

Solidarity, Self-Interest and the Unionization Differential Between Europe and North America

Les contradictions entre les syndicats européens et les syndicats américains

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Volume 29, numéro 3, 1974

URI : <https://id.erudit.org/iderudit/028529ar>
DOI : <https://doi.org/10.7202/028529ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (imprimé)
1703-8138 (numérique)

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Citer cet article

Adams, R. J. (1974). Solidarity, Self-Interest and the Unionization Differential Between Europe and North America. *Relations industrielles / Industrial Relations*, 29(3), 497–512. <https://doi.org/10.7202/028529ar>

Résumé de l'article

En Europe, le pourcentage des travailleurs syndiqués est plus grand qu'il ne l'est aux États-Unis et au Canada. Cette situation intrigue à bien des titres. Les clauses de sécurité syndicale sont beaucoup moins répandues en Europe qu'elles ne le sont en Amérique du Nord. En Europe, la négociation collective se fait surtout au niveau des branches industrielles et les conventions ne fixent que des conditions minimales qui s'appliquent aux travailleurs non-syndiqués comme aux travailleurs syndiqués. En outre, les syndicats européens n'ont généralement pas été en mesure d'établir des sections au niveau de l'ensemble des employés de l'entreprise qui constituent l'organisation syndicale principale à la base. Étant donné ces caractéristiques du régime des relations de travail en Europe, on pourrait s'attendre à un « parasitisme » exubérant et à un degré de syndicalisation très bas.

L'explication connue de ce paradoxe, c'est que les travailleurs européens feraient preuve d'un plus grand esprit de solidarité à l'égard de leurs syndicats. L'explication de ce phénomène par l'esprit de solidarité s'efface devant la réalité omniprésente de l'intérêt personnel. Donc, si l'on accepte l'explication que les travailleurs agissent poussés par des sentiments de solidarité envers leurs syndicats, force est de dire que les travailleurs européens ont un comportement anormal.

Des études récentes démontrent pourtant que les travailleurs européens ne sont pas moins normaux que les camarades américains. En réalité, ils adhèrent aux syndicats dans l'espoir d'en retirer des avantages personnels, ce qui, pour eux, consiste avant tout à se protéger contre les décisions patronales unilatérales qui peuvent être à leur détriment.

On a découvert deux facteurs qui seraient de nature à expliquer ces contradictions dans le comportement des syndiqués européens et des syndiqués américains: les différences de structure des régimes de relations du travail et la force de la pression sociale diffuse. En Europe, il n'est pas nécessaire que les syndicats obtiennent une majorité d'adhérents dans une unité de négociation donnée pour que les travailleurs puissent bénéficier de leur protection. Au contraire, même dans les entreprises où les syndicats ne comptent que peu de membres, ceux-là peuvent intervenir au nom d'un membre qui s'estime traité injustement. Contrairement à ce qui se passe en Amérique du Nord, les valeurs sociales communément acceptées outre-Atlantique empêchent les employeurs de chercher à contrecarrer les tentatives de syndicalisation. D'autre part, à cause de la puissance politique *dustanding* social des syndicats, les employeurs ne sont pas enclins à prendre à la légère les démarches des syndicats en faveur de leurs membres. De plus, le concept de « grief » n'est pas très bien fixé et les syndicats se trouvent ainsi en mesure d'intervenir en faveur de leurs membres sur un grand nombre de points, qu'il en soit traité ou non dans les conventions collectives. Les syndicats ne sont pas non plus obligés de défendre les intérêts des non-membres et, en conséquence, seuls les membres des syndicats bénéficient de ce que Mark von de Vall a appelé « une assurance contre la discorde ».

Même si la législation du travail favorise certainement la négociation collective en Amérique du Nord et, de façon indirecte, les syndicats qui la rendent possible, en réalité la législation nuit à leur développement. Même si une minorité importante de salariés dans une entreprise donnée ou une « unité de négociation appropriée » peut désirer les services d'un syndicat, le syndicat ne peut pas faire beaucoup pour eux. En outre, la législation du travail en Amérique du Nord autorise le « droit » des employeurs de « combattre » la syndicalisation, ce qui est contraire aux valeurs et aux moeurs européennes.

Enfin, il y a certains indices qui démontrent que, en dépit de l'absence de retenue obligatoire des cotisations syndicales, dans beaucoup de pays d'Europe, la pression sociale ambiante qui s'exerce sur les travailleurs pour les inciter à adhérer aux syndicats est considérable.

Solidarity, Self-Interest and the Unionization Differential Between Europe and North America

Roy J. Adams

In this article, the « solidarity » argument is questioned on both theoretical and empirical grounds. It is argued instead that the unionization differential between the two continents may be more adequately explained in terms of differences on key dimensions of the existing industrial relations systems.

It has often been noted that European workers are, in general, more highly unionized than those of North America.¹ Although there has been little attempt to analyze this situation in depth, the usual explanation is that European workers are more « solidaristic » than their North American counterparts.

In this article we question the « solidarity » argument on both theoretical and empirical grounds. We argue instead that the unionization

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¹ The most recent estimate of union membership as a percent of non-agricultural wage and salary employment in several industrialized countries has been made by Everett Kassalow and is reproduced below :

| | | | | | |
|---------|-----|---------------|-----|---------------|-----|
| Sweden | 80% | Denmark | 58% | Germany | 38% |
| Belgium | 71% | Great Britain | 48% | Italy | 33% |
| Norway | 65% | Ireland | 43% | United States | 30% |
| Austria | 65% | Netherlands | 41% | France | 23% |

Source : Everett KASSALOW, « European Industrial Relations Systems in Transition : Changing Patterns of Industrial Conflict and Cooperation », *Industrial Relations* (Berkeley), May 1974. In Canada, as in the U.S. approximately one third of non-agricultural wage and salary earners are organized. For an analysis of recent European membership trends see Ivor ROBERTS, « Trade Union membership trends in Seven Western European countries 1950-1968 » *Industrial Relations Journal*, Winter, 1973.

differential between the two continents may be more adequately explained in terms of differences on key dimensions of the existing industrial relations systems. Such an analysis also helps to explain why North American unions have not been more successful in organizing the unorganized.

THE RIDDLE OF THE UNION MEMBERSHIP DIFFERENTIAL

In many respects the higher levels of unionization in Europe are puzzling. Indeed, several aspects of the European situation would appear to be detrimental to the maintenance of high levels of union membership.

Although there is considerable diversity, the most common form of collective bargaining in Europe is that which takes place between unions and employers at the national, regional or industrial level.² Contrary to the North American practice, collective agreements do not often provide for the establishment of actual terms and conditions of employment but instead set only minimums or call for general increase. In most cases, it is perfectly acceptable for individual employees or groups of employees to bargain for better terms on their own.³ It is also generally acceptable for employers to unilaterally decide to pay above union rates and with the considerable inflation of the past decade, this has become the common practice.⁴ The value of the union contract to employees under such conditions is questionable. Furthermore, whatever progress the unions are able to achieve usually is beneficial to both union and non-union members and thus, on this score, employees have little incentive to become or remain trade unionists.⁵

² Adolf STURMTHAL, *Comparative Labor Movements* (Belmont, California : Wadsworth, 1972), Chapter 4.

³ *Loc. Cit.*

⁴ Lloyd ULMAN and Robert J. FLANAGAN, *Wage Restraint : A Study of Income Policies in Western Europe* (Berkeley : University of California Press, 1971).

⁵ Franz Gamellscheg notes of Germany, « Inasmuch as he gets everything the member gets, the non-member asks himself why he should feel obliged to pay dues and take part in all sorts of union activity. » Franz Gamellscheg, « Outlines of Collective Labor Law in the Federal Republic of Germany » in Alfred Kamin (ed) *Western European Labor and the American Corporation* (Washington, D.C. : Bureau of National Affairs, 1970) p. 261. For a discussion of the problem in the Netherlands see John P. WINDMULLER *Labor Relations in the Netherlands* (Ithaca, New York : Cornell University Press, 1969) pp. 193-199.

In North America a similar situation occurred as the result of legislation which provided that the union would be the bargaining agent for all of the employees in a given bargaining unit.⁶ This gave rise to considerable problems for the unions. How could they persuade non-members within the unit to become unionists when all the fruits of the union effort could be acquired without the necessity of paying union dues? Indeed, how could members be convinced to maintain their membership? « Free-Riders » it was feared would gladly accept the results of the union efforts without contributing to the financial base which made it possible.⁷

The most prevalent solution was the establishment of the union shop or one of its variants which required those in the bargaining unit to become members or be discharged. By the late 1960's, 85% of the union contracts in the United States called for some version of the union shop.⁸

In some cases, however, unions were prohibited from making use of this device. Several States in the U.S., for example, passed « Right-to-Work » laws making mandatory union membership illegal. However, North American unions have always been characterized by strong shop floor organizations and these units have no doubt been instrumental in enabling the unions to maintain their integrity. Without either the union shop or a strong shop-floor presence, union strength would most likely have been sapped and the incidence of low membership would be much higher.⁹

With this in mind, the European situation becomes even more puzzling. Only very recently has there been a surge of interest in Europe towards the establishment of strong union organization on the shop

⁶ Although there are important differences between U.S. and Canadian labor law and between the laws of the provinces within Canada, the basic outline of North American legislation is quite similar and will be considered as a unit here. For an analysis of the development of North American legislation see H.D. WOODS, *Labour Policy in Canada*, 2nd ed. (Toronto: Macmillan of Canada, 1973).

⁷ See, for example, Howard D. MARSHALL and Natalie J. MARSHALL, *Collective Bargaining* (Toronto: Random House of Canada, 1971) pp. 207-223.

⁸ Neil W. CHAMBERLAIN and Donald E. CULLEN, *The Labor Sector* 2nd ed. (New York: McGraw-Hill, 1971), p. 177.

⁹ Where unionism is not compulsory, however, unions find it all but impossible to sign up 100% of potential members. See, John M. GLASGOW, « The Right to Work Controversy Again, » *Labor Law Journal*, February, 1967.

floor.¹⁰ Within the shop the most prevalent worker representation body has been the works council. Representatives to such councils are, in many cases, « elected by all employees both union and non-union, in a given plant or office. »¹¹ It is generally provided that the union has some influence over the list of candidates. However, « these committees, once nominated, are clearly plant-linked and -based, and *at best* only indirectly subject to union control. »¹² In fact, it is not uncommon for employers to « deliberately use the plant committee to divert worker loyalty away from the union. »¹³

Nor have the unions in Europe been able to establish union security devices on a broad scale.¹⁴ In many countries employers have been adamantly opposed to the establishment of the union shop. In Sweden, for example, the employers required the Confederation of Swedish Trade Unions to agree that, as a condition of recognition, the unions would not seek to inhibit the right of the employers to hire and fire employees regardless of their union affiliation or non-affiliation.¹⁵ A similar clause was demanded by British employers in the engineering industry.¹⁶ In

¹⁰ See, Everett M. KASSALOW, *Trade Unions and Industrial Relations, An International Comparison* (New York: Random House, 1969), pp. 159-161; Paul MALLEES, *Trends in Industrial Relations Systems of Continental Europe* (Ottawa: Task Force on Labour Relations, Study No. 7, 1969) pp. 54-57 and STURM-THAL, *op. cit.*, pp. 43-47.

¹¹ KASSALOW, *op. cit.*, p. 153.

¹² *Ibid.*, 154.

¹³ *Loc. Cit.*

¹⁴ In recent years, however, the establishment of such schemes has become a more important issue. For example, the check-off, whereby management deducts union dues from salaries and remits them to the union, has become popular during the past decade in such countries as Germany, Sweden and Great Britain. In Belgium the Netherlands many unions have been able to bargain for special benefits for union members only. For Germany see Gamellscheg *op. cit.*; for Great Britain and Sweden, R.J. Adams *Union Behavior as a Factor in Union Growth*, (Madison, Wisconsin: unpublished Ph. D. Thesis, University of Wisconsin, 1973); for Belgium, Roger Blanpain « Labor Relations in Belgium » M. Kamin (ed.) *Western European Labor*, *op. cit.* and for the Netherlands, Windmuller, *Labor Relations in the Netherlands*, *op. cit.*

¹⁵ B. CARLSON, *Trade Unions in Sweden* (Stockholm: tidens forlag, 1969), pp. 25-27.

¹⁶ H.A. CLEGG, *The System of Industrial Relations in Great Britain* (Oxford: Basil Blackwell, 1972), p. 126.

some European countries — Germany and France are examples — compulsory union memberships is illegal.¹⁷

Furthermore, until recently, European unions have not pushed very hard for the formal establishment of union security devices. They have been more ideologically committed than those in North America and, as Kassalow puts it, many were « loath to compel a non-believer in the union ideology to join, pay dues and participate in [union] activity. »¹⁸

In short, the European situation would seem to be made to order for a deep and persistent « free-rider » problem. How then have the European unions been able to achieve substantially higher levels of unionization than North American unions which, in large part, have solved this problem ?

SOLIDARITY OR SELF-INTEREST?

As noted above, the most prevalent explanation is that European workers are more « class conscious » and « solidaristic » than those in North America. The ethic of individualism, it is argued, became deeply imbedded in North American culture and worked against joint action. In Europe on the other hand the feudalistic tradition, « denied workers access to economic opportunity or political power. »¹⁹ They had to « struggle for a decade or more into the 20th century to achieve such elementary rights as public education and, more important, universal male suffrage. » Thus, « European workers were driven together to make common cause to advance their interest. »²⁰ Unlike his American or Canadian counterpart « the European labor leader has been able to capitalize on a cultural milieu in which union membership has been the natural response of the working man. »²¹

¹⁷ See Gamellscheg, op. cit. and Xavier Blanc-Jouvan, « The Settlement of Labor Disputes in France » in Benjamin Aaron (ed.) *Labor Courts and Grievance Procedures in Western Europe* (Berkeley, California : University of California Press, 1971) p. 4. Despite its illegality compulsory unionism is still practiced in the newspaper industry in France. See Frederic Meyers, *The State and Government Employee Unions in France* (Ann Arbor, Michigan : Institute of Labor and Industrial Relations, University of Michigan, Wayne State University, 1971), p. 5.

¹⁸ KASSALOW, op. cit., p. 141.

¹⁹ Derek C. BOK and John T. DUNLOP, *Labor and the American Community* (New York : Simon and Schuster, 1970), p. 48.

²⁰ Loc. Cit.

²¹ Ibid., p. 50.

This argument appears to be of the same genre as many other in sociology and economics. They all follow the rationale that « Groups of individuals with common interests are expected to act on behalf of their common interests much as single individuals are often expected to act on behalf of their personal interests. » Presumably, « the ideal that groups tend to act in support of their group interests is supposed to follow logically from [the] widely accepted premise of rational self-interested behavior. »²² However, in a recent brilliant analysis, Olson, has argued that « the notion that groups of individuals will act to achieve their common or group interests, far from being a logical implication of the assumption that individuals in a group will rationally further their individual interests, is in fact inconsistent with the assumption. »²³ With specific regard to the trade union he notes that « A labor union works primarily to get higher wages, better working conditions, legislation favorable to workers, and the like ; these things by their very nature ordinarily cannot be withheld from any particular workers in the group represented by the union. Unions are for 'collective bargaining', not individual bargaining. It follows that most of the achievements of a union, even if they were more impressive than the staunchest unionists claims, could offer the rational worker no incentive to join ; his individual efforts would not have a noticeable effect on the outcome, and whether he supported the union or not he would still get the benefits of its achievement. »²⁴

Olson further argues that American (and British) trade unions began as small local organizations which were able to provide differential « social » benefits to potential members but that once large national organizations evolved it became necessary to coerce workers into joining unions by way of union security devices. Although Olson limited his analysis primarily to the American situation his thesis clearly has universal implications.

An alternative interpretation of the « solidarity » argument might be that European workers joined trade unions not out of rational self-interest but instead out of altruistic sentiment for the objectives of the movement. The worker may have reasoned that although he would receive the benefits of the movement whether he joined or not, he would join in any event since he sympathized with the goals of the movement.

²² Mancur OLSON, Jr., *The Logic of Collective Action* (New York : Schocken Books, 1968), p. 1.

²³ *Ibid.*, p. 2.

²⁴ *Ibid.*, p. 76.

If this were the case, then European workers would have to be deemed, in the strict sense of the work, irrational.

Despite a good deal of speculation, empirical studies on worker attitudes towards unionization in Europe are at a premium. It is certainly true as Sturmthal, Kassalow and others have pointed out that the labor movements in Europe during the late 1800's and early 1900's took on, in many ways, the character of a separate sub-culture.²⁵ In addition to trade unions and political parties, the labor movement also consisted of numerous social, educational and co-operative associations. Within such a milieu it is perhaps understandable that many workers did join unions as a matter of course. To have done otherwise may have resulted in social ostracism. Thus, when social consequences are considered as well as economic outcomes it may have been perfectly rational for such individuals to have joined trade unions. Even here, however, recent research indicates that the common dichotomy between political and social solidarity in Europe vs. the self-interested business unionism of North America has been greatly overdrawn. As Stearns has pointed out « Historians . . . too often look at the expressed ideas of a movement or organization without checking the extent to which the ideas were held by participants or manifested in their behavior. » On the basis of his research on strikes in France during the early years of the 19th century, Stearns concludes that « French workers as a whole, despite their impressive strike activity, sought only limited and often traditional goods before World War I. » He notes further that « Few strikes . . . revealed much interest in the political process. »²⁶

Whatever may have been the case 50 or 100 years ago, evidence is beginning to emerge (although still quite limited) that present day European workers are not so different from their North American counterparts in their attitudes towards unionization.

The limits of altruism and the need for European unions to provide individualized benefits is vividly illustrated in a study carried out by

²⁵ KASSALOW, op. cit., pp. 18-20 ; STURMTHAL, op. cit., p. 1.

²⁶ Peter N. STEARNS, *Revolutionary Syndication and French Labor* (New Brunswick, N.J. : Rutgers University Press, 1971) pp. 1, 40, 43. In a recent contemporary study of automobile workers in the U.S., Italy, Argentina and India. Form concluded that « workers in all four countries reject political unionism in favor of job unionism. » William H. FORM « Job vs. Political Unionism : A Cross-Cultural Comparison » *Industrial Relations* (Berkeley) May, 1973, p. 224.

Mark van de Vall. On the basis of interviews with a sample of Dutch trade unionists he concluded that, « In the perception of both the blue and white collar worker, the main benefits he receives in exchange for his union dues are those which the organization can give him as an individual. As European unions play no role in hiring, these amount to assistance and advice in the case of dispute between employee and management. From the point of view of their own membership, both categories of workers regard these individual benefits as more important than the union's function in behalf of groups or society. »²⁷ The sample had a generally low regard for both the political and collective bargaining activities of their unions. Although some of the respondents did note that one of their reasons for joining was « solidarity », the most prevalent motive was the desire to acquire what van de Vall calls « conflict insurance. » By this term he means « the provision of legal and material assistance in the case of individual grievances. »

In short, most workers did not join to gain the generalized benefits of collective bargaining or political representation but instead to acquire union protection in the event of individual disputes with their employer. No doubt, once the employees had become trade union members they supported the political and bargaining activities of their unions (at least passively). However, these union functions did not provide sufficient incentive to join.

Van de Vall quotes evidence which indicates that a similar situation may be found in Germany.²⁸ Further evidence for the prevalence of this response is provided by a study carried out by this writer in Great Britain and Sweden.²⁹ Six unions which catered primarily for clerical and administrative workers in the private sector were analyzed in some depth. All six of the unions provided their members with personal differential benefits to some extent. However, Swedish union members acquire much greater individual benefit and, in turn, the Swedish unions were the more highly organized.

In North America unions also provide their members with « conflict insurance » primarily by way of the grievance procedure. In order to

²⁷ Mark van DE VALL, *Labor Organizations* (Cambridge: The University Press, 1970), p. 120.

²⁸ *Ibid.*, p. 127.

²⁹ Roy J. ADAMS, *Union Behavior as A Factor in Union Growth*, *op. cit.*

establish such a procedure the union must, however, be « recognized ». In Canada and the U.S. the characteristic method of achieving recognition is by way of a government sponsored representation election.³⁰ If the union wins the election then the employer is required to recognize it as the exclusive bargaining agent for all of his employees. The employer is also precluded from dealing with other unions. The union, in turn, is required to fairly represent the interests of all the employees in the bargaining unit. Once a collective agreement is reached, a grievance procedure is established whereby disputes over the application of contract provisions may be peaceably settled, usually with binding arbitration as the final step. It is important to note the legalistic meaning of a « grievance » in North America. The term does not refer to any complaint or problem that an employee might have. Instead it specifically relates to contract provisions. Although the leeway for disputes over such problems as discipline may be quite broad, extra-contractual issues need not be entertained by management and are often removed from the orbit of union influence by the establishment of management rights clauses.

The situation in Europe is much different. Recognition is traditionally granted by employers' associations on a national, regional or industry-wide basis.³¹ Several unions may be involved and the concept of exclusive representation within a given bargaining unit is practically unknown.³² The most publicized aspect of these systems is the high level of collective bargaining as noted above. For our purpose, however, there is another much less publicized aspect that is more important. Grievances usually do not have the restricted North American meaning but instead cover essentially any employment problem which the worker might experience. For example, van de Vall notes that the member may turn to the union for assistance concerning « conflicts about unfair treatment, unjustified dismissal or demotion, underpayment and incorrect application of social legislation. »³³ Only rarely is there any clear dis-

³⁰ WOODS, *op. cit.*, Chapter IV.

³¹ In a few countries such as France and Belgium the State designates certain unions as « most representative » which provides them with some degree of formal recognition. This form of State recognition does not provide as much legal protection as North American certification procedures, however.

³² Recently, however, the concept was introduced in Great Britain. See, Joseph W. GARBARINO, « The British Experiment with Industrial Relations Reform », *Industrial and Labor Relations Review*, January, 1973. The law has encountered substantial union opposition and the Labor government which was returned in 1974 is planning to revise it.

³³ VAN DE VALL, *op. cit.*, p. 131.

inction made between disputes over « interests » and disputes over « rights ». ³⁴ Unions, generally, do not have any legal duty to represent non-members. Although European unions do not often reject requests from non-members (who agree to join the union) for assistance, the union member acquires a greater sense of job security and protection against arbitrary management actions.

The role of the union in grievance processing has been complicated by the existence of the works councils which may also become involved with grievances. In many countries, primarily because of intensive employer resistance, unions have had a very difficult time establishing viable shop-floor organizations similar to those in North America. This does not mean however, that the unions necessarily play little or no role in the day to day working life of the employee as has often been suggested. As the studies noted above indicate, an employee or group of employees who feel that they have been unfairly treated may turn to the union for advice and assistance and the union may directly intervene on their behalf. The works councils have neither the expertise nor power to be of real value in such cases. Although employers strongly resist shop floor union organizations they have for the most part recognized the legitimacy of the unions as the spokesmen for the worker and respect the political and economic power that the unions may bring to bear. They are, therefore, not prone to take union initiatives on behalf of individual workers lightly. However, union influence concerning such individual issues does vary a good deal and it is precisely in those countries where it is greatest (e.g. Scandinavia and Belgium) that union membership is the highest. ³⁵ Furthermore, even though the unions may not entirely control the works councils, as Sturmthal points out « The influence in favor of the workers which the council can exert within the plant largely depends in the last resort upon the power of the union . . . » ³⁶ Indeed, despite statutory requirements for the establish-

³⁴ Several countries do legally distinguish between the two types of disputes. In practice, however, the designation is blurred. See Benjamin AARON « Forward » in Aaron (ed.) *Labor Courts and Grievance Settlement in Western Europe*, op. cit., p. XVIII.

³⁵ ADAMS, op. cit. ; T.L. JOHNSTON, *Collective Bargaining in Sweden* (Cambridge : Harvard University Press, 1962) and Roger BLANPAIN, « Labor Relations in Belgium », op. cit.

³⁶ Adolf STURMTHAL, *Workers Councils* (Cambridge : Harvard University Press, 1964), p. 160. Sturmthal does go on to point out, however, that many union members do not make this connection which helps to explain the recent drive of the unions to establish themselves more firmly on the shop floor.

ment of councils in some countries, in situations where the unions are very weak councils may not be formed at all.

Thus, in both Europe and North America a critical function of the union is the protection provided to members against arbitrary managerial decisions which may negatively affect the employment situation of the worker. The essential differences between the two continents are that in Europe, contrary to the North American practice, the union need not achieve a majority in any particular organization to be of individual benefit to its members; nor is it generally restricted as to the issues that it may raise. In fact, it is not uncommon for a union to represent less than a majority of employees in any given plant or shop. Thus, if the North American system were to be superimposed on Europe the union membership differential might be entirely erased.

Although the legislation in the U.S. and Canada formally encourages collective bargaining and presumably the unions which make it possible, in fact it has precisely the opposite effect.³⁷ An employer who has more than 50% of his employees vote in favor of a union is required to bargain in good faith. On the other hand the legislation legitimizes the right of the employer to entirely exclude a union which has not achieved majority status.

The « right » of the employer to fight unionization is indicated by the existence of several books by apparently reputable lawyers which seek to instruct employers in the techniques of defeating unionization efforts. The title of one recent book is indicative: *Labor Unions: How to Avert Them, Beat Them, Out-negotiate Them, Live with Them, Unload Them*.³⁸ The effectiveness of such techniques is indicated by a study carried out by the AFL-CIO of 500 union election campaigns in the U.S. Where the employers actively sought to thwart recognition, the unions lost 50% of the elections. But « where there was no employer campaigning, [the unions] won every election save one — a tie. »³⁹ In Europe such blatant employer interference with the

³⁷ For an analysis of the defects of Canadian legislation in this regard see George S. BAIN, « The Growth of White-collar Unionism and Public Policy in Canada », *Industrial Relations* (Laval) April, 1969.

³⁸ Herbert I. ROTHENBERG and Steven B. SILVERMAN, *Labor Unions: How to Avert Them, Beat Them, Out-Negotiate Them, Live with Them, Unload Them* (Elkins Park, Pa.: Management Relations, Inc., 1973).

accepted employee right to join an association of his choice would not be accepted. Instead, the unions in Europe have been fully accepted as one of the key « social partners » in the industrial relations system.⁴⁰ The level of acceptance in North America is much lower. As John Porter has noted « Because they challenge . . . historic rights of property, trade unions are intruders whose presence is only grudgingly accepted by other institutional elites and by the rest of society. They are accepted for their power rather than any contribution they are thought to make to social life. »⁴¹

Although 40 or 45% of the employees in any given enterprise may desire union services, North American law strips the union of the ability to be of any meaningful benefit to them. Not only is the employer protected by law in refusing to deal with a union in such a situation, but also the union is forbidden to exert any industrial pressure on the employer. For the most part, the unions have accepted this situation and make little or no attempt to provide service to workers in non-recognized units.

Recent studies indicate that substantial numbers of unorganized employees would form or join unions if it were not for the negative character of North American public policy. For example, one recent investigation of the attitudes of U.S. middle managers towards unionization found that one-third of those sampled would join or consider joining a trade union.⁴²

Since non-recognized unions are of little benefit one finds completely dichotomy situations. Either the enterprise is fully unionized or it is not unionized at all. Given this circumstance, the problem faced by North American unions is to organize the majority of employees in one small unit after another — a very difficult task.

³⁹ Hugh P. HUSBAND, Jr., *Management Faces Unionization* (N.Y. : Management Sourcebooks, 1969), p. 4.

⁴⁰ This does not mean that European employers welcome unions or are any more favorably disposed towards unionization than their North American brethren. Political and social realities, however, make it very difficult for European management to openly « fight » unionization.

⁴¹ John PORTER, *The Vertical Mosaic* (Toronto : University of Toronto Press, 1965), p. 312.

⁴² Alfred T. DE MARIA, Dale TARNOWIESKI and Richard GURMAN, *Manager Unions?* (N.Y. : American Management Association, 1972).

It has often been noted that a major difficulty with organizing retail employees is the small size of the units in which such employees work as contrasted to larger manufacturing units.⁴³ On a broader scale such a contrast is equally relevant between North America and Europe generally. The larger European « recognition units » have enabled the unions to provide services to a much broader range of employees.

COERCION AS A FACTOR

The structural and legal differences between the two continents probably account for the greatest percent of the variance in unionization. However, it should be pointed out that, even though formal union security arrangements are not as prevalent in Europe, this does not mean that the worker is free of all pressure to become a union member. In many instances informal social pressure is quite intense. In Britain, for example, there has been a good deal of talk about the « closed » shop.⁴⁴ As used in Britain, this term does not necessarily refer to mandatory union membership by contractual agreement. Instead, the « closed » shop is maintained by the refusal of trade unionists to work with non-unionists. Although British management has generally opposed such tactics, they have felt it necessary to tolerate them for fear of sparking wild-cat strikes.

Similar situations are, no doubt, common in other parts of Europe. In Sweden, for example, although there is a formal « open shop » clause in existence throughout industry most Swedish industrial workers are subject to a good deal of informal pressure to become union members with the result that over 90% of such workers are trade unionists. Based on his community study of the Dutch town of Sassenheim, Gadourek notes that some workers who refuse to become union members « are often exposed to social pressures, even to ostracism. They are either directly or indirectly (e.g. by letters put anonymously into their coats during the working hours) reminded that they actually profit from work done by the unions without paying their dues in return. »⁴⁵ In France, also, Hamilton has demonstrated that the continued strength of

⁴³ See Marten ESTEY, « The Retail Clerks », in Albert A. BLUM, Marten ESTEY, James W. KUHN, Wesley A. WILDMAN and Leo TROY (eds.), *White-Collar Workers* (New York : Random House, 1971), p. 60.

⁴⁴ W.E.J. McCARTHY, *The Closed Shop in Britain* (London : Blackwell, 1964).

⁴⁵ Quoted in Windmuller, *op. cit.*, p. 187. Additional support is provided by Van DE VALL, *op. cit.*, pp. 136-137.

the Communist CGT in a milieu of increasing affluence is due, at least in part, to social pressure rather than to objective economic circumstance.⁴⁶

CONCLUSIONS

Certainly some workers have always joined trade unions because of strongly held beliefs in the social and economic goals of the « movement ». During the early years of union development in Europe such sentiments may have been quite widespread. It is, however, doubtful that such motivation is of major significance today. The evidence presented here, limited though it may be, supports the assertion that contemporary European unionists join unions because they either believe it to be in their own personal self-interest or because they are coerced to do so.

Compared to North America, several aspects of the typical industrial relations system in Europe are detrimental to high levels of union membership. These factors are, however, more than balanced out by the ability of European unions to provide valued individual services to a wide range of potential members. The formal « union shop » has not become widespread both because of employer opposition, ideological union opposition and legal prohibition. Despite this, however, informal pressure is probably quite common.

In contrast to their European counterparts, North American unions have made intensive use of formal stipulations for mandatory union membership. Thus, where they have become recognized, 100% membership is quite common. However, the legal systems in North America, despite their often stated purpose to encourage collective bargaining are, in fact, very detrimental to the growth of union membership. They formally bar the union from all situations except those where it has been able to survive the hazards of an organizing campaign and win a representation election. Since, in many situations employees are liable to identify with employers and fear retaliation for union activity, North American unions face great difficulties in expanding their influence and membership. There are probably many thousands of employees in North America who would become union members if the unions had the capacity to be of advantage to them. However, union services are, in

⁴⁶ Richard F. HAMILTON, *Affluence and the French Worker in the Fourth Republic*, (Princeton : Princeton University Press, 1967), Chapter XII.

effect, forbidden to these employees because of the unwillingness of a majority of their colleagues to opt for unionization. Perhaps, as Kahn-Freund has pointed out, it was necessary for the governments of North America to « create a union monopoly of representation in each bargaining unit » because of the « intensive competition between unions. »⁴⁷ Whatever the reason, the resulting system has made it very difficult for the unions to reach high levels of unionization and until the law is changed they are not likely to do so.

Les contradictions entre les syndicats européens et les syndicats américains

En Europe, le pourcentage des travailleurs syndiqués est plus grand qu'il ne l'est aux États-Unis et au Canada. Cette situation intrigue à bien des titres. Les clauses de sécurité syndicale sont beaucoup moins répandues en Europe qu'elles ne le sont en Amérique du Nord. En Europe, la négociation collective se fait surtout au niveau des branches industrielles et les conventions ne fixent que des conditions minimales qui s'appliquent aux travailleurs non-syndiqués comme aux travailleurs syndiqués. En outre, les syndicats européens n'ont généralement pas été en mesure d'établir des sections au niveau des usines comme on a pu y arriver en Amérique du Nord. Ce sont les comités de travailleurs élus par l'ensemble des employés de l'entreprise qui constituent l'organisation syndicale principale à la base. Étant donné ces caractéristiques du régime des relations de travail en Europe, on pourrait s'attendre à un « parasitisme » exubérant et à un degré de syndicalisation très bas.

L'explication connue de ce paradoxe, c'est que les travailleurs européens feraient preuve d'un plus grand esprit de solidarité à l'égard de leurs syndicats. L'explication de ce phénomène par l'esprit de solidarité s'efface devant la réalité omniprésente de l'intérêt personnel. Donc, si l'on accepte l'explication que les travailleurs agissent poussés par des sentiments de solidarité envers leurs syndicats, force est de dire que les travailleurs européens ont un comportement anormal.

Des études récentes démontrent pourtant que les travailleurs européens ne sont pas moins normaux que les camarades américains. En réalité, ils adhèrent aux syndicats dans l'espoir d'en retirer des avantages personnels, ce qui, pour eux, consiste avant tout à se protéger contre les décisions patronales unilatérales qui peuvent être à leur détriment.

On a découvert deux facteurs qui seraient de nature à expliquer ces contradictions dans le comportement des syndiqués européens et des syndiqués américains: les différences de structure des régimes de relations du travail et la force de la pression sociale diffuse. En Europe, il n'est pas nécessaire que les syndicats obtiennent une majorité d'adhérents dans une unité de négociation donnée pour que les travailleurs puissent bénéficier de leur protection. Au contraire, même dans les

⁴⁷ Otto KAHN-FREUND (ed.) *Labor Relations and the Law, A Comparative Study* (London: Stevens and Sons, 1965) pp. 7-8.

entreprises où les syndicats ne comptent que peu de membres, ceux-là peuvent intervenir au nom d'un membre qui s'estime traité injustement. Contrairement à ce qui se passe en Amérique du Nord, les valeurs sociales communément acceptées outre-Atlantique empêchent les employeurs de chercher à contrecarrer les tentatives de syndicalisation. D'autre part, à cause de la puissance politique du *standing* social des syndicats, les employeurs ne sont pas enclins à prendre à la légère les démarches des syndicats en faveur de leurs membres. De plus, le concept de « grief » n'est pas très bien fixé et les syndicats se trouvent ainsi en mesure d'intervenir en faveur de leurs membres sur un grand nombre de points, qu'il en soit traité ou non dans les conventions collectives. Les syndicats ne sont pas non plus obligés de défendre les intérêts des non-membres et, en conséquence, seuls les membres des syndicats bénéficient de ce que Mark von de Vall a appelé « une assurance contre la discorde ».

Même si la législation du travail favorise certainement la négociation collective en Amérique du Nord et, de façon indirecte, les syndicats qui la rendent possible, en réalité la législation nuit à leur développement. Même si une minorité importante de salariés dans une entreprise donnée ou une « unité de négociation appropriée » peut désirer les services d'un syndicat, le syndicat ne peut pas faire beaucoup pour eux. En outre, la législation du travail en Amérique du Nord autorise le « droit » des employeurs de « combattre » la syndicalisation, ce qui est contraire aux valeurs et aux mœurs européennes.

Enfin, il y a certains indices qui démontrent que, en dépit de l'absence de retenue obligatoire des cotisations syndicales, dans beaucoup de pays d'Europe, la pression sociale ambiante qui s'exerce sur les travailleurs pour les inciter à adhérer aux syndicats est considérable.

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