

ROADBLOCKS TO INDUSTRIAL PEACE *

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In the field of industrial relations, no area is more vitally significant in terms of potential benefit and damage to the parties involved and the nation as well, than that of conflict. One does not have to belabor the fact that the man in the street ultimately suffers or gains from any clash between labor and management in proportion to the extent and importance of the industry affected. It is therefore regrettable to observe the indifference and passivity of the layman whose knowledge of industrial relations is mostly limited to what he reads in the dailies and whose opinion is unconsciously molded by the policy adopted by the publisher of his favorite paper.

At the risk of being accused of indulging in generalizations, I should like to make the observation that Mr. Juan de la Cruz' concept about labor-management relations in general is nebulous if not nil. Whatever ideas he may entertain about such relationship are associated with newsphotos he sees of strikes in factories showing picketers patrolling a factory or human roadblocks barring the entrance into the company premises. Add to this a colorful report of bashed heads and broken bones and you will realize how sensational journalism crystallizes public opinion for or against one of the protagonists in the industrial combat.

When a dispute occurs in a public utility such as the Meralco or the Nawasa, the tide of public sympathy is immediately against the workers. Take the Philippine Air Lines strike. It stranded businessmen and students, paralyzed the flow of mails and prevented politicians from campaigning. Look at the South Harbor imbroglio two years ago where striking stevedores succeeded in holding up crates of imported items including foodstuffs meant to grace the festal Christmas board. Now that was one protracted dispute made more complicated by its political overtones. In instances like this, labor bears the brunt of the public ire. In rare cases, indignation may also be directed against management such as when a nationalistic note is struck and the people as a whole is aroused. But whichever party is made the whipping boy by press reports, the fact remains that the ordinary reader takes what he reads at their face

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value. He will have neither the inclination nor the means to probe further. And therefore much of what transpires behind the scenes escapes him.

For instance, how is he to know that back of a strike are many sleepless nights spent in agonizing attempts to arrive at some workable compromise by the employer or his representatives and the workers? The tug-and-pull, the bickerings, the recriminations and threats which sometimes assume the proportions of a minor military campaign are all unknown to him. Let us examine the context within which such disputes occur.

When an industrial impasse ignites into a strike on the part of the workers, or more rarely, a lockout on the part of the employer, this will have arisen from one of three different conflict areas: First, it may have been the result of the attempt of a union to have itself recognized by management as the sole representative or spokesman of the employees as regards wages, overtime pay or fringe benefits such as leaves, pensions or insurances. Management, when confronted with such a request for recognition may either grant it voluntarily, or, in case of a doubt, allow the Court of Industrial Relations to resolve the matter. Second, the impasse may have been brought about in the course of negotiations between labor and management representatives for a contract which is to be the law between the parties in their day-to-day relationships. Third, after such a contract has been forged, irreconcilable differences may arise in the interpretation of its terms. For instance, does the term "insubordination", which has been agreed upon as a valid ground for dismissal, cover the act of an employee who hit his foreman on the head with a beer bottle during a party given by the company outside of its premises?

Because of real or imagined grievances occurring within these above-mentioned three areas, strikes have been declared continually. A study of the following statistics will reveal the incidence and extent of strikes over a five-year period:

<i>Year</i>	<i>Strikes</i>	<i>Workers Involved</i>
1960	43	15,048
1961	67	29,283
1962	80	44,597
1963	88	47,520
1964	100	69,109

Whatever be the cause, a strike takes its toll not merely on the parties involved but also on their families, the community and in the

final analysis, on the entire country. Lives may be lost, injuries sustained, irreparable damage to property and feelings caused and inevitably, productive man-hours lost. Just like a pebble thrown into a lake, a strike generates ever-widening ripples that spill ever to the shore. It is no wonder then that on such occasions, the public rises and clamors for the outright extirpation of such destructive conflicts. But one does not just cut off a wounded arm or leg. One examines the wound, inquires how it came about, studies its case history, in more serious cases, before prescribing the proper remedy. Similarly, the student of industrial relations or the social scientist scrutinizes the forces that motivate labor and management locked in combat for an intelligent understanding of this recurrent phenomenon. In the same spirit, let us examine the causes of labor strife which serve as roadblocks to industrial peace.

First, there are certain deep-seated beliefs and attitudes on the part of both labor and management which conduce to industrial strife. Let me take up the side of management first. It is not every company that considers a union indispensable to the welfare of their employees. On the contrary, quite a number of them, in varying degrees, regard such a grouping of workers superfluous, or at best, a nuisance. At one end is the American employer who has accepted the presence of a union in his plant, probably resigned himself to it. At the other end is the Chinese employer who will not touch it with a ten-foot pole, so to speak. In between, you find employers of different nationalities. Among them are the Filipino and Spanish employers who consider the formation of an employee group an affront to their persons or rank disloyalty on the part of their employees. "After all", they ask, "aren't we one big, happy family here? Don't you get your monthly ration of rice, sugar and soap? Don't I help you when you get sick, when your wife gives birth or when the children start enrolling?" So they cannot understand what use their "family" would have for an organization set up usually by an interloper who can only sow discord in their hearts and plant radical ideas in their minds.

This paternalistic attitude, a product of a cultural pattern more compatible with the agricultural economy of bygone days instead of a society which prides itself on being in the take-off stage, is an anachronism. Ostrich-like, such employers would bury their heads in the sand, clinging to outmoded practices and ideas, consistently refusing to recognize their workers as independent souls aspiring for a better way of life instead of mere bodies whose sole necessities are food, clothing, shelter, and a modicum of learning. And so such employers stubbornly resist the organization of their employees. If

they can help it, they will prevent, by all the means at their disposal, the formation of a union—within the confines of the law, if possible; if not, “bahala na.”

Statistics show that recognition remains the number one cause of strikes in the Philippines. Of the strikes that have been called, 40.2% have been for union recognition and 36.3% on wages. In industrially advanced countries such as the United States, strikes for recognition are a thing of the past. In the United Kingdom, it used to be that every time a union submitted its demands to management, the issue of recognition had to be threshed out anew. Now the union is an accepted institution there. In some Asian countries, as in India, the company has cut the Gordian knot by recognizing all the unions seeking recognition. In our country, I repeat, recognition is still a major issue, partly because of the paternalistic attitude of some employers.

Even more reprehensible is the militaristic facade assumed by some employers before the eyes of their workers. In an era of early Army retirees who seek to spend the rest of their natural life in more sedentary pursuits, one finds the positions of general manager, personnel manager or company vice-president assumed by men who have hung up their uniforms for the coat-and-tie of the business executive. As a result, regimentation creeps in. Company discipline degenerates into the automatic, heel-clicking obedience of the army camp. And the free spirit of man finds itself in shackles. “Theirs not to make reply, theirs not to reason why, theirs but to work or die,” to paraphrase Tennyson’s *The Charge of the Light Brigade*.

Let us turn our gaze now to attitudes of workers productive of unproductivity. One of their mortal sins, insofar as management is concerned, is their lack of concern for the success of the enterprise. The average worker does not quite equate his own well-being with the profitability of the company. He will pilfer here and there, cut corners in his work when he can, at the expense of the company. Absenteeism, tardiness, loafing on the job—these are all indications of their devil-may-care attitude. “It’s their business,” he tells himself. “As long as I get my ₱6.00 a day, it’s all right.” Farsightedness has never been a virtue of those who live a hand-to-mouth existence.

AS a consequence of this attitude of the worker, when negotiation time comes around, the union submits a lengthy enumeration of their demands haphazardly prepared without considering the financial position of the company. Whether dubbed “proposals” or

"demands," the effect on the management is the same, as if a gun had been poked in their ribs. After all, reasons out the irresponsible union officials, "We have nothing to lose and everything to gain", although they may not put it so bluntly. From a sheer sense of self-preservation, the management may give in—ungraciously and with reservations.

Such attitudes, manifesting on the level of action, give rise to another major area of potential friction between the employer and the employee. The paternalistic employer comes to the bargaining table with preconceived notions of what is good for his employees. He takes an intransigent stand from which he cannot be budged by his own advisers—much less by the negotiating panel for the union. To this type belongs the employer who will not give a wage increase as it will merely go to line the pockets of the cockpit owner or the maintainer of the gambling den. Instead, he decides to give the increase in kind. Or the *hacendero* who, when election time approaches, passes the word to all his workers and their families to vote for his candidate. Our social set-up being what it is, in good authoritarian tradition, everyone toes the line. What is good for the employer is good enough for these men whose personal ties with him reach back to their ancestors.

Such an employer easily finds his counterpart in the ranks of labor. While wages and other economic conditions of employment provide security for the worker, the union official must attend to his union's needs too. The union's security and his coincide. Therefore he announces, upon the start of bargaining talks that no other items will be considered until management grants the closed shop, or failing that, the union shop, under which no employee can remain on his job unless he becomes a member of that union within an agreed period of time. Undemocratic? Possibly, but the closed shop has been described by our very own Supreme Court as "one of the most prized achievements of the union." Not only will the winning of this concession add to the stature of the labor leader in the eyes of the entire Philippine labor movement but it will also serve as his personal insurance for as long as the contract subsists. In the meantime, negotiations are at a standstill simply because the union official refuses to yield or whittle down his demands.

Then, there is the practice of many labor leaders nowadays—that of anticipating an impasse and a subsequent strike even as they sit down with management to bargain. It is commonplace therefore to find unions submitting proposals to management and almost simultaneously running to the Department of Labor to file a notice of

strike. The logical outcome is that the negotiations take place in an atmosphere of distrust and ill-will. Labor holds the threat of a strike over management's head as a sword of Damocles. Where then is the place for free, spontaneous, voluntary collective bargaining?

We now proceed to another aspect—the role of the government in the attainment of industrial peace. Paradoxical as it may seem, the very agencies on which the law has reposed authority to settle disputes are the very agencies which have thwarted the realization of its objectives. I refer to the Department of Labor and the Court of Industrial Relations. You must have come across a comment of the Chairman of the House Committee on Labor and Industrial Relations in the papers regarding the incompetency of Department of Labor personnel. Surely this serious indictment can only make both capital and labor lose faith in the government and cannot but affect adversely the economic growth of the country. Both parties look up to the Department of Labor for a last-minute resolution of their impasse, especially where one of them has to save face, and if the Department reneges on its duty, a resort to coercive sanctions with all their disastrous consequences, becomes inevitable.

Equally important is the law-enforcement function of this arm of the government. At present we are faced with a situation where we have enough laws, some would say, more than enough laws, to adequately protect labor and management, yet it is common knowledge that these are flagrantly violated with impunity. In this area, it is naturally the employers who are often the guilty party. Even before the new minimum wage took effect, businessmen and store-owners had been getting away with the payment of substandard wages—with the implied consent of the underpaid worker who was faced with the prospect of unemployment and starvation should he insist on his rights.

All too often, such an exploited laborer works amidst surroundings unfit for human beings—ill lighted, poorly ventilated, veritable firetraps, an atmosphere so vividly portrayed by Thomas Hood in his *Song of the Shirt*.

With fingers weary and worn,
With eyelids heavy and red
A woman sat in unwomanly rags,
Plying her needle and thread
Stitch, stitch, stitch,
In poverty, hunger and dirt
And still with a voice of dolorous pitch
She sang the Song of the Shirt.

In the Philippines, sweatshop conditions of the type described above abound. The naive observer is led to ask, "Where are the labor inspectors charged with the duty of enforcing strict compliance with the laws?" Looking the other way? It is no wonder that ugly stories about their shady deals with employers are circulated knowingly in the *carinderias* and the barbershops, not to speak of the pointed allusions to them by the coffee shop wags. Some of the stories are most probably apocryphal but one gets an idea of the image that has been formed of the labor inspector whether in cities or in rural areas. In fairness to the Department of Labor, those officials who are aware of these irregularities feel helpless in the face of encroachments of ubiquitous politicians who must have their say in such matters as the employment of personnel or the appropriation of items in the annual budget.

Faring no better, as far as the public is concerned, is the other governmental agency, the Court of Industrial Relations. Everyone, including the judges of the honorable court, is of the consensus that the delay in the adjudication of cases works severe and endless hardship especially on the workers. With these daily or monthly-paid laborers, it is literally true that "justice delayed is justice denied."

When an employee is dismissed unreasonably or discriminated against by his employer, he cannot be consoled with the thought that the Court of Industrial Relations will reinstate him—in three year's time. A newly-organized union which loses its members to another union favored by the company cannot see where justice lies even if it files what is called an unfair labor practice charge in court when it knows only too well that by the time the case is decided, its members will have enlisted with the more fortunate union.

Nor is the employer spared as a result of protracted litigations. Pending the handing down of an award or a decision by the court, back wages accumulate. If a considerable number of employees are involved, the backpay may run to millions and the hapless employer find himself on the verge of bankruptcy.

The presiding judge of the Court of Industrial Relations himself deplores this situation and has proposed bills which would fix a time limit within which cases are to be decided by the judges, on pain of salary deductions. But circumstances beyond the control of the court are partly responsible for this sorry state of affairs. Politics, because these judges are appointed by the President, has to take its share of the blame again. As of now, there are only four judges where there should be five, the vacancy having been created with the retirement of the former presiding judge. Last summer,

the presiding judge had to do it alone since one was in Baguio and two were abroad. While one must admit that the clogged dockets may be attributed to other factors more technical in nature, which the Court of Industrial Relations shares in common with other courts in our judicial system, the fact remains that this undue delay in the settlement of cases in the industrial court has been a major factor in retarding the economic progress of our nation.

All these factors—attitudes and practices of management and labor, the ineptitude of some agencies of the government entrusted with the duty of reducing industrial friction to the barest minimum—taken together constitute the roadblocks which stand in the way of harmonious labor-management relationships. This is not to say that such obstacles are insurmountable. Eventually, maturity sets in as both labor and management finally realize that it is not their pyrrhic victories which will insure enduring industrial peace but an understanding of each other's basic goals coupled with the need for preserving human dignity and freedom.