

## Relations industrielles Industrial Relations



*Consult and Advise : A History of the National Joint Council of the Public Service of Canada, 1944-1974*, by L.W.C.S. Barnes, Kingston, Industrial Relations Centre, Queen's University, 1975, 203 p.

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[See table of contents](#)

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Chaque chapitre est conçu selon le même plan. Après une brève introduction retraçant l'oeuvre accomplie par l'OIT ou d'autres organismes internationaux ainsi que le travail des Conférences internationales ou des réunions d'experts, on donne une bibliographie des ouvrages à consulter. Ensuite, comme documents, sont publiés les textes mêmes des recommandations qui ont été adoptées.

En raison de l'autorité et du prestige dont jouit le BIT, il est inutile de souligner l'importance d'un pareil ouvrage et son utilité pour tous ceux qui s'occupent des relations professionnelles.

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**Consult and Advise: A History of the National Joint Council of the Public Service of Canada 1944-1974**, by L.W.C.S. Barnes, Kingston, Industrial Relations Centre, Queen's University, 1975, 203p.

Staff relations in the federal public sector, since 1967, has centred primarily on the adversary approach to the resolution of disputes through the operation of collective bargaining. However, within the industrial relations system, a mechanism for union-management consultation has been established for discussion and resolution of a wide variety of subject matters of mutual interest and concern to employees and the employer. The National Joint Council of the Public Service of Canada, more commonly referred to as the NJC, is the mechanism and its establishment and operation pre-date the collective bargaining era by some twenty-three years. The author of this volume was, for many years, a representative of the Staff Side of the NJC and, accordingly, the foundations for his study are based on first-hand experience in the evolution and operation of the Council. In large part, this is a study of a mechanism which has had a significant impact on employer-employee relations in the Public Service of Canada, both prior and subsequent to the advent of collective bargaining.

The volume has eleven chapters and two appendices which divide into four major periods. The first and second periods are concerned with the years prior

to the establishment of and the early workings of the NJC; the third is an account of the fruitful period in the 1950's and early 1960's; and the fourth segment examines the workings of the Council since the inception of collective bargaining. In addition, the author provides the reader with two detailed examples of the success of consultation in resolving two very thorny problems which faced the Public Service in the early 1970's. In his concluding chapter, the author has consulted his crystal ball to speculate on the Council's future.

The Civil Service National Whitley Council in Great Britain, established in 1919, was the first attempt at providing machinery for employer-employee consultation. The success of this system inspired the Canadian Civil Service staff organizations to urge successive governments to establish a similar mechanism in Canada. In 1928 the House of Commons endorsed the recommendation of a select committee on industrial relations that the Government form a committee to draft a constitution for a Council. Despite this, it was not until 1930 that an Order in Council was approved to establish such a committee. However, an election and change of government prevented its establishment. A further fourteen years elapsed before the staff associations were sufficiently strong and unified and the government was committed to a policy of employee representation and industrial relations in private industry for any further developments to take place. In February 1944, the Government indicated its acceptance of the principle of consultation and by Order-in-Council PC 3676 of May 16, 1944, the National Joint Council was established.

The first two and a half years of the Council's existence were bereft of any significant accomplishments. In the twilight years of the 1940's, statutory holidays, liquidation of overtime, conditions of retirement, hours of work, working conditions, permanent appointment of employees, cafeteria facilities, automobile insurance, group medical insurance, and efficiency rating forms provided the Council with its regular agenda items. Progress on these items was often interrupted by unexpected events such as amendments to legislation affecting public servants or problems concerning the day to day operation of the service being placed before the

Council. The author himself has most adeptly summed up the significance of this early period when he states, "...perhaps the most important products of these years were the firm foundations which were laid for significant future developments."

The main fabric of the Council's work over the next decade and a half was composed of a relatively small number of major topics interwoven with many other items of concern. One of the most important accomplishments during this period was the introduction and subsequent modification of a Public Service group hospital medical insurance plan. In 1953, the staff association members of the Council received a most important benefit from the consultation process, the check-off of union dues. Throughout this period, the Council dealt with many items affecting conditions of employment in the Public Service such as physical working conditions, occupational health and safety, automobile insurance, retirement, and relocation expenses. Often, items would come before the Council on a more or less recurrent basis. Hours of work, overtime, and shift differentials were three such items. In the middle 1950's, the Council entered "the doldrums", a period of little concrete activity, which preceded its advance into the collective bargaining era.

The Council predicated its entry into the collective bargaining era with the passage of a new Constitution designed to equip the Council with a document appropriate, yet flexible enough, to ensure the continuance of consultation in the age of collective bargaining. One of the most important innovations of the new Constitution was a provision which permitted the parties to collective bargaining to refer matters of service-wide concern from the bargaining table to the NJC for consideration and recommendation. The initial referral from the bargaining table included requests for Council to review the employer's contribution to the medical insurance plan, the employer's contribution to provincial hospital insurance premiums, the travel regulations, the regulations concerning isolated posts, and the foreign service directives. It is an important tribute to the work of the Council that these matters have yet to return to the bargaining table. These accomplishments are indicative of the Council's ability

to provide an effective forum for labour-management consultation since the advent of collective bargaining in the Public Service.

In chapter ten, the author provides two excellent examples of the Council's work with service-wide problems in the 1970's. In late 1969, the Government began to reduce the size of the Public Service and the range of government expenditures in an attempt to fight inflation. The National Joint Council was instrumental in the development and monitoring of the Manpower Adjustment Programme. The policy of developing bilingualism in the Federal Public Service is another example of successful employer-employee consultation. In this regard, the NJC Standing Committee on Official Languages, since 1973, has been the vehicle for consultation on the Government's policy to increase the use of the French language in the Public Service.

In his final chapter, the author looks to the future and examines the past. The author considers the future of the Council to be somewhat cloudy until amendments to the Public Service Staff Relations Act, resulting from the Finkelstein Report, become law. Looking to the past, the author concludes that the Council has been instrumental in contributing to the enhancement of the efficiency of the Public Service and the well being of its employees and that, accordingly, the National Joint Council of the Public Service will doubtless continue, in the future, to consult and advise.

The author has succeeded in chronicling the Council's accomplishments in consulting and advising over the past thirty years. He has presented us with an insightful examination of the workings of a successful consultative mechanism. He has traced the history of the Council from the years leading up to its inception, through the period when it was the sole forum for employer-employee relations in the Public Service, to the present, where it has contributed to the operation of the industrial relations system in the collective bargaining era.

Some readers might find fault with the scope of the analysis. Additional detail could have been provided in regard to the structure and organization

of the Council. Further, the author makes continual reference to statements of various members of the Council without identifying either the nature of their duties on the Council or their position in either the government or employee organization hierarchy. Accordingly, the volume would have less utility for those who are not familiar with the industrial relations system in the Public Service. However, in view of the dearth of literature on the federal industrial relations environment, the author has made a significant contribution. His work should appeal to specialists and, to a lesser degree, a general audience interested in industrial relations in the Federal Public Service.

#### A. Gray GILLESPIE

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**Personnel Management, A Situational Approach**, par David P. Crane, Belmont, Wadsworth Publishing, 1974, 572 p.

Voici un livre complet sur la direction du personnel, avec une optique différente. La philosophie de l'auteur reflète l'environnement dynamique des entreprises et des travailleurs, dans lequel on peut difficilement appliquer des principes immuables. En conséquence, le directeur du personnel ou le gérant doit analyser la situation pour y déceler les variables humaines, techniques et organisationnelles susceptibles de solutionner les problèmes de ses employés.

Le premier chapitre de l'ouvrage souligne le rôle significatif de l'administration du personnel dans les organisations modernes, en tenant compte des changements socio-économiques récents. Par la suite, quelques facteurs de la productivité du travailleur sont identifiées; cependant, l'auteur tend à simplifier ce sujet, puisque les travaux de Herzberg et de Sutermeister démontrent la complexité des facteurs dans l'efficacité des employés.

Le troisième chapitre met en évidence l'importance grandissante de politiques et de plans bien articulés pour la gestion des entreprises; plusieurs exemples illustrent adéquatement la nature et les conséquences de ces politiques.

Par la suite, on retrouve les fonctions classiques, telles que la sélection,

le placement, le développement et la rémunération du personnel. Trois chapitres sont consacrés aux relations patronales-syndicales, en mettant l'accent sur l'interaction des facteurs influençant les négociations collectives et les différends de travail. Enfin, le chapitre 20 identifie les changements probables dans l'avenir et souligne les secteurs stratégiques pour améliorer la « qualité de la vie de travail ».

Bien que ce livre reprenne les mêmes thèmes que les ouvrages populaires en direction du personnel (v.g. Pigors & Myers, McFarland, Megginson), il insiste sur l'analyse adéquate des situations concrètes pour diagnostiquer un problème avant de prendre une décision administrative; à cet effet, l'utilisation de problèmes et d'études de cas dans les chapitres vise à développer cette habileté chez le lecteur. Il convient de noter le langage simple de l'auteur, l'utilité d'une soixantaine de tableaux, ainsi que la présentation soignée du livre. Bref, c'est un ouvrage complet pour l'étudiant et pour le praticien qui veut mettre à jour ses connaissances.

#### Jean LADOUCEUR

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**Petit dictionnaire de droit québécois et canadien**, par Me Dominique Pagé, Montréal, Fides, 1975, 167 p.

Cet ouvrage présente les définitions des termes légaux les plus courants dans les domaines juridiques suivants répartis en treize chapitres d'inégale importance: généralités, administration de la justice, droit civil, procédure civile, droit commercial, loi des compagnies d'assurance, droit municipal, droit ouvrier (sic), droit pénal ou criminel, droit constitutionnel et international, loi des faillites et droit aérien.

On comprendra que couvrir un champ aussi vaste en moins de cent cinquante pages est un défi peu ordinaire. On ne sera donc pas surpris de rester sur son appétit devant certaines définitions et de regretter certaines omissions, comme par exemple, injonction. En matière de travail, il n'y a que treize termes. L'auteur parle de « droit ouvrier », de « conflit ouvrier » qui sont des expressions désuètes. La négociation est bien davantage qu'un « moyen de régler un conflit ouvrier entre employeur et employés