

# Employee Representation and Workplace Participation: Focus on Labor-Management Councils

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In transition to the 21<sup>st</sup> Century, there have been fundamental shifts in the nature of work and work relations in the Philippines. In particular, significant developments in employee involvement and participatory initiatives at the workplace level have been observed over the past two decades, marked by the extensive promotion and establishment of Labor-Management Councils (LMCs), under government auspices or private initiatives. LMCs have been put up for differing reasons and in varying forms: as joint consultation mechanisms, vehicles for workers' participation, and other assorted initiatives for labor-management cooperation that invariably aim at harmonizing work relations and cultivating a climate conducive to the improvement of quality and productivity at the workplace.

This paper attempts to highlight the shifting employment patterns in the Philippine setting and, in particular, assess the experience of Labor-Management Councils in the light of globalization and the emerging issues of employee representation and workplace participation. A review of relatively recent empirical studies, combined with the author's personal insights and direct experiences in LMC consultancy and training in industry, provides the principal bases for the study.

## The Present IR Landscape

At the National Conference on Philippine Industrial Relations in 1999, a senior labor official lamented that "the closing decade of the 20<sup>th</sup>

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century has been inhospitable to unions worldwide," ironically at a time when the factors which should nurture union growth—democracy, capitalism and the free market, governance and people participation—have flourished more than at any other time in the past. With the pressures of globalization and the post-industrial society, the labor movement now enters the 21<sup>st</sup> century with its membership diminished and its relevance uncertain (Bitonio, 1999).

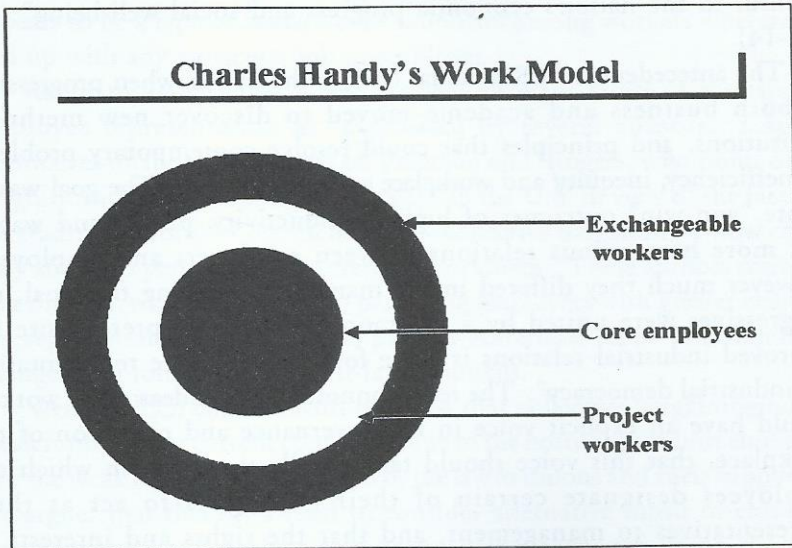
Globally, developments in the IR/HR area indicate a general decline in trade unionization and the further weakening of labor vis-a-vis its relations with the dominant parties of employers and the state. In the ILO World Labor Report for 1997-1998, it was pointed out that a vastly different landscape of Industrial Relations is emerging in the global economy, driven more by capital mobility, new methods of production, advanced communication technology and innovative approaches to human resource development than by traditional collective labor relationships.

Kochan (1994), in studying the significant decline in union membership in the U.S., attributed the phenomenon to the combined and interacting effects of the following: (1) changes in the occupational and geographic structure of the labor force; (2) increased employer opposition to union organizing; (3) improvements in personnel management that have reduced the incentive for some workers to join unions; (4) weaknesses in labor law that make it expensive and risky for workers to organize; (5) slowness of the labor movement to adopt new strategies for organizing and representing the work force; and (6) the unsuitability of the present *form* of worker representation to the needs of workers, companies and the broader economy.

The impact of globalization and liberalization on Philippine labor relations has been similarly profound, given the fact that the local IR paradigm is patterned after that of the United States, with freedom of association and collective bargaining as its twin pillars. Parallel developments could similarly be discerned in the local situation wherein the mass of regular employees constitute the organizational base of trade unions. Union enrollment appears to be on the decline (or at least frozen) as flexibilization and other managerial strategies take their toll on the rolls of regular employees.

As a result of the 1997 Asian financial crisis, serious dislocations occurred in both home and export industries. The number of registered lay-offs reached 155,198 in 1998, involving around 3,072 industrial and commercial establishments. This was more than twice the numbers for 1997: 62,724 workers in 1,155 establishments—figures that may even be understated as "many companies do not go to the extent of reporting the dismissal of casual, contractual [employees] and rarely do small enterprises report layoffs to government offices" (Macaraya, 1999).

The flexibilization of work arrangement resulting from globalization fits the employment model of Charles Handy (1996), who noted the spate of corporate reorganizations worldwide. The resulting corporate structure resembles that of a three-ringed circle, wherein the innermost circle (the core) is filled with the “corporate insiders”—the entrepreneurial managers and employees who bring value to the company. In this core group are also the technicians, marketing strategists, and salespeople who serve as the messengers to and from the customers, learning and satisfying their wants. In the middle ring are people who implement time-bound, short term projects for the firm, and in the outermost ring, occupying the periphery of the firm, are the disposable or interchangeable hired hands who are consigned to casual, occasional or temporary employment.



Handy avers that the new rule of corporate fitness will follow a “1/2 - by 2 - by 3 formula,” meaning half as many people on the payroll, paid twice as well, and producing three times as much. Would this futuristic configuration of corporate employment come to pass in such a newly industrializing country as the Philippines, or has it in fact been actually taking place unnoticed through the years?

## Employee representation and workplace participation: the problem

Employee representation is "arguably the concept most central to the field of Industrial Relations," assert Kaufman and Kleiner (1993). Observing developments in the field, they posit that American industrial relations is in the throes of a profound transformation, and the role of employee representation (ER) in the workplace, as well as its appropriate institutional form, lies at the center of this transformation.

Freeman and Rogers (1993) note that private-sector union density in the U.S. has fallen to 11.5 percent of employment, the result of a 40-year decline. They project that "density will drop to 5 percent by the turn of the century". Their major claim is that "...the decline of private sector unionism in the U.S. and lack of an alternative formal mechanism for collective voice has created a representation gap inside firms that is harmful to the nation's economic progress and social well-being" (pp. 13 -14).

The antecedents of ER go as far back as the 1920s, when progressives in both business and academe moved to discover new methods, institutions, and principles that could resolve contemporary problems of inefficiency, inequity and workplace authoritarianism. The goal was to create "win-win" outcomes of higher productivity, profits and wages, and more harmonious relations between employers and employees. However much they differed in the manner of pursuing this goal, the progressives were united by a common belief: that a prerequisite for improved industrial relations is some form of employee representation or "industrial democracy". The term connoted several ideas: "that workers should have an explicit voice in the governance and operation of the workplace, that this voice should take a collective form in which the employees designate certain of their colleagues to act as their representatives to management, and that the rights and interests of employees be protected from arbitrary or opportunistic management actions by a workplace system of due process". (op.cit.)

Simultaneous with the decline in union membership and power was the emergence of new non-union "high involvement" forms of work organizations, such as self-directed work teams, quality circles, etc., that were largely employer-initiated. To this genre belong labor-management councils/committees, or LMCs as they are commonly referred to in the Philippines.

Given the realities of the present situation in the local scene, with the declining fortunes and prevailing weaknesses of trade unions and their dim prospects, how can workers and employees continue to be effectively represented and provided opportunities for greater participation at the workplace? This, in the main, is *the* problem.

Parenthetically, Hecksher (1996) brings up the need for “a new unionism” in view of the radically changed situation, particularly in the U.S. He argues forcefully that “*some* independent structure of employee voice remains essential.” He says further that “...it is true that there are some economic forces pushing employers toward more ‘progressive’, participatory styles, and that there are some cases of non-union companies that have genuinely good employee relations.” Nevertheless, a countervailing force representative of employees’ interests is called for. He bats for the evolution of “associational unionism” which he describes as “an open professional association with a willingness to pressure employers.” In essence, the notion appears to be a type of *modern* craft unionism among workers who are not tied up with any particular job or employer.

Kaufman and Kleiner (1993) review different facets of the issue of employee representation as explicated by several authors. Capsule summaries include the notions of Freeman and Rogers, who point out to a significantly large “representation gap” in the U.S. in view of the fact that the traditional form of representation—collective bargaining—now covers only about 15 percent of the American workforce. These authors conclude that the U.S. would benefit from providing employees with greater channels for representation and that the present American labor law should be changed to promote more plant-level councils.

Weiler (1993) concurs with the view that collective bargaining faces a bleak future under current conditions due to the hostile attitude of employers and the weak legal protection given by the law to unions and their supporters. He argues that there is a need to consider alternative forms of employee representation, and posits a two-pronged approach: reforming the basic Wagner Act to simplify and expedite the union representation process and increasing penalties upon employers for unfair labor practices. Weiler points out, however, that these measures are insufficient and that a new form of plant-based representation is required, such as an “employee involvement committee”.

Verma and Cutcher-Gershenfeld (1993) propose a relatively new form of worker representation which they label as “joint governance”. According to them, this is an emergent form of collective negotiations and interaction, where labor and management have joint decision-making

authority on matters of mutual concern, which offers an alternative to traditional collective bargaining. On the basis of nine case studies of different forms of joint governance in U.S. and Canadian companies, the authors claim to have discerned a uniquely different form of employee representation that goes beyond union-management cooperation and worker participation.

Kaufman and Kleiner (1993) suggest that the time may be ripe for a fundamental, broad-ranging reconsideration of the role of employee representation in the workplace and the economy. This suggestion would seem quite apt when examining the Philippine experience in this field and, in particular, when focusing on the most ubiquitous prototype of a *supplementary* mechanism for ERWP in the local scene—the LMC.

### Labor-Management Councils (LMCs) in the Philippines

Indeed, there is a strongly felt need to further explore the area of employee representation in the Philippines, and for examining supplementary options for widening and deepening the policy and practice of workplace participation. The proliferation of employee involvement programs, particularly the so-called Labor Management Councils (LMCs), may have

**Table 1. LMCs Organized by the NCMB/DOLE**

INDICATOR	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
LMCs Established	296	348	369	214	207	218	326	185	178	130	166
<i>Provincial Municipal City Levels</i>	40	43	140	74	36	70	80	13	0	5	10
<i>Industry Level</i>	28	51	78	15	25	7	78	9	5	1	4
<i>Plant Level</i>	228	254	151	125	146	141	168	163	173	124	152
Workers Covered	134,885	39,262	66,102	19,043	27,034	52,039	46,166	6,701	3,999	3,961	4,928
<i>Provincial Municipal City Level</i>	55,701	12,720	40,677	12,511	16,771	40,382	31,340	1,511	0	1,635	1,201
<i>Industry Level</i>	42,466	5,000	15,533	2,190	5,799	8,598	11,381	924	23	7	1,024
<i>Plant Level</i>	36,718	21,542	9,892	4,342	4,464	3,059	3,478	4,266	3,976	2,319	2,703
LMCs Reactivated								46	44	43	56
Workers Covered								3,765	1,221	1,254	1,203

Source: NCMB/DOLE, 2000

to be looked into more closely. Over the past decade, many LMCs were organized by government agencies such as the National Conciliation and Mediation Board (Table 1) and many others were initiated by private consultants and non-government organizations.

The local literature on the subject is scant and empirical researches more so. Among the more noteworthy studies is that of Aganon (1990), who conducted a survey on LMCs and productivity. She found out that firms with LMCs seem to have higher total productivity levels than those without and that this is particularly true of firms where unions were actively involved in LMC programs.

Gatchalian (1990) explored the role of LMCs as organizational communication mechanisms, and found LMCs to be generally perceived as effective mechanisms for problem-solving, increasing corporate competitiveness, and lessening grievances and complaints at the workplace. However, the awareness level of LMCs among the respondents was low.

The LMC must be viewed in the context of the over-all framework of the country's labor relations system, which is underpinned by the basic provisions of the 1987 Constitution. The contemporary legal framework supportive of the LMCs is to be found in the following documents, among others: the 1974 Labor Code, which provided the impetus for institutionalizing the LMCs; Letter of Instruction No. 688, issued in 1978, directing the tripartite sector to "devise a scheme which would promote systematically and on a sustained basis the establishment of an adequate machinery for positive cooperation between labor and management at appropriate levels of the enterprise"; and Batas Pambansa 130, enacted in 1981, a law reiterating the earlier policies and directives.

In 1986, the National Conciliation and Mediation Board (NCMB) was established and tasked to, among other functions, formulate policies, plans, programs, procedures and guidelines for the more extensive promotion of labor-management cooperative schemes (Aganon, 1990). Other initiatives were pursued in the 1980s such as the conduct of symposiums, conferences and other forums on the issue. Ad hoc committees were set up at the initiative of the Department of Labor such as the Study Committee on Industrial Democracy, Tripartite Committee on Workers' Participation, etc., which produced papers, primers and small-scale researches.

Early on, two government departments were actively involved in promoting the establishment of LMCs all over the country: the Center for Labor Relations Assistance (CLARA) of the Department of Trade and Industry and the NCMB under the Department of Labor and Employment. The former backstopped the programs of the Philippine Association of

Labor-Management Councils (PALMCO), while the latter supported the activities of the Philippine League of Labor-Management Cooperation Practitioners (PHILAMCOP). A third initiative was launched, the Employee Councils Association (ECAP), which is reportedly backstopped by a large drug company, the United Laboratories (UNILAB). All three groups hold yearly conventions in different parts of the country. They also provide recognition awards to companies with outstanding labor-management cooperation programs and practices. There is now a move to unify the efforts of the three associations under the flagship of the National Conciliation and Mediation Board of the Department of Labor and Employment (DOLE-NCMB).

In this writer's view, the mandate of the 1987 Constitution on labor has not been fully carried out, and neither have the provisions of the Labor Code been operationalized at workplace level (Gatchalian, 1989).

This writer was involved, as a consultant, in the deliberations of the 1987 Philippine Constitution and helped introduce the relatively new and controversial concept of "collective negotiations" to complement and expand the traditionally accepted principle of collective bargaining. It was widely accepted at the time that collective bargaining was not operationally adequate to cover the whole gamut of labor-management relations. The relatively low rate of unionization (then about 10 % of the 23 million labor force) left a large portion of the workforce unrepresented and without a voice in the formulation and implementation of labor policy under a tripartite industrial relations regime. The Constitutional provisions on workers' participation were equally meaningless, considering the realities of the situation. The large majority of Filipino workers were, therefore, inarticulate, marginalized, and out of the mainstream of labor policies, programs and decisions on matters concerning them. Particularly shunted out of the mainstream were some 1,300,000 "disenfranchised" workers in the public sector.

In the deliberations of the 1986 Constitutional Commission, "collective negotiations" was defined as "...the right of workers, especially those still unorganized of which there are millions, and those in the government sector, to negotiate with their employers, or heads of offices, as the case may be, on terms and conditions of their work. This right would presuppose that the workers have organized themselves without necessarily complying with, or desiring to fulfill the usual requisites for the formation of a labor union." Significantly, certain members of the Commission clarified that "*this new concept may take the form of a labor-*



*management committee as a modus vivendi for interaction between the two sides in the forms or methods of labor relations*" (underscoring supplied). In sum, the Labor-Management Council or Committee (LMC) was specifically designated in the Philippine Labor Code as one of the identified vehicles to operationalize the new concept of collective negotiations as introduced in the 1987 Constitution of the Republic of the Philippines (Gatchalian, 1989).

While this, indeed, constituted a significant innovation in the fundamental law, its application in the years that followed has been limited, perfunctory, and attended by a host of misconceptions. For instance, LMCs have been deliberately or erroneously utilized as substitutes for collective bargaining when they had clearly been differentiated from and designed as supplementary mechanisms to unions. An analysis of the experience with LMCs of certain leading companies in the Philippines reveal many of the above misapplications, and a host of misconceptions about the real use and meaning of the LMC.

The practice of labor-management cooperation in the Philippines can generally be described as still in a "primitive" state. LMCs largely function as consultative and advisory mechanisms. Workers' representatives do not as yet have substantial influence in managerial decision-making on the more meaningful issues and concerns. As in the earlier participatory experiences of workers in Europe, whose activities were mainly focused on the three T's (tea, towels and toilets), it is common for Philippine LMCs to concentrate their activities in the three S's: sports, socials and solicitation of minor benefits to alleviate the socio-economic conditions of workers.

Edralin (1994) surveyed LMCs in selected unionized hotels and restaurants in Metro-Manila, and found the following as their major functions: (1) resolving/threshing out problems in the company (the most frequently cited factor for the creation of the LMC and is its essential importance); (2) providing a venue to settle grievances of employees and to process suggestions to improve operations; and, (3) as stipulated in the collective bargaining agreement (CBA), as an advisory or consultative body composed of union and management representatives which meets regularly to discuss issues such as wages and working conditions, employee deployment and suggestions to improve operations.

Other significant facets of LMCs and selected highlights of their operations were mentioned by Edralin, with the following notable findings in her research: (1) many LMC representatives, mostly from the unions, encountered problems in the setup and operations of their LMCs, due to managements' noncompliance or non-implementation of decisions agreed

upon in the body, which was exacerbated by the fact that management representatives who were designated to sit in the LMC had no authority to commit to the decisions of the body; (2) matters discussed in the LMC were resolved rather fast and their results were mostly in favor of the union; (3) respondents' ratings of the extent of use of LMCs as venue for participation in policy- and decision-making and for resolving grievances and conflicts ranged from "fair" to "satisfactory"; and (4) LMCs were rated "satisfactory" in terms of overall effectiveness.

Gatchalian (1990) had earlier conducted a study on LMCs, evaluating their effectiveness as participatory mechanisms aimed at enhancing industrial peace, quality and productivity. Salient findings of the survey research include the following: (1) workers' participation at LMC meetings and related functions was still limited; (2) in general, LMCs were perceived to be effective in problem-solving, although there was still a perceptively low level of workers' involvement in these activities; (3) LMCs have contributed to the lessening of grievances and complaints at the workplace, and have helped foster a climate of industrial peace and stability which was conducive to the promotion of quality and productivity; and (4) a considerable proportion of respondents perceived the potential of LMCs in increasing corporate competitive capability and their effectiveness as an organizational communication mechanism.

### Concluding notes and recommendations

The strategy of **labor-management cooperation** (widely known as the LMC) was initiated in the 1980s when industrial strife was widespread and the Philippine economy was in critical condition. When the frequency of labor disputes peaked in the mid-80s, and the rate of industrial productivity coincidentally dipped to record lows, the general instability encouraged capital flight and discouraged investments from both local and foreign sources. It was under these circumstances that the LMC program was launched in 1986 with the primary objective of opening up meaningful dialogues between militant labor leaders and intransigent employers.

The strategy called for the establishment of **Labor-Management Councils** within work sites and initiating consultation and consensus-building in regional as well as national forums. Initial efforts met with difficulties, because over the years labor and management had dug themselves into fixed positions, with the former resolved to protect all its hard-won rights and hard-earned gains at the bargaining table, while the latter was equally determined in preserving its traditional management prerogatives and in

preventing any further erosion of managerial power and authority. And so it had been over the years: an "armed truce" between labor and management was generally observed and an uneasy peace reigned in many workplaces.

This situation was jolted when the Asian financial crisis hit in 1997—and economies were gripped by uncertainty. The impact of globalization and the notion of "borderless economies" had earlier raised deep concern among businessmen everywhere and, as companies reeled from the effects of economic turbulence, the tenuous relationships between the social partners were further strained. The scramble for corporate survival and competitive effectiveness brought home the realization that "peace is not enough" and that reducing labor disputes or grievances was no assurance that companies would continue to stay afloat.

The spate of closures and transfers that punctuated the 1997 Asian financial crisis further brought home the point that survival and viability depended very much on the competitive ability of companies, making them redouble their efforts to enhance the quality of their products and services, improve productivity and assure profitability. Business enterprises had to shape up and adjust their strategies in order to cope with the onset of sudden and fierce competition engendered by globalization. In the frenzied search for effective approaches for survival and viability, many companies have revived their interest in the LMC, a development officially encouraged by two major departments of government, the DOLE and the DTI. The activation of the Philippine Association of Labor-Management Councils (PALMCO), the Philippine Association of Labor-Management Cooperation Practitioners (PHILAMCOP) and the Employees Council of the Philippines (ECAP) attests to the renewed efforts to maximize the use of the LMCs to help companies cope with the challenges of global competition and adjust to a changed world of "borderless" economies.

This is closely related to a major conclusion of the Freeman and Rogers (1993) study, that "productivity does increase if employees are given substantial decision-making authority ('strategic participation') and a share of resulting gain." Based on their findings, these authors suggest a deeper consideration of the following propositions for the future: (1) modern economic analysis and empirical evidence suggest that employee representation, aside from being more democratic, can be socially beneficial in terms of productivity and regulation, e.g. in matters of occupational health and safety; (2) survey evidence shows that American workers would like greater collective voice at the workplace. Some management and

business experts see the need for greater representation, while unions are increasingly willing to support non-union forms of collective voice; (3) most European countries and Japan have systems of collective intrafirm employee representation that work reasonably well; (4) the representation gap can be closed by designing a new system for intrafirm workers' representation, as shown by the experience of other countries, particularly the programs on employee involvement in the US, the operation of joint consultation mechanisms in Japan, and the works councils in Germany; (5) legislatively mandated works councils have worked out well in Europe; and, (6) LMCs ought to be renamed as EPCs (Employee Participation Committees).

The recent report of the Labor Commission of the Congress of the Philippines (2001) echoes some of the above propositions. It spells out some explicit and relevant recommendations for reforming our labor laws, re-configuring the mission and thrusts of the Department of Labor and, in general, re-orienting the national economy to the global market.

Significantly, the Report recommends that "membership in unions should not exclude the casual, contractual or temporary workers; it should be broad-based." More importantly, it suggests that "the organization of labor-management cooperation councils should be promoted, but not as substitutes for trade unions."

Considering the parallels between the global and the local situation and the growing impetus for paradigmatic change in Philippine industrial relations, the measures to operationalize these recommendations would need to be urgently spelled out and implemented. The first steps have to be taken toward the long-term objective of evolving a more appropriate and relevant IR model for enhanced and more effective employee representation and workplace participation for the future.

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