against members who cross picket lines to work in struck plants.

In the broad field of social and welfare legislation and civil rights the administration has taken aggressive steps to relax the enforcement proceedings against violators, dismantle the programs wherever possible and place the welfare structure into disrepute. As never before all beneficiaries

of these programs have realized that their individual destinies are tied up closely with one another. By attacking one or another part of the system, which were individually enacted, the public attitude to the entire structure is affected. By emphasizing individual self-reliance and disparaging the assistance agencies and protection for the less well-off and disadvantaged, the administration is undermining the fundamental support for the entire system. Collective action is brought into disrepute.

The economic recession the high levels of unemployment and the large scale displacement of workers in the traditional industries particularly those in which there are a substantial number of organized unions have also tended to weaken the stature of unionism in this country. As previously noted the anti-union campaign seeks to attribute these setbacks to the presence of unions and their former power, overlooking the faults of management. Similarly, the large concessions in the organized industries has further sullied the image of unionism, particularly among the unorganized. They are unprepared for this course and are ready to blame unions for the reverses that may themselves be experiencing. The union message becomes blurred in these circumstances for they had associated unionism with the movement for continuing increases in benefits and now they are being identified with the setbacks. Unions, moreover, have not as yet undertaken to clarify and elaborate their position in the industrial scene, resting on the individual union efforts to explain developments in their own jurisdictions. The national AFL/CIO has recognized the need for change, but has not offered a rounded formulation of the functions and objectives of unions for the broad scope of the American society and economy.

One important development has been the resurgence of support for unilateralism and non-unionism in academic ranks. Some, particularly those teaching in business schools, now focus and seek to legitimize the anti-union personnel systems and unilateral decision making practices in place of collective bargaining or bilateralism. We shall return to this development in a later section of this article.

One result of the concerted conservative upsurge is that government and private industry are now proceeding along a similar track which is to reestablish the hegemony of management on the industrial relations scene. To denigrate and weaken the trade union movement insures less effective challenges from this side of the economic and political spectrum. This onslaught together with the contracting economy and rising unemployment have cut sharply into the ranks of the trade union movement. The total numbers have dropped below twenty million with unionism in the private sector suffering most of all. The political clout of the trade union movement in the halls of the executive and legislative branches of local and national

governments suffered severely, leaving the interests of the employees poorly protected. The distinctive feature of the American experience is that both government and management have pursued the anti-union course with greater vigor.

THE BATTLE TO LEGITIMATE UNILATERALISM IN EMPLOYER-EMPLOYEE RELATIONS

Only in the United States did the conservative movement achieve its purpose severely to weaken the trade union position. It has been attaining this goal through a coalition of political and industrial forces which enfeebled the protection for employees to form unions and bargain with management to achieve true bilateralism. Evidence of this change in the fortunes of unionism began to attract public comment at the end of the fifties and has by now become a widely accepted judgement in the public prints⁶. The forewarnings of the plight of unions was nevertheless dismissed by the President of the AFL/CIO. Mumbled concerns were heard in the ranks of the leadership and the rank and file of the membership but no deliberate steps were taken to reexamine the strengths and weaknesses of the trade union movement until 1985. It was then that an internal report offered a series of structural suggestions for change and large scale communication of its message. Specific reflections were not offered on the ways in which the union message might be presented more appropriately to satisfy the expectations of the mass of prospective members⁷.

ENFEEBLEMENT OF THE WAGNER ACT AND ITS ADMINISTRATION

One focus of this counterblast against unionism has been the *National Labor Relations Act* and the Board of Administrators. No sooner was the *National Industrial Recovery Act* with its section (7a) signed than leading employers sought to nullify it through interpretation. They succeeded in having the chief Administrators of the NIRA announce that employee representation plans, later dubbed company unions, and multiple representation units in individual workshops were permissible under the Act. The

⁶ Solomon BARKIN, *The Decline of the Labor Movement and What Can Be Done About It*, Center for the Study of Democratic Institutions, Santa Barbara, California, Box 4068, 1961.

⁷ AMERICAN FEDERATION OF LABOR — Congress of Industrial Organizations, Committee on the Evolution of Work, *The Changing Situation of Workers and Their Unions*, Publication no. 165, Washington, D.C.

undoing of these pronouncements absorbed the energies of the proponents of free unionism and single bargaining agents for a number of years. Not only was there direct employer resistance to the authority of the administrative boards set up by the President to resolve disputes on the interpretation of the Act, but, the employers enthusiastically created employee representation plans to occupy the ground which bona fide unions would seek to cover. Sweeping the country was a complementary activity by employers to discourage unions through the use of espionage, spies, strike breaking and security forces. These are detailed in the 1936 hearings of the Senate Subcommittee Civil Liberties of the Committee on Education and Labor. The legal attacks in the pre-Wagner Act days involved the use of court injunctions and other proceedings. As the Administration's determination increased to secure legislation, anti-union groups organized themselves to resist such action through propaganda and legalistic argumentation. Moreover non-compliance spread through the country. Board hearings were boycotted by employers. Political pressures were applied on the President and others to secure special exceptions for their industries. After the Wagner Act was passed, legal challenges began anew. When the Act was upheld by the Supreme Court in 1937, Senator Robert Wagner appealed for «industrial accord and economic progress». He pleaded that «Let industry and labor march along the path together toward a clearer atmosphere of mutual understanding and good will». But that vision was not to be realized. The opposition searched for new ways to undermine support for the Act⁸.

Though the resistance became somewhat less crude, it was persistent and sophisticated. The result was a deluge of bitterly fought strikes in 1937. Only the depression of 1938 defused the tension. Strife at the workforce continued. National Labor Relations Board (NLRB) decisions were fought through all stages of the court system. Reinforcing this indulgence was a program of anti-union and anti-board messages launched by the National Association of Manufacturers and other opponents, which brought the press into the affray, thereby creating another voice challenging the union movement. These antagonistic efforts proved fruitful. Public opinion turned unfriendly. The Roosevelt Administration, to relieve this pressure and avoid legislation, replaced older NLRB members by people more responsive to the swing in political opinion and employer views. But the demand for a full scale Congressional hearing could not be stopped and these proceedings were launched in 1939. The unfriendly majority of the committee conducting the hearings lost no occasion to publicize all the sensational material

⁸ James A. GROSS, *The Making of the National Labor Relations Board, A Study in Economics, Politics and the Law*, Volume I (1933-37), Albany, N.Y., State University of New York Press, 1974.

that they collected. They were determined to complete the changes of the Board members and kill the Act by amendments. They had by this time decided that following this course would be a more productive procedure than seeking its outright repeal. The sponsors of these amendments succeeded in getting the AFL to support their move as they had bowed to its desires as to the contents of the measure. The leaders of the AFL had by now been outraged by the NLRB decisions which favored the CIO and were prepared to damage the Act itself to pursue their sectarian interests. The final bill passed the House but was buried in the Senate, through the efforts of the Democratic members of the Committee handling the legislation. But considerable damage to the field of legislation and administration of labor relations laws had been achieved. The specific recommendations contained in the bill became the foundation for the major revisions of the Act effected by the *Taft Hartley Act* in 1946. The program of aggressive interpretation and enforcement of the Act subsided with the subsequent appointments to the Board. Without legislation, the NLRB was «transformed», in the words of one major student of subsequent developments, «from an expert administrative agency which played the major role in formulation of labor policy into a conservative, insecure, and politically sensitive agency, preoccupied with its own survival and reduced to deciding essentially marginal legal issues using legal tools of analysis exclusively»⁹.

In its history, subsequent to the adoption of the *Taft Hartley Act*, the industrial relations scene was further radically changed by the adoption of the *Landrum Griffin Act* in 1959. The opposition continued its attack on Board decisions and to impugn its objectivity. The procedures became increasingly less effective in protecting the right of workers in organization. When in 1977 the trade union movement sought essentially procedural changes in the Act, the proposed bill was passed by the House but killed by means of filibuster in the Senate. With the appointment of even more conservative personnel to the Board by the Reagan Administration the sense of outrage was so widespread that spokesmen for the American trade union movement began to voice their disgust at what had happened to this legislation, and openly voiced their belief that the Act had become a deterrent to the further organization of employees and the conduct of ordinary collective bargaining¹⁰. It must be added that some twenty-one states passed right to work legislation, denying unions the right to negotiate union security clauses in their contracts. The main agencies promoting this legislation have been employers associations and particularly the National Right to Work Committee.

⁹ James A. GROSS, *The Reshaping of the National Labor Relations Board*, National Labor Policy in Transition 1937-47, Albany, N.Y., State University of New York Press, 1981, p. 267.

¹⁰ See note 5.

MANAGEMENT MOVES TO ENTRENCH UNILATERAL CONTROL

The current era is characterized by management's continued efforts to entrench its unilateral rights to control the work place and to dispose of its work force in ways which would most satisfactorily contribute to its production and cost goals. Coupled with this aim is the determination to weaken unions within the work place or, if possible, eliminate them. Actually, this resolution has been an ongoing one since the thirties when union appeared to contest its position. The leadership in this anti-union battle has been primarily in the hands of the large enterprises with some members intermittently acquiescing to the presence of unions but then again insisting upon their rights as management to control the operations and make the decisions without consultation or intervention by unions.

Personnel policy has evolved since the beginning of the century to insure these results. The techniques have become more sophisticated but the goals have remained the same. They sought a shop of contented workers who would acknowledge management's prerogatives to manage and assent to its directions. As public policy and standards changed, these leaders have adapted themselves, usually following a period of resistance. The realists among them have been more prompt and proclaimed that unions would in time concede these rights and accede to the programs. The professional personnel enlisted for the elaboration of the philosophies and later for the implementation of the techniques for achieving these ends became the public defenders of the new system. Their sophisticated tools decreased the ability of the union leadership to tackle many problems. Public, private and corporate educational and training institutions became major agencies for refining public presentations and the popularization of the new philosophies and indoctrinating trainees for the corporate world.

To meet the concerns of the humanitarian middle class at the end of the last century and the beginning of the present one for more tolerable living conditions and treatment of workers in the shops, some industrialists introduced philanthropic activities and personal aids for their employees. In some cases they extended these programs to the communities in which they were sited or in a few instances to the nation as a whole. Their object was to implant a sense of trust among their employees and gain personal approval and acceptance in their communities.

When scientific approaches and philosophy gained acceptance among business leaders for the achievement of higher production efficiency and lower costs, in the second decade of the present century, plant managements became more receptive to the message of the advocates of programs to extend these systems to the personnel field. During the period of World War

II, when industry hired large numbers of new employees, created a myriad of new jobs and workers showed greater interest in unions, the new «scientific» procedures were introduced at an accelerated pace. It was hoped to develop more rational principles for the conduct of personnel activities, achieve higher productivity and satisfy the employee expectations and thereby avoid industrial conflict evident throughout the country. Psychological techniques were introduced to define human capacities and employee interests to assist in their placement and improve their utilization. Work study would help design new work methods and places, assuring higher production and less tiring jobs. Later job evaluation was added to help set rates more acceptably and more rationally than had been the prior practice. Work incentive systems would answer the cry for higher earnings by offering opportunities for greater output. The work rules book would clarify the standards of accepted behavior and define the prevailing shop procedures. Arbitrary and capricious judgement would be diminished and thereby reduce the number of complaints. Records would be kept to develop objective data for making centralized decisions about individual advances, demotions and dismissals. This centralized fount of data would support the control system and allow management to keep abreast of shop developments. In some places supplementary studies were made of employee attitudes and opinions. Here again the object was to reduce tension in the work place and engender greater contentment and respect for management. The central personnel department would test the effectiveness of supervision and the individual techniques.

A number of larger firms also added employee representation systems to provide channels for direct communication between management and employees. Hopefully, these programs would together establish a closer identification of employees with the enterprise. As the limitations of the philanthropic approach became evident, a number of employers substituted formal welfare programs to improve working conditions, expand the welfare services and provide benefits for employees adversely affected by family difficulties, personal setbacks, such as illness, retirement, and unemployment.

Despite these efforts sharp dissatisfaction with these programs evidenced itself during the thirties as strikes exploded across the length and breadth of the land. Confrontations between management and employees and later unions became general. The volume of spontaneous strikes rose markedly. Moreover, a number of settlements of these walkouts were concluded with agreements for the elimination of individual techniques, such as time and motion study, wage incentives and spy systems. Even where the programs were retained, the unions demanded and secured in many instances, close supervision of the provisions and direct review and often participation in the use of the technique.

Recognizing that the above procedures had not adequately served their purposes, industrial leaders sought new approaches for their personnel activities. The evolving new principles of human relations based on the research and reflections of Elton Mayo and his successors became another addition to the theory and practice of personnel practice. In place of the mechanistic view of human behavior which related performance primarily if not exclusively to economic goals, the new philosophy stressed the social nature of man's reactions. The attitudes and views of the groups to which they belonged helped shape the individual's own outlook and views. These influential units could be both within the shop and outside, such as his family and neighbors, church, unions and other groupings, including political parties. Workmates would have a distinctive influence on an employee's behavior. These informal groupings within the shop would cut across the formal divisions which the firm might establish. Sometimes these views and behavior patterns would be at variance with the presumed immediate employee interests. The focus for remedial action would be the work group and the plant community even more than the individual per se. Unlike the former theories it was recognized that individuals sought not only financial returns but also judged the job by the degree of job security which they enjoyed, the treatment they received and conditions of living which they experienced. A number of concerns shifted their incentive systems from individual to group production tests and introduced formal discussions between the supervision and the work groups. As before the objective was to gain acceptance of management goals and views and support for business leaders rights to manipulate the work force to achieve these ends¹¹. This broader, more specialized view and respect for employee personnel goals became formalized in the development of an administrative style which one writer identified as Theory Y as contrasted with a more disciplinary and mechanistic one known as Theory X¹².

In the meantime, particularly during the period of World War II, unionism made great strides. Management became preoccupied with meeting production demands. Their own supervisory staffs were diluted with the addition of many inexperienced people less able to implement the new attitudes or gain the confidence of their work crews. They were more prone to seek to achieve their production targets through concessions to the work force and close cooperation with the union stewards who multiplied during the period. Employees and union representatives gained considerable influence on working conditions and the design and standards for

11 Solomon BARKIN, «A Trade Unionist Appraises Management's Personnel Philosophy», *Harvard Business Review*, vol. XXVIII, no. 5, September 1950, pp. 59-64.

12 Douglas MCGREGOR, *The Human Side of Enterprise*, New York, McGraw-Hill, 1960.

tasks. Union cooperation very often meant closer reflection of employee views in the definition of jobs and standards. Concurrently, union doctrines were being accepted by the supervisory and professional employees as their dissatisfaction grew with the deterioration of their conditions of employment.

As war time pressures relaxed and the managements became more aware of the changes effected on the work floor, their leaders in anticipation of the likely needs of the postwar economy initiated efforts to regain more centralized control of work standards. They insisted on the redefinition of «management rights» which would reaffirm the range of prerogatives previously exercised. This battle began anew in the drive for unilateral control. The strikes of 1946 centered about this issue. The most dramatic contest was in the automobile industry, where the union sought both confirmation of the rights they had acquired and the extension of their powers for co-determination to a broader range of issues reaching over to many questions of production, prices, investment and product development. The struggle became a watershed in the history of American industrial relations. When managements won this contest and incorporated the broad management's rights clauses into the agreements, they set the pattern for the future. While unions have made repeated efforts to pierce this wall, they have been effective in few areas, those closely related to the issues of contractual rights such as subcontracting¹³.

Managements during this same period recognized a second major challenge to their role in the workplace in the efforts of supervision and technical and professional employee to unionize. In the case of supervision, they were able in a short time to destroy most organizations. The *Taft Hartley Act* specifically denied such unions the protection under the NLRA. Thus a second major threat to management was eliminated.

While the human relations view provided management with a guide on ways of integrating individuals into the work group, it was insufficient for the close, centralized supervision desired by top management. And it was also widely criticized as being too manipulative¹⁴. To accomplish the latter purpose, a new approach to personnel relations had to be coopted. It would

¹³ Howard John HARRIS, *The Right to Manage Industrial Relations Policies in the 1940s*, Madison, Wisconsin, University of Wisconsin Press, 1982; Richard HERDING, *Job Control and Union Structure*, A study in plant-level industrial conflict in the United States with a comparative perspective on West Germany, Rotterdam, Rotterdam University Press, 1972; Herman E. KROOSS, *Executive Opinion, What Businessmen Said and Thought on Economic Issues, 1920-60*, Garden City, Doubleday, 1970.

¹⁴ Henry A. LANDBURGER, *Hawthorne Revisited*, Ithaca, N.Y., Cornell University Press, 1958.

integrate the philosophies of organizational structure with those of human relations management. It became known as organizational behavior and popular in the sixties; it remains the current major management theory. It gained this preeminence in part because of its eclecticism in allowing for the growth of new views and the incorporation of the findings of the behavioral sciences. By reinforcing the authority of the management of individual enterprises, the new ideology avoided specific consideration of national labor relations policy, unions, collective bargaining and employee desires for formal collective action¹⁵. It became a welcome support for unilateralism.

Perceiving the shift in the balance of power between management and unions, some academic industrial relations analysts reversed their former endorsement or acceptance of independent unionism and collective bargaining. They gave a stamp of legitimacy to alternative «equivalent» personnel decision making systems. They were no longer partisans of the bilateral system of industrial governance. They yielded to the rising force of management's advocacy and preference for all-out control of establishment industrial relations policy making and administration. By challenging the prevalence and acceptability of the former system, they appeared on the surface to be inviting a debate on the appropriate forms of governance as occurred during the fifties in management's own ranks. But there have been few takers. The unilateral position was firmly entrenched.

Management and its spokesmen advocated a hierarchical arrangement. The new group of academicians in fact had sidetracked the established criteria for agencies to represent employees, namely organizations which were uncoerced, free of association with employers, not subverted by any such influence and freely chosen by employees. This test was used by the early NLRBs effectively to batter down and ultimately to eliminate company unions. These same people took no note that managements operating nonunion shops had often fought unionization at their plants with aggressive antiunion campaigns, including illegal acts and had deliberately pursued programs for advancing and favoring «union free environments», a course advocated by the National Association of Manufacturers. By in-

¹⁵ James L. BOWDITCH, and Anthony F. BUONO, *A Primer on Organizational Behavior*, John Wiley and Sons, 1985.

roducing their position, these academics had advanced a major change in the credo of the profession¹⁶.

These writers started from positions advanced by earlier academics but had in the light of the prevalence of nonunion shops come to deny many fundamental tenets of the former. Sumner Slichter in his major volumes of 1940 and 1961 on practices in unionized plants and industries concluded that management should not only be reactive to union proposals but should offer and press counterproposals to protect their rights to operate and direct their enterprises to achieve prosperity and prolonged existence. To attain these bargaining results, he advocated that trade union leaders should be realistic about what they might appropriately expect and knowledgeable about business and market conditions, lest they abuse their economic powers. Nor did he seek unions to yield their innovative and aggressive performance. The trade union training program organized at Harvard University had as its purpose the preparation of trade union leaders with this orientation. Collective bargaining would produce a system of industrial jurisprudence including a code of individual employee rights, which would define the rules of conduct for employees and management to assure stability and rationality in the operations of the enterprise. His studies did not focus on promoting new union organization for he saw unionism spreading through the country, defining the result as the rise of a 'laboristic state'. The ultimate structure of organizations would provide for a balance of management and union power and interests achieved through the mutual accommodation of their goals through collective bargaining¹⁷.

¹⁶ Joseph W. GARBARINO, «Unionism Without Unions, The New Industrial Relations», *Industrial Relations*, vol. 23, no. 1, Winter 1984, pp. 40-51; Thomas A. KOCHAN, Robert B. MCKERSIE and Harry C. KATZ, «U.S. Industrial Relations in Transition, A Summary Report», New York, John Wiley and Sons, 1985; Industrial Relations Research Association Series, *Proceedings of the Thirty Seventh Annual Meeting*, December 28-30, 1984, Dallas, pp. 261-294; Thomas A. KOCHAN, Robert B. MCKERSIE and Peter CAPELLI, «Strategic Choice and Industrial Relations Theory», *Industrial Relations*, vol. 23, no. 1, Winter 1984, pp. 16-39. Thomas A. KOCHAN and Michael PIORE, «Will the New Industrial Relations Last? Implications for the American Labor Movement», *The Annals of the American Academy of Political and Social Science*, vol. 473, May 1984, pp. 177-189; Thomas A. KOCHAN, «The Challenge of Stagflation and Global Competition to the Theories, Policies and Practices of Collective Bargaining», *Report for the International Industrial Relations Association*, Sixth World Congress, Kyoto, Japan, 28-31 March 1983, vol. II, pp. I-XII.

¹⁷ Sumner H. SLICHTER, James J. HEALY and E. Robert LIVERNASH, *The Impact of Collective Bargaining in Management*, Washington, D.C., The Brookings Institution, 1960; Sumner H. SLICHTER, *Trade Unions in a Free Society*, Cambridge, Harvard University Press, 1947.

His foremost disciple, John Dunlop, and three associates summarized similar views in their project on «Industrialism and Industrial Man»¹⁸. Among their principal findings was the belief that societies experiencing industrialization have an elite leadership, which in our society is management and the middle class. These men provide the dynamic and dominant leadership group to advance the industrialization process. For them «labor protest is not a dominant aspect of most industrialization». The goal was to achieve the smooth adjustment to change and the «effective commitment of a labor force under a ‘web of rules’». Education was to be the key tool to this end. In this state of accommodation, unions would strip themselves of political alliances and revolutionary aims and would devote themselves to the «essential preservation or gradual evolution of the status quo». Similar views were held by John R. Commons.

In their conception of the new society they declared that «full employment is more essential an attribute of successful industrialization (than) the magnitude of the GNP by itself». They foresaw that «the industrial relations system (would) tend to become more tripartite in nature with the state an increasingly influential participant». In this pluralistic conception, the central focus is therefore on the development of a «web of rules» or industrial jurisprudence and a concensus of beliefs among management and unions. Differences espoused by both management and unions would be resolved through collective bargaining. Industrial conflict it was projected would recede and revolve primarily about contract negotiations¹⁸.

Current thinking among the newer group of industrial relations analysts is built on the acceptance of the dominance of the managerial group. They are to define the «web of rules», the industrial jurisprudence. Unions are to be taken into account only where their past or future power establishes their legal rights to represent the employees. Their role is primarily to accede and adapt themselves to management’s initiatives and innovations. They foresee the gradual narrowing of the differences between nonunion and union shops. In fact, they believe most initiatives will occur in the nonunion sectors, with unionized units following suit. Skillful use of the evolving personnel practices as contained in the prescriptive manuals on organizational behavior are to become the background of personnel policy. Presumably they see this development as providing a more objective approach than that emerging from the negotiating process of collective bargaining. They foresee management’s task in organized units is to gain

¹⁸ John T. DUNLOP, Frederick H. HARBISON, Clark KERR and Charles A. MYERS, *Industrialism and Industrial Man Reconsidered, Some Perspectives on a Study over Two Decades of the Problems of Labor and Management in Economic Growth, Final Report of the Inter-Industry Study of Labor Problems in Economic Development*, Princeton, New Jersey, P.O. Box 248, 1975.

acquiescence to the management credo and minimize the role of unions in the plant, relegating them at best to the problems at the job or task level. In avoiding strictures on the use of the older cruder antiunion tactics or the current sophisticated ones or the use of consultants to combat unionism they appear to accept the old adage that to the victors belong the spoils. In the operation of the enterprise, the older hierarchical and military models of organization are to be enforced with occasional feeble gestures at consultation with employees or their representatives. Not for them is it to lay out the principles of a moral economic society as did earlier economists, Richard T. Ely and John R. Commons.

CONCLUSIONS

The trade union movement in western countries experienced an uneven cyclical growth pattern, starting with eras of persecution of leaders and members, mounting legal disabilities and, ultimately, outright repression. Only after surviving these episodes did they take root in the 1880's. Growing in spurts and suffering repeated setbacks, it reached its peak in the immediate post-World War I years, 1919-1920. During the twenties, in face of widespread unemployment, falling prices, deflationary monetary practices, restrictions and government and employer opposition along with internal factional splits, the trade union movements contracted sharply; but industrial unrest continued. One consequence was the successful usurpation of several governments by totalitarian regimes beginning with the Fascist success in Italy.

In a number of northern European countries, the people resisted these Nazi challenges and the labor movement initiated a new course through the induction of labor governments. In France and Great Britain, they were shortlived, but in the Scandinavian countries, they maintained their primacy in government into the postwar years. Under the protection of these labor governments the trade union movement experienced a marked revival and developed the principles of the current systems of collective bargaining in these countries. During the war, unions became partners in the national effort to combat the Nazi coalitions and established themselves as vital sectors of the war effort. This role they maintained during most of the postwar years. In most countries, they grew in size and coverage and developed an ever expanding series of new practical goals not only to improve the standards of living in the work force but also extend the vision of their role through the promotion of such goals as co-determination and information sharing in industry and worker capital funds financed by industry to define the direction for industrial expansion and new growth. Col-

lective bargaining became a pattern for inviting unions and workers to share in decision making with management at all levels from the individual task or job to the top corporate decision making bodies and in government to the highest national political agencies engaged in defining and developing economic and social policy. During most years both labor and centrist governments supported these developments.

The question which became most challenging was how long this movement of incremental gains, and repeated efforts at introducing new democratizing practices in industry would be continued. Would an era of persecution, repression and restraints with active and aggressive employer opposition emerge, as in the past, and threaten the very existence of the trade union movement?

The answer to this basic question appears for the first time in the midst of the economic setbacks of the late seventies and eighties. During this era the battle of conflicting interests and economic philosophies is being staged in each of the countries. The most overt scene for the present conflict is the political and not the collective bargaining or organizational one, except for the United States where it occurs at both levels. While much of the progress recorded in the field of labor standards has been achieved through collective bargaining the government attitudes and behavior toward unions have been significant determinants of the nature of the conflict. The political focus of the controversy has been central because the government through its many agencies and instruments has the power to establish the rights and standards of action and through its interpretations in different situations to define the actual meaning of these actions in specific situations and thereby affect the collective bargaining outcome. The struggles take on the character of a broad conflict in the entire polity rather than primarily one between management and unions, allowing the parties to rally more economic and political forces to their sides and avoid costly industrial confrontations. In the eighties, employers saw such alternatives as favorable to their success.

The significant political development in the current epoch has been the move toward a higher degree of polarization of views than had obtained in prior years of this postwar epoch. The battle between the conservative, centrist and labor oriented sections of the political structures has become more intense and the shifts in power have become more extreme. Moreover, the swings toward rightist or conservative parties have been usually accompanied by deliberate efforts to dilute or emasculate union influence or power in the particular country¹⁹. Also the swing groups in the voting

¹⁹ EUROPEAN TRADE UNION INSTITUTE, *Collective Bargaining in Western Europe in 1982 and Prospects in 1983; in 1983 and Prospects for 1984; and in 1984 and Prospects for 1985*, Research Reports, Bruxelles, Boulevard de l'Imperatrice, 1000 Bruxelles, Belgium.

population have become larger and more significant in determining the ultimate results. As their views change, it is likely that the parties in control will be altered. This high rate of turnover of the political complexion of governments has been one of the most distinctive characteristics of western political life.

With the more intensive degree of polarization, we can perceive a new phenomenon. Instead of the governing coalitions trying to settle their internal differences the partners are likely in the case of serious differences to return their mandates to the voters for resolution of the issues. Moreover, the rightist or conservative coalitions are likely to exclude the leftist or labor parties or the latter will refuse to join such coalitions to avoid being identified with the rightist party platform. Under the aegis of the conservative program, the cabinets are likely to seek the repeal labor and social advances of the recent past. Their goal would be to restrain, denigrate and weaken the national trade union movement and to diminish its economic leverage and its influence in industry and government. The principal examples of this course have been identified as Great Britain and the United States. Other conservative governments have had more limited successes for different reasons. Principally the divisions in the coalition would restrain far-reaching changes. In some cabinets, some sections of the participating parties may be responsive to a wing of the trade union movement, as is true in Belgium. In other cases the trade union may be powerful enough actually to display its resistance in the form of demonstrations to suggested acts and daring initiatives would be challenged in Parliament. The balance of the parties may be too narrow to undertake sweeping changes. In such instances, the governing combination would seek to avoid direct confrontations as they were pursuing other issues with a higher immediate priority.

Nevertheless, the trade union movement has experienced some setbacks in the latter set of countries. The Belgium conservative — center coalition has been able to introduce many reforms in the methods of wage setting and negotiations on economic issues through the use of administration by decree rather than reliance on legislation. But it has been less successful in trying to avoid consulting with unions through the use of referenda by direct votes by the work group on specific issues. The government has abridged the right of public employees to strike. In Iceland a conservative government secured legislation to prohibit negotiations for agreements and striking. Freezes have been widely employed by governments to moderate the upward spiraling of wages. On the whole, therefore only narrow limitations were introduced in the collective bargaining process or in the structure of and rights of unions, except for Great Britain and the United States. The conservative swing has been more effective in matters relating to wages and economic benefits. But as to these areas even labor party governments have taken in-

initiatives for intervention though their programs have frequently contained special qualifications for advancing the interests of disadvantaged groups.

No appraisal of the period can overlook the improvements in the status of unions and their rights as institutions and the defense of political citizenship of workers in industry. The most outstanding examples are to be found in France and Greece. Far-reaching reforms elevated the rights of unions. In other countries important reforms were effected through legislation, often including items which had been unsuccessfully sought through collective bargaining. One prominent initiative was the introduction of codes regulating the introduction of new technologies, which assured workers more information and more bargaining rights. Employee safety and health committees were prescribed in other countries, with several of them empowering shop stewards to stop operations where conditions threatened the health and safety of the work force. The Swedes introduced a major reform through the introduction of employee investment funds which are in fact financed by management. The bargaining parties in that country also concluded negotiations on a code for implementing the co-determination law previously adopted by the Parliament and enacted into law. Ireland made its contribution through granting public employees the right to strike. The significant fact is that even in this period of economic reverses, when the collective bargaining process would bring few economic advances and economic benefits have been constrained, the unions because of their established power base and role in their national societies made gains. The political process could not be exploited by conservatives to curtail their role or noneconomic benefits. The only significant coalition which succeeded in making headway in effecting restraints on labor was that found in the United States.

The largely defensive union position was effective despite the significant loss of membership in many countries due to the economic recession and the consequent rise in displacements and shifts in the employment profile. The trade union movements in most other countries continue to advocate and press for economic, political and social reforms through parliaments and friendly governments seeking to help their constituency and new ways to stimulate the redevelopment and expansion of their economies.

In the United States, in areas and places where the unions have a strong foothold, they are seeking to face up to the problems in their industries and individual establishments with careful and calculated efforts at defense coupled with cooperation where they feel such to be necessary. The consequence has been the introduction of a host of significant new rights, security and often even benefits. It is wrong, as has been the wont of some academic

scholars, to dwell solely on provisions in agreements focusing on managements goals; for they have been often matched by gains for realizing worker aspirations.

With the noticeable swing away from conservative governments and attitudes which characterized the early eighties and the spread of socialist and laborist governments, union programs and value systems are likely to be more kindly received and examined. In all countries, unions are facing renewed emphasis on their internal reconstruction and direct ties with the working population to improve popular support, deepen the degree of penetration and the intensity of identification with unionism. With the outstanding exception of the United States, the experience of trade unions during the last decade has not been comparable to the wreckage wrought in the thirties in many European countries but their positive thought has hardly been as innovating as that of unions in the Scandinavian countries during that decade.

L'offensive unilatérale actuelle contre le syndicalisme et la négociation collective

La tendance au conservatisme en politique a encouragé les groupements antisyndicaux à affaiblir ou à détruire les mouvements syndicaux et les partis ouvriers. Leur objectif principal a été de rétablir l'autorité unilatérale des employeurs au sein de l'entreprise par le processus de contrôle des prises de décision sur les questions qui concernent les employés et d'empêcher les syndicats de contrecarrer l'influence des employeurs dans les autres systèmes de la politique. Ces mouvements ont été lancés dans les pays dont les gouvernements sont conservateurs et ils ont donné lieu à des campagnes agressives en Grande-Bretagne et aux États-Unis. Dans ce dernier pays, le pouvoir gouvernemental et les milieux d'affaires ont favorisé de concert la poursuite de tels objectifs, tandis que, en Grande-Bretagne, on a mis l'accent sur l'action directe de l'État. Ailleurs, le mouvement a eu peu d'influence à cause de défaut de majorités sûres dans les parlements, de l'opposition à de pareilles mesures de la part des factions formant les coalitions gouvernementales, du degré imposant de syndicalisation et de l'acceptation du syndicalisme dans la société en général. En Grande-Bretagne, les employeurs ont reconnu leur dépendance de la coopération des syndicats pour effectuer la restructuration interne des entreprises et faire des économies et, par conséquent, ils ont préféré maintenir de véritables politiques de relations professionnelles condescendantes, bien que, individuellement, des

employeurs amorcèrent de fortes résistances de façon à provoquer carrément par moments des contestations. Les plus profonds changements provinrent des réformes législatives. On ne s'attaqua pas au bilatéralisme. Aux États-Unis, des mouvements semblables minèrent le syndicalisme et la négociation collective. On visait surtout à établir des conditions de travail affranchies des syndicats. Des groupes intellectuels favorisèrent ce mouvement par leurs cours et leurs écrits en accordant un manteau de légitimité aux régimes non syndiqués de direction du personnel. Ils se déclarèrent favorables à l'existence de types de relations professionnelles différents en élevant l'unilatéralisme au même rang que le bilatéralisme sans remettre en question l'absence d'agents de négociation et d'organismes représentatifs des employés indépendants et maîtres de leur propre administration. Cédant au souci de déduire les coûts et d'améliorer la performance des entreprises, ils inondent les responsables de l'établissement de la politique nationale de suggestions favorisant la négociation de bonne foi avec les employés et le développement de la législation du travail.

L'effectif réel des syndicats dans les pays occidentaux s'est resserré durant ces années d'abord à cause de la contraction du volume de la main-d'oeuvre dans les industries syndiquées. La chute fut en partie compensée par la pénétration syndicale dans de nouveaux secteurs de l'emploi et de nouveaux types d'occupations, principalement parmi les cols blancs et les fonctionnaires. Ce n'est qu'aux États-Unis que la structure même des syndicats fut mise en danger.

Les mouvements syndicaux ont contribué à exercer leur influence considérable d'autrefois en matière de développement économique, social et politique. Ils ont fait progresser les droits et les gains des travailleurs dans l'industrie tout comme dans la société dans son ensemble, bien que les changements dans les bénéfices économiques aient tendance à être plus modestes. Les dirigeants syndicaux ont tenté de modeler leur action sur les acquis des syndicats scandinaves dans les années 1930 pour assurer la revivification de leurs organisations et la mise au point de programmes en vue de la reconstruction économique, industrielle et sociale, mais ils n'ont pas encore atteint un niveau comparable de réalisation.