

Relations industrielles

***Sports and Labor in the United States*, By Michael Schiavone, SUNY Press, Albany: New York, 2015, 220 pages. ISBN 978-14384-5681-2 (Hardback), ISBN 978-4384-5683-6 (e-book)**

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tion a été confectionné. Les auteurs abordent finalement les obstacles (p. ex. l'absence de « mémoire organisationnelle » pour donner suite aux démarches) et les facilitateurs (p. ex. l'intercompréhension des réalités vécues par les groupes) rencontrés dans le cadre de ces tentatives de passage à l'action. En conclusion, les auteurs soulignent l'importance d'analyser le travail dans sa complexité afin d'identifier les situations « à risque » pour la santé mentale dans les milieux scolaires ainsi que la nécessité d'agir sur ces réalités.

L'ouvrage recensé traite d'un enjeu sociétal majeur : la prévention des problèmes de santé mentale au travail, de même que de leurs conséquences. Il documente en profondeur des « situations difficiles » pouvant y être reliées et présente des possibilités d'actions en prévention. Il s'agit de contributions intéressantes, mais qui doivent être bien situées. D'une part, l'ouvrage est ancré dans l'approche de la psychodynamique du travail. Cette gnoseologie marque donc la recherche-action ainsi que l'ensemble des informations présentées. Or, la section qui présente la psychodynamique du travail (chapitre 2) est très brève. Une présentation plus détaillée concernant l'opérationnalisation des différents concepts (souffrance, plaisir, stratégies défensives) aurait également été intéressante. De même, peu de détails sont disponibles sur la manière dont l'analyse des données a été menée (chapitre 3). D'autre part, les auteurs soulignent et discutent des contributions de la recherche, mais ils abordent peu ses limites. En outre, certaines nuances auraient pu être apportées, notamment lors de la présentation des résultats de l'enquête. Par exemple, il est mentionné (à juste titre) que les données de l'enquête permettent de dresser un portrait qualitatif de ce qui peut se passer au quotidien dans des écoles secondaires en contexte socio-économique défavorisé. Toutefois, les auteurs ajoutent que leurs résultats ne se limitent pas à ce contexte et qu'ils s'appli-

queraient aussi plus largement à d'autres écoles secondaires (p. 99). Pour justifier cette affirmation, ils précisent que les résultats de l'enquête « ont été validés et confirmés » au cours d'activités de diffusion des résultats, ce qui leur a permis d'échanger avec des milliers de gens du milieu scolaire provenant de différentes régions du Québec (p. 43 et 100). Certes, ces appuis renforcent les résultats de l'enquête, mais permettent-ils d'affirmer avec certitude qu'ils peuvent être applicables plus largement? L'ouvrage reste tout de même intéressant en ce qu'il permet d'engager une réflexion sur des situations « difficiles » ou « à risque » de susciter l'apparition de problèmes de santé mentale. Il permet aussi de réfléchir aux moyens à privilégier pour prévenir ces situations et pour développer des contextes de travail favorables à la santé mentale. Cette démarche pourrait intéresser d'autres milieux de travail.

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Sports and Labor in the United States

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We are attracted to sport because of the daring deeds of favourite teams and players on-the-field of play. Before these contests can occur, however, decisions need to be made about the allocation of players and payments for their services. These off-the-field decisions, especially the nature of relations between owners/leagues and players/player associations, can be more dramatic, torturous and complex than anything that happens on-the-field. Players, in the North American team sports baseball, football, basketball and hockey, are 'popularly' viewed as being greedy millionaires, especially when they become involved in labour disputes with (what adjective should be used here?) billionaire owners. Michael

Schiavone's aim in *Sports and Labor in the United States* is to provide a deeper understanding of labour relations in these sports.

He provides two major observations. First, as the respective sports developed, owners/leagues introduced employment rules which restricted the economic freedom of players. Players were denied the right to seek employment with other clubs prepared to employ them, and/or systems of 'compensation' were developed to preclude other clubs from taking up their employment once contracts with their 'old' club expired. Schiavone maintains that players have fought with owners over such "matters of principle" (p. 3). They want to be afforded the same rights as other workers. This is of particular importance given the shortness of the careers of players. In addition, there is the growing problem of the long term damage resulting from concussion in both football and hockey. 'High' incomes earned in a short period are quickly dissipated in medical care and associated costs after 'retiring'.

Second, recent decades have witnessed employers in mainstream employment demand concessions from workers and their unions, even if they have achieved increases in profits and revenue. Similar demands have been made by the respective owners/leagues in these sporting codes. Schiavone says that "off-the-field battles mirror the collective bargaining struggles waged by traditional unions in the United States" (p. 5).

Schiavone employs a descriptive chronological account of the trajectory of labour relations in the respective sports. His accounts start with the origins of the sports, how they were organized and operated, examinations of early short-lived player associations, the erection of employment rules which restricted the economic freedom of players, the emergence of permanent player associations (all of which occurred in the 1950s), their slow progress

in finding their feet and taking on owners and redressing imbalances of power experienced by players, the obtaining of substantial increases in income and other benefits, the response of owners and subsequent industrial disputes.

Developments in the respective sports have differed in terms of three major dimensions. They are the peculiar status afforded to baseball, 'quality' of the leadership of player associations and variations in solidarity on both sides of the industrial fence. Baseball, unlike other American sports (if not other areas of economic life), has been granted an exemption by the Supreme Court from the *Sherman Antitrust Act* (1890)¹. Baseball players were subject to the reserve or option system. Paragraph 10 (a) of the *Uniform Player Contract* stated that "The Club shall have the right...to renew this contract for a period of one year". By signing a new contract, players found themselves perpetually bound to their clubs. The Major League Baseball Players' Association (MLBPA) appointed 45 year old Marvin Miller, a former steel union official, as its leader in 1966. He revolutionized baseball's labour relations². Miller believed that Paragraph 10 (a) was, in effect, a two year contract; if a player did not sign a new contract and played out his option year he would become a free agent. He found two players who were prepared to adopt this strategy. The owners disagreed. A private arbitrator ruled that they were free agents. A new collective bargaining agreement, negotiated in 1976, introduced free agency for players after six years' service with a club and ushered in substantial increases in the income and other employment entitlements of players.

Player associations in the other sports mounted antitrust actions in attacking similar restrictive employment arrangements. However, in both football and hockey, what they won in the courts they lost at the bargaining table. Hockey had the indignity of a leader who had a cosy arrangement

with the owners, 'ran dead' on numerous issues and was "indicted by a grand jury on racketeering, misappropriation of [National] Hockey League Player's Association funds, receiving kickbacks on NHLPA disability insurance, [and] embezzling money from the NHLPA" ³ (p 139).

Following concessions obtained by baseball players in 1976, the owners spent the next two decades attempting to wrest them back. Every collective bargaining agreement was associated with either a strike or a lockout. In the late 1980s/early 1990s, the owners had \$280 million in damages awarded against them for colluding in not bidding for free agents, in defiance of the collective bargaining agreement. In 1994 the owners attempted to crush the players association in a 232 day strike which resulted in the cancellation of the 1994 World Series. The key to the success of the MLBPA in these years was the solidarity of the players against the disunity of the owners. This latter aspect is downplayed by Schiavone. The players not only had a strong sense of solidarity to each other, but also with players of the past who had obtained concessions for them, and for players of the future to ensure that they would receive the same benefits they enjoyed. Since the 1994/1995 dispute, labour relations in baseball have been characterized by peace; but matters have been somewhat more problematic than indicated by Schiavone⁴.

In the other sports, the owners have used lockouts in an attempt to win back concessions. Football had a 127 day lockout in 2011; basketball two short lockouts in 1995 and 1996, 204 days in 1998/99 and 161 days in 2011; and hockey had a 10 day strike in 1992 and three long lockouts, 104 days in 1994/95, 301 days in 2004/05 and 119 days in 2012/13. In these disputes, the owners have been more united than the players and their player associations. Basketball found it difficult to develop a united position between star and journeyman players and there have been tensions

between different factions within the leadership groups of player associations. Schiavone also draws critical attention to the leadership of the National Hockey League over its failed strategy to expand the sport into America's Sunbelt and a labour relations stance that has involved the virtual cancellation of two seasons.

In a final chapter, Schiavone is pessimistic about the future direction of labour relations in sports. He says: "if recent history is any guide, industrial conflict and work stoppages and lockouts brought about by billionaires will once again rear their ugly heads" (p. 167). It will be interesting to see how the next innings of labour relations in these sports unfold to determine the veracity of this prediction. Whatever transpires, he is to be congratulated for providing a very readable and clear account of the histories of labour relations in these four major North American team sports.

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Notes

- 1 *Federal Baseball Club of Baltimore v National League of Professional Baseball Clubs* 259 US 200 (1922); *Toolson v New York Yankees* 346 US 356 (1953); and *Flood v Kuhn* 407 US 258 (1972).
- 2 Burk, R. F. 2015. *Marvin Miller: Baseball Revolutionary*. Urbana, Chicago and Springfield: University of Illinois Press.
- 3 Also see Conway, R. 1995. *Game Misconduct: Alan Eagleson and the Corruption of Hockey*. Toronto: Macfarlane, Walter & Ross.
- 4 Pessah, J. 2015. *The Game: Inside the Secret World of Major League Baseball's Power Brokers*. New York, Boston, London: Little Brown and Company.