

**A POSITIVE RECOMMENDATION TO IMPROVE R.O.C.'S
LABOR-MANAGEMENT DISPUTES DEALING PROCEDURE**

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A POSITIVE RECOMMENDATION TO IMPROVE R.O.C.'S LABOR-MANAGEMENT DISPUTES DEALING PROCEDURE

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ABSTRACT

Although the legal procedure of labour-management disputes in ROC had been rectified numerously, yet some of them still fall in ambiguous. Such as: the basic principles and theories, the position of appellant, the verification of dominion, the occurrence of accessory fee, the usage of procedure beyond the lawsuit, claim's up keeping and relationship re-establishment afterward etc., In this study, Recommend some solutions for labour-management disputes, this solutions mostly came from case study and supported by academic. The guidelines has been summarized as follow:

1. The principle which applies to solve those disputes shall, fist of all, base on the autonomy or internally-regulate, and then follow by externally-regulate.
2. To institute legal proceedings of hearing, for compensating of capital representative's inability.
3. Enhance the function of "public-interest committee", instead of omit occasionally.
4. By adoption the principle of "lawsuit involvement" holding the parent company to send the representative for participating L-M Disputes of their subsidiary company is necessary.
5. Ensure the rule of "pay by user", to avoid the abuses of civic rights and social bona-fide.
6. Let the mediation play the key role in L-M disputes.
7. Government's power should more active and aggressive in both claims up keeping and relationship-rebuilt issues.
8. The establishment of licensing and certificating system for professional mediator is a matter of great urgent.

1. FOREWORD

Indeed, the Republic of China, in Taiwan (hereinafter R.O.C.) existing labor-management disputes dealing act (hereinafter the act of labor disputes). Since it being revised and implemented, this act did have a great improvement in tackle those problems, which has happened between the labor-management disputes dealing (see footnote 1).

Despite of it, the current labor disputes act is still under un-idealistically. Base upon of its act, which it can be divided into two dimensions such as “the entity act of labor-management dispute’s dealing ” and “the law of labor-management dispute’s dealing procedure” The former one, for example, there is no any specific regulation to set the current “entity act of labor-management dispute’s dealing”, then to adopt of it and to make it under permission. Thus, its conduction on dispute aroused will the act can be applied, which becoming to be a thorny question needed to solve and discuss. Though, the labor committee now is trying to draw up “the entity act of labor-management disputes dealing” to be unity with the existing act of labor union, the article 29, under the framework of legislation then to make its theory structures are more specification.

However, this action is still un-proceeding to research and discuss in properly on how to meet with the details of labor-management disputes dealing. Moreover, under the act of labor union, which has ruled the labor union’s operation so it is not available to make those arguments aroused from the management side’s reality part of labor-management disputes dealing set within the act of labor union.

Generally, it is a real fault of current “act of labor disputes” for there is no any real action to copy with labor-management disputes dealing under premise subject (see footnote 2). As to the later, for example, the current “act of labor disputes” was also failure to apply with the social used disputation resolution and there is no any further resolutions on reconciliation and arbitrator’s qualification and its structures are remain to be set in details. Hence, in deal with the said labor-management disputes dealing, how to set a job for the authority of labor administration in proceeding with the disputation process & method? And how is the difference between the so-called dispute client and the so-called accused client? As well as how is the role of arbitrator and its connection with the act executor in the case reconciliation? Then where is the act a fee comes from and how is its effectiveness of disputation & dealing in the said justify judgment and its procession speed? And how are connections between the explicit of act procession steps and the effectiveness of disputation resolutions? Yet, how is the basic theory upon with the resolution process? And so forth, it is not only negating but inexplicit in those circles aforementioned.

Thus viewed to the labor-management dispute’s dealing procedure and resolution having a closed implications, this context shall resort to the theory’s consideration on its effect to the existing dealing procedures then to make a very possible and positive recommendation (see footnote 3).

2. THEOLOGICAL ISSUES

First of all, one must set up the self-disciplined way to sort out the principles based upon labor-management disputes and that is said the enterprise’s disconnection or its reconstruction shall rely on the relevant parties’ consciousness and tolerance and therefore its procession shall center on the designs of “exclusive discipline” and “outside strength.” Before this, it should set a strenuous effort by both labor-management parties’ “self-disciplined” and its expectation to resolution. For this, there are many countries had have a clear legislation designs as Australia, Japan, unites states of America, Italy, and Germany (see footnote 4), this can be our reference therefore.

Next, the principle of the labor-management dispute’s dealing should vary from the said act suit procession, which its procession’s yielding is specially in need to stage the social ethics’ arbitration and enforcement in dealing with those processions and to make this principle being a essential element to sort out issues. One

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might though that this issues are being processed in sociological and are being fixed in the reign of “non-official procession”, however, it should be declared of its spirit and operation theory in those procession aforesaid.

As we all know, those non-official issues’ resolution will conductive to those act charge’s management in timing and space waste disadvantaged and this key point much account on the issue identified then to build up it in reconciliation and mutual recession. And once we couldn’t recognize its resolution we shall hardly to judge it properly at final results.

3. THE PARTY ISSUES

The issues it is follow must according to reality practice of existing dealing of act of labor disputes. The corporate manager or others management level (not concern the management side) may in presence of any resolution meetings that on behalf of their management’s delegate or representative. However, in fact, those people above-mentioned in its capabilities to tackle the issues are obviously the “tools” to listening the counter party and the public’s opinion in analyzing and dealing with the issues.

Yet, most of them are dare not or unable to take a position of the party’s. This flaw on the party’s capabilities was due to the real issue of the delegate or the representative whether they can really to represent the principal management side or not? Hence, it is reminding us to deliberate on the qualification of the corporate manager or others. Thus, we could find it is necessary for disputation dealing in “presentation defend” or requesting in” Issues entity and resolution entirety” at stage period and through this period the real management sides are normally not intend to call a session. Then the existing of labor-management dispute’s dealing act must have the said “Opinion orientation” in the stage of “Reconciliation” and “Arbitration” and consider it as a due course, it is also be regulated by prevailing act that the first reconcile committee which form a conclusion, then this period is deemed into a “Investigation” stage. And this said investigation is only for resolutions and sources collections, which show the due opportunity for the real management sides, cannot do any calm analysis or to make any resolutions on those opinions proposed by reconcile committee. For this sake, it will cause the management side to lose its face for the members of reconcile committee will forward to investigate the implicated corporation.

Therefore, we might consider it in reality could not hard to find the labor party will always to give a negative effects on those people who are represent the management party as delegate or representative. Then the “opinion orientation” should no doubly in need to design and further in America and Japan were already to have a due process over this issues than a country like us is urgently to need indeed.

Next on our present member of labor disputes dealing committee ruled by the act of labor disputes, which are organized by the “Recommended committee members of labor side ” and the “recommended committee members of management side ” and the “members represent the public interests”. Thus, it is being formed. In case that the member of labor disputes committee’s delegate wants to take action with the due process to make the issues stale or to null it, then the follows relationship between the labor-management is hardly to proceed. We might think that there are difference between the labor-management disputes dealing and the charges of labor-management. Besides, there are the public interest member exists in those committee members of labor-management dispute’s dealing. Hence, the members of both labor-management party must limit its delegate or representative” in disputation side, but an “agent” who been selected and hired by the labor movement group.

Further, apart from those aforementioned members, we also learned that the so-called “public interest committee members”, which it always be taken a mistake in their role definition. That is to said the so-called members aforementioned organized those parties as “joint association committee”, “general association committee”, and the “government authority, or scholar party” whose party must choice one member to assume to be the agent. Yet, the modern act prevailing on those above parties “the member of

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public interest committee” must “designated person of concerned authority” which did not appear or show its real public interests. Further, they suppose that the “member of public interest committee” should preserve their own party of labor and management’s right. In addition of this members aforesaid, the government authority must take one seat then caused the scholar or the expert might not to attend the said reconcile meeting. It is accordingly to form a labor administration authority should busy in parties strife and hardly to receive a trust from the publics.

Under the current acts of labor disputes, the article 13, clause 1, we might consider it needed to specify the “designated person of the government authority”. Must have its purpose on public interests. Again, our nation must deliberate and refer to those more advanced industrial nations’ procession in disputation & argumentation to make those scholars or experts are necessary to involve with the issues case so that the labor authority can only make an add-on work in administration to impose the public interests man may sort out the entirely issues, but a useless defend on party’s right. Besides, the said authority work, we might thought it, whether it will cover the said “chairman of meeting” is needed, as long as the authority has no right to make a vote decision.

4. CONTROL AND OBLIGATION ISSUES

Normally, for example, the issues came out from the both party of labor-management cured by the sub-corporation or the branch corporation, the resolutions is often rely on the main corporation’s policy orientation. Then what authority (or the court) must shoulder the responsibility and obligation? Or it should to be the local authority for the sub-affiliation company? Or the authority located in its obligations over the main corporation?

Although, the corporate finance & accounting and human resources are not totally separated from the sub-company or branch company in a certain aspects. Thus at a time that the issues arise came across the above company, the resolutions should responsible through the main company, then this case is necessary for the act of labor disputes to revise as we consider. Subject to the principle of “charge participation”, the management side’s main company (includes the management level) has a due obligation to participate the charge issues. Therefore, the local authority is no doubt that to be a place where to handle the issues happened at the sub-company or branch company when this obligations is confirmed by the existing act. Vice versa, we must have to consider the issue party aforementioned in its obligatory qualification then to make the local authority be a unique charge place over the main company.

Certainly, it is needed to be consider the fees of charge. For this can be shared by the “suit loser” or be shared by both party of labor-management, the issues will be settled by no means and as for the charge fees for the members of public interest committee then should be considered to pay by the government’s authority. This is however the committee members of public interest shall designate the located authority as the place (not incident place) where the issues involved.

5. CHARGE FEES ISSUES

In reality, the issues must concern with the charge fees, except the point of view said above, the designated reconciliation committee member made by the both party of the labor-management who is not a real party itself or the interest affiliation party so as to form the parties must pay the charge fees to the designated man mentioned above. Once we may find that the mandatory or the mandatory their relations appeared to be the “the payment mandatory”, the mandatory undermine its “sincerity” and “harmless empower” will often to make the bad outcome of the issues. Thus we ought to point out that the said payment affiliations were happened to be developed naturally and it can be set back the issues’ resolution. We firmly believed that will tend to a resolution due to this picture once could revise its regulations set by the existing act that appointed reconciliation man of the issue party can only be a “delegate” but an “agent”. Through this said revise that an attorney will not have a change to solve the affairs between the parties, then we must to make a declaration that the resolutions as mentioned above should put the emphasize on the exclusive discipline

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efforts and when it nothing to do with the issues then a designing for exclusive discipline be produced. This designs is for the power of public interest developing and thus the attorney may engage in this issues from the “practice” angle to participate the said issues, yet it might have its basic weakness on the premise theory.

In terms, once the attorney willing to take part in issues, he has to make a contribution on the public interest and accepted the operation fees paid by the government authority. Again, those people who being used to the social public interest on issues now is paid a slightly operation fees by the authorities than to pay no more attention on the issue party. We may aware of it designs for non-payment will encourage the issue party indirectly to waste the government’s good willing and it shows and appears to great a person who are often to use the taxes in favor of those issues.

We might consider that the use of public interest power must take a charge system but under this system must not to force the poor party formed a “false charge” and no where to suit for justice. For this sake, in case the present act of labor disputes could make the payment for operation fees’ obligation turned into the responsibility and obligation paid by both labor-management party, and further to be shared the five of third fees raid by the side of “suit loser” then it can be soften the loads on issues’ resolution caused by the operation fees charged.

Further, in order not to waste and abuse the time spent on issues procession made by the public interest members, the basic hour, we thought, is better counted 2 hours so as to remind the concerning party must case for the society’s good willing of course this may encourage those public interest members treating well on the issue party in a manner of activity and positive.

It is certainly to know that there are many cases no matter what is win or lose during the reconciliation period or this case can be invalid for certain reason at a time then how to distribute the charge fees will no any questions. When its things happened like the case above unless the reconciliation applicant want to pay more charges through the negotiation to the counter party, or it otherwise can be shared in a proportion by five of third or by five of second at a first stage demands. Once the enforcement of arbitration occurred, the issues party can only paid the half payment respectively then according to the judgment decided whom have to be paid five of third or five of second.

6. MEMBER SELECTION ISSUES

We hereby have to urge that no more resort to the acts’ way to handle the dispute dealing arise by labor-management party. Due to this way, in case, that through the acts solicitation can really help the issues resolution, as previous mentioned, and then the “non-official procession” is not exist any longer. And then the issues resolution must different from those acts’ charge affairs in design. Regarding the acts of labor disputes to the mediator or arbitrator’s qualification are only viewpoint on the party they represented and their capabilities on issues handling were also being a questions. Moreover, in terms of the present regional industrial party or commercial party, their relations’ enforcement set between their members and those connections set with the non-official members both were not considerable. So due to its unprofessional performance thus make the issues party cannot count on those members above. Therefore, there is a criticize that those party’s member aforementioned be recommended is hence under the evaluation.

On the next, when the labor administration authority selected its own members of public interest are normally not to fulfill the real demands on issues to arrange those people who are really knows the act, finance & accounting, or issue management to cope with. Thus we hope that the said authority above may at one hand to select its member quota distribution, and at the other hand to fulfill the real demands so at a critical hour it may put the stress on professional experience in selection member quota prior to the basic concern on quota assignment to those joint association party or to other class labor union,

On the issues procession, those initiative right to select the public interest members were decided by labor

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administration unit. We thought that the dispute dealing exclusive discipline resolution must, as previous mentioned, at a time to set a trust and tolerance, we must consider the basic connection of trust between the issue party and members of public interest. In case this theory was right, we urge that those members' selected option must open to the issues party. However, before this case is made, then the labor administration unit needs to build-up the name list of the said members and specified their career on both party of labor-management as well as to know the American case in dispute procession and so forth.

7. ARBITRATION ISSUES

Trace back to 1989 our nation been came across "the incident concerned with unemployment of Ta-tung Co., Ltd.", this case was judged illegal to fire the employee by the local city court. However, there is still no any sign to show the management side, the hirer, had taken any actions to sort out the worker reassumed issue and it was also no any movement for our relative, authority. We of course might consider that this case proceeded with no proper expedience measures to meet with the labor disputation by our government. Further on our reconciliation system, those case like above in case not been set-up, the labor side are normally not have any efforts for issues' payment unless it possess the sufficient capability to apply the issues charge needed. Therefore, we may regard this case as an uncompleted measurement to meet with the improper labor movement in dispute & dealing.

Based upon it, we could refer to the Japan's way to proceed R.O.C.'S requirement in dealing procedures and arbitration systems of the act of labor disputes so as to propose our opinion improve as the following :

1. To Increase The Act System On Labor Movement:

We might consider that the current acts concerned with the labor is not complete to regular the employer's conduction in handling the labor case and these act's design for "violation" concept, which were also limited in the traditional ideology or be stuck in those standard build-up in abstractly. Normally it is not to set a hand to the improper case of individual issue by government. Thus, we must put the emphasis on that case must having a new system on improper labor movement to make a compensation for R.O.C.'S present labor justice.

2. To Speed The Institution Of Public Right Agent Build-Up:

For this institution is made to tackle those improper way of settlement to labor movement. Yet, we have to worry about once the system set up can make the both party of labor-management realized its own conduction. However, even if this system being made positive, yet it will lake of the rescue and process method to lead the failure for this system can only provide regularity and remain to expect both party's good willing and emotion. For instance, the Japan never using such way of negotiation (intervene), reconciliation or arbitration for issues resolution. They only request the "labor committee" to sort out the issues then resort to the local court if necessary. This said "labor committee" was that an institution of public right agent in such a manner to involve the public right to solve those questions can be occurred by both party of labor-management in adjust its resolution than taken a labor justice mediator or be compulsory. So far as R.O.C.'S design for these institutions is concerned, there is no such a public right agent. Even in 1992 the amendment of the act of labor disputes, which being covered the design for set-up the civil mediator party of the labor-management affairs. Yet, we must learned that the said civil mediator party itself is merely an assistant for tackling the issue party's disputation & argumentation individually. For this, we shall value on its functions which are same to the Japan's labor committee. If this function afore can be authorized a certain right & faculty as Japan by our acts (such as payment order issued and the time revocable penalty within enterprise) these were also the factors our nation is still lacking of such a public right implemented to injustice labor movement's rescue and process. However, we must note that in case the acts of labor disputes having a certain rights giving same as Japan's labor committee offer to the civil mediator party that the rights will suffer the impacts on the mediator party's components' structure, experienced knowledge and the ideology. In such a manner then its rights shall make the adjustment of right justice and right of

labor-management to involving the so-called “war time”. Thus, our nation must have to design such institution of public right agent as Japan to apply in issue procession and such agent cannot replace by civil mediator of labor-management party. Moreover, for example, the most important acts of labor disputes in Japan was left this right to labor committee instead of leaving to the third party within civil, which is never shows its function and seems non-existing (see footnote 6).

3. To Process The Injustice Labor Conductions:

The institution of the public right agent in dealing with the injustice labor conduction must set it prior to the act rather than replace the act. This concept we are needed to know and it also needs to apply and design for our legislation system. We may regard this agent aforesaid in processing such a injustice way of the labor conduction is trying to extend the current measurement in administration rescue system. That is said this agent must confirm the issues prior to the procession. And it is confirmed then makes assurance of it vice versa then leaving to the justice authority’s judgment. This way of resolution’s advantage in time and expense is no doubly we must stress on the judiciary to assume the justice so that these agents will in their profession way ready to meet the insufficient justice then in a position to stand on the judiciary points (as those judgments made to the fair trade committee, traffic arbitration office, the committee of public pollution procession, the examination committee of the labor policy disputation, the department of labor examination and the department of the finance examination) must having a final judgment made by judiciary department. So, this points is to compensate the function of act justice and this must learned for our people who service in act department and he might not to fight with the arbitration system in tackle the issues. For our act department is normally to take a passive way in favor of the labor justice and this manner is a private procession, but it is hardly to apply in those acts in private or public hence it must have involving with public right so as it functions may completely success and the agent of public right is on the road.

4. Our study on such an institution of public right agent should discuss its limited power as early as possible:

Firstly, this agent is considered to be a general act department cannot replace it with a general labor administration authority or it may suffer a criticize on its role is between the administration and judiciary. Thus, a general labor administration department shall not interfere with this agent’s organization and power in processing the issues party. Secondly, due to the agent must have to play a role of judiciary so its members’ representative, professional capability is hence needed to consider. Respect of this, we might refer to the current system for producing the committee member of labor policy inspection in order to get the faiths from both party of labor-management and meanwhile to deliver its labor justice in a professional way. Thirdly, since the agent is in a judiciary stand then it could associate with the act department in right implemented seems more importance. According to the Japan’s system and its practice reality the agent needed to be supported and respected by the acts department for their judgment and consideration to the injustice labor conduction. However, we must not treat it as a general deployment of administration.

5. It is needed to make a distinction with the “general authority” and “special authority” when the agent institution was built-up:

With respect to the Japan case, for instance, there have a “regional” central labor committee and local labor committee as will as the “ship crew” and “public enterprise” a special design for a institution of public right agent. These units which have no other special reason and its simply because of its special connections of the labor affairs (such as the public enterprise must follows up its regulations and the ship crew which are center on its specialty to offer the labor forces and provide the interrupted links to a judiciary rescue) is designing for public right’s involvement. Once not to design like that we could predict that our nation’s public right agent shall mix up its operations in procession principle than hardly to give a balance theory for a special distinctive labor relations.

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6. The designing for a injustice labor conduction must not lake of the prosecution of the criminal responsibility.

We have sensed that the Japan's designing for a injustice labor conduction's relative responsibility though there are no any such a cases aforementioned be occurred, however, its duty's intimidation now that becoming into the best support to prosecute the administration responsibility and rapid disputation resolved. This can be a stimulation for our nation.

7. We, our nation, should set a act to regular this procession procedures for injustice labor conduction.

This procedures which are regulated those processing deadline, party's qualification, emergency rescue, the agent and act department must have a way of link-up (as a notification) and so on then to make it a clear definition. Due to our nation had cancelled the reformed concept on the "intervention" system for issues' party. Thus, those similar system as America National Labor Relation Bureau (NLRB), Federal Labor Relation Association (FLRA) and Federal Mediation Concede Service (FMCS) and Japan labor committee (includes the central & local) systems which are ready to apply in our nation is due suspended.

Hence, it is alas to us. Since the system of both America and Japan on the so-called "injustice (unfair) labor conduction" is set-up by those authorities mentioned above then to have its great benefits for its function applied. So we must again to stress on such an authorities installed must have its requirements. Besides, the both countries' local court are limited in its traditional function & faculty and its modern cooperation's' profession so as its right implementation must prior to the its local court had already became an irrevocable facts especially In its authorities, the administrative act judge of America and Japan's judge can be a sources of modern labor justice on its functions and roles (see footnote 7).

8. THE CONNECTION WITH CIVIL AGENCIES

During the most advanced industrial nations in taking an action to deal with the party issues and certain relative affairs, they, apart from its main administrative authorities and its act departments, are mostly had have a civil agencies named as the "arbitration committee" and "labor committee". Though there are many civil agencies of the labor-management affairs with a different names, but these agencies are almost organized by the civil force elements which consists of those people who have its professional experiences and its enthusiasm to promote their mutual agency work under the government's subsidy and encouragement for a quick service jobs of issue party (see footnote 8).

Due to there is no direct interests with the both party of labor-management, those civil agencies are more reliable with their professional and enthusiasm people and through their analysis and instruction of the issues thus making the issue party no any longer indulging with the fantastic, obstinate things then to identify the false and truth, to gain more vast benefits, to center on a long terms outcomes and then to sort out the disputations. Moreover, through their recommendation those issues' resolution are in justice thus to make the issue party free from the interference & embarrassment of its civil affairs and criminal responsibilities when the disputation was happened.

Again, the advanced nations indeed shows an example that one of the civil agency (civil intermediary party) with a sufficient human and finance resources can make a proper examination on those affairs occurred between the labor-management party (such as labor conditions, labor securities, welfare distributions) at a peace hour without to wait up the issues aroused then to solve all the dispute & argument disappeared for thus can foster the labor-management party's cooperation harmoniously. Therefore, the agency existing with the a justice and neutralization should be a channel to increase and to facilitate those relations between labor-management party. In a frankly speaking, though these civil agencies are not subordinate into the institution of public right agent, yet it is necessary for a reason to exist in certain aspects of a non public right.

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Although R.O.C.'S existing act of labor disputes has regulated the system must have its "intervention" and "arbitration" and have its placement of the committee members of the said intervention and arbitration so as to make those members became a part of this said non-standing institution. But they seems a hardly to control and realize over those affairs on the general relations between the labor-management as will as some of the specific cases. And they are hardly to deep into the whole situations so that to make them will have a sense of weakness to tackle those parties' issues with an absence mind. No wonder that those members being selected under the current system though they' are already to give away with the interest relations. However, this selection for the members was decided on the interest implication rather than a guidance led by professional know-how experiences thus making a limitation on current intervention and arbitration's affairs incomplete. Apart from this, and under the circumstance of incomplete members case, the labor administration authority are no matter in numbers of human resources or in the real implemented right, which has already in a leading position secured meanwhile the authority will also have a criticize on its excessive right implemented and a gossip on its said bureaucracy and bribery which is hardly to reach a well effectiveness.

Before these five elements of intervention which are hardly to acquire the issues party's rely and trust, under this circumstance, so as to make the whole present agency system (or pro-agency system) affairs in vain. Recently, some of the scholar has moved out of the ivory tower then a compass to make his available time in teaching study of the labor-management issue and it is pleased that they have already to speculate a team for studying the agency system. However, we are locking forward to those scholar must hold its position in a manner of objection & justice for there is no any legal arbitration associations in our nation, so they must face to the facts that to identify the false and truth and do not involve this fields in a random way then to excess their own mission in a limited recommendation or information provided and further to offer an arbitration service for the issues party. Therefore, they, the agency party, once could realize this situations, then the reasonable & harmony development for R.O.C.'S labor-management relations will on the road (see footnote 9). Moreover, it is of course, the civil agency's normal development should give a support and encouragement by our national labor administration authority concerned.

9. THE SECURITY AND AFTER SERVICE ISSUES

On the practical issues of labor-management disputes dealing, we might figure that the current non-good willing issues counter party (especially the management side) normally are taking this actions in escape or to waiver its assets thus making all the efforts that made by the public interest in vain. Further, the present negotiation results of the act of the labor disputes issues then as to how to put it into effect will always make this deal incomplete. Thus, we might consider of it should be given those issues processing members with certain degree's assistance and instruction to recognize the obligation of those interest implicated it is followed under the act of labor disputes of those measurements in security and after service, this shall include the same provisions ruled in article 38 & 39, so as to soft or decrease the issues party for they are believed that a well considerable issue system can damage their right caused accidentally. It is, of course, under this section of the real assistance for civil charge, the concerning authorities of the labor administration department or the labor court will no doubt to assume their responsibilities. For this, there are no any excuses to assist its exclusive discipline of the issues procession can be developed to a great extent.

10. THE CONNECTION OF CHARGE ISSUES

In case the labor-management dispute's dealing cannot reach a consensus and an agreement then its resolution should be proceeded with the act of charge. Theologically, the administrative procession of the labor disputes issues or the issues charge must have its implications. For this, under the issues arbitrated system nations, they will consider the case above-mentioned then request the follow procession of charge must meet with the previous arbitration results with a certain respect, yet, our nation is no such response In the real reality, the follow procession of charge examination will never put its concern toward the labor-management issues. We might consider that the present issues procession members and his

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professional experiences are always be criticized. Since the mediation case and the said facts in due process are the same results of public right execution, the court is deemed to have an obligation to take a reference as it must request the issues party presents its mediation results and certain relative outcomes to preserve the reverence of the act of labor disputes. However, we must put an emphasize on the issues procession might decrease the act functions in charge, the court should not assist the bad side in reality against the original purpose of the act of labor disputes. Based upon of this results, for developing the issues procession functions to the great extent in the years ahead, then the issue procession members and the judge should take place the concerning meeting so as to reach a consensus and an agreement in all aspects.

11. CONCLUSIONS AND RECOMMENDATIONS

To sum up, our present national issues procedure on labor-management dispute's dealing indeed needs to increase and reinforce to certain degree. Above all, the use of the professional experts in issues procedure and responsible job distribution which are the most important point to reform. We may thought that those people aforementioned needs to assemble and to take a training then issues a license to them for holding and renew the quality of the issues procedure, and this should be an urgent need for our superior national labor administration authority. However, those authorities above mentioned its enthusiasm, speed, amicability, justice, independent, profession, and consideration, it is, however, seems not enough to meet issues party needs in an exclusive discipline to rely on it then those authorities' role and due dealing procedure arrangement should have a certain adjustments (see footnote 10). All in all, the "justice of procedures" cannot regard it as the law worthiness of "response interest" any longer in the modern act system.

REFERENCES

1. This is a thesis to explore R.O.C.'S labor-management dispute's dealing procedure. This topic is few at present. We thought that the scholar & expert must follow up the facts requirement of "justice procedure" and study it. The relative thesis please refer as : Wei-ming, " our present national labor-management dispute's dealing procedure" or refer : Chinese labor relation association, "the strategy and skill to process group labor-management disputes " (July, 1989). Page: 25-30.
2. Our national procedure in labor-management dispute's dealing more or less has a same function of foreign system. The details are rough then formed the issues complicated. Those act scholar must make a study and research on its details and be aware of its details study must put into reality.
3. This text is omit "the entity act of labor-management dispute's dealing" and "the procedure of labor-management dispute's dealing" study. The structure issues on act of labor-management which just refer as: LIN Chen-yuh, "the situation & outlook for R.O.C.'S labor-management dispute's dealing" periodical, labor administration No. 91, page 8, (November 15, 1996), this may assort as follows: How to concise the present charge procedure of labor-management disputes dealing at labor court? Whether the labor may decrease the guarantee and condition in applying the tentative provisional prosecution? Whether the labor may decrease the act charge fees in proceeding the charge with the labor-management dispute's dealing? Whether the labor-management dispute's dealing charge may put into a conciseness procedure? Whether the labor court organization may have a reference to place institution as the European nation? Whether the act enforcement may apply in the government responsible authority for the injustice labor conduction? How to reinforce assistance in the civil agency to make it more available to mediate the labor- management dispute's dealing? How to promote and set a channel for labor's petition and build-up labor petition system? How to associate with these townships' mediation association in dealing the case of labor-management dispute's dealing?
4. Please refer as : HUA Chen-Chung, "the international comparative study of the labor-management dispute's dealing" periodical, Japan labor union, (February 20, 1985) , page: 20, 21, 30, 31. And refer as Huang Jui Ching's book on "self-discipline procession in group negotiation & labor-management issues "also specify the case so also refer as : Huang Jui-Ching, " the procedure for group negotiation", and periodical, Chinese labor relations association , (July, 1989), page: 120-128. It also refer as : CHUANG Chieh-nan, "a study on enterprises' procession system of labor-management dispute's dealing", and periodical, labor study No. 100, (August 15, 1990), page: 121-133.
5. Please refer the book : The labor committee of administrative Yuan, " a collection results of nations' labor relation ", (March, 1990).
6. Ibid., Note 4, page: 132 to 314.
7. Ibid., Note 4.
8. The designs of civil agency must learn that the existing of the "outside strength". For this, please refer as : DENG Shuai-liang, "a study on our present national labor- management relations and the involving outside strength", see the study project NSC81-0301-H-110-05, published by national science committee, (August 31, 1992).
9. Generally, the civil agency which consists of the "the civil agency of labor education" and "the civil agency of labor-management dispute's dealing", the former, is to assist build-up the education information, and material. The later, is center on to assist in those affairs "act assistance" and "civil agent's procession", both functions are different in roles play. For instance, the America's university now have set up some departments as school for worker, National Institute for Work and Learning and

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Industrial Research Association, is belonging the former, but as to the American Arbitration Association then belonging the later. So, our nation must note it. Sometimes the lawyer also has to face the competition and those situations that impair the labor- management relations. Therefore, our nation must make those members around the civil agency to promote the said “act assistance” and make them to take a training through the act’s revision then giving a qualification of “administrator for labor-management”.

10. To use of a professional system applied outside of court and a professional. To maintain & secure the justice of dealing procedures now is prevailing in America and Japan. For this has already to solve many dispute’s dealing procedures. However, we could visualize that those concerning authorities formed to be institutionalize and be court likewise, those procedures yet come out to be a problem. The present, as how to soft the procedures to quick sort out the dispute issues will be the questions of domestic and abroad. As previous mentioned above, please refer as: Writings by William. B. Gouede, translation by Matsuda, Yasuhiko, “the Primer of American Labor Act”, Japan Labor Union, March 21, 1984. Kanno, Kazukao, “Acts of Labor”, June 10, 1989.