

A Performance Evaluation Model for Governmental Conflict Management Organizations - A Study of Labor Management Departments

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Abstract

There has been a drastic increase in labor-management disputes over the past decade, and these disputes have brought serious impact on Taiwanese society and need to be resolved more effectively. Traditional approaches to resolving disputes, such as legislation, have certain limitations and drawbacks. In an effort to provide alternative means for resolving conflicts in a peaceful manner, Taiwanese government sets up a series of mechanisms, including Mediation and Adjudicatory Committees, and outlines procedures for settlement. Although the methodology of mediation has been demonstrated to be a useful approach to resolving environmental conflicts, labor-management disputes, etc. in the world, it is not successful in Taiwan because the Committees are not perceived by all parties to be neutral.

This research attempts to study the sources of labor-management disputes and develop a mediation case system. Using a SJT model, this research also compares the cognitive differences of among different stakeholders. Special attention will be paid to the evaluation of stakeholder satisfaction toward the governmental labor-management mediation organizations. This research may provide a decision theoretic outlook of mediation research.

Keywords : industrial disputes, performance indicator, social judgment theory, stakeholders

1. Introduction

Following the lifting of martial law in 1987, Taiwan's political structure has democratized, the society diversified and the economy effloresced. Such transformations have led to the manufacture sector to either divert or migrate, and entailed introduction of migrant workers, expanded coverage of the Labor Standard Act, enhancement in the workers' education level as well as the rising awareness of rights. Moreover, the financial crisis in Asia began in 1998 and the torpid economy of both U.S. and Japan have diminished Taiwan's trade activities and forced many factories to close down, resulting in rising unemployment rate and labor disputes. Statistics shows a jump from 2,600 cases in 1997 to 4,138 in 1998; the figures rose to 5,860 and 8,026 cases for 1999 and 2000 respectively; 10,955 cases in 2001 (2002, Council of Labor Affairs, Executive Yuan). In merely four years from 1997 to 2001, the number of disputes had exploded four fold strong. Among them, the employees of many major labor disputes had to resort to self-salvation, such as China Times, Taiwan Motor Transport Corp., Chunghua Telecom., United Highway Bus Corp., TransAsia Airways, Chi Fu Electronics, Independent Evening Post, Hsilyn Electronics, Taolei, Fong An. Although growing public expressions for basic rights are a natural phenomenon in the course of democratisation, the frequencies of protests and resistance, the politicalization of which and the intensification of violence involved will undoubtedly drain tremendous social resources. The originally pure labor and management problems are generally inflamed into societal level, and even to political and economic scopes. All of which signify the criticality of labor dispute settling.

In all labor dispute settlements, the central labor governing authority has played a rather critical role. Data of the past 5 years reveal rather high percentage rates of cases the authorities were involved in: 97.38% for 1997, 97.7% for 1998, 99.07% for 1999, 81.9% for 2000 and 67.6% for 2001. Besides Year 2000 where the government encouraged the private intermediary sector to step in that the government's involvement rate dropped slightly, all the other years showed rates over 97%, and 1999 even charted 99.07%. These figures fully evidence the importance of the government's role in labor dispute handling. (See Table1)

Table 1 Recent Years' Labor Dispute Settlement Status in Taiwan

Year	Case (Count)	Settlement Results				Shutdown Dispute	
		Conciliation	Mediation	Arbitration	Pending	Case	Employee
1997	2600 (2532)	2228 (2163)	344 (344)	- (-)	50 (47)	57	1194
1998	4138 (4043)	3641 (3547)	461 (461)	- (-)	86 (82)	36	1820
1999	5860 (5806)	4861 (4803)	946 (946)	- (-)	139 (139)	30	861
2000	8026 (6579)	6602 (5192)	1445 (1445)	- (-)	117 (81)	50	3030
2001	10955(7405)	8807(5229)	2170(2170)	- (-)	95(87)	89*	1813- (-)

Source: Council of Labor Affairs, Executive Yuan (2002a)

Note: Numbers in parentheses () signify labor disputes settled by labor governing authority

Given the importance of the labor governing authorities to labor dispute handling, this article starts by addressing the status and problems concerning the current mechanism for labor dispute settling with the hope of presenting proposal or strategy that can solve these difficulties, and thus enhance the efficacy of the settling mechanism.

2. Recent Development of Labor-Dispute Mechanism

2.1 Alternative Dispute resolution in Public Sector

Traditional Dispute Resolution has four common problems within negotiation: (1) high social cost of participation (2) protracted resolution process (3) the participation levels of labor-dispute groups are limited (4) asymmetrical power relations leads to perceptions of procedural unfairness. Therefore, alternative dispute resolution (ADR) becomes popular on the basis of incorporation of many of the third-party approaches, which includes mediation and arbitration. The fundamental principle of ADR organizes the simple procedures of negotiation, mediation, arbitration, and mini-trial. Through multiple channels of conflict resolution, this approach can compliment the traditional administrative, legislative, and judicial system. In particular, this approach does not change the basic principle of litigation.

The most popular method of conflict resolution is mediation, which is involved with the assistance from third parties in term of conciliation. Mediators just assist negotiation procedures and communication process. They do not force decision-makers of labor-disputes to reach any agreement. In other words, stakeholders of policy can enjoy the independent decision-making. The final agreement should be reached through consensus.

It is estimated that ADR is widely applied in all perspectives of government institutions or quasi-government mechanism, which includes the following issues:

- (1) Contract and pay disputes: this ADR system is the situation that companies can build clauses into contracts so that any disputes goes to ADR. The companies can specify a number of ways for parties to solve labor-disputes.
- (2) Environmental protection disputes: this is an ADR system that local government can set up environmental protection committee that allow the parties to resolve their own disputes with the help of mediation and arbitration procedures.
- (3) Business disputes: Department of Justice provides a third-party legal system to assist the parties in negotiating a business resolution.
- (4) Consumer Right Disputes: Consumer protection committee specifies a number of ways for parties to get together according to the act of consumer protection from the Executive Yuan.
- (5) Others: Negotiated ADR systems are city mediator committees, which operate to resolve disputes in areas of car accidents, debt elimination, family, and injured cases.

3. Current Status of Taiwan's Labor Dispute Settling Mechanism

3.1. History of Relevant Legislation

Most nations' labor dispute settling mechanism is established via legislation. The principle behind which, either compulsory or random, varies according to each nation's constitution, tradition and ethnic ideology and social development. Nevertheless, all adopt mediation and arbitration as the primary structure for labor dispute settling.

Article 154 of the Constitutions of the Republic of China (ROC) stipulates: “..., the mediation and arbitration of labor disputes shall be regulated by law.” (Lin Cheng-Yu, 1996a, 1996b). The earliest institutionalization of Taiwan’s labor dispute settling mechanism is the “Labor Dispute Settlement Act” promulgated on 9 June 1928. Amendments were duly made on 7 March 1930, 27 September 1932 and 31 May 1943. The latest amendment took place on 27 June 1988 after passing the third reading at the Legislative Yuan and duly decreed by the president. However, in 1988 when the amendment bill was passed, marshal law still reigned the island. The 1988 Act no longer suffice to accommodate the drastic political, economical, social and industrial changes following the lifting of marshal law. Moreover, along with the labor force’s rising awareness of rights, disputes with the management continue to escalate, calling for expedient update of the law to meet with the actual needs. Naturally, the central governing authority, Council of Labor Affairs under the Executive Yuan, had been persistent in due preparations to amend the law, and in June 1991, sent the bill to the Legislative Yuan. Despite which, on account of the inefficiency of the legislative body, the bill is left sitting idle under many others in the house; even if it were passed, it would be a decade outdated, an useless, antiquated law. Such is a common phenomenon of futile laws out of policy failure seen in most democratic societies. As it would seem farfetched for Taiwan to have effective laws presently, this article will only profile and discuss the “Labor Dispute Settlement Act” passed in 1988 and currently enforced.

3.2 Applicable Scope & Classification

In accordance with Article 2 of the Labor Dispute Settlement Act amended in June 1988: “This law is applicable where labor disputes arise between an employer or employer body and the labor or labor body.” Furthermore, Article 4 of the same act stipulates: “The term “labor disputes” as used in this law means disputes over issues concerning labor, management rights and adjustments.”

Therefore, if categorized according to the number of people involved, it can be distinguished as individual disputes and collective (group) disputes (Lin Cheng-Yu, 1996a, 1996b):

- (1) Individual Disputes: Pertain to the disputes arising from individual labor relationship between the workforce and the employer. These are mostly disputes over rights, and the settling is often based on law or contract.
- (2) Collective (Group) Disputes: pertain to the disputes arising from the labor relationship between the worker group (union) or certain majority of workers and the employer group. The disputes generally concern adjustment of issues, and often settled via group agreement.

If categorized according to the nature of dispute, it can be distinguished into labor rights and adjustments (Chen Huan-Wen, Shih Chia-Ning, 1998; Lin Cheng-Yu, 1996a, 1996b; Chi Yen-Lu, 1996):

- (1) Labour disputes over labor rights are also known as legal disputes. Pursuant to the definition set under Article 4 of the Labor Dispute Settlement Act, it means the disputes the workforce and the management have over the rights and obligations as regulated by law, group agreement, labor contract. From the standpoint of dispute settling, such disputes fall within the jurisdiction of the judiciary system, and should be resolved by the judiciary authority. Presently in Taiwan, besides appealing to a court of law, labor disputes can also be settled via the mediation procedure as stipulated in Labor Dispute Settlement Act, or through the local administration’s mediation committee. (See Fig 1)
- (2) Labour disputes over labor adjustments are also known as factual disputes. According to the definition set under Article 4 of the Labor Dispute Settlement Act, it means the disputes the workforce and the management have over maintaining or changing labor terms. Generally, disputes of adjustments have no law that dictates the scope and scale of adjustments. As the court has no guidelines, the handling of such disputes falls within the jurisdiction of the administrative system’s relevant organization. According to the Labor Dispute Settlement Act, labor disputes over adjustment issues can be settled via mediation and arbitration. (See Fig 1)

In addition to the categorization methods above, Taiwan currently subcategorizes labor dispute causes and settlement results into 11 categories and 34 items based on the 1988 Labor Dispute Settlement Act (Council of Labor Affairs, Executive Yuan, 2002a):

- (1)Contract Disputes: Disputes due to contractual nature, contract termination , layoff compensation, seniority, business suspension; disputes over layoff due to transfer of business ownership, diminished business; and other disputes entailed from contract
- (2)Pay Disputes: Pay package, pay adjustment, back-pay, overtime pay and holiday pay
- (3)Work-hour Disputes: Regular work hours, extended work hours, holiday work-pay and other work-hour disputes
- (4)Retirement Disputes: Voluntary retirement, retirement by order, retirement pension and other retirement disputes
- (5)Benefit Disputes: Yearend bonus, bonus-share, stock option, employee benefit pay and other benefit measures

- (6)Labor Insurance Disputes: Procedure concerning taking out policy, insured salary, indemnity and other insurance disputes
- (7)Management Disputes: Award and penalty evaluation, changes of post assignment and other management issues
- (8)Occupational Hazard Disputes: Recognition and compensation of occupational hazard, bearing of compensation liability and other loss compensations.
- (9)Safety, Health Disputes: Mediation committee, arbitration committee
- (10)Union Disputes
- (11)Other Disputes

The various dispute categorizations and conciliation settlements of Taiwan area in the last five years (1997-2001) are as shown in Table 2.

Table 2 Overview of Taiwan Labor Dispute Settling Categorizations & Accomplishments

Type/Year	1997	1998	1999	2000	2001	Total	Percentage Rate %
Dispute Count	2600 (2532)	4138 (4043)	5860 (5806)	8026 (6579)	10955 (7405)	31579 (26365)	100 (100)
Contract Dispute	1172 (1139)	1945 (1890)	2976 (2941)	3921 (3155)	6187 (4169)	16201 (13321)	51.3 (50.5)
Contract Termination	457 (442)	844 (829)	1209 (1201)	1380 (1194)	1682 (1263)	5572 (4929)	17.6 (18.7)
Layoff	678 (660)	1135 (1101)	1915 (1893)	2772 (2137)	4779 (3064)	11279 (8855)	35.7 (33.6)
Compensation Pay Dispute	738 (725)	1321 (1293)	1953 (1942)	3127 (2611)	3897 (2727)	11036 (9298)	34.9 (35.3)
Pay Package	58 (54)	119 (115)	149 (145)	187 (148)	279 ()	792 (641)	2.5 (2.4)
Back-pay	601 (593)	1061 (1039)	1615 (1609)	2622 (2179)	3215 (2248)	9114 (7686)	28.9 (29.2)
Overtime & Holiday	74 (74)	122 (118)	200 (199)	360 (299)	385 (307)	1141 (997)	3.6 (3.8)
Work-hour Dispute	18 (17)	36 (36)	28 (28)	63 (51)	117 (83)	262 (215)	0.8 (0.8)
Pension Dispute	251 (243)	306 (300)	363 (358)	512 (404)	615 (403)	2047 (1708)	6.5 (6.5)
Pension Payment	182 (177)	238 (233)	275 (273)	424 (339)	525 (357)	1644 (1379)	5.2 (5.2)
Benefit Dispute	24 (24)	67 (67)	56 (56)	100 (84)	93 (79)	340 (310)	1.1 (1.2)
Yearend Bonus	18 (18)	39 (39)	28 (28)	60 (50)	47 (45)	192 (180)	0.6 (0.7)
Labour Insurance Dispute	100 (93)	121 (114)	125 (120)	196 (144)	230 (153)	772 (624)	2.4 (2.4)
Indemnity	50 (45)	52 (48)	63 (59)	85 (64)	86 (65)	336 (281)	1.1 (1.1)
Management Dispute	64 (62)	81 (81)	103 (103)	134 (121)	199 ()	581 (494)	1.8 (1.9)
Occupational Hazard Dispute	367 (356)	493 (483)	656 (651)	850 (713)	81 (4554)	3180 (2757)	10.1 (10.5)
Safety, Health Dispute	- (-)	1 (1)	- (-)	- (-)	- (-)	1 (1)	0 (0)
Union Dispute	5 (5)	5 (5)	3 (3)	4 (4)	2 (2)	19 (19)	0.1 (0.1)
Others	59 (58)	89 (88)	153 (152)	269 (212)	462 ()	645 (585)	2.0 (1.9)

Source: Council of Labor Affairs, Executive Yuan (2002a)

Note: Note: Numbers in () signify labor disputes settled by labor governing authority

From Table 2, it is evident that [contract disputes] and [pay disputes] lead the first and second places by far among the 11 categories at 51.3% and 34.9% respectively. Of the detailed items, [layoff compensation] and [back-pay] top the chart at 35.7% and 28.9% sequentially, followed by [contract termination] at 17.6% and [occupational hazard disputes] at 10.1%. The more recent findings do not vary much from the study conducted by Jen Liang-Chi in 1991 based on the statistics of the period from 1973 to 1985 on the labor dispute factors released by the Department of Labor Affairs under the Provincial Government: [discharge on ground], [groundless layoff] and [back-pay] were the main causes. (The causes and settlements of labor disputes have been re-categorized according to the 1988 Labor Dispute Settlement Act) Further comparison with the [Survey of Taiwan Workers' Living Status - The Main Causes of Labor Disputes of the Business Sector in the Last Year] conducted by Department of Labor Affairs in 1990 and 1995 (Jen Liang-Chi, 1991; Directorate General of Budget, Accounting & Statistics, Executive Yuan, 1996) shows [pay adjustment] (1990/33.2%; 1995/34.6%), [yearend bonus] (1990/16.9%; 1995/22.4%), [management format] (1995/17.3%), [discharge of workers] (1990/12.2%; 1995/9.3%) and [back-pay] (1990/8.3%) remain the primary causes. Although mostly due to [financial issues] and [job security] in nature, the studies clearly pointed out that the number of actual disputes is greater than [rights issues] (layoff on grounds, groundless layoff, layoff compensation, back-pay, occupational hazard disputes). In terms of man-count of dispute involvement or cause factors, [adjustment issues] (pay adjustment, yearend bonus, subsidies, job assignment) predominate. On the other hand, the surveys also indicate that the actual causes and results of labor disputes are mostly attributable to [pay adjustment], [yearend bonus] and [management format]. Meanwhile, cases settled through formal channels outside the corporate sector (mostly by the labor administration authorities at the city, county levels) pertain to [layoff compensation of contract disputes] and [back-pay of pay disputes]. Judging from the statistics of labor disputes in the last five years, [contract disputes] and [pay disputes] had shown signs of concentrating. This indicates that the main problems to current labor disputes lie outside of corporations' internal environment. Changes of the economic environment and industry structure exert the greatest influence, followed by politics and law. The former two were the outcome of the Asian financial crisis and the economic decline of Japan and America. Moreover, mainland China's economic reform and liberalization policy have also enticed many Taiwan's traditional manufacture establishments to migrate. The political and legal aspects concern the deregulation of migrant workers and extended coverage of Labor Standard Act, and compounded by government policy failure due to the change of ruling party in early 2000. Consequently, improvement of the larger environment is most pressing in the agenda of solving labor disputes today, rather than working simply on corporate management skills that strengthen the management and labor relationship.

2.3 Taiwan's Mechanism for Settling Labor Disputes

The most common means of settling labor disputes practiced worldwide are conciliation, mediation and arbitration, and Taiwan is no exception. Overall speaking, settling formats vary according to the nature of issues in question (See Fig. 1):

1. Rights issues are classified into conciliation, mediation (including by town hall), court ruling.
2. Adjustment issues are classified into conciliation, mediation and arbitration.

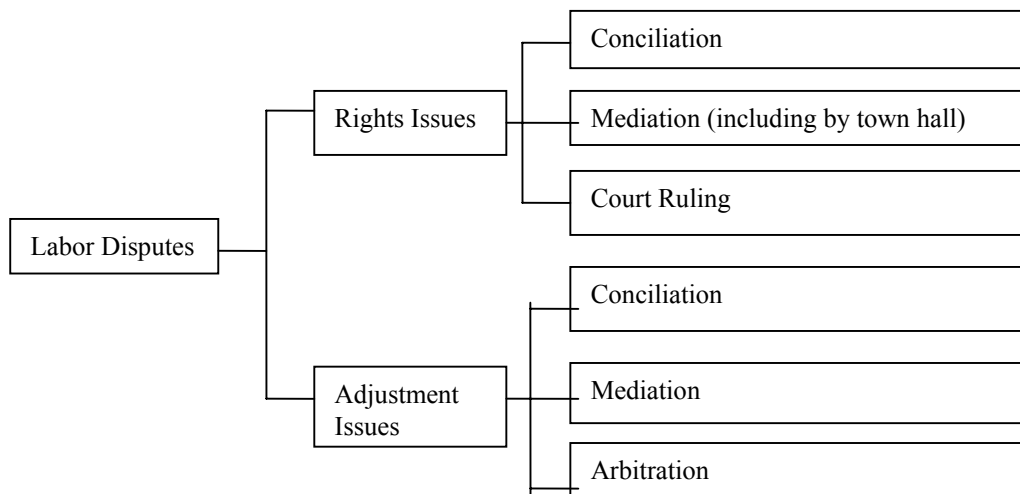


Fig. 1 Structure of Taiwan Labor Dispute Settlement

Labor disputes are generally handled by state or private organizations. The state part includes a court of law (labor court), labor administrative authorities (mediation commission, arbitration commission), town halls (town mediation committee); whereas private intermediaries assume the part in the private sector (See Fig.2)

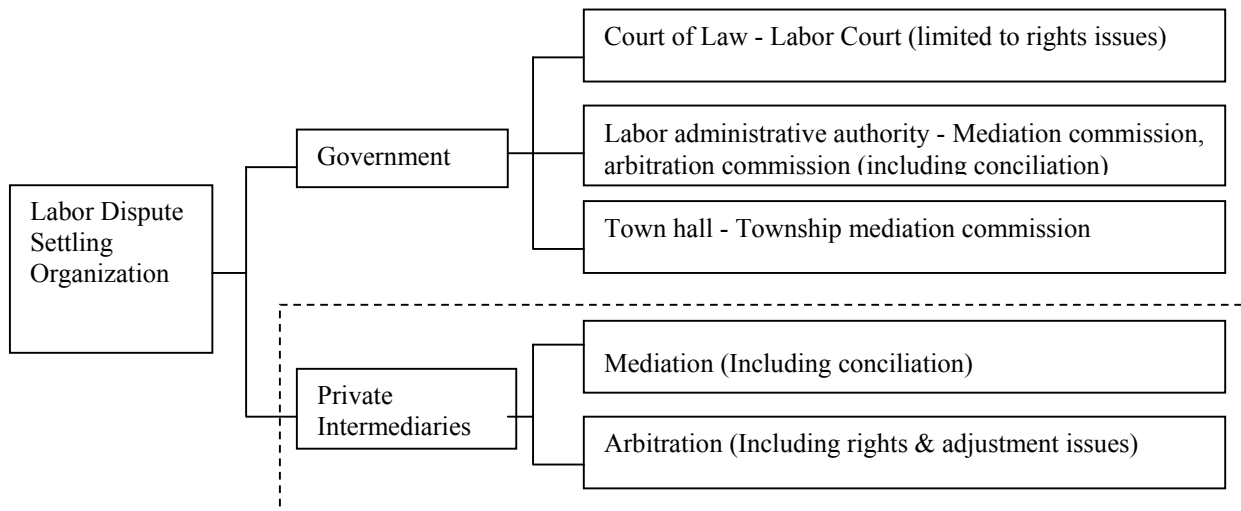


Fig. 2 The Labor Dispute Settling Structure in Taiwan

The skyrocketing rate of labor disputes in Taiwan is taxing the relevant governing authorities of every important industrial district. Records of case history show the labor administrations at the city, county administration levels are responsible for solving most of the cases via conciliation and mediation (See Table 1). The same administrative manpower now has to shoulder two to three times of workload, and further encumbered by the complexity of cases in both breadth and depth. Given the said dual, notwithstanding the relatively high successful rate of settlements (conciliation, mediation), resolution via [conciliation] has the highest rate. Take 1998 for example, such means account for up to 88%. The average rate of the last five years (1997-2001) is around 85%. The remainders are through mediation; no arbitration is adopted. Additionally, based on the statistics of Taiwan 2000 Judiciary Statistics Overview (2001), the various levels of court of law handled a total of 1,643 cases according to Labor Dispute Settlement Act in that year (See Table III). About 20% of the cases are governed by the administrative or intermediary institutions (conciliation and mediation). Despite of this regulation, the presiding law does not regulate the format of [conciliation]; it is actually a means outside the confines of law. In a time when “govern according to law” is exhorted, the legal statue of [conciliation] must be addressed (Chen Chin-Fu, 1999). Furthermore, private intermediaries’ participation rate is considerably low, e.g.: in 1999, cases resolved by entities other than the labor governing authorities accounted for merely 2.29%, and dropped to a sheer 0.92% the following year; it was not until 2000 the figure rose to 19.1%. Moreover, the role of private sector’s intermediary bodies served over the years has been limited to the capacity of [conciliation], lacking legal basis and rendering negligible practical function.

Table 3 2000 Labor Dispute Lawsuit Statistics

	Supreme Court	High Court (2nd Civil Suit Trial)	District Court (1st Trial)	District Court (1st Preliminary Procedure)	District Court (1st Litigation Procedure for Small Claims)	Total
Claim for Pay	11	-	322	101	127	
Termination of Labor Contract	2	-	3	0	0	
Claim for Pension or Layoff Compensation	23	-	257	92	19	
Claim for Reward or Bonus Sharing	1	-	7	3	2	
Claim for Injury Compensation or Occupational Hazard Subsidy	7	-	37	19	3	
Others	15	-	282	65	50	
Subtotal	59	195	908	280	201	1643

Source: Judicial Yuan (2001)

Upholding Taiwan’s Labor Dispute Settlement Act, the administrative governing authorities (Mediation Commission, Arbitration Commission) and town halls (Town Mediation Commission) have been handling labor disputes for years, and accrued considerable case history and experience. Naturally, the current system has its own merits and values; regrettably overshadowed by the political manipulation among parties, both the management and the

labor parts are skeptical of the efficacy and credibility of these authorities for the mechanism to be fully adroit. Therefore, this study intends to examine the nature of the current mechanism in Taiwan. On account of the relativity in arbitration, Taiwan has accumulated many labor dispute cases settled through mediation, coupled with the governing law's lacking of provisos to regulate the format of conciliation, the focus of this study is primarily directed at the scope of mediation in investigating the problems, and further introduces relevant experience of other nations to the end of improving the domestic system.

4. The construction of labor-management performance indicator at the public organization level

4.1 Mediation within the domestic and international context

In this section, researches related to labor-dispute management can be classified into the following categories:

- (1)Mediation process: scholars realize that mediation is a process of problem-solving (Kressel, 1972). From the perspective, scholars focused their research in the process-structuring approach, which includes the design of mediation strategy, agenda-setting, and propose evaluation model (Haynes, 1982; Moore, 1986).
- (2)Mediation strategy: it defines the consequence of formation of mediation strategy. This approach intends to define mediator's strategy and further organize manual for the field work (Kressel & Pruitt, 1985; Carnevale *et al.* 1989).
- (3)The personal qualification of mediators:
This perspective realizes that successful mediation should have certain characteristics. For example, the evaluation of mediator performance is more depend upon the achievement of special tasks. From the mediator's point of view, their own knowledge, skill, ability, and other factors are decisive for the successful mediation. These factors are defined as KSAOs. It is precisely at this area that five indicators of how mediators are actually evaluated. The five indicators are integrated as the sequence of scores from investigation, empathy, impartiality, agreement and interaction.
- (4)Others: a group of scholars from economics, psychology, decision science, and information system are organizing their research in the areas of mediation dynamics. They focus their research in studying the factors for successful mediation and practical instruments to facilitate mediation.

Due to the fact different organization has its relative strength in the problem-solving of labor disputes. However, it should consider the following assumption:

- (1)First, the purposes of organizations are quite similar that a common goal can be established by the principle of justice, quickness, and effectiveness.
- (2)Second, the structure of organization is the forum that composed of several experts. A chairman is appointed for the management of whole organization. It has been noted that certain members of organization are long term assigned within the mediation's organization structures, such as consumer mediation committee, labor-dispute mediation committee, and city mediation committee.
- (3)Third, it is often realized that the goal of the mediation institutions emphasizes organizational design to solve problems. Among the two types of organizational design, labor negotiators need to select either mediation or arbitration.
- (4)The personal qualification of mediators are often structured in a similar associative network of scholars, government personnels, and the local business community leaders. In a recent research, it is estimated that strong evidence show that 70 percent respondents have the same perceptions about the qualification of mediators. Respondents are skeptical about the large group of city government administrative officials or county legislators to serve as mediators labor-disputes. Instead, respondents contend that most qualified mediators are scholars, lawyers, medicine doctors, environmental engineers, and public health workforce.

4.2 Performance Indicators of Public Organization in Labor Disputes

From government point of view, the quality of conflict resolution is critical for the control and planning of labor-dispute organization. From the perspective of workers and employers, the implementation of strategic mission of labor-dispute organization is vital to their interest. Thus, the fundamental goal of labor-dispute organization is to create the effectiveness of conflict resolution with justice and efficiency. More specifically, public organizations often emphasize mediation and arbitration. Mediation is evaluated as the most comprehensive method for labor-dispute management; however, conciliation is more efficient in terms of timeliness. This analysis involves a quality control of conflict management, which includes the following characteristics (Donabedian, 1995):

- (1)Effectiveness: the best mediation can reach the most efficient way of solving the conflict.
- (2)Efficiency: the lowest cost required for the dispute-resolution, given a situation that conflict would not be reduced.
- (3)Optimality: an appropriate balance is reached when solution and cost are weighted in labor markets.

- (4)Acceptability: the labor-dispute resolution is consistent with the labor desire and employer wish.
- (5)Legitimacy: social norms, value judgment, and administrative rules predominate in determining the labor issue.
- (6)Equity: the principle of justice is applied to the mediation process and the public can accept the government intervention.

Because neither management nor labor can easily measure the dispute, it is often contends that best measurement of quality in terms of disputes is structured through the evaluation of performance and outcome.

Performance indicator is established from the fact that observable indicator can be used to substitute the non-observable (Kerlinger, 1986) indicator of efficiency of public organization.

From the establishment of indicators, it can define the goal and function of organizations. Furthermore, this approach identifies different stakeholders within policy-making process and their cognitive differences. Thus, the purpose of this study is to establish the labor dispute organizational indicator and compare the cognitive differences of stakeholders.

The discussion of this section, thus, provides some literature review of organizational performance:

- (1)Organization efficiency: organization efficiency is the measurement of quantity. It defines the role of organization and build indicator of efficiency. For example, job standard, productivity, and unit cost, etc.
- (2) Organization effectiveness: The indicator of organization effectiveness emphasizes the quality of organization operations.

Within the organization, scholars divide the performance indicators of organizations into two parts: the performance indicator of internal organization and external organization. For instance, unit output cost, the utilization rate of economic resources, and product defects are all belong to internal organization indicators. In contrast, the responsiveness, quickness, equity are all belong to external organization indicator. According to the literature review of management, the integration of organization efficiency and organization effectiveness, this section summarizes the performance indicator of labor-dispute organization as the follows:

Table 4 The classification of performance indicators of organizations

Classification	Internal performance criteria	External performance criteria
Efficiency indicator	Output／Standard output Finished task／unit resource Unit output cost Resource utilization	Responsiveness Timeliness Activeness
Effectiveness indicator	The percentage of goal attainment Mediation rate Satisfaction of members Mediation technique and skills in innovation Performance evaluation of mediators	The responsiveness of worker-employer demand Proximity of service Satisfaction of goal group Justice The reliability of worker and employer The impact of negative effect Service attitude Participation of guests

Source : Yei Zi-shien (1994)

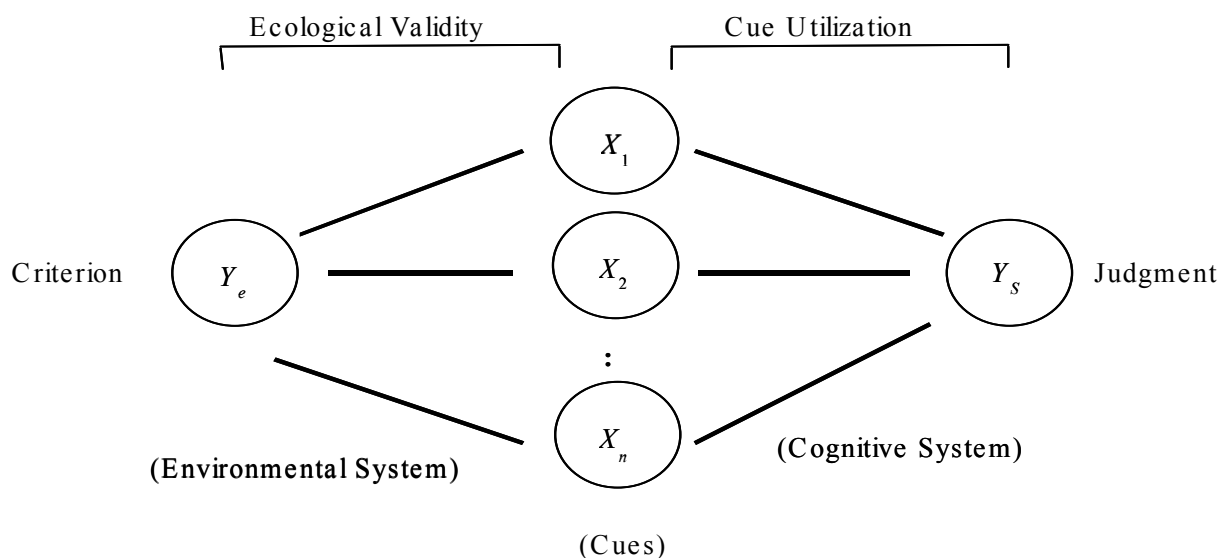
Dunn proposes seven indicators for the test of quality performance: relevance, sinificance, validity, reliability, objectivity, timeliness, usefulness. Nadzam contends that the effective test of quality performance must consider validity, reliability, sensitivity, precision, and feasibility. This study will integrate theory and practice of labor-dispute resolution. From the various indicators in Table 2, this study picks up the operational indicators for objective evaluation (mediation rate and time interval of dispute resolution) and important objective indicators (justice and service attitude). From the different stakeholders' cognitive difference, this research can compare different stakeholder's weighted indicator for the reference of future studies.

5. Methodology

5.1 SJT Model

Due to the complicated process of in labor-dispute management, civil groups, legislators, and labor union, and government are important stakeholders for public policy-making process (Dunn, 1994). Thus, the labor policy can be defined as multiple criteria public decision-making. In the discussion of the labor issue, it is quite often stakeholders have various cognitions in terms of the factual and value judgment. Because of the multi-dimensional nature of public policy-making process, the subjective judgment theory is appropriate for the complete understanding of decision-making about value conflict (Wang, M. S., 1992). The application of SJT is useful in the comparative analysis of stakeholders (workers, employers, and mediators) on the basis of the weights of subjective scale value and economic resource in relation to the performance indicators of labor-dispute management.

First proposed by Hammond (1975) and later proposed by Brunswick (1952), the lens model has its theoretical roots in the Social Judgment Theory. The lens model applies to the mediation of relative stable relationships between subjective cognitive system and objective environmental system. In other words, the lens model provides a comprehensive review of the environmental system and analyses of the judgments of worker groups. From the interaction between subjective cognitive system and objective environmental system, the theoretical literature of the SJT contends that an item of factor (Cues, X_1, X_2, \dots, X_n) often can be used for judgment. Within unknown or uncertain situation, several cues can be isolated and defined for the decision-making process. Furthermore, this approach argues that decision-makers can make their judgment through analysis of cues in the context of subjective cognitive system. The function of the cues is to serve as the linkage between subjective cognitive system and objective environmental system. Given the fact that the decision-makers can get complete information, it assumes that decision-makers can reach rational judgment and correct decision goal.



Source : Hammond, K. R. *et al.* (1986), Social, Values, and Human Judgement, in Arkes, H.R. & Hammond, K.R. (Eds), Judgement and Decision Making, Cambridge University Press, p. 58.

Fig. 3 : Diagram of the lens model

In fact, the SJT has been widely applied into the arena of public affair management and the empirical research emphasizes the multi-goal decision-making. Cognitive conflict or cognitive confusion is a common situation that is developed from the difference between subjective cognitive system and objective environmental system.

Table 4 proposes the theoretical framework of the subjective judgment theory, which can be explained as follows: objective or goal is the real policy concern of decision-makers. It is an abstract idea that can be justified within the plan attributes subjectively. In contrast, decision-making alternatives are often evaluated objectively through plan attributes. The final policy goal of decision-maker is closely related with the subjective cognition of decision-maker. Thus, it is important to realize that decision-makers should not make factual judgment beyond their profession. From the perspective of the subjective judgment theory, decision-makers have the obligation to clarify the different cues in the case of value judgment.

According to the evaluation method of the social judgment theory, we can assume that:

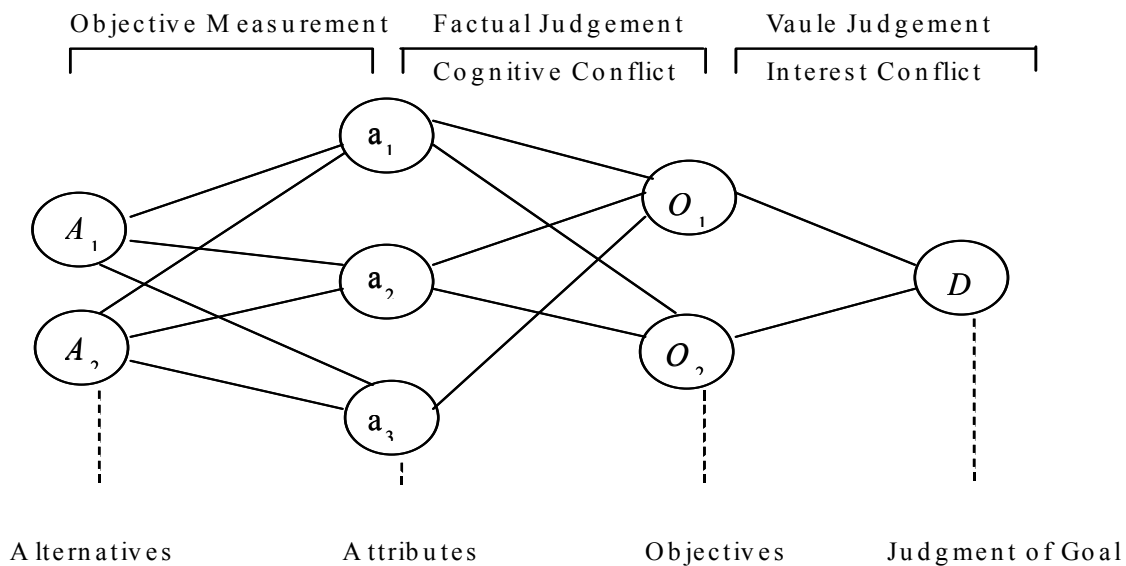
- (1) The identification of cues for the decision-making and related policy goals. Problem identification is critical within the process of decision-making.
- (2) The diagnosis of case for clarifying the roots of problem. Through comparative analysis, decision-makers can make their judgment in different cases in which actual or simulated environmental system fit with the case considerations.
- (3) The mode of judgment. Decision-makers evaluate the cues within each case study and use the standard measurement tool to evaluate decision-making.
- (4) Recommendation analysis. The empirical results show that respondent applied the weight directly to objective scale values in term of the cues.

The regression model of the Subjective Judgment Theory is written as follows:

$$Y_{ij} = \sum_{k=1}^m b_{ik} X_{ij} + C_i + E_{ij}$$

where Y_{ij} is the decision-maker i 's judgment of case j . It analyzes the Square Multiple Correlation (SMC). X_{ij} is the decision cue. C_i is the constant of decision-maker i 's judgment. E_{ij} is the decision-maker i 's residual in case j . b_{ik} is the decision maker i 's weight at variable k ; m is the number of decision cues. Through the regression analysis, the E weight has been standardized for the purpose of relative weighted calculation.

The empirical results of SJT are calculated from four different components, which include (1) accumulated relative weights for cue (2) integration of variables for decision maker's judgment (3) cognitive control—the squared multiple correlation coefficient (R^2)—the higher R^2 , the more consistent of judgment (4) function form. All of these four factors denote the relations between cues and judgment.



Source : Kao, Ming-Zeio (1993) , Natural Resource Preservation and Management , Taipei : Siu-Shien Publisher. P.54.

Fig. 4 Lens model in the context of Subjective Judgment Theory

From the perspective of Subjective Judgment Theory, this study intends to focus the cases of labor dispute management in Taiwan in order to examine the cognitive difference of organizational performance. The main subjects of our investigation are:

- (1).Mediators in governmental conflict management unit: this study concentrates on the city and county mediator committee with particular emphasis upon the combination of public administrator, labor union leader, legislator, and scholars.

- (2) Conciliator in the private sector: The civilian groups have actively involved in conflict resolution since 1999. By helping the management of conflict, it is assumed that the private sector can assist the public sector to improve the efficiency of conciliations.
- (3) Labor: The stakeholder includes workers and union representatives.
- (4) Employers: Company representatives are stakeholders of dispute resolution.
- (5) Scholars and experts: This study focuses on the survey of various department of labor and human resources management at university.

5.2 Research Design

This study applies the SJT into different stakeholders in relations to Labor Management Department. Table 5 shows that different stakeholders pursue the optimal performance indicators for labor-dispute management as their final goal. These goals include four organizational performance indicators: efficiency, proximity, quickness, and equity. In addition, convenience, service proximity, and quickness are organized as plan attributes. Plan 1 and plan 2 are defined as plan groups. In particular, scholars can evaluate the plan and plan attributes for the objective analysis of optimal performance indicator and policy-making goal. However, it is highly possible that experts would have cognitive conflict in acceptability and legitimacy. Also, scholars are making their judgment between decision goals and plan attributes, could positively related to cognitive conflict.

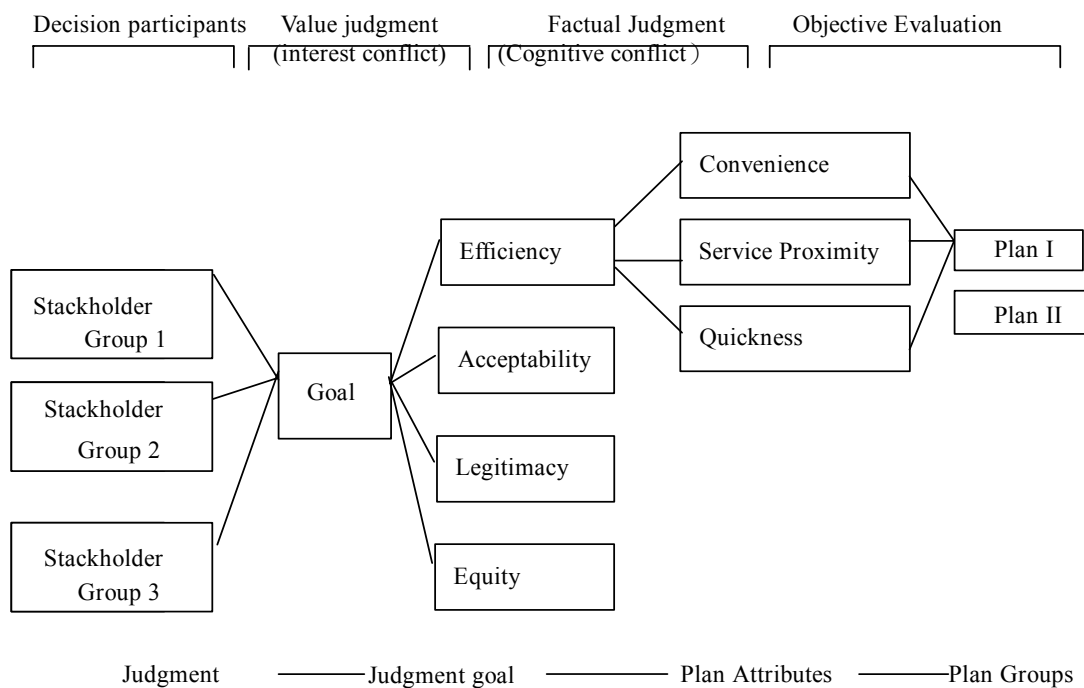


Fig. 5 : Theoretical Framework of Subjective Judgment Theory and Its Application at the Organizational Performance of Labor-Dispute Mediation

5.3 Research Hypothesis

According to the design structure of this research. The hypothesis of this research can be developed as follows:

- (1) From the perspective of efficiency, each stakeholder has significant different weighted average values.
- (2) From the perspective of acceptability, each stakeholder has significant different weighted average values.
- (3) From the perspective of legitimacy, each stakeholder has significant different weighted average values.

- (4) From the perspective of equity, each stakeholder has significant different weighted average values. (value-weighted index)
- (5) With respect to the evaluation of organizational performance, gender, age, and educational level would create significant variance in the estimation of each stakeholder group goal.

5.4 Questionnaires and Data Collection

From the literature review of labor relations, this study is trying to define the stakeholders of labor negotiation as follows: the conciliators, the worker group, the employer group, the academic group.

In pilot study, researchers have used instructors of Shu-Te University and graduate students of Dr. Sun Yet-san University as the test population.

The questionnaire design is organized from the theoretical framework of the Subjective Judgment Theory and PPC (POLTCY PC, Version2.4) manual. The data of respondents have been analyzed through PPC (POLTCY PC, Version2.4) operation. The questionnaire has been applied after $R^2 > 0.6$. The sampling method of this study is collected through direct interview and face-to-face explanation of the purpose of research. At the same time, the questionnaire was conducted for all respondents in order to familiar with the content of questions.

The respondents include mediator of public sector, conciliator of private sector, and labor representative, employer representative, and scholars. This study interviewed five groups of 340 respondents with valid sample of 99 respondents. The population of sample and their characteristics are calculated within the following table.

Table 5 Population and Social Status in SJT questionnaire

Attributes	Classification	Population	%
Gender	Male	67	67.7
	Female	32	32.3
Age	Below 30	19	19.2
	31~40	39	39.4
	Above 41	41	42.4
Region	Kaohsiung County	27	27.3
	Kaohsiung City	37	37.4
	Others	34	34.3
Education Attainment	Ph.D&Master	17	17.2
	Bachelor	24	24.2
	Junior College	34	34.2
	Below High School	24	24.2

6. Empirical Results:

This study has organized the weighted value of the cues from the valid respondents. R^2 is collected and put into the statistical software of SPSS for windows, given the situation that three cues are weighted more than 0.6. From our empirical analysis, the weighted average value, standard deviation, analysis of variance are all calculated for the purpose of t-test and single-tail analysis of variance.

6.1 The Weighted Value of Judgment Analysis in relation to Different Stakeholders

Table 6 has demonstrated that weighted value of organization performance indicators from the perspective of different stakeholders. It demonstrates:

Table 6 The Optimal Organizational Performance of Labor-Dispute Mediation Management, Where Each Stakeholder Has Different Weighted-Average Value of Cues

Cues	Mediator (33)	Conciliator (11)	Worker (31)	Employer (14)	Scholar (10)	Average
Efficiency						
Maximum	68	49	50	63	37	53.4
Minimum	2	0	2	9	5	3.6
Average	22.97	20.45	21.16	27.57	22.00	22.68
S. D.	16.03	14.55	12.93	13.68	8.65	13.90
F Test	F = 0.596 , P = 0.666					
Acceptability						
Maximum	76	70	68	38	47	59.8
Minimum	1	6	1	3	4	3
Average	28.58	26.82	17.55	18.21	23.80	22.98
S. D.	19.56	20.16	14.33	10.72	14.00	16.95
F Test	F= 2.224 , P= 0.072					
Legitimacy						
Maximum	36	32	70	30	33	40.2
Minimum	3	0	4	2	12	4.2
Average	20.24	13.73	18.39	13.14	20.20	17.93
S. D.	9.47	9.94	12.98	7.24	7.89	10.55
F Test	F=1.735 , P=0.149					
Equity						
Maximum	57	71	79	67	48	64.4
Minimum	8	7	5	2	18	8
Average	28.36	37.8	42.71	41.00	34.00	36.29
S. D.	15.62	20.62	18.40	15.43	10.53	17.50
F Test	F = 3.325 , P= *0.014					

*p>0.05

**p>0.01

From table 6, this section shows that individual stakeholder has his own optimal organization performance indicators. Through the statistical analysis of weighted judgment, the analysis of average value and ANOVA of F-test can further explain:

(1)Average Value Analysis

From the statistical analysis, this section demonstrates that weighted value tend to be more important if the weight is bigger. Two empirical results are important for our attention.

- a. From four evaluation items, this table assumes that equity is the most important items of all statistical analysis. Labor representative (40%), employer representative (41%), conciliator in private sector (37.8%), scholars (34%), average value of stakeholder (36.26). this study of average value analysis demonstrates “acceptability” is the second most important item of all statistical analysis (22.98). Among four items, “legitimacy” is the least emphasized item of statistical analysis (each group average = 17.93).
- b. It is estimated that conciliators of public sectors have the most significant difference of weighted value. As the table suggest, the order of the weighted value is organized as follows: the first is “acceptability” (28.58%), “equity” (28.36%), “efficiency” (22.55%), “legitimacy” (20.24%).

(2)Empirical results of analysis of variance

The analysis of variance (F-test) shows that five groups of stakeholders have significant difference in weighted average value of equity (F= 3.325, P<0.05). Among the weighted values with regard to equity, conciliators of public sectors and labor representatives have the most significant difference in terms of their focus. In contrast, these groups maintain no significant difference in acceptability, efficiency, and legitimacy.

6.2 The function form of value judgment in comparative perspective of different stakeholders

This study organizes the empirical results of SJT analysis and summarizes the various function forms as five patterns. Figure 7 reports the meaning of curves or linear relations. Figure 8 explains the various function forms in relation to efficiency, acceptability, legitimacy, and equity of different stakeholders.

Table 7 The Classification of Figures in SJT and Comments

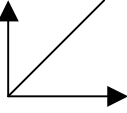
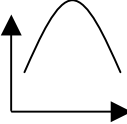
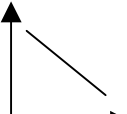
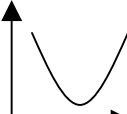
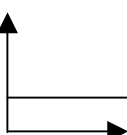
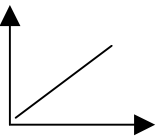
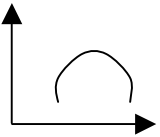
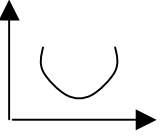
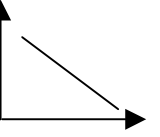
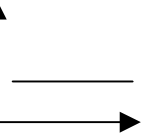
Figure	Comment	Figure	Comment
	the more, the better		the more, the better to a point (than worse)
	the more, the worse		the more, the worse to a point (than better)
	Unrelated		

Table 8 : The Function Figures of Efficiency ,Acceptability ,Legitimacy ,Equity

										
Efficiency	Pop	%	Pop.	%	Pop	%	Pop	%	Pop	%
Mediator	17	51.5	5	15.1	2	6.1	6	18.2	3	9.1
Conciliator	7	63.6	1	9.1	0	0	1	9.1	2	18.2
Worker	16	51.6	7	22.6	3	9.7	3	9.7	2	6.5
Employer	9	64.3	2	14.3	3	21.4	0	0	0	0
Scholar	7	70.0	2	20.0	1	10.0	0	0	0	0
Total	56	56.6	17	17.2	9	9.0	10	10.1	7	7.1
Acceptability	Pop	%	Pop.	%	Pop	%	Pop	%	Pop	%
Mediator	27	81.8	2	6.1	1	3.0	1	3.0	2	6.1
Conciliator	8	72.7	3	27.3	0	0	0	0	0	0
Worker	11	35.5	8	25.8	5	16.1	4	12.9	3	9.7
Employer	7	50.0	3	21.4	2	14.3	0	0	2	14.3
Scholar	6	60.0	2	20.0	0	0	1	10.0	1	10.0
Total	59	60.0	18	18.2	8	8.1	6	6.1	8	8.1
Legitimacy	Pop	%	Pop.	%	Pop	%	Pop	%	Pop	%
Mediator	20	60.6	7	21.1	3	9.1	2	6.1	1	3.0
Conciliator	4	36.4	1	9.1	2	18.2	1	9.1	3	27.3
Worker	18	58.1	7	22.6	4	12.9	1	3.2	1	3.2
Employer	6	42.9	1	7.1	4	28.6	1	7.1	2	14.2
Scholar	5	50.0	0	0	4	40.0	1	10.0	0	0
Total	53	53.5	16	16.2	17	17.2	6	6.1	7	7.1
Equity	Pop	%	Pop.	%	Pop	%	Pop	%	Pop	%
Mediator	25	75.8	5	15.2	2	6.7	1	3.0	0	0
Conciliator	9	81.8	2	18.2	0	0	0	0	0	0
Worker	26	83.9	2	6.5	3	9.6	0	0	0	0
Employer	9	64.3	4	28.5	0	0	0	0	1	7.1
Scholar	10	100	0	0	0	0	0	0	0	0
Total	79	79.8	13	13.1	5	5.1	1	1.0	1	1.0

From Table 8, the empirical results of research demonstrates:

- (1) With respect to efficiency indicators, five different stakeholders perceive this indicator as positively related to organization performance of labor-dispute mediation (56.6%). Moderate level is defined as the second place of all situations (17.2%). Thus, most people tend to realize that the higher efficiency of labor-dispute mediation, the better.
- (2) From the perspective of acceptability, five different stakeholders tend to view this indicator as positively related to organization performance. The second level is moderate response (18.2%) Therefore, it seems that the attitudes of conciliators of public sectors are positively related to organization performance (81.8%).
- (3) Concerning the legitimacy indicator, five stakeholders are keeping positive position with the organization performance (53.5%). Moderate response is the second group of people (17.2%).
- (4) In terms of equity, the average stakeholders consider that this judgment has positive relations with organization performance (78.8%). Moderate respondents take the second place of all samples (13.2%). This research also shows that scholars have the most significant positively related attitude toward the equity of labor-dispute mediation organization (100%). Labor representatives and conciliators of private sectors consider the high positively relations with equity of organization (80%).

6.3 The Analysis of Variance in relation to Different Indicators

This section analyzes population variable, social variables and economic variables, such as gender, age, region, and education attainment, in the context of analysis of variance of different indicators. The results can be structured as Table 9.

Table 9 The Analysis of Variance about Gender, Age, Region, Education Attainment

	Efficiency		Acceptability		Legitimacy		Equity	
	Avg.	S.D.	Avg.	S.D.	Avg.	S.D.	Avg.	S.D.
Gender								
Male(67)	21.88	14	24.15	17.8	19.03	11.25	34.88	17.11
Female(32)	34.34	12.03	20.53	15	15.63	8.62	38.94	18.27
P	0.412		0.323		0.134		0.283	
Age								
~30(19)	23.21	14.76	21.68	15.20	17.37	14.18	37.47	19.40
31-40(39)	22.31	14.16	22.49	12.30	18.72	9.31	36	17.62
41~(41)	22.78	13.58	24.05	21.31	17.44	9.93	35.78	16.90
P	0.972		0.860		0.838		0.939	
Region								
County(27)	24.07	13.91	19.59	16.86	15.85	9.28	40.26	14.82
City(37)	18.73	11.95	26.89	18.95	19.59	12.41	34.30	17.52
Othera(34)	26.15	15.20	21.71	14.36	17.88	9.34	35.91	19.04
P	0.068		0.202		0.381		0.321	
Edu. Att.								
Ph.D & Master (17)	20.47	9.01	26.88	17.21	22.94	14.88	29.82	13.74
Bachelor (24)	20.17	14.99	28.88	17.50	17.92	9.86	33.13	19.54
Junior College (34)	23.79	15.65	22.06	16.31	18.32	10.20	35.62	17.83
Below High School (24)	25.17	13.11	15.63	15.00	13.83	6.09	44.58	14.91
P	0.538		*0.035		0.055		*0.033	

*p>0.05

**p>0.01

Table 9 shows that the analysis of variance in this section, which is used for testing the significance of difference among two or more sample means, could report the following conclusions:

- (1) According to the observation of gender, age, region, education attainment, the analysis of organization performance can be summarized as performance indicators in equity, acceptability, efficiency, and legitimacy. Equity is identified as the most important indicator to all respondents, while legitimacy is found as the least important indicator of all empirical analysis. Results of gender category demonstrate female is more concentrate on the organizational behavior of efficiency and equity. In contrast, male is more responsive to acceptability and legitimacy.

In the depth-analysis of region, this table found that Kaoshiung City is much more emphasized at the issues of efficiency and equity. On the contrary, Kaoshiung County has a high level of attention on acceptability and

legitimacy. From the perspective of education attainment, it is estimated that low education attainment tend to have more focused on the issues of efficiency and equity than those of high education attainment. The finding of this table indicates that high education attainment respondents have more emphasized on the characteristics of acceptability and legitimacy than did of low education attainment.

- (2). From the empirical results of analysis of variance, this research does not provide evidence of significant difference at gender, age and region. An analysis of education attainment demonstrates that significant difference exists between acceptability and equity from the perspective of ANOVA.

7. Conclusion and recommendation

In term of subjective judgment theory, the main empirical results of this study shows:

- (1) This study found that considerable disparity exists in subjective and objective judgment of performance indicators at the public organization level. On the whole, the actual subjective judgment of four performance indicators shows that equity indicators are the most prominent factor of four factor groups. In this regard, evidence from the SJT study suggests that both legitimacy and efficiency have been less emphasized in the labor-dispute dialogue.
- (2) In terms of weighted-average analysis, mediators of public organization emphasize acceptability indicator.

Preliminary results show public organization mediators appear to respond significantly on acceptability indicator among four stakeholder groups. In contrast, other stakeholders perceive equity indicator as the most important factor to be discussed in the activation of labor-management consultations at the organizational levels. However, four stakeholder groups view legitimacy is relatively less important to serve as an indicator to improve the function of labor-management institutions.

- (3) Our empirical discussion of the analysis of variance concludes that the ANOVA elaborate a simple fact: the equity factor makes a significant difference in the estimation of four stakeholder groups at the weighted-average level.

On the basis of difference between maximum and minimum estimation of weighted average at the four stakeholder groups. The ANOVA method identifies that the statistical analysis reflects that different stakeholder groups has a particular concern of equity from individual professional perspective. In fact, there is significant difference between workers and the employers in these weighted averages.

- (4) From the perspective of graph function, this study shows that organizational goal is positively correlated with efficiency, acceptability, legitimacy, and equity. It has been clear that the four indicator will become better measure of organizational performance due to increase of the indicator values.
- (5) The statistical analysis demonstrates that performance indicators do respond to the differences in gender, age, region, and education attainment. However, variable of education attainment affects measurable performance of acceptability and equity, which are associated with significance.

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