

A Note from the Editors

It is with great pleasure that we present this special issue of the *New Zealand Journal of Employment Relations*. Non-standard work, the focus of the issue, has been a major area of interest for academics across a range of disciplines for some time now. Initially the interest was in how best to describe and define non-standard work. Since then however, the debates have moved on significantly, to the extent that it has generally become accepted that forms of non-standard work will play a major role in contemporary labour markets. The content of this edition, with its Australian and New Zealand focus and with the inclusion of both theoretical and case study material, is intended to advance the debate further by providing different angles and new empirical research of non-standard work.

The Spoonley article provides a useful backdrop to the issue of non-standard work as it outlines forms of non-standard work – part-time, casual, fixed term, own account self-employment and multiple job holding – and discusses policy and employment issues around how to ensure both worker protection and employer flexibility.

Temporary agency work is the topic of two articles. Burgess, Rasmussen and Connell overview trends in temporary agency work in Australia and New Zealand and find that temporary agency work remains largely outside the regulatory framework governing employment. The blurred employment status of agency workers fosters a continuous tension between flexibility and protection, with little academic research detailing how individuals deal with this tension.

Alach and Inkson, in their article on the new 'office temp', demonstrate that, while temporary workers may still be exploited, the broadly held view of the temp as 'victim', no longer holds. Temping can provide workers with the flexibility they need to manage other responsibilities and interests and some workers can exploit the temping situation to their advantage.

In the de Bruin and Dupuis article, it is argued that the polarised macro positions that have become entrenched around the issue of workplace flexibility are not especially useful in illuminating the complexities of the operation of contemporary labour markets. They use case study material on the screen production industry to make the point that for some industries at least, workplace flexibility has become a necessary prerequisite and inherent component for the successful operation of the industry.

Taylor, McClintock, Baines and Newell tackle the topic of multiple job holdings. Using both Census and interview data, these authors demonstrate the way that multiple job holding is a key strategy used by farm families to support their household and farm incomes. Economic reasons, the drive for personal fulfilment and the entrepreneurial

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ethos of farm families are offered as reasons why multiple job holdings are becoming increasingly common in the agricultural sector.

Finally, May, Walsh and Otto present a 2003 review of union membership in New Zealand. While this article does not deal with non-standard work, its findings do indicate that unions find it difficult to gain a stronghold in industries with high levels of non-standard work. Unions have become marginalised or non-existent in many private sector organisations.

Ann Dupuis and Erling Rasmussen

Is Non-Standard Work Becoming Standard? Trends and Issues

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Abstract

There is some evidence to suggest that the standardised employment patterns of post-war industrial capitalism might have constituted a period of exceptionalism and that non-standard work will increasingly dominate in service economies that seek to minimise or transfer labour costs and enhance various forms of flexible labour. Statistical evidence for New Zealand suggests contradictory trends: in recent decades, the numbers of employed in standard work have grown, but there has also been a considerable expansion in non-standard work options and numbers. Employment relations are now much more diverse. Given that much of the current labour policy framework in New Zealand is derived from a period when standardised employment conditions prevailed, the adequacy of that framework needs to be brought into question. This paper explores some of the growing issues and tensions arising from the conditional nature of non-standard employment and the adequacy of legislative and policy frameworks.

Introduction

In most advanced economies, with the rate of non-traditional employment forms growing faster than the rate of full-time work (see duRivage, 1992: 89), working arrangements have undergone a fundamental transformation. Employment, and the role of work as a critical factor in economic security and social cohesion, are changing (International Labour Review, 2002; see also OECD, 2004). As a result, it is important to engage in an ongoing process of reflection on the way in which society and labour markets are changing, whether policies and legislation adequately reflect these changes and whether they benefit all those involved. "Well managed change is an essential element of equitable development" (ILO, 2002:34), none more so than in relation to the nature of employment and the equitable distribution of a fundamental private and public good: paid work that is fulfilling and sustainable.

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Given the significance of the transformation of working relationships, there is an increasing debate about the actual nature of these relationships. What might be described as standard employment has been the benchmark of labour relations and policy formulation during the twentieth century, and especially since World War II in New Zealand. Consequently, a policy framework which is built around notions of standard employment struggles to meet the needs of a significantly differentiated workforce and more diverse employment relations (Lowe, 2002:93). Several authors (duRivage, Carre, Tilly, 1998) argue, for example, that US labour law is becoming increasingly out of date because of its inability to serve the needs of temporary, conditional workers as most law is premised on the assumption that the primary and most dominant constituency are those in permanent, full-time employment. Furthermore, there is a growing polarisation between permanent and temporary workers (Fudge and Vosko, 2001). As a result, it is argued that the focus for labour policy must be the workplace “where relationships among co-workers and between workers and management can either hinder or enable the achievement of major social and economic goals” (Lowe, 2002:93). Careers no longer depend on traditional notions of advancement within one hierarchical organisation (Stone, 2001: 554; see also Inkson, 2004) and stable employment associated with waged/salaried permanent work for a single employer is no longer the norm in many OECD labour markets. Yet labour legislation in New Zealand, and elsewhere, is still largely predicated on the notion of permanent employment and a strong attachment between worker and company is assumed without taking into account the growing number of conditional forms of employment.

Of all non-standard work forms, casual/temporary employment has become the most dominant (Owens, 2001) and the fastest growing (Lowe, 2002). In fact, Owens suggests that in some centres in Australia, casual work has accounted for almost all employment growth in the decade of the 1990s. The Australian Bureau of Statistics (ABS) (AusStats: Casual Employment, July 1999) showed that casual employees alone account for 26 percent of all workers in Australia – an increase from 13 percent in 1982. (As will be discussed shortly, trends in New Zealand are similar). Furthermore, Campbell (1999) notes that net employment growth in the 1990s in Australia has been in casual jobs. Yet he suggests that if casuals were being used solely to meet the demands of short-term irregular work, they would only comprise about two percent of the workforce.

Temporary employment has grown in most OECD countries in the last 20 years and concerns have been raised that temporary jobs “may be crowding out more stable forms of employment, becoming an additional source of insecurity for workers and increasing labour market dualism” (OECD, 2002: 127; see also OECD, 2004) between those who are able to access permanent employment and those who do not. However, the employment does vary considerably, in part due to the nature of labour market reform (if any) and the nature of employment protection and labour market regulatory regimes. For instance, the incidence of temporary jobs differs considerably across the OECD

countries. For example, changes in the share of part-time workers varies in the OECD from a growth of almost 3 percent (Norway, Sweden) to a decline of 5 percent or more (Ireland, Netherlands) in the 1990 to 2002 period (OECD, 2004: Table 1.6). The effect has been to see significant changes in the 40-hour work week and a diversification of work schedules (OECD, 2004:38).

In the New Zealand context, the participation of particular groups in non-standard work varies. Women continue to dominate some forms of temporary and part-time work, while Maori and Pacific peoples are disproportionately located in temporary work in some of the primary and services industries. Furthermore, immigrants and young workers are found in various forms of non-standard work as a typical entry point to the labour market. Whilst this way of working suits some people (e.g. women with domestic commitments might prefer the flexibility of non-standard work while still allowing them to stay connected to the labour force – see Spoonley, de Bruin and Firkin, 2002; McLaren et al, 2004), there is evidence to suggest that this location in temporary work, especially if it is involuntary, might have a negative impact on future employment prospects (OECD, 2004) and contribute to scarring in terms of labour market options and trajectory. Temporary work tends to channel workers into lower skilled work with few opportunities to become better skilled, full-time or to invest in training and education. This has implications for life-time options and earnings and provides challenges to the conventional understanding of employment relationships and legislative frameworks. The origins of this model are firmly rooted in the “campaigns of male industrial and white collar unions” (Cameron and Brosnan, 1998) dating from a period in the twentieth century when employment involved a concentration of workers in mass production, typically in manufacturing, in economies which were subjected to national systems of regulation and worker/employer representation. Cameron and Brosnan (1998) go further to suggest that the standard working model is specifically a male model that has never really fitted with the working patterns of women. It could be added that it has not encompassed those in many forms of primary production and labour (now extended to service sectors), nor significant numbers of Maori and more recently, Pacific peoples.

The empirical question is the extent to which the standardised mass employment of the twentieth century, supplemented by the universal systems of social support of the welfare state, has now been replaced by non-standardised work and workfare. Was the mid-twentieth century a period of exceptionalism marked by very high participation rates amongst male breadwinners in secure employment during regular hours and for an indefinite period?

Trends in Employment in New Zealand

The National Government (1975-1984) adopted both a very conservative and a highly interventionist approach to economic management, including the labour market. The status quo, from an orthodoxy concerning male breadwinners to the cultural control of

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industrial relations, from the protection of local producers, both primary and manufacturing, to extensive controls on currency, was a key focus for government policy. It was left to a reforming Labour Government (1984-1990) and some extreme neo-liberals in the early years of the subsequent National Government (1990-1999) to alter the labour market contracts and policies of mid-twentieth century New Zealand.

The Labour Government altered the role of the state as a key employer in the local labour market via processes of privatisation and corporatisation, plus opened New Zealand to international competition and ownership, opening the way for expectations from some employers and industries for labour to become more flexible and to cost less. The National Government introduced a radical recasting of employment law and relations with the Employment Contracts Act 1991 (see Cameron and Brosnan, 1998). The effects have been to contribute to the way people engage in work, and to reshape the New Zealand labour market in terms of employment relations. The New Zealand labour market has always included a standard core with a periphery that was characterised by a mixture of low pay, poor working conditions, employment insecurity and non-regular hours/seasons. This split, between a highly attached core and a periphery that experiences varying levels of attachment and security (Klare, 2002:17) has become exacerbated by recent changes to the nature of working. The twentieth century distinction between standard workers, most of whom would be classified as being part of the core, and the periphery of part-time/seasonal/low paid workers, often Maori and women, has tended to become more complicated. It might be more appropriate to describe employment as a continuum with some core workers now choosing to become non-standard workers because of the benefits (flexibility, income) it conveys, while the size and range of non-standard work options have increased to range from highly insecure/low income employment to well-paid, high status, attractive income forms of non-standard work. To portray these complex and varied options in terms of a core-periphery or primary-secondary labour market might be too simplistic.

In relation to employment status, both paid and unpaid, Table 1 indicates the trends since 1981. The percentage changes are provided for the period 1991-2001 because the category "Employment Status Unavailable" is so large in 1981 and is a distorting influence for the 1981 to 1991 decade. Several trends deserve attention. The first is that there has been an absolute as well as a percentage growth in the category full-time waged and salaried workers between 1991 and 2001, although there is a decline between 1981 and 2001 (a drop of 22,410 or 2.2 percent). The effects of reform in the 1980s impacted negatively on this category, followed by growth of almost 10 percent in the 1990s (an increase of 97,503) so that this category represented 42.2 percent of all those in employment (paid and unpaid) in 2001. Not all of those in this category would be classed as core workers, especially given the churn that occurs in some sectors as a flexible labour market operates, combined with the low pay for some waged/salaried employment (New Zealand employment costs grew by a mere 0.7 percent between 1991-2001 compared with average growth for the OECD of 2.3 percent; OECD, 2004:

Table 1.4). But alongside the numbers involved in full-time salaried/waged work, various non-standard categories grew by substantial numbers in the same decade, notably for unpaid family workers, part-time employees and employers, and self-employed.

What should be noted is the growth of full-time salary and wage earners as a proportion of the total employed, from 35.7 percent in 1991 to 42.2 percent in 2001, and an absolute increase in this category of 97,503. However, given an overall increase in those in work of 19 percent, the percentage growth of full-time wage and salaried workers of 9.8 percent is modest. In contrast, the percentage increase of various non-standard workers in the same decade, especially in terms of unpaid family workers, part-time employees and employers and self-employed was significant. If all part-time categories are aggregated, then 22 percent of those in work are in part-time work. Almost 10 percent are self-employed (both full-time and part-time). The changes in some of these non-standard categories deserves further discussion.

Table 1: Changes in Size of Employment Status Categories, 1981-2001

	1981	1986	1991	1996	2001	1991-2001 % Increase/ Decrease
FT Wage Salaries	1019877	1035402	899964	939105	997467	+9.8
FT Employer	75636	101232	98757	108183	115644	+14.6
FT Self-Employed (no employees)	87183	125097	128301	142389	162810	+21.2
FT Unpaid Family Worker	4689	10731	11793	23799	19038	+38.0
PT Wage Salaries	69225	182076	196026	273750	299565	+34.6
PT Employer	2625	8130	9633	14013	14064	+31.5
PT Self-Employed (no employees)	6006	22581	31065	42930	50397	+38.3
PT Unpaid Family Worker	1692	7353	8610	30231	20112	+57.2
Employment Status unavailable	120084	6855	16278	56046	48366	+66.3
Grand Total	1,387,017	1,499,457	1,400,427	1,630,446	1,727,463	+18.9

Source: Labour Market Dynamics Research Programme, unpublished Census statistics provided by J. Newell.

Part-Time Employment

Part-time work has increased since 1945 and almost a quarter of those in the labour market work on a part-time basis (21.1 percent excluding unpaid family workers). This is a typical form of employment for many New Zealanders. But in addition, that part-time work is dominated by female labour, although there are some signs that male workers

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might be beginning to accept part-time work in greater numbers (see Bosworth, Dawkins and Stromback, 1996:399). An interesting issue is whether the importance of part-time work and the involvement of females in this form of employment reflects the flexibility of the labour market and its ability to adjust to changes or whether it reflects the low cost wage requirements of a service economy and the need for a reserve army of labour (Bosworth, Dawkins and Stromback, 1996:399). Table 3 (see below) indicates that the growth of service employment represents an important growth in demand for part-time workers but in terms of employment preferences, the question is whether part-time work is the preferred option. It is undoubtedly for some.

Hours of Work

The standard hours of working – 8.00am to 5.00pm, Monday to Friday – has given way to more diverse working arrangements in relation to when work is carried out.

The decoupling of hours from capital operating time, including weekend working, compressed work weeks, [and] standby contracts...With the growth of both shift working and “flexibilisation” ...weekends [have become] a more integral part of the “normal” working week (Bosworth, Dawkins and Stromback, 1996:399).

This “extensification” of work means that working “unsocial” hours has become much more common, especially (but not exclusively) in service employment which operates through unsocial periods to meet demand (hospitality industries, emergency medical services) and to increase productivity (a “long hours culture”; see OECD, 2004). The effect can be seen in taking work home in order to manage workloads, being on short-notice call, making complex and time-consuming domestic arrangements and working in split-shifts and the reduction of time for non-paid activities (issues of work-life balance) (see OECD, 2004). The extensification of work hours has been accompanied by the intensification of work, or increased work intensity. The EU has developed a “Working Time Directive” in recognition of trends in extending and intensifying work hours while the OECD (2004: 40-44) has raised questions about the desirability of non-standard and variable work hours.

Non-standard work hours refer to work schedules that involve being at work at times outside of the standard daily work schedule. These working-time arrangements offer increased flexibility to employers to match staffing with production requirements. When freely chosen, they also offer workers greater flexibility to reconcile time spent at work with other activities. However, “unsocial” work hours can also be a potential source of conflict between job requirements and family life and whether this variability is predictable or is at the discretion of the worker (OECD, 2004 : 40,43). New Zealand is one of those countries where the proportion of males working more than 45 hours per week or less than 20 hours have both increased in the 1992-2002 period. For women, those working more than 45 hours per week has increased but there has been a modest decline in

women working less than 20 hours per week (OECD, 2004: Chart 1.7).

Casual Employment

Casual workers are those workers who are not eligible for the benefits of the standard worker because their employment has no certainty of on-going employment. For example, the casual nature of their employment means that there is no expectation of permanent employment and each period of employment is subject to a separate contract with an employer. It is not clear how many casual workers there are in New Zealand because statistics are not collected. In Australia, the Bureau of Statistics defines casual employment as those who do not receive paid sick or holiday leave. Those who fell into this category provided 69 percent of net growth in employees in the 1988-1998 period in Australia (AusStats, 1999), with the bulk being males (+115 percent) compared with females (+43 percent). This reinforces another trend in recent decades: males are losing full-time employment to be replaced by unemployment or underemployment, in this case as casual employees. (This is borne out by the statistics on men working part-time, especially over the age of 50, although there is generally delayed entry to the labour market as both males and females invest in post-compulsory education and training). Research (Mangan, 2000) suggests that similar trends are occurring in New Zealand, and that there has been a significant shift from permanent to casual employment, with males being particularly affected.

Fixed Term Employment

Fixed term employment refers to those contracts which have a definite end-point so that once they have completed a certain period or a certain task, the employment contract ends. This type of work has expanded recently, especially with the arrival and use of temporary help agencies and contract companies. Here, employment is arranged by an intermediary such as a temporary hire company (Cahoney, 1996:31). This company contracts with another company to provide appropriate workers for a particular activity or for a specific period. Such temporary labour via intermediaries has become an important part of the personnel strategies of firms (Kalleberg, 2000) and it has increasingly included skilled and professional occupations. Again, the extent of this form of employment is not known in New Zealand because national statistics are not available. However, the OECD (2004: 75-76) identifies New Zealand as an exemplar of a country that has moved, through the Employment Relations Act (2000), to tighten the regulation of temporary employment. Austria and New Zealand are seen as extended employment protection legislation (EPL) to encompass temporary employment situations as opposed to countries such as Portugal and Spain which have gone in the other direction.

Own Account Self-Employment

Self-employment has always been an important part of working in New Zealand, but it has grown in importance as firms have reduced workforces and more people have seen self-employment as a necessary or preferred option. Own account self-employed refers to those who are self-employed but who do not have employees. In the 1991 to 2001 period, the numbers have grown (from 158,700 people to 225,800) and this type of employment has become a more important factor with 64 percent of the self-employed falling into this particular category (ie not having any employees). Bururu (1998:63) suggests that regulations which make it difficult to hire and fire workers encourage employers to contract out services to the self-employed (among others) to minimise labour transaction costs. Non-wage labour costs such as ACC levies, pay roll taxes and health and safety compliance costs may encourage contracting and self-employment arrangements.

Multiple Job Holders

Sometimes referred to as portfolio workers, these are workers who hold two or more paid jobs. It is assumed that a reason for multiple jobs has been to generate adequate levels of income for households, and that work is able to be accommodated around domestic responsibilities. The proportion of multiple job holders to those in other forms of employment has not changed much in the last ten years in New Zealand, although the absolute numbers have increased from 64,900 in 1991 to 73,400 in 2001. However, because of the way in which the statistics are collected, multiple job holders might be under-represented. Some research (see Baines, Newell and Taylor, 2002; Taylor, Baines and Newell, 2004) suggests that the actual figure is more likely to be almost double the official national figure (9.7 percent versus 4.7 percent).

In summary, standard employment (full-time, wages or salaried employees working 30-50 hours per week) declined in the 1980s but grew again in the 1990s and still constitutes more than 40 percent of those of any employment status (or 59 percent of those who are in paid employment). But this has been accompanied by a significant percentage growth in non-standard forms of work in the decade 1991-2001, especially among part-time, self-employed own account and multiple job holders. The lack of available statistics for fixed term task, contract and third-party employment makes it difficult to know what the growth has been in these other forms of non-standard work. There is also the impact of the intensification of work (growing expectations of work performance) and the extensification of hours which has impacted on the nature of both standard and non-standard work (see OECD, 2004:25-26, 37, 42). New Zealand has experienced significant employment growth in the labour market, but two fundamental questions are raised by the nature of this growth: has the distribution of paid employment been equitable and reflected employee choice; and how well has the labour market regulatory and policy framework adjusted to these diverse employment relations and pathways? The next section raises some issues in relation to the second of these questions.

Non-Standard Work and Policy Challenges

(a) *Defining an Employee*

Defining who or what is an “employee” has become more problematic given the changing nature of employment (Benjamin, 2002). An increasing number of employees, especially those in non-standard work, engage with paid work in ways that are not necessarily well-defined or encompassed in labour market policy and law. For example, when the ERA (2000) was introduced, there was a lot of debate and confusion around the classification of an “employee” as this was redefined in the Act (see Llewellyn, 2000; Greene, 2000; Management, 2000). One key issue is the basis on which the courts and industrial tribunals distinguish between employees and the self-employed, and the ability of existing job classifications to accommodate non-standard arrangements (Mangan, 2000). In turn, such definitional issues have implications for contractual rights and obligations, including the right to refuse work, the obligations on a company to provide work, and co-employment liabilities. In the USA, the Commission on the Future of Worker-Management Relations has recommended that a more appropriate definition of employees should be adopted, and one that ensures that those who are hired through intermediaries are covered (Houseman, 1999:5).

In terms of employment relations law in New Zealand (<http://www.ers.dol.govt.nz/act/employers.html>), an employee is defined as “anyone who has agreed to be employed, under a contract of service, to work for some form of payment”. This can include wages, salary, commission, and piece rate and covers:

- Homeworkers;
- People who have been offered and accepted a job;
- Fixed-term and seasonal workers;
- Casual and part-time employees; and
- Probationary and trial employees.

The challenge is in defining and describing temporary employment (Firkin et al., 2002; 2003; Pranschke, 1996). The United Kingdom National Minimum Wage Act 1998 and the Regulations of the Working Time Directive have used the broader term “worker” in preference to the more restrictive one of “employee” (Mangan, 2000:147). This includes all those who do not necessarily have a contract of employment but are in some sort of work relationship. Greene (2000: 15), on the other hand, refers to “flexible” forms of labour such as casual, temporary and fixed-term employees, agency and leased employees, home-workers, outworkers, contractors, subcontractors and the self-employed. In this way, non-standard workers are included alongside those who are defined as being in “standard” relationships.

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These debates around definitions are ongoing and affect industrial tribunals, courts, statisticians and the development of adequate policy frameworks. In New Zealand, there is no definition of casual/temporary employment although the OECD (2004) has seen the ERA (2000) as extending EPL to temporary employment, a move which is unusual in the broader OECD context. This indicates a somewhat confused situation whereby one aspect of labour regulation does apply to some forms of temporary work but in the absence of an encompassing definition and recognition in labour market policy generally. It might be useful to define this as “work that has no explicit or implicit promise of continuity” (Stone, 2001:542) or any expectation of a continuing relationship between worker and employer (Buultjens, 2001). This is the opposite of long-term, stable and permanent employment (standard work) and includes temporary help agency workers, casual and temporary employees and those on a fixed-term contract. “Conditional” (duRivage et al., 1998), “precarious” (Tucker, 2002) and “transient” (Carre, 1998: 10) also describe this way of working.

(b) Qualifying for Social Protection

One of the most important issues related to the area of legislation and temporary employment is the traditional arrangement for distributing employee-related benefits based on continuous service with one employer (Fudge and Vosko, 2001). Yet, assuming that employment-related benefits should be based on standard forms of employment has a negative impact on, for example, multiple job-holders, temporary workers and own account self-employed working for a number of different companies. This is particularly relevant in New Zealand with the introduction of the Paid Parental Leave Scheme. To be eligible for this, an employee is required to be in paid employment with a single employer for 10 or more hours per week for a year before the due birth or adoption date. Following a review of the scheme last year, the Bill is before a select committee to extend eligibility to employees who have worked for the same employer for six months (<http://www.beehive.govt.nz>). This option still clearly discriminates against some 70,000 self-employed women and their partners who will not qualify (Ross, 2002), as well as all those working in contingent jobs on a casual basis for multiple employers (see also McLaren et al, 2004).

With the growth in new employment relations and the erosion of the industrial model of mass standard employment, risk is being shifted from employers to employees and they are required to become more entrepreneurial in terms of protecting their security and increasing labour market options (Klare, 2002:16). Consequently, employees need to make greater investments in human capital as employer-provided benefits are reduced. This is especially true for various forms of knowledge workers, but it is also an issue for contingent and involuntary non-standard workers. The failure to adequately invest in human capital development constitutes one of the greatest barriers to labour mobility and choice (OECD, 2004). Moreover, as insecure jobs grow and underemployment increases, temporary workers do not have the same protection from labour law. Employers are

combining a “highly” attached core workforce with a growing number of peripheral, low-attachment employees (Klare, 2002:17). In the accommodation industry, Whatman et al. (1999) found that increasingly staff were employed casually and that contract provisions were sometimes “bent or ignored”.

Quite often, of course, this sort of work, and the people who are involved in it, are treated as a separate population of employees, with different jobs, different pay structures, little overlap and no chance of promotion (Wiley, 1990 in Mangan, 2000).

In these conditions, the role of social protection and who qualifies for it becomes problematic. Employment protection (see OECD, 2004) still encompasses some forms of non-standard work (for example, coverage of part-time and casual employees), but it is rather more complicated for other categories such as homeworkers or independent contractors (Rossiter and McMorran, 2003). However, access to social protection such as unemployment benefit tends to present difficulties for the low-income temporary/part-time work force as they struggle to meet minimum requirements to qualify for various social benefits.

(c) *Intermediaries in Employment Relations*

As the use of temporary agency and contract-company workers increases, the issues around co-employment are becoming more problematic. For employers there are many benefits to using temporary help agencies for staffing needs. This system allows for a consistent supply of workers. Employers are not responsible for paying wages and benefits and the hiring and firing of employees is simplified. Workers are selected, tested and placed by the agency and their subsequent welfare is either a responsibility of the temporary help agency or is unclear. In Canada, for example, at a regulatory level, the triangular relationship between the agency, worker and contracted employer, can be unclear because of the absence of policy and labour laws in this area. Moreover, temporary workers earn lower wages and receive fewer benefits because of the agency charges and the low levels of social protection (Fudge and Vosko, 2001). Various countries in Europe have developed policies to regulate temporary help work (Germany, France, Spain, Norway, Finland are some examples). Worker protection is mandated and the responsibility for workers is allocated to the agency and client firm (Fudge and Vosko, 2001).

In New Zealand, when employees are employed by a labour hire company, they are technically de facto employees of the company that benefits from their work (Anderson, 2001). In many instances, the employer is not the one making the employment decisions, thus leaving loopholes “for employer avoidance of good faith obligations” (Anderson, 2001:3). In co-employment situations, employees might have no direct relations with the client companies. Workers are employed almost like permanent employees but should the client company end the relationship with the contracting company, employment can be

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terminated without redundancy. This does suggest that those employed by intermediaries are, or can be, in a somewhat ambiguous employment situation, with complicated lines of responsibility.

(d) *Statistics on Non-Standard Work*

“Perhaps the most compelling policy concern regarding temporary employment is the need for a systematic and sustained data series...” (Carre, 1992:76). Very little is known about the incidence of some forms of non-standard work arrangements in New Zealand. This omission makes it difficult to determine the extent of these forms of non-standard work (fixed term/task, contractor or third party employment). Furthermore, information is required on the extent to which workers choose these employment arrangements as opposed to those for whom it is a forced or involuntary engagement and the least preferred employment option. Is Tilly (1996) correct in suggesting that unemployment is masked by growing under-employment, especially in terms of temporary arrangements? Much of the literature on non-standard work refers to the need for improved data collection (for example, Carre, 1992; Carroll, 1999; Firkin et al., 2003; McLaren et al, 2004; Tucker, 2002).

When the ECA was introduced in 1991, many commentators predicted that the Act would have a different impact on different sectors of the population with the outcome of growing inequality. Women, Maori, Pacific peoples and the young would become increasingly marginalized in low paid and casualised occupations (McLaughlin and Rasmussen, 1998). Yet one of the problems in evaluating the impact of the ECA (or the ERA subsequently) is the lack of information about the effects that legislation has had on employees, especially given the limited evidence that there has been on various forms of non-standard work.

(e) *Health and Safety*

Ross Wilson, President of the New Zealand Council of Trade Unions (2002) sees the growth of precarious employment, together with the increase in working hours and the intensity of work for some sections of the workforce, as creating a division in the labour market between “work rich” and “work poor”. One of the markers between the “work rich” and “work poor” is the coverage and care in terms of employment health and safety requirements. In a recent review of 93 research studies covering 11 countries, the growth of non-standard work arrangements have had adverse effects on health and safety. Of the 93 studies, 70 found that precarious employment was associated with this deterioration (Wilson, 2002). Experiences in New Zealand are similar to these broad findings. Furthermore, the Occupational Safety and Health (OSH) regulatory framework is designed to deal predominantly with permanent employees (Wilson, 2002).

One example is when casual employees have worked for several companies in one week, the record of employment becomes problematic for ACC payouts in terms of calculating what constitutes 80 percent of wages. Findings from the study into workers

employed by temporary agencies (Alach and Inkson, 2003; Inkson and Alach, 2004) also suggests that there are concerns around health and safety issues for temporary agency workers. The question of whether or not temporary workers are more likely to put their health at risk by being unwilling to take sick days or go on doctor's visits for fear of being perceived as "unreliable" and denied access to future work. Policy makers may need to consider how to best address the health and safety needs of temporary workers who may be employed by several recruitment agencies over time and across a range of different work-sites.

(f) Wage Inequality

"If the goal is to reduce, rather than exacerbate labour market dualism based upon an exclusive, rather than an inclusive, model of employment, the principal of parity is crucial in determining access to work-related benefits" (Herzenberg et al., 1998 in Fudge et al., 2001). Consequently, it is essential to evaluate the appropriateness and adequacy of labour law, legislation and policy in relation to employment outcomes and situations, and to how equitable these are (Fudge et al., 2001: 347). Attention needs to be paid to the plurality of employment relationships and equal pay for work of equal value for those temporary workers engaged in the same work as full-time permanent workers.

According to the OECD Employment Outlook (2002), the aggregate evidence in European countries suggests that the average wage of temporary workers lags behind their permanent counterparts – by between 17 percent in Germany and 47 percent in Spain. To avoid such discrepancies, the USA House of Representatives has introduced the "Part-Time and Temporary Worker Protection Act" to make non-mandated benefits available to flexible employees with the effect that core worker benefits should be offered to contingent workers on a pro-rata basis (O'Brien Hylton, 1996). However, there is evidence of growing disparities, especially for "workless households" (Gregg and Wadsworth, 2003) and the "work-poor" and those at minimum wage levels and sectors. During the period of reform, the level of wage inequality grew substantially in New Zealand. It was one of a group of countries which experienced a significant increase in the levels of inequality (90-10 percent wage gap). Between 1984 and 1994, some countries (eg Australia) saw modest increases in the levels of wage inequality for male workers (174.6 to 194.5, an increase of 19.9) while others saw a decline (Canada, 301.5 to 278.1, Germany 138.7 to 124.8). New Zealand saw the level of inequality rise from 171.8 to 215.8 (+44.0) along with the UK (177.3 to 222.3, +44.9) and the USA (266.9 to 326.3, +59.4 – see Borjas, 2005: 301).

In Australia, it has recently been suggested that a four-tier employment hierarchy has emerged, involving :

1. A growing minority of highly skilled workers with secure full-time jobs (who are likely to sustain employment even if they change jobs frequently or are engaged

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- on a temporary basis);
2. A slender, and diminishing, majority of workers with middle-order skills in full-time jobs (for example trades and advanced clerical workers), whose jobs are vulnerable in economic down-turns;
 3. A growing minority of low-skilled workers (the majority of whom are women or young people) who are increasingly segregated into more precarious or part-time jobs, and face the prospect of frequent bouts of unemployment;
 4. People who rely mainly on social security payments for their income for prolonged periods (who are mainly drawn from the above group of low-skilled workers, and often have limited experience in secure full-time employment) (Australian Council of Social Services, 2003: 113).

Given evidence of growing wage inequality (Borjas, 2005) and low levels of wage growth returns (OECD, 2004) for New Zealand, wage inequality and the returns on labour constitute important policy issues, especially if broader social policy goals such as sustainable employment, social cohesion and education/training investments are considered. The fragmented labour market experiences identified by the Australian Council for Social Services for that country represent significant labour market (and broad social policy) challenges that are just as likely to be relevant for this side of the Tasman, with important ethnic and gender dimensions.

(g) Working Time Flexibility

The growth in various forms of non-standard work reflects the importance of new flexible work relations, both for employers and for some employees. Accordingly, the OECD (2004) identifies New Zealand as one of a small group of countries (others include Japan, Korea, Australia and Canada; see OECD, 2004:25-26) where the number of hours worked per capita are high, and where they have risen in the last decade. New Zealand is one of the few countries where the usual weekly hours worked per employee has gone up (see Table 1.6, OECD, 2004: 37). There has been with a growth between 1992 and 2002 of men who worked more than 45 hours per week (nearly 40 percent in 2002) with a smaller increase for women (OECD, 2004: 42). Inevitably, these developments have raised questions about work-life balance and whether a “long hours work culture” is developing in New Zealand.

One complication for assessing policy choices is that longer and more flexible working hours may be a mixed blessing from the perspective of the well-being of workers and their families. The flip-side of the growth advantage associated with an increase of per capita hours of work is the “time crunch” faced by working parents and the possibility that a “long hours” culture is undermining the work-life balance of workers in certain professions. Similarly, working hours flexibility may be detrimental to family life to the extent that it takes the form of non-standard work schedules dictated by the just-in-time staffing for the “24/7” economy, rather than an increased choice for workers to select the

work schedule that best reconciles their work with their family (OECD, 2004:25).

(h) Job Tenure

Although most temporary workers remain in their jobs for less than a year, it is becoming increasingly possible for temporary workers to be employed on longer contracts or accrue several contract renewals, thus occupying temporary jobs lasting for years but without the benefits they might have received had they been permanently employed. Evidence in Europe indicates that the majority of the temporary workers have considerable continuity of employment (OECD, 2002). In Australia, Wooden (1999, cited in Watts, 2001) estimates that the average job tenure for casual (adult) employees is almost 4 years. This was borne out by an interview locally with the Waterfront Union where several of their members have been working in this precarious way for many years (McLaren et al, 2004).

Other industries employ people both directly and indirectly through temporary help agencies. They are generally employed for a fixed-term period and contracts are repeatedly renewed. To bypass employing these workers permanently, they are laid off for a few days before being re-employed. Many temporary workers are employed almost continually but are never offered permanent positions. However, certain countries legislate against unlimited renewals of the temporary employment contract. For example, in France, temporary contracts are limited to 18 months duration with only one renewal permitted and in Hungary, the total duration of contracts cannot exceed 5 years (OECD, 2002: 176).

The issue of ongoing “long-term” casual employment is part of the debate into temporary employment in Australia and casuals are distinguished (roughly) in terms of tenure and hours into “short-term” casuals and those casuals who resemble permanent employees and can be termed “long-term” casuals or “permanent”, regular or ongoing casuals (Campbell and Burgess, 2001:89). In the accommodation, winemaking and brewing industries in New Zealand, researchers (Whatman et al., 1999) encountered definitions of casual workers as “casual-casuals”, “regular-casuals” and “permanent-casuals”. This indicates that not only is there an issue in terms of defining tenure and casualisation but also that these definitional problems have implications for labour law and policy.

Conclusion

Standard work became the norm during the twentieth century, both because of its dominance in labour markets in countries such as New Zealand and because it was the basis of state-managed welfare and labour market policy frameworks. Self-employment declined throughout the century, there was a migration from primary sectors to the mass employment of the industrial sector and because of the growth of state-funded service sectors such as health and education, the state came to be a major employer (McCartin

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and Schellenberg, 1999:3) along with large corporations:

...the model of “standard core” employment has served as the primary reference point for our understanding of paid work, through much of the post-war period and has characterized employment in many industries (McCartin and Schellenberg, 1999:2).

According to Kalleberg (2000), the efficiencies associated with work in standard, hierarchical employment relations and the nature of internal labour markets in the post-World War II period may have been an historical irregularity, to be altered by the non-standard employment relations which are now beginning to prevail. The growth of non-standard work, along with other contemporary social and economic changes, has given rise to some interesting questions about the significance in the shift of employment in particular and society in general. The ESRC “Future of Work” programme has asked the following :

Are the claims of paradigmatic shifts in work organisations and social practices securely grounded or not?

The author then goes on to suggest that:

...contemporary debate has been excessively influenced by the work and employment patterns which became prevalent in the specific conditions of the post-war period, but which historically may come to be seen as exceptional. Is the growth of contingent labour indicative of structural change?

The challenge for policy makers and employers in New Zealand is how best to reconsider employment policies in order to reflect the changing profile and nature of employment arrangements. “How to balance the advantages of flexibility with the desire for certainty is part of the ongoing dynamic of managing capitalism so that it works, as best as possible, for all” (ABL, 2001:84). What the myriad of temporary contracts of employment demonstrates is that there can be a shortfall in rights, benefits and forms of protection given that these tend to be predicated on addressing the needs of those involved in standard forms of employment.

Perhaps it is time that the “paradigm for the employment relationship” (Marshall, 1992: 2) should no longer be so focussed on the standard employment contract but rather encompass, more adequately, the diverse employment relationships that exist today. It is no longer possible to identify the numerous relationships as being homogenous, and labelled as “standard”, “non-standard” or “atypical”. This diversity should be given more prominence in any employment- related legislation. Whereas, in the past, “non-standard” work was generally reserved for genuine “non-standard” needs, this is increasingly not the case with conditional employment being a permanent state, rather than the exception, for many.

The issues to be considered and preserved are flexibility, equity, representation and equal opportunities. Flexibility need not preclude so called “decent” work (see Spoonley, de Bruin and Firkin, 2002). In considering policy, groups should not be privileged or singled out (see Tucker, 2002). Instead, policy should reflect the changing nature of society and the world of work. Where non-standard work might present some workers with certain freedoms, it certainly exposes others to greater risk. Tucker (2002) suggests that because some part-time and self-employed individuals choose this way of working, that is not in itself a cause for policy concerns. In the extensive research carried out by the Labour Market Dynamics Research Programme with individuals in many forms of non-standard work, we have found that the growth of conditional working arrangements require innovative and more inclusive policy responses. Furthermore, it is necessary to develop more flexibility for other workers (Firkin et al., 2002, Alach et al., 2003, Firkin et al., 2003, Perera, 2003; McLaren et al, 2004).

If policy-makers are to adequately address these developments, they will require more nuanced images of how people experience contingent work and how contingent labour markets are actually structured (Kunda et al., 2002:258).

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Appendix One: Definitions of Temporary Employment

	<i>Temporary Employment</i>	<i>Data Source</i>
Australia	Workers with a fixed-term contract; employed by temporary agencies; seasonal workers.	<i>Forms of Employment Survey, 1998 (data relate to 1997)</i>
Austria	Employees with a fixed-term contract; interim work through a temporary agency; apprentices and trainees; probationary period; contract for a specific task and daily workers.	<i>Austrian Labour Force Survey</i>
Belgium Denmark France Germany Greece Ireland Luxembourg Netherlands Portugal Spain United Kingdom	In the majority of European Union countries most jobs are based on written work contracts. A job may be regarded as temporary if it is understood by both employers and the employee that the termination of the job is determined by objective conditions such as reaching a certain date, completion of an assignment or return of another employee who has been temporarily replaced. In the case of a work contract of limited duration, the condition for its termination is generally mentioned in the contract. To be included in these groups are also: seasonal workers; employees of temporary agencies or businesses and hired out to a third party (unless there is a work contract of unlimited duration with the employment agency or business) and people with specific training contracts.	<i>Eurostat, European Labour Force Survey</i>
Canada	A temporary job has a pre-determined end date or will end as soon as project is completed (including seasonal jobs).	<i>Canadian Labour Force Survey</i>
Czech Republic	Workers with a fixed-term contract; employed through a temporary work agency; apprentices and trainees; on probationary period; occasional, casual or seasonal workers; individuals carrying out community work as unemployed; workers with a contract for a specific task.	<i>Czech Labour Force Survey</i>
Finland	Workers whose main job is with a fixed-term contract; trainees; workers on probationary period; other jobs that are considered temporary by respondents.	<i>Finnish Labour Force Survey</i>
Hungary	Workers whose main job is with a fixed-term contract; apprentices and trainees; workers on probationary period; individuals doing occasional, casual or seasonal work; individuals carrying out community work as unemployed; workers with a contract for a specific task; individuals employed on jobs lasting less than 12 months; daily workers and others.	<i>Hungarian Labour Force Survey</i>
Iceland	Workers whose main job is with a fixed-term contract; doing interim work through a temporary work agency; apprentices and trainees; workers on probationary period; occasional, casual or seasonal work.	<i>Iceland Labour Force Survey</i>
Japan	Workers whose main job is with a fixed-term contract lasting not more than one year; doing occasional, casual or seasonal work; working on a job lasting less than 12 months.	<i>Japanese Labour Force Survey</i>
KOREA	Workers whose main job is with a fixed-term contract; temporary agency workers; on-call workers; seasonal workers; workers who do not expect their job to last for involuntary, non-economic reason.	<i>Summer 2001 Supplement to the Korean Labour Force Survey</i>
Mexico	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; workers with a contract for a specific task; individuals with a job lasting less than 12 months.	<i>Mexican Labour Force Survey</i>
Norway	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; interim work through a temporary work agency; apprentices and trainees; workers on probationary period; workers with a contract for a specific task; individuals with a job lasting less than 12 months; daily workers.	<i>Norwegian Labour Force Survey</i>
Poland	Workers whose main job lasts less than 12 months.	<i>Polish Labour Force Survey</i>

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Sweden	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; apprentices and trainees; workers on probationary period; individuals carrying out community work as unemployed; those with a contract for a specific task; daily workers.	<i>Swedish Labour Force Survey</i>
Switzerland	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; interim work through a temporary work agency; apprentices and trainees; individuals carrying out community work as unemployed; individuals with a contract for a specific task; a job lasting less than 12 months; daily workers. These data do not include foreign workers without permit residency.	<i>Swiss Labour Force Survey</i>
Turkey	Workers whose main job is occasional, casual or seasonal work; daily workers or persons who depend only on an employer and do not work regularly and for unlimited duration; seasonal or temporary workers on-call workers.	<i>Turkish Labour Force Survey</i>
United States	Dependent workers, temporary help and contract company workers who do not expect their job to last.	<i>Contingent and Alternative Work Arrangements Supplements to the Current Population Survey, 1995 and 2001</i>

Source: OECD Employment Outlook, July 2002: 172-173

Temporary Agency Work in Australia and New Zealand: Out of Sight and Outside the Regulatory Net

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Abstract

Temporary agency work is an enigma – it is part of the romance of self-employment, flexibility and freedom, and it is also part of a process that undermines employment conditions, collectivism and rights. It is linked to new work and to the new economy, yet it is also linked to traditional areas of temping, such as seasonal work and replacement work. While there has been an extensive debate over the regulation of temporary agency employment in Europe, as well as regulatory proposals and adjustments, the situation is different in Australia and New Zealand: there has been limited debate, comprehensive research has been absent and temporary agency work largely remains outside of the regulatory framework governing employment. We outline recent trends in agency work – its extent, what drives its growth and the diverse experiences of agency workers. In particular, we underline the limited regulation associated with the Australasian model of agency employment.

Introduction: Temporary Agency Work, Complex and Confusing

Temporary agency working involves a triangular arrangement in which a TWA (temporary work agency) hires a worker for the purpose of placing him or her at the disposal of a third party, the user enterprise, for a temporary assignment (Bronstein, 1991: 292). Whereas temporary workers were once used primarily to fill in for sick or vacationing permanent employees, they are now frequently employed on an ongoing basis and are an essential component of the labour use process for many public and private business enterprises.

Temporary agency work can be placed within the context of contingent or non-standard work. There is also a need to distinguish between temporary agency work that involves a *triangular relationship* between the worker, the agency and the user firm, and temporary employment that involves a short-time direct hire of the worker by the employing organisation. The OECD (1996:7) notes that definitions of temporary work differ across countries according to relevant systems of employment regulation. There

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are distinctive working arrangements that can be regarded as being temporary. In this context temporary agency employment is a component of the broader classification of temporary work. Depending on national systems of regulation, a temporary worker may be an employee or may include the self-employed. That is, the legal status of employee does not necessarily preclude temporary employment arrangements and this is the case for employment in some industries such as housing and construction. The *overriding characteristics* of temporary agency employment are that the job is for limited duration (that is, it is insecure); the employment relationship involves three parties; and contemporaneous employment engagements (multiple job holding) may be associated with such employment.

According to Storrie (2002), temporary agency working is not included in the employment typology in many EU countries and many national authorities responsible for gathering labour market statistics have yet to include it in their national surveys. For example, retirees may be on the books of temp agencies and prepared to carry out the occasional short-term engagement since they possess specialist skills. The unemployed may sign on with temp agencies in order to obtain work experience, training and job placement under the umbrella of the Jobs Network in Australia. Indeed, in Australia it is the provision of labour services to the unemployed that has provided an indirect boost to TWAs. Short-term employment practices associated with labour hire may also be associated with clandestine activities such as the employment of illegal immigrants and, as such, there will be a degree of under reporting of total employment in the sector. The contracting organisation may itself be an intermediary, so the employment relationship can be further removed through subsequent sub-contracting. Multiple employer and multiple contracting arrangements serve to further complicate the employment relationship, the status of the agency worker and the responsibilities of the parties involved (Rubery et al, 2000). An individual agency worker may also shift between assignments across several agencies.

Temporary Agency Work in Australia and New Zealand

As with much of the data on temporary agency work there are some serious problems with even the most basic labour market statistics. However, there appears to be little doubt that temporary agency work was the most rapidly growing form of atypical employment in many OECD countries in the 1990s, *albeit from a low base*. Since 1992 temporary work doubled in most European Union (EU) member states whereas in Denmark, Spain, Italy and Sweden numbers increased five-fold (Storrie, 2002). In real terms this equates to between 1.8 and 2.1 million people working for temporary agencies in the EU (1.2 –1.4% of the total number employed). However, CIETT 2000 (cited in Storrie, 2002) put the daily average figure of temporary workers in the European Union at 2.2 million workers in 1998 with an average of 6 million persons employed at some time during the year through temp agencies.

In Australia, the estimates for temporary agency employment are problematic. It is

difficult to obtain reliable estimates through time. The ABS Employment Services Survey (Catalogue 8558.0) indicated that around 280 thousand workers were on-hired in 1999 by businesses providing employment services. Around 30 thousand of the labour hire workers were apprentices and trainees associated with group training arrangements. The ABS Forms of Employment Survey 2001 (Catalogue 6359.0) suggests that there were 162 thousand labour hire workers but that 721 thousand workers obtained their jobs through agencies and labour hire organisations. It seems that around 12 per cent of employees obtained jobs through agencies but that around 2-5 per cent of employees are agency workers, a minority of whom are paid directly by the agencies.

In New Zealand, recruitment and employment agencies have attracted a fair amount of media attention over the last couple of years. One gets the impression that there has been a rapid rise in the number of agencies and agency workers. Likewise, the constant focus on 'executive leasing' – particularly in the business newspapers – creates the impression that this is a growing and rather lucrative market for agencies. These impressions appear to be exaggerating the extent of agency work. When one starts looking at the available figures and trends, it *appears* that there are relatively few agency workers. There are no available figures for how many agency workers there are, how they fluctuate over time and how much they work during a year. The Recruitment and Consulting Association has estimated that its members would on a normal day 'employ' around 8,000 temporary employees and 1,500 contractors and the agencies would have on their books and databases around 32,500 people seeking temporary employment and 7,200 people seeking contract work (RSCA, 2000: 5). Clearly, these figures do not include all agency workers since many agencies are not a member of the Association. Still, even if there were more than 19,000 workers in total – twice the figure provided by the Association – this would represent just over one per cent of the workforce.

On the other hand, there appears to have been considerable growth in the number of agencies and agency workers over the last two decades. This has involved a significant internationalisation of agencies with many international agencies appearing in New Zealand or buying into New Zealand agencies. Additionally, agencies have expanded their range of services and developed new 'markets' in health, education and call centres. These trends have meant a constant growth pattern, though with some downturns in particular markets, and there appears to be little doubt that agencies are poised for further growth. The only clouds on the horizon are the current Government's adjustment to employment legislation which will impact on issues such as occupational safety and health, contracting out and employer responsibilities.

The employment status and 'employment patterns' of New Zealand agency workers appear to be rather fluid. Predominantly, agency workers are employees of the agency: 'The temp is legally employed by the agency, which invoices the client organisation for the hours she has worked, and pays her wages and other associated benefits as agreed.' (Alach and Inkson, 2003: 6). However, there are also many agency workers that have an

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independent contractor status or oscillate between the two types of employment roles. Thus, the Recruitment and Consulting Services Association makes a distinction between temporary employees and contractors: 'a worker who is either an independent contractor hired out by the member organisation to a client or an employee of the member placed on assignment with a client. The status of Temporary or Independent Contract worker is always one selected by the worker and usually follows the type of status they have just previously experienced and anticipate in the foreseeable future' (RCSA, 2000: 4). Additionally, agency workers can be self-employed or an employee at other times when they are not 'working' for an agency. It is also a well-known practice for agency workers to register with several agencies. This is clearly an attempt to 'play the market' and thereby secure continuous and lucrative employment as agencies are explicit that they do not promise on-going employment and assignments may be terminated abruptly (Alach, 2001; Alach and Inkson, 2002).

In both countries analysis is largely constrained through ignorance of the extent of agency employment. This is compounded by the restrictive typology of the labour force survey together with the over-riding characteristic of short-term engagements associated with the industry. We suspect also that there are many more temp agencies than the official estimates and the number of workers on the books of temp agencies will exceed the number of engagements at any one time. To compound the problems we also suspect that the degree of multiple job holding is high in the temp agency sector. In 2003 in Australia there were an estimated 550,000 multiple job holders, equal to 6 per cent of total employment (ABS Catalogue 6105.0). The very nature of temping will mean that stock estimates of employment will understate the high degree of turnover associated with this type of employment arrangement. For example, while temps may constitute less than 3 per cent of total employment they would account for a much higher share of additional jobs created during the year as a result of the limited duration and high turnover of jobs – it was suggested at the NSW Labour Hire Taskforce that the average job hire was for 6 weeks (NSW Taskforce, 2000: 24). Traditional labour force stock estimates miss the extensive churning associated with the temp agency sector.

What is Driving Agency Employment?

The temporary work sector is expanding across the OECD. An increasing number of multinational TWAs (such as Manpower, Randstat, Kelly and Drake) are developing an international model of labour brokerage providing labour matching services for job seekers and job providers. These TWAs provide services for employers that range from payroll administration to staff appraisal systems. As such, they intermediate between the purchasers and providers of labour and can also be used to blur regulatory responsibility, de-unionise workplaces and reduce wage rates (Peck and Theodore, 2001). In part the industry itself is promoting brokerage and other labour services to employers across all sectors. Consequently, TWAs offer the ultimate form of labour commodification, hiring strictly on a 'needs basis' with no attached obligation or commitment. Such services

provide employers with extensive numeric, functional and labour cost flexibility with respect to the deployment of labour. In some countries, such as Australia, the temp work industry has been assisted by the closure of the public employment service and the placement of job brokering and training for the unemployed to tender (Junankar, 2001).

The rationale for hiring temporary workers tends to be the same as many other workplace initiatives – labour cost savings associated with downsizing, increased global competition, the introduction of new technology and the need to respond quickly to an ever-changing marketplace. The rise of the temporary agency sector can be interpreted as one manifestation of increased flexibility in which the restructuring of internal labour markets and lower internal labour costs ('headcount costs') are associated with organizations externally shifting recruitment, training and on-costs to the temporary agencies and temporary workers. Temporary agency employment not only offers flexibility and cost saving potential, it also potentially removes responsibility for the compliance with many employment regulations such as unfair dismissal, employment insurance, employment benefits and superannuation entitlements onto the TWA. In this context temping allows for shifting of the responsibilities and risks associated with direct employer responsibilities. There have been claims that organisations are shedding permanent jobs and hiring in agency workers (Telstra on Changes, 2003).

There are traditional reasons driving the temp sector, including labour shortages. This applies to the professions including IT, accounting, nursing and teaching. Short-term assignments are available for those with the requisite skills. For those with family caring responsibilities, semi-retirees, post-graduate students and those who do not require the commitment of a full-time and ongoing job, temping can satisfy life-style option and complement non-work activities. That is, the demand imperative for more just-in-time employment arrangements is being matched by the global growth of an industry that can facilitate this process. As already discussed, this particular employment arrangement is characterised by ambiguity in terms of employment status and in terms of employer responsibilities. For some occupations (for example nursing, teachers, IT programmers) the shortage of trained and available workers is driving the expansion of TWAs, but in many cases it is the possibility of lower labour costs and further labour flexibility that is providing employers with the incentive to replace permanent workers with agency workers. This, in turn, will place pressure on employment security and on the employment conditions of permanent workers.

The NSW Labour Hire Taskforce reported that 95 per cent of agency workers were casuals and, as such, they suffer from all the forms of benefit and protection exclusion attached to casual employment (Campbell and Burgess, 2001). In addition, the union submissions to the NSW Task force suggested a pattern of persistent under-award pay and very low rates of unionisation. Their pay rates were often below those of permanent workers who performed the same job (Hall, 2001). Without a clear designation of employer responsibility, agency workers are not covered for holidays, sickness or severance.

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Furthermore, there is an imperative for many temporary workers to maintain continuous assignments without a break for sickness or holidays, since their non-availability may mean they are relegated in the queue of available agency workers when assignments become available (Connell and Burgess, 2001). In between employment assignments temps are effectively unemployed. Unlike some EU countries, in Australia and New Zealand, temps are not paid by the agency between engagements. Also of concern (Hall, 2001) is that ambiguous employment arrangements can result in an absence of OH&S coverage and no insurance cover for rehabilitation and return to work in the case of work related injuries.

In New Zealand the growth of agencies and agency workers has been driven to some degree by demand. The radical and comprehensive reforms in the post-1984 period created larger markets in the central government sector, the newly corporatised and privatised firms, local government and in the health sector (Boston *et al.* 1996; Easton 1997; Spicer *et al.* 1996). The business cycle – especially the major downturns after the 1987 share market crash and after the 1996 Asian crisis – prompted private sector restructuring and further growth in agency work and agencies. On the other hand, new employment legislation and the turmoil following the 11 September 2001 event led to a downturn in the ‘temp’ market during 2000-2002, with the Auckland market for personnel and human resource management staff totally drying up for a while. Likewise, the market for IT specialists has also had significant up and downs, though with a constant market demand for particular skills.

However, across the various ‘temp’ markets there appears to have been a steady growth pattern regardless of business cycles. This growth has been fuelled by organisational restructuring, the emphasis on flexibility and lean staffing, as well as the small size of many New Zealand organisations. Agencies have themselves, tried to develop their markets through the promotion of agency work as a flexible and interesting option. There have also been continuous attempts to create closer relationship with employers (obtaining preferred supplier status) and becoming ‘strategic partners’ with their client companies. This has happened to some degree in banking, local government, law firms and hospitals where the ‘preferred supplier status’ has gone far in some cases and there are many smaller firms where agencies provide extensive consultative and advisory services (particular when there is no dedicated human resource management staff). This is clearly an area where agencies see further growth opportunities and in particular, they work hard to increase their ability to recruit and develop high quality staff in professional services (accounting, nursing, secretarial and administrative work).

Agency Workers: Flexibility, Independence and Choice?

To the industry temping offers lifestyle and workplace choices, allows a high degree of independence and leads to varied and interesting work experiences (Aley, 1995). For some workers these attributes are appealing, and some workers with skills in high

demand can exercise control over when they work and for whom they work. While the industry promotes an image of choice, new economy jobs and “entrepreneurial” careers, the bulk of jobs are low paid and semi-skilled and therefore place most temporary agency workers in a cycle of insecure and short-term employment, with very low and unpredictable earnings. The ACTU submission to the NSW Labour Hire Task Force (2000: 23) suggested that 54 per cent of labour hire workers were female and employed predominantly as ‘advanced’ clerical workers in the business and property services, and finance and insurance sectors. The average duration of labour hire was six weeks, with a quarter of workers estimated to have been on labour hire contracts for more than two years.

In Australia the casual employment arrangements associated with temping means that many temps are excluded from training programs and career path progression (Connell and Burgess, 2001). Hall (2001) reporting on a survey from the Australian Centre for Industrial Relations, Research and Training suggests that temporary agency workers receive less training than those working alongside them in permanent positions.

In New Zealand, the lack of obligation to provide on-going employment has often led to concerns over exploitation and insecurity of agency workers. This has some foundation since the agency workers are often not entitled to certain employment benefits (for example, paid parental leave demands a certain level and length of employment with a particular employer) and they will not benefit from the recent expansion of legislative support for collective bargaining (Deeks and Rasmussen 2002). In fact, their employability is often increased for exactly this reason as employers try to circumvent the costs associated with standard employment. A *strong bifurcation* amongst agency workers and generally amongst self-employed has also been found (Dept. of Labour 1999: 22). Besides the high-paid, sought after ‘leased executive’, specialist or temp, there is a low-paid, continuously job changing, highly stressful side to agency work (Rasmussen *et al.* 1996; Alach and Inkson 2003). In the latter case, the question arises whether agency work is voluntary or involuntary. The whole question of whether people are ‘pulled or pushed’ into self-employment and/or agency work is a rather vexed one, with the various ‘pull and push factors’ impacting differently on individuals (Bururu, Irwin and Melville 1998; Firkin 2003; Perera 2003).

At the other end of the spectrum recent New Zealand research has found that many agency workers are often quite satisfied with their status (Alach 2001; Casey and Alach 2002). The temporariness can have advantages, dependent on the family situation and perception of the agency workers. Also, some agencies are setting high standards in their employment practices and it is noticeable that there have seldom been employment court cases involving agencies. In fact, many ‘temps’ prefer to deal with agencies because they take care of ‘all the hassles’ associated with employment. While anecdotal evidence has unveiled a few examples of substandard employment practices, this involved only smaller, ‘fringe’ agencies.

The Australasian Model of Regulation of Agency Work

The Australasian model of temporary agency employment regulation is straightforward: there is hardly any regulation. This is a characteristic shared with the temp industry in the USA and the UK (Storrie, 2002; Peck and Theodore, 2001). Regulations can apply at a number of different areas and levels: direct regulation of the agencies, regulation of the contract of employment for agency workers, regulation of employment conditions associated with agency employment and regulation of the work undertaken by agency workers.

In Australia and New Zealand, there is no national regulation of temporary work agencies. Those regulations that do exist are confined to the State jurisdiction in Australia. Employment agents must be licensed in all states and territories except Victoria, Northern Territory and Tasmania. Licensing involves an application for licensing; that is, filling in a form and paying an application fee. Without the caveats and limitations on operations found in much of the EU, Australian non-regulation of temporary work agencies stands alongside Sweden, the UK and the USA.

In Australia and New Zealand there has been an absence of regulation, there is confusion over employment status within the temporary work sector and there are no exclusions with respect to temporary agency employment arrangements. Queensland was the first state to attempt to set out the nature of the employment relationship between the labour hire company, hiring organisation and the worker (Queensland Industrial Relations Act, 1999). The Queensland Act establishes the temporary agency as the employer and the labour hire worker as the employee. Similar legislation was introduced in Victoria in 2000. The NSW Taskforce on Labour Hire (2000) recommended that the employment relationship involved in labour hire arrangements should be clearly established through legislation. While there has been debate and discussion of the NSW Labour Hire Taskforce recommendations to date there has been very little legislative action, despite media pressure (Hepworth, 2002). Unlike the EU there is no social directive or no national policy that attempts to clearly set out the rights associated with labour hire employment.

In New Zealand, anyone can set up a recruitment and/or agency business, with no registration or licensing being in place and with no need to provide proof of skills or experience. The so-called 'Davy case' where a recruitment company placed a fraudster – the person had falsified his employment and education record - as a senior manager created major headlines and resulted in the demise of the recruitment company (Rasmussen and McIntosh, 2002). This case also led to a debate regarding the possible regulation of the industry but so far there has been no move in that direction. The Recruitment and Consulting Services Association is attempting to provide a focal point for the professionalisation of industry but the regulatory problem has less to do with the major, well-established companies (many of these firms are members of the Association).

These firms – often with overseas owners or business links – market themselves as having high quality recruitment, HRM and business practices. The issue is rather what the standards are in the many small firms that inhabit the industry. This is a moot point as there has been limited research of these firms and there appears to be a considerable turnover amongst the smaller firms.

Thus, New Zealand has an unregulated ‘wild west’ approach to agencies and agency work. For example, agencies can start up without any public quality control and conditions of agency workers are, to some degree, a private matter between the contracting parties. Recent research indicates that there is considerable interplay between various forms of atypical employment, that many agency workers co-register and shift amongst agencies and that many agency workers are quite content, depending on their work situations, labour market position and the current state of job opportunities (Alach and Inkson 2003; Rasmussen and Deeks 1998).

In both Australia and New Zealand there are no reporting obligations, financial bonds do not have to be posted by the agencies and there are no limitations on the occupations/industries that can be covered through agency employment arrangements. There is also an absence of regulation with respect to the contract of employment and of the employment status of agency workers.

The relatively small size of the temporary employment sector in Australia and New Zealand would suggest that its non regulation or its ability to operate outside of a regulatory framework should not be an issue of public concern. However, there is considerable public concern over several negative aspects often associated with agency employment: large corporations restructuring their workforce through the replacement of permanent workers with labour hire workers (Telestra on Charges, 2003), for the potential for labour hire workers to be subject to greater risk from workplace accidents (Underhill, 2003), for labour hire workers to be without many rights and protections associated with employee status (Hall, 2001) and for labour hire in itself to undermine any strategy to enhance formal and informal forms of on the job training and skills acquisition (Connell and Burgess, 2001).

In both Australia and New Zealand labour hire represents a gap that can potentially be exploited and lead to nefarious practices which, in the end, could undermine the credibility of the industry and impose a cost on the public sector. The ambiguous employment status has potentially adverse implications for labour rights, taxation status and access to employment benefits and workers compensation. In turn there is scope to use labour hire practices to de-unionise the workplace, undermine employment conditions and avoid statutory obligations linked to taxation and workers compensation. At one end of the spectrum labour hire organisations are linked to clandestine activities including illegal immigration and tax evasion. The NSW Inquiry revealed that the reputable end of the industry were after more extensive registration and regulatory requirements for operators

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in the industry.

In Australia there is a move towards the regulation of the employment contract where the engagement exceeds 6 months. Beyond this threshold the conditions that apply to permanent employees should apply to labour hire workers (ACTU, 2003). However, the regulation of the conditions of employment is only one component of the panoply of regulations that could be applied to the industry. A six-month threshold test may only lead to more short-term engagements or more engagements of independent contractors.

Conclusion

In principle there is a three party relationship between the TWA, agency workers and user firms. This process of intermediation blurs the employment relationship, blurs the employment status of the agency worker and the responsibilities of the three principal parties. In other words, the relationship is not transparent, it is not linear and indeed it may involve more than three parties. This makes it a difficult area to research and even more difficult to regulate. However, as we have shown, agency employment involves a continuous tension between flexibility and protection which makes it necessary to incorporate a public policy dimension in the debate. Although agency workers only constitute a minor proportion of the total workforce, the high churning of temporary jobs, the high growth rates, the impact on 'standard' employment situations and the negative aspects sometimes associated with agency employment underline its public policy importance.

In line with the UK and the USA, there is a surprising lack of regulation surrounding agencies and agency work in Australia and New Zealand. This implies that there are several unanswered public policy issues associated with agency work. For example, what is the 'proper' level of public regulation of agencies and agency work and how can efficient, low cost regulations be implemented and policed? In light of the discussion of the 'knowledge society', it is also important to discuss how vocational education and training can be enhanced and whether there are certain mechanisms and training systems that are better than others? The commercial, media and academic interest in agency work has so far not been match by a similar interest in the public policy dimension.

Finally, it is important to see agency work in both a wider theoretical and contextual perspective and provide more specificity about agency work. The wider theoretical and contextual perspective is necessary because there is considerable fluidity across countries, local labour markets, industries, occupations and individual people. The impact of context creates a variety of trends which raises a number of questions about people's choices and the consequences of these choices. It also raises issues about so-called work-life issues and what the role of non-work factors is in relationship to choices about work and working time. Thus, the complexity of the interplay between situational factors and individual choices needs to be further explored through wider perspectives and more

sensitivity towards individual circumstances and choices.

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The New "Office Temp": Alternative Models of Contingent Labour

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Abstract

This paper focuses on the working lives of temporary female clerical staff, usually known as 'temps'. Temps are commonly displayed as 'victims', who have poor pay and conditions, and are marginalised, economically insecure and socially isolated. Thirty-one temps recruited through agencies in Auckland were interviewed. While they acknowledged some negative features of temping, most were temps by choice and remained so even when temp work was scarce. They reported that temping provided them with control over their time and work, enabling them to give priority to non-work interests such as family, leisure pursuits, vacations, business start-ups, and study. Temping was also valued for its variety, learning opportunities, and avoidance of long-term commitment to employing organisations. While marginalisation and exploitation remain the reality for many temporary workers, these findings show the contemporary possibility for workers with valued skills to be proactive in exploiting apparently insecure employment arrangements to their own advantage.

Introduction

This paper focuses on the working lives of temporary female clerical, secretarial and administrative staff, commonly known as 'temps'.

The growth of temping

Recent reports suggest that, stimulated by forces such as globalisation, increased competition, economic uncertainty, restructuring, and the desire for flexibility in the workforce, the use of temporary workers has become an integral human resource practice in many businesses (Richards, 2001). Commentators observe a structural shift in the way temporary labour is utilised (Carre, 1992; Nollen, 1996; Richards, 2001). Temporary

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workers are no longer used just as 'fill-in' labour or as a stop-gap measure related to changes in the business cycle. Nowadays they are often placed in responsible positions that are critical to business success (Brogan, 2001). Furthermore, while administrative and clerical work continues to be a major locus of temporary employment, the practice is diversifying. Temporary assignments are now commonplace in non-traditional labour markets such as healthcare (Carre, 1992), information technology, sales and marketing (Richards, 2001) and high-level 'executive contracting', reported to be the biggest growth area in temporary employment (Richards, 2001; Shopland, 2001).

As a result, analysts observe an increased demand for temporary staff and a rapid expansion in the temporary recruitment industry (Appelbaum, 1992; Peck and Theodore, 1998; Richards, 2001). In the USA recruitment through temporary agencies accounted for one-fifth of all new jobs created since 1984 (Peck and Theodore, 1998).

Effects on temporary workers

In the past decade, concerns have been raised over the outcomes of the increased use of temporary staff for the staff themselves. These concerns relate both to their material conditions and to the social and psychological implications of their temporary status. Most authors report that temping is typically an employment arrangement involuntarily entered into and that the majority of temps are seeking full-time, permanent employment (Gottfried, 1992; Hardy and Walker, 2003; Henson, 1996; Rogers, 1995; Smith, 1993; Vosko, 2000). Concerns have been raised over the way in which temps are marginalised, isolated and exploited.

It is reported, for example, that temporary workers are typically paid less than permanent employees and receive fewer benefits (Nollen, 1996; Segal & Sullivan, 1997). Entitlement to benefits such as health insurance and pension plans is often tied to eligibility requirements based on length of service (Garsten, 1999; Henson, 1996; Nollen, 1996). Because social and labour legislation continues to be premised on the assumption that the worker is full-time, permanent and with a single employer, temps may have reduced protection (Appelbaum, 1992; Carre, 1992). Turnover in the temping industry is high (Henson, 1996; Nollen, 1996; Peck & Theodore, 1998). Moreover, many temps are unaware of their eligibility for benefits, and lack access to independent advice on their rights (Gottfried, 1992; Nollen, 1996).

In addition to concerns about the material conditions of temping, many commentators have drawn attention to its social and psychological costs. They report that negative attitudes to temps are still apparent in contemporary organisations and contribute to a climate of distrust between permanent and temporary staff (Smith, 1993; Rogers and Henson, 1997; Richards, 2001). They argue that temps are often spatially separated from permanent workers (Smith, 1998), socially isolated, or rendered "interactionally invisible" (Rogers, 1995, page 151). Critics are concerned about individual temps' sense of self

worth when they are continually identified and interacted with as "just a temp" (Henson, 1996). Pejorative notions of the temps as sub-workers may become internalised by temps, exacerbating their alienation from self and others at work (Rogers, 1995, 2000).

Although some temps obtain work by direct contact with a client organisation, many find their assignments through recruitment agencies. For example, on any given day, members of the New Zealand Recruitment Services and Consulting Association (RCSA) employ approximately 8,000 agency-affiliated temporary employees (RCSA, 2000). Concern has been raised that temps are therefore required to function in a relationship of dependency, relying totally on agencies for employment. Observers argue that they are marginalised in the placement process because they are not consulted over how placement decisions are made, and their preferences are seldom taken into account (Gottfried, 1992; Henson, 1996; Rogers, 1995). Typically, they are monitored constantly by their agency, usually by means of regular phone calls from agency supervisors to clients, and end-of-assignment reports. Temps are seldom privy to this feedback and a 'good' report typically has to be inferred by continued offers of work (Alach, 2002).

An alternative view

The current study builds on work begun in 2001, as part of a Masters' thesis, looking at the experiences of women clerical temps in New Zealand (Alach, 2002). That thesis was based on in-depth interviews with twelve women working as clerical temps. Key findings in the thesis disputed the dominant discourse, outlined above, of 'temp-as-victim', and questioned whether temping is necessarily experienced as isolated or marginalised. The study posited emerging alternatives including 'lifestyle temps' who choose temping as a way of securing income and flexible free time for family and leisure commitments, and 'entrepreneurial temps' who choose temping as part of an overall career strategy. However, because the way in which participants were sought in the thesis study (word-of-mouth 'snowball' sample) may have led to biases in the results, the current study sought to gather interviews from a broader range of clerical temps.

Agencies

This study focused a wider sample, of temps employed through agencies. Accessing temps through agencies enables end-user firms to utilise temporary staff as and when required without having to employ them directly, without having to advertise, interview and select a suitable individual, and without incurring the long-term commitment to, and costs of, permanent employees. The agency screens, tests and recruits potential candidates on an on-going basis and sometimes trains them in order to ensure that they are suitably skilled and ready for immediate deployment to client organisations.

The temp is legally employed by the agency, which invoices the client organisation for the hours she has worked, and pays her wages and other associated benefits. Hourly rate, conditions of work and length of assignment may all vary across assignments. Agencies

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are not required to give any guarantee of on-going work. Because of this, many temps co-register with multiple agencies and may be technically employed by different agencies across a variety of assignments during time they are temping (RCSA Report, 2000).

Objectives

The current study had as its objective to create a descriptive account of the orientations and attitudes to work and employment of office temps working through agencies in the Auckland area. The researchers sought to establish the extent to which temps conformed to the 'victim' stereotype or to alternative types. For example was temping involuntary or voluntary, reactive or proactive, central or peripheral to identity? In addition, the researchers considered other matters such as the role of temping in career development, and the implications of temp attitudes for agencies, for client organisations, and for workforce members considering temping. A full report of the study is available elsewhere (Alach & Inkson, 2003).

Methodology

In order to access as wide a range of experiences as possible, the researchers approached twenty recruitment consultancies in Auckland and asked for permission to send a letter to women temping in clerical and secretarial roles for their agency, inviting them to participate in the study. Additionally, the researchers secured support for the project from the Recruitment and Consulting Services Association (New Zealand), which placed in its quarterly newsletter an invitation to member agencies. Eight agencies participated in the study. Interviews, each lasting about an hour, were carried out with 31 temps and nine agency representatives.

The interviews were all conducted by the first author. Those conducted with the temps were semi-structured, with questions designed to draw the participants into discussion about their experiences of temping. The sequencing of the questions was varied to accommodate participant preferences and to allow participants to pursue the topics most salient to them. The questions asked the participants about their reasons for temping, their experiences of temping, and their relationship/s with temping agencies. Additionally they were asked for their age, marital status, family situation and living arrangements. The interviews were tape-recorded and summarised (typically 3-6 single-spaced pages per interview, including key verbatim quotations).

Subsequent to the interviews, and based on scanning them, the second author prepared category systems, with definitions of each category, for three domains of comment by temps:

“positive features of being a temp”

“negative features of being a temp”

“comments on temp agencies”

To provide a content analysis of the interviews, a research assistant then read carefully through each summary interview, endorsing categories when she considered the person had used words denoting the category. Each category could be endorsed only once per interview.

The agency representatives were interviewed in order to gather background information and insights into current and future trends in the temping industry and their perceptions of temps' lifestyles, attitudes, and manner of working.

Results

Background data

The temp participants ranged in age from 21 to 61 years. The median age was 40, and 20 of the participants (65%) were aged between 30 and 49. Seventeen were single, divorced, or separated, but many of these were living with children or parents. Fourteen were married or living with a partner. The length of time participants had been temping ranged from two months to over fifteen years. Participants had worked in a variety of temp assignments ranging from simple data entry to high-level executive PA roles in public and private sector organisations and industries. The average hourly rate paid to the temps ranged from around NZ\$15 to \$22.

The benefits of temping

In contrast to other studies which have reported that most temporary workers would prefer a permanent job, this study found that nearly all the office temps interviewed preferred not to have a permanent job, if they could be sure of regular, on-going temping work.

Why did participants have this preference? What did they find attractive about being temps? The positive features are indicated in Table 1.

Table 1. Positive features of being a temp (n mentioning)

Feature	n
Flexibility, autonomy, control over time	25
Learning and self-development opportunities	24
Variety of work and contacts	21
Ability to escape and "walk out of the door"	15
Avoidance of permanent commitment, company politics	14
"Something to fall back on" in one's career	12
General enjoyment	9
Opportunity to take "time out" to rethink career	6
More secure – more temps jobs available	6
Fast source of cash, income	4
Other	3

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This table demonstrates the benefits of temporary work: flexibility, control over one's time, self-development opportunities, variety, and the avoidance of ongoing commitment to an organization. Of these the critical ones were the first two, flexibility and learning.

Temping and flexibility

Table 2. Positive features relating to flexibility, autonomy, control over time (n mentioning = 25)

Feature	n
allows time for vacations	12
ability to accommodate family life, children's commitments	10
allows time for hobbies	10
allows time for career development or set-up of own company	8
allows time for study commitments	4
allows time for voluntary community work	3
other	2
Total	49

Table 2 provides a breakdown of responses by the 25 participants (81% of the sample) who mentioned flexibility, autonomy, and control of time as positive features of temping. The perceived benefits were largely related to the non-work settings and interests of the participants: temping afforded flexibility in respect of family, leisure, educational or business activities. For example:

"It lets me be here for my son and basically keeps me in the workforce."

"I bet there are mothers out there who wouldn't mind the opportunity to go temping two or three days a week."

"Working temporarily has allowed me the flexibility to attend meetings and conferences around the world."

"I enjoy making art as a creative expression but I'm not interested in doing that as my sole type of work."

"I could see myself working at least two or three days a week while I do my study."

"I'm temping at the moment because it allows me to do set-up stuff for my own company."

For many of these temps, the decision to temp had come out of a desire to reposition paid work in their lives. Temping was associated with a sense of being freed up to devote more time to family or leisure activities. This was brought about not just by the flexibility offered by temping, but also by a shift in the way the women felt about their work. In particular,

the references in Table 1 to "escape", "walk out of the door", and "avoid commitment", showed a common desire, as one temp put it, to "retain a certain distance from the work which you can't do as a permanent worker."

"I don't like being tied down, I like being a free agent."

"You don't really have to put your whole self in and you can just walk away at the end of the day and not be worried about it...and if I compare this job to my permanent job where you were just expected to stay late and put in the hours, I'm really enjoying the fact that at 5 o'clock I'm out the door, there's no waiting around for another ten minutes to do something, I'm just gone and that's very cool!"

The temps' desire for autonomy was apparently allied in many cases to a rather negative stereotype of permanent employment in a single organisation (see Table 1).

"That's probably what's stopping me from getting a permanent job because if you don't like a job temping you think 'oh it's only for 2 days or 3 weeks or 6 months' but you think 'gosh if this was permanent I wouldn't want to be stuck here'...so I'm a bit hesitant to take the plunge."

"I don't know about permanent, because that's sort of a scary thing. I can't imagine being with one company forever, I don't think people do that any more."

Additionally, many participants made use of the on-off flexibility that temping afforded them and cited as a major benefit the opportunity to decide, sometimes on a day-to-day basis, whether they wanted to work.

"It suits me, I can work when I want. If I don't want to work I can say no."

"I like temping, it gives me the flexibility to go off to the States for three months. If I had a permanent job I'd probably have to resign and lose my job if I wanted that length of time off, but with temping I can just give a few weeks' notice and I'm free to go."

Temping and development

Permanent work is popularly believed to provide employees with greater opportunities for development through their organisation's training and staff development programmes. In contrast, the professional development of temps is not seen as a company responsibility. However, as shown in Table 1, over three-quarters of the present sample mentioned learning and self-development opportunities that related specifically to their status as temps. Table 3 provides a further breakdown of this information.

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**Table 3. Positive features relating to learning and self-development
(n mentioning = 24)**

Feature	n
learning to learn	15
professional and/or technical development	15
learning to start quickly in new situations	9
gaining insight, experience, contacts	8
gaining self-confidence and interpersonal skills due to variety	7
learning to cope with uncertainty and insecurity	4
other	3
Total	59

These temps reported that the ability to 'move around' had contributed to new insights due to the range of situations. Typically, they had overcome shyness and 'firstdayitis', developed self-confidence in dealing with different and novel people and situations, and were better able to cope with uncertainty and to learn from each new situation.

"As a temp you're always learning new things, not just about one thing but about different companies and different people, policies and everything."

"Temping teaches you how to learn, how to get to know things and about being flexible, about being more confident, coping with being in new situations and how to ask for help."

"You lose your fear of first days because you have so many first days. You don't get nervous and that's a good thing."

"Now I can stroll into a new place, no worries about meeting new people or learning new processes at all...lay it on, I can totally handle it!"

"I can go into all different kinds of companies and each time I learn a little bit more. It's enriching my life and my vocabulary and my experience."

Such development seems especially valuable in the increasingly dynamic workplaces of the twenty-first century, for these require the skills of versatility, responsiveness, and coping with novelty and ambiguity which the temps report are most developed. This is likely to benefit both employing organisations and the temps themselves.

In addition, several temps recognised the networking opportunities provided by temping.

"It's a good way of getting around a lot of different companies and getting your nose in the door, meeting lots of different people."

Exposure to a range of workplaces also provided the opportunity for temps to gain experience of a range of different processes, industries, types of people, software packages, etc. These were of likely benefit to the temp, both in securing future assignments or even permanent jobs, and to subsequent employers.

“Temping is a really good way to pick up extra skills and give you variety – different assignments, different work to do ... a good way of getting experience and developing transferable skills quite quickly.”

Temping and security

According to the ‘temp-as-victim’ stereotype, the main disadvantage of temping for the temp is her marginalised position compared with permanently employed workers, particularly her inevitable economic insecurity, her poorer pay, fringe benefits, personal development and progression, and social relationships. The stereotype is supported to some extent by the data shown in Table 4.

Table 4. Negative features of being a temp (n mentioning)

Difficulties in social relationships	24
Financial insecurity	16
Poor or inequitable pay	8
Unreasonable expectations of immediate effectiveness	7
No pay rises	6
Given jobs no-one else will do	6
No benefits/have to provide own resources	6
No respect/looked down on	5
Boredom	4
Stress of new situation	4
Employers’ prejudice against temps	4
Limited progression	4
Other	6

The problems reported were often financial in nature. In particular, the uncertainty of on-going work meant that the temps couldn’t rely on a specific level of income every week. However, most had found ways of minimising this financial uncertainty. Several reported that temps need to live within their means, to plan for the ‘peaks and flows’ of temping work, and to “keep money aside for a rainy day when there is no work”.

“there’s the freedom factor but then there’s also the not-knowing factor where you don’t know if you are going to have work next week or if you go on holiday whether there’s going to be work when you come back.”

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“I think the only disadvantage would be if you had mortgage payments or rent because you can’t guarantee the permanent income coming in.”

Two respondents reported that they had had to get a permanent job in order to assure other people, namely ‘the bank’ that they were a viable risk.

“I want to buy a house and the bank has laughed hysterically at me.”

Surprisingly however, barely half the sample mentioned financial insecurity, which was rather part of a cluster of extrinsic work conditions, including pay levels and fringe benefits, in which temps felt disadvantaged.

Temping and work relationships

The supposed lower status and social isolation of the temp have also been cited in the literature as disadvantages. This view is supported by some of the data in Table 4. The category “difficulties in social relationships” (Table 4) is further sub-categorised in Table 5.

Table 5. Negative features relating to personal relationships (n mentioning = 24)

Feature	n
social isolation when starting a job	15
having to cope with moods of co-workers	10
having to leave good relationships, social situations	3
no chance to build relationships	2

Although social isolation problems were reported, they tended to be confined to the first day or so of an assignment. Overall, the temps reported that most of the people they had met on assignment had been pleasant and helpful. Exceptions to this were generally experienced in short-term, one-day reception roles, which were overwhelmingly reported as the ‘least favourite’ of temp assignments.

Table IV also shows that stereotypes of temp work were perceived to be maintained by others – employers and co-workers – in their interaction with temps. Temps reported being looked down on as having lower status, and being given the “jobs that nobody else in the office is willing to do.” Yet they were also expected to be able to perform at a high level, typically from a ‘standing start’ in terms of their knowledge of the organisation and job.

Temps' preferences

As in the Alach (2002) study cited earlier, the results go some way towards providing an alternative to the dominant discourses which position temps as victims. The assumption that temping is always involuntary is challenged by these data. The temps recognised both advantages in their status – primarily autonomy, lifestyle and self-development opportunities - and disadvantages – economic insecurity, social difficulties and negative stereotypes. However, the overwhelming majority maintained that they were temps *because they preferred to be temps* and were not seeking permanent work.

Interestingly, and perhaps surprisingly, several participants (see Table 1) reported that they preferred temp work because they perceived it to be *less* risky than a permanent job. Temp work was perceived as relatively easy to get: most participants reported that they had been given their first assignment within days, if not hours, of registering with an agency. Several participants contrasted this with the length of time it can take to get a permanent role and concluded that in this sense, temping can often be a *more* reliable and secure source of income than many permanent jobs, which under current employment conditions are often at risk of being made redundant.

"The main benefit is that it should be more sort of stable than permanent work because they should be employing you straight away whereas if you were a permanent person and you lost your job you'd have to spend a few weeks trying to find a new one."

"I can get temping work quickly and easily. I'm experienced in it. It's just the easy option really for me."

This was particularly so for some participants who were attempting to make a career in some of the more volatile industries, such as television.

"Temping's definitely been critical because if it hadn't existed I would have had to choose an alternative profession, or gone back to study, or compromised a lot in what I wanted to do..."

Even in New Zealand, the events of September 11, 2001, created an immediate loss of business confidence which translated into a relative slump in the 'temp' market. This affected many interviewees in the present study, which was conducted in 2002, who at the time of their interviews were experiencing or had recently experienced the downturn. The timing of these interviews in comparison to similar interviews undertaken in the earlier study by Alach (2002) provided comparisons between the experiences of those temping in a relatively buoyant or depressed market.

Pre September 11th 2001, the temps interviewed by Alach (2002) reported plenty of work, and the ability to pick and choose assignments. In many cases they had a problem

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of having 'too much work' and found it difficult, because of constant demands to work, to achieve the lifestyle improvements they had anticipated when becoming a temp. Such experiences of being in 'too much demand' were confirmed at that time by industry representatives who reported on a severe shortage of 'good temps' in the local market.

In contrast, respondents in the current study overwhelmingly reported that post September 11th the market for temps had dried up, with many temps experiencing a severe shortage of assignments, particularly in the fourth quarter of 2001 and the first quarter of 2002. This was experienced by the temps both in terms of having no assignments for weeks, or in some cases months, and in terms of being offered a different type of assignment - typically shorter-term, lower-level and paid at a lower rate. Agency representatives confirmed this trend, reporting that client organisations had become much more conservative in their 'temp spend' and were seeking to provide temporary cover through internal reshuffling rather than through using agency temps. Despite this, *very few participants had actively looked for permanent work*, and of those who did, the majority cited as their primary motive a desire to seek a more exciting and challenging role, rather than any financial imperative. The adherence of most temps to their current status despite adverse labour market conditions provides strong evidence that some temps temp by choice.

Temping and careers

The majority of participants had made a conscious decision to start temping, for a variety of reasons. Several participants, who were looking, ultimately, for permanent 'career' jobs, found that temping enabled them to make unhurried decisions about the types of role they were considering (see Table 1).

"I'm going through a non-committal work phase at the moment but do plan to look for a permanent job. I plan to be really fussy about it...so that's what I'm going to do and see what happens and if it doesn't happen and I'm still temping in a year, well, so what?"

"I'm keeping an eye out for a permanent job if something really appeals to me but I'm not willy-nilly applying for any old thing."

Despite the subjectively-experienced positive features of temping, the public and employer perception that temping is involuntary and not a 'proper' job appears to continue to prevail. Participants reported their sense that the decision to temp continues to be viewed by others as a bad or non-career choice. This was expressed particularly by those temps looking to move into permanent jobs, who were wary of how an extended period of temping might be interpreted by prospective employers.

"I'm having difficulty getting the job I want because I'm seen as slightly erratic, slightly unreliable and unfocused."

“all of my work history has been temping and I think that makes it difficult because I don’t have a solid history in one place.”

However much temping may suit those who do it in their current circumstances, most considered that if they wanted eventually to move either to permanent work or to positions carrying higher responsibility, they needed to avoid letting too many years go by in temporary positions. However, they attributed this more to employer and societal prejudices than to any inherent defect of the temping experience or those who do it.

Temping and agencies

When a temp is recruited and assigned by an agency, the nature of the employment relationship is unconventional. Client organisations handle only the supervision of her day-to-day work. Her assignments, pay, and longer-term welfare are negotiated with agencies, and temps are typically available to more than one agency. Asked about agencies, participants made it clear that they had transferred many of the expectations permanent employees have of their employers to their agencies. The key expectations that the temps had were that the agency would:

- find them regular assignments;
- find them assignments appropriate to their interests and skills;
- keep in touch with them when on assignment;
- provide information, feedback, recognition, and training;
- care about them.

While some agencies – seeking perhaps to retain the loyalty of especially valuable temps – clearly went to some lengths to meet these expectations, the prevailing opinion among the temps concerning the agencies was more negative than positive. There were specific complaints about agency performance in all the above areas, particularly that agencies provided inappropriate assignments and didn’t care about the temp. Another common complaint was that the turnover of agency staff was frequently so rapid that these staff were often unaware of the temp’s specific skills and interests. It was clear, too, that the splitting of responsibility for the temp’s development between clients, agencies, and the temp herself was a difficult issue.

Discussion

As in the Alach (2002) study, the results go some way towards providing an alternative to the dominant discourses which position temps as victims. In this research, the assumption is challenged that temping is always involuntary and always results in disadvantage.

In contrast to reports which find that the majority of temporary workers would prefer a permanent job, this study found that most of the office temps interviewed were temporary

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by choice and preferred *not* to have a permanent job. This was true even in conditions of reduced demand for their services.

These workers found that temporariness provided them with flexibility, autonomy and control over their days and hours of work, enabling them to fit paid work in around other priorities such as vacations, leisure pursuits and family commitments. The variety of assignments also provided a range of learning opportunities which were perceived to be unavailable in permanent work. Participants were wary of committing to a permanent job, mainly due to fears of getting bored and/or stuck in a specific situation. Against the advantages of temping, the disadvantages - relative economic insecurity, inequitable work conditions, occasional social isolation, and the prejudices of co-workers and employers - were perceived as minor. For many temps, the condition of contingency employment had become the preferred backdrop to their lifestyle, regardless of external labour market forces. They had indeed found a way to fit work in around their non-work lives rather than fitting non-work pursuits around a permanent work commitment.

These findings may have been caused in part by the 'volunteer' nature of the sample, and we do not suggest they are characteristic of all, or even most, temporary workers. However, they are strong and consistent enough in the present group to raise questions about the universality of the conventional model of contingent workers. While we acknowledge that many temporary employees are indeed disadvantaged, in some cases temporariness is a choice made by individuals who have a range of employment options available to them.

However, many respondents, both temps and consultants, reported that an extended period of temping "doesn't look good on paper." Apparently some employers still think of 'career' in a narrow, permanent-employment-focused way. Moreover, conventional associations such as equating 'length of time served' to 'value of contribution', appear to prevail, much to the chagrin of temps. This presents an interesting paradox, because contemporary workers are increasingly called upon to display an ability to adapt and 'embrace change.'

It may also be that the nature of office temping, i.e. still predominantly low status female-dominated clerical work, mediates the image of those who choose to do it. We suspect, for example, that male leased executives and contract software developers are perceived as having a healthy desire for change and new challenges rather than the lack of commitment for which employers apparently criticise clerical temps. Does an unconscious sexism inform these different expectations?

The extension of temporary forms of work to larger numbers of people and a wider range of occupations - particularly occupations requiring technical and professional skills - is doubtless important in enabling more qualified and proactive individuals to choose temporary work and to frame it to suit their needs rather than seeing it as 'employment

of last resort'. Recent accounts of professional workers in temporary and contingent situations and portfolio careers echo many of the phenomena reported in this paper (Cohen and Mallon, 1999; Fenwick, 2003; Gold and Fraser, 2001; Inkson et al., 2001). It is the extension of the phenomenon of 'lifestyle temping' from these groups to relatively lower-level administrative, secretarial and clerical workers which is of interest here. Casey and Alach (2004) provide a further discussion on temping by preference, which results from a choice to re-prioritise other activities over participation in conventional full-time paid employment. The phenomenon may be another manifestation of the phenomenon of 'downshifting' in pursuit of a more balanced lifestyle (Drake, 2001).

The possession of highly valued skills in a competitive labour market is doubtless a characteristic of 'volunteer' contingent workers, and this study results suggest this may nowadays be true for at least some workers in relatively subordinate roles. We believe that research into 'contingency' in relation to paid work should seek to understand not just the ways in which the availability of work is contingent on economic and organisational imperatives, but also the ways in which individuals make decisions about whether to take on such work and the rationality of such decisions in relation to their wider priorities. It should therefore focus on the subjective experience of those involved, and recognise the complementarity of individual agency with social structure in determining employment patterns.

Conclusion

This study presents a challenge to conventional wisdom about the motivations and experiences of temps. Nowadays, we suggest, more organisations are choosing to utilise temporary labour, and more people are choosing temporary work as a preferred way of working and living. These shifts have resulted in a new set of issues for employers and workers. Both groups have to consider the implications of the three way employment relationship (employer, employee, agency), the redistribution of responsibilities such as allocation/choice of work, and training/personal development, and the challenges this presents to all parties. Workers have to consider whether temporary options suit their aspirations and lifestyle, and recognise its difficulties as well as its advantages: temping is not for all (Alach and Inkson, 2003: 55-59). And employers need to ponder anew how to engage to mutual advantage with members of the workforce who are proud of their professionalism and their reputation, and who have valuable skills, versatility and flexibility, but who make a virtue out of *lack* of commitment to the current organisation.

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Flexibility in the Complex World of Non-Standard Work: The Screen Production Industry in New Zealand

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Abstract

The academic debate around workplace flexibility has resulted in an impasse. This article argues that polarised macro positions are not especially useful in illuminating the complexities of the operation of contemporary labour markets. To move beyond the current impasse, understanding the labour flexibility of particular industries and occupational groups is necessary.

New Zealand's screen production industry provides an example of a knowledge-based industry where workplace flexibility is a necessary prerequisite for its operation. Drawing on research with industry practitioners in Auckland, this article discusses the major features of this industry. Issues pertaining to project and employment uncertainty and the importance of social capital in securing and maintaining employment are highlighted.

Introduction

Labour market flexibility has been a major dimension of workplace change over the last quarter of a century in the developed world. A seminal text which signalled important implications of the transition from the previous dominant workplace organisational mode of mass production to that of workplace flexibility was Piore and Sabel's 1984 publication, *The Second Industrial Divide*. The very sub-title of the book *Possibilities for Prosperity* gestured towards the connection between new forms of workplace organisation and sustained economic outcomes. The key argument offered in this text was that the Fordist-type system of mass production, which had acted as the 'engine of growth' for the post-war period, was no longer able to sustain America's competitive position in the world economy, especially since developing countries were able to mass produce

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goods at lower costs. They put forward, therefore, the prospect of jettisoning this system which had done so much to establish American industrial supremacy. In its place they recommended the adoption of flexible workplace systems. These entailed establishing new systems of workplace organisation that took advantage of worker participation and specialised knowledge which, in conjunction with continual workplace training, would result in workers being able to 'specialise flexibly', thus having the facility to rapidly alter their product and produce goods of high quality.

In the academic literature, the debate around workplace flexibility quickly became polarised. On the one hand, advocates for workplace flexibility - following approaches similar to Piore and Sabel's - argued for the value of, for example, just-in-time inventory practices, job expansion and rotation and the use of new technologies, as means through which greater worker engagement, creativity and responsibility would be achieved, at the same time as eliminating wastage and ensuring optimum efficiency. On the other hand, critics of workplace flexibility remarked on a situation where, even with significant organisational changes, workers still remain disadvantaged. Smith (1997) neatly sums up the dichotomised positions. On one side there are "newly skilled, continually learning, empowered and engaged workers, aided by entrepreneurial managers, [who] strive to relax and flatten rigid bureaucracies, trim excessive use of organizational resources (including time, space and people), and use their experiential knowledge to improve the way they produce goods or serve people". By contrast, others see flexibility as "little more than a new permutation of work that disadvantages workers but offers employers significant dividends" (Smith, 1997: 315-316).

In the New Zealand context, the rapid and major changes to the political economy in the 1980s and beyond meant that workplace flexibility was supported by both major political parties. Employers too encouraged workplace flexibility. Decentralisation and the deregulation of the industrial relations system were among the selected change mechanisms so that hours of work, pay and conditions of employment, amongst others, could be determined at the workplace level. One outcome of deregulation was the abolition of New Zealand's long-standing arbitration system and its replacement by a system of individual and collective contracts. Under the Employment Contracts Act (ECA) 1991, conciliation and arbitration were abolished, the monopoly bargaining rights and blanket coverage of unions was removed and freedom of association introduced in the workplace (Harbridge, 1993). Supporters of the Act within the business community, and particularly the Business Roundtable, felt that this would facilitate economic growth and increase employment, whereas the many detractors (see for example, Kelsey, 1997), highlighted the mounting vulnerability of workers in non-standard employment.

In 2000 the Employment Relations Act (ERA) was introduced, representing a deliberate shift by the Labour Government from the pure contractual approach which underpinned the ECA. As such, the ERA is more prescriptive and seeks to regulate the employment relationship on the basis of ensuring a greater degree of fairness or balance in the

employer-employee relationship (Deeks and Rasmussen, 2002; Rossiter and McMorran, 2003). The question still remains as to whether the regulation of alternative working arrangements will lead to any change in the nature of these relationships (Rossiter and McMorran, 2003).

Deregulation of labour relations is, however, only one facet of workplace flexibility. Other factors include workplace restructuring, rationalisation and redundancies. Macky (2004), in an examination of New Zealand workers' experiences of organisational downsizing and redundancies, defined downsizing as 'a deliberate reduction by management to reduce a firm's size in terms of the number of employees it has', and noted the various strategies through which this could be accomplished. These included: outsourcing of the work employees had previously performed; eliminating certain functions or activities that had previously taken place; delayering, or the cutting out of levels in the hierarchy; the elimination of business units; natural attrition in terms of not replacing workers when they left a firm; retirement incentives; and redundancies (Macky, 2004: 63).

A corollary of workplace flexibility has been the rise in non-standard work (NSW). While NSW itself has always existed, what has changed in recent times is the increase in the proportion and consistency of this phenomenon (Zeytinoglu and Muteshi, 1999; Firkin et al., 2003). NSW is generally conceptualised as work that is no longer characterised by certain features that have been regarded as standard. These include full-time hours, a regular working week, access to non-wage benefits, having the status of an employee, and being located in particular places (Burgess and Watts, 1999). Thus instead of working full-time for a single employer with the assumption of ongoing employment, the growing trend is towards self-employment, part-time work, irregular and less predictable hours and less security and continuity of job tenure. In addition, the reliance on direct employment decreases and instead, labour requirements are outsourced, or employees are provided by intermediaries. A complex web of relationships and arrangements have emerged and because of the numerous exchanges among individuals, teams and employers '[t]he interplay [of these] may seem downright chaotic' (Littleton et al., 2000: 101). Various descriptors have been applied to NSW including 'non-traditional', 'atypical', 'flexible', 'alternative', 'market-mediated', 'vagrant', 'vulnerable', 'precarious', 'disposable' and 'contingent' (Kalleberg, 2000: 2). The nuances associated with these terms indicate that NSW also has its supporters and detractors.

It is clear that neither workplace flexibility nor NSW are unitary phenomena. Such an observation is hardly novel. However, the point of this article is not to rehearse arguments regarding the extent to which they are characterised by homogeneity, diversity or fragmentation. Nor is it to argue for one or other normative position. Rather, the purpose is to highlight the complex nature of the intersection between the two phenomena. Our intention is to move beyond the positive/negative confines of the debates around workplace flexibility and NSW and demonstrate that it is necessary to explore particular instances of workplace flexibility within particular industries, to appreciate the complexities involved.

Drawing on recent research into the screen production industry in the Auckland Region (de Bruin and Hanrahan, 2003), we put forward the proposition that workplace flexibility is a necessary prerequisite and inherent component for this industry at least, and suggest this could be likely too for other similar knowledge-based industries. After a brief discussion on workplace flexibility and its dimensions we turn our attention to the screen production industry case study material, with particular reference to the structural aspects of this industry that make it necessary for flexible practices to predominate. The latter part of the article then examines two issues and problems that arise as a result of the dominance of these practices: uncertainty in the industry; and securing employment.

Workplace flexibility

The word 'flexibility' is understood in everyday language to have positive connotations. One common usage is in relation to physical flexibility, where having a flexible body is deemed a highly positive attribute. It is seen as a concomitant aspect of health and well-being associated with physical agility and freedom of movement. The Olympic gymnast or circus acrobat, who are physically flexible in the extreme, draw widespread admiration. In the world of finance, financial packages are marketed on the basis of their degree of flexibility. Thus for example, the array of designer mortgages that cater to the variety of needs and circumstances of borrowers can be seen as desirable in that they offer not only a range of choice but also flexibility to suit individual preferences. Be it in fashion, modes of learning or mix and match travel packages, it is assumed that there are benefits that go hand in hand with choice and adaptability.

The masking effect of the commonplace association of the beneficial connotation of the term flexibility is that it pushes any negative aspects of labour market flexibility to the sidelines. Demasking the term can however, clarify its ideological underpinnings. Previous work we have been associated with (see for example Firkin et al., 2003; McLaren et al., 2004) has explored flexibility issues for two sets of non-standard workers – those skilled and qualified workers whose work had a knowledge or technology focus and who could best be described as occupying a relatively privileged labour market position and another set of workers in more traditional lower-paid and/or contingent work. While both sets of workers shared some common responses to flexibility issues, the major outcome was that those workers at the margins experienced much greater disadvantage. In the ensuing discussion, in order to highlight possible negative attributes associated with flexibility, we distinguish between both employer and worker flexibility.

Forms of labour flexibility have become part and parcel of the discourse and debate on the dynamics of the labour market, the changing world of work and work practices. In order to come to grips with the varied concepts of flexibility, however, we feel it is necessary at the outset to distinguish between employer or firm level flexibility, and worker flexibility. The former is often asserted to be necessary in order that the firm or organisation can adjust and operate in the face of the intense competition of a new era of globalisation. It

involves the ability of the firm to respond to changing economic conditions mainly by one or any combination of three means of securing flexibility: *numerical flexibility, functional flexibility and wage or reward flexibility* (Casey, Metcalf and Millward 1997; Mitchie and Sheehan, 2003).

Numerical flexibility is the ability to vary the quantity of labour by using NSW arrangements. As previously noted, the standard work model is characterised by full-time work with a single employer at the employer's site, with the expectation of ongoing employment, continuity of job tenure and regular, full-time working hours (de Bruin, Dupuis and Spoonley, 2004). By contrast, non-standard workers range from part-time, temporary, and seasonal workers, independent contractors or freelancers, short fixed term and casual contract employees, to home or outworkers. Firms may also use intermediaries – 'temp' agencies or third party labour suppliers, to enable numerical flexibility. Numerical flexibility can be further subdivided into external and internal numerical flexibility. External numerical flexibility refers to adjusting the number of employees according to employers' needs, whereas internal numerical flexibility has to do with the adjustment of employee working hours to accommodate company needs while retaining the same number of employees (Easton, 1997: 173-174).

Functional flexibility differs from the external labour market source of numerical flexibility in that it is an internal response. It involves the blurring of skill and job demarcations. Multi-tasking and team working is a feature of the organisation of 'core' work of the firm and workers acquire a 'knowledge portfolio' which enhances their flexibility and mobility (Carnoy, 1999). Wage or reward flexibility is the ability to adjust remuneration in order to respond to changing conditions or to incentivise productivity through such activities as performance-related pay schemes.

The notion of worker flexibility offers a perspective usually premised on personal choice of the worker. Thus for example, caring responsibilities of women with young children and the needs of students are two common reasons for the supply of NSW. The moot question, however, is the degree to which choice and constraint conflate. The constraints of low pay, insecurity, and the unpredictability of work hours and schedules, muddy the issue of worker flexibility and as our previous research showed, for some categories of non-standard workers choice may, in fact, be illusory (Firkin et al., 2003; McLaren et al., 2004).

Mitchie and Sheehan (2003) and Mitchie and Sheehan-Quinn (2001) make a distinction between 'low road' and 'high road' labour flexibility practices. The low road is the use of more readily available flexible labour practices arising from labour market deregulation, namely part-time and temporary contracts and similar 'non-traditional' contracts and a lack of employer commitment to job security. High road flexibility couples functional flexibility with employment security and is found in 'high commitment' organisations or 'transformed' workplaces. The latter form of flexibility is positively correlated with both

good corporate performance (Michie and Sheehan-Quinn, 2001) and innovation (Mitchie and Sheehan, 2003).

In the next sections we move away from normative issues. In fact, we go so far as to suggest there is something of a dissonance between theoretical arguments and perspectives that distinguish between high and low road labour flexibility and the exigencies of practice that operate in real workplace situations. We also argue that theoretical positions underpinned by normative considerations may be less than useful. Drawing on case study material from research on the screen production industry, we demonstrate that a way through the impasse of entrenched positions is to examine the specificities within distinct labour markets or industries. Once a deeper understanding of the specific nature of these phenomena is established, then recourse to normative positions becomes patently problematic.

Case Study: The Screen Production Industry

The Research

The study to which we make reference in this section, was commissioned by AREDS (Auckland Regional Economic Development Strategy) with the aim of providing improved understanding of labour market issues pertaining to the screen production industry in the Auckland Region. In addition to an examination of relevant literature, the qualitative component of the study comprised twenty six semi-structured in-depth interviews with participants who worked in the screen production industry in creative, technical, writing and production, and office roles. Recognising that these roles cut across various segments of the screen production industry it was decided to interview participants from six specific areas in the screen production industry: film production; broadcast television production – TV; television commercials production (TVCs); Maori screen production; animation; and post-production.

Given that personnel may undertake a wide range of tasks depending on their individual job role and that these could easily vary between firms and/or projects, it was deemed necessary to establish as well as get a 'feel for' what industry practitioners regarded as the generic/core skills and other requirements of various jobs; the nature of industry/firm specific skills, non industry/firm specific skills and transferable skills; and the shortage/surplus of these various skills. Integrally linked to the exploration of skills was an investigation into the impact and implications of current and future education and training regimes on the pool of skills for the industry. In the next subsections we use excerpts from the interviews with people working in the screen production industry to highlight salient features, specific to the industry, that support our contention that workplace flexibility is a necessary prerequisite of, and inherent component for, this industry.

Features of the Screen Production Industry

The screen production industry is a diverse, complex, multi-sector and multi-occupation industry. In New Zealand, it is small scale in scope and size and in terms of its funding base. One participant remarked that as a consequence high performance and quality were required.

In my job, we have got to really perform. We are supposed to be really efficient. That's why the New Zealand industry exists at all, because we're more efficient than other industries. It's a luxury. The money is so tight now. We spread it out so sparingly. We agonize so much over the budget. You really want the best that you can get for that money.

Its project-based nature is an industry hallmark. Like many such industries, there is a high concentration of independent contractors and freelancers and a predominance of small business operators. As such, it epitomises NSW patterns. Screen production is also a highly competitive industry.

We are out there competing with Toronto, competing with Montreal, competing with Vancouver, competing with Israel, competing with Florida and competing with South Africa, competing with Ireland definitely. We are not competing directly with Ireland. I have never been in a situation where they have gone New Zealand or Ireland but the sort of films that we have made in Ireland are the sort of films that could get made here. Ireland's population is 4,000,000, the same as New Zealand and their average wage is exactly twice what the New Zealand average wage is. This is interesting because they have subsidies to attract filmmakers and they are a very big industry. Things like Saving Private Ryan.

The research data indicated that in order to be competitive, industry operators were often forced into ways of operating that brought their own sets of problems. As one participant noted:

Suddenly there is a big contract in and it is a 24 part series and you suddenly have to hire everyone and anyone that is out there and a lot of those people are directly out of training schools, and I don't regard them as being ready for international work, so not only are you dealing with having to compete with Pacific rim countries that have studios full of thousands of people, you're also having to compete and train dozens of people at the same time.

At the global level, macroeconomic variables such as the exchange rate impact on the industry add to market uncertainties. Technology changes too have an important effect, while external factors, such as government incentives, tax treatment and subsidies and funding regimes, can all be critical to the industry's growth and development.

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The animation sector of the industry provides an interesting example of the impact of external factors. The size of the domestic market and the cost of animation limit domestic funding and consumption of animated television series with a local focus. International investment was seen therefore, as the only way to attract highly skilled and experienced staff to assist in the growth of the animation industry, especially in light of low rates of domestic investment.

New Zealand on Air give the most pitiful amount of money, which is fine if you are doing a live action film... it only takes half an hour to produce half an hours worth of footage, but with animation, to produce half an hours footage, you are talking about six months with a crew of six people to...it is just too expensive.

The industry is one of activity peaks and troughs. In large part this is due to the project-based nature of the work and the concomitant fluctuations in the demand for labour. The quote below, which is from the commercials sector of the market, encapsulates this in colourful terms:

...but I guess it's the tricky nature of the industry in the way that no one will have shot for a month or two – it'll be dead. Then suddenly the advertising agencies, all their clients, all decide that they want the job done, shot the same week, there's no cohesion and suddenly you can ring up and get any crew member you want, you can get the post booking you want, the luxury of the gear...a week later, it's a shit fight

Intensive work and long working hours is often characteristic of many jobs in the industry. This can arise both from the project nature of the work as well as passion for the job.

We do a lot of all-nighters here and certainly it's not even out of the normal to be working a weekend. ... just love it and they'll do 10-12 hour days. It's not unusual.

The screen production industry is generally perceived as a glamour industry. Clearly it is an industry that young people find enticing. When flexibility goes hand in hand with extreme uncertainty it is generally perceived as disadvantaging workers. However, when the nature of the industry is such that overlaying these circumstances is the gloss of glamour then, especially young people will put up with a lot simply in order to be associated within such exciting work environments.

Behind the Screen: problems and issues

A number of issues arose from the screen production industry research especially with regard to skills, labour supply and demand and questions around training. In this section, however, we take up two broader issues: those around uncertainty of employment; and issues pertaining to how people find employment in the screen production industry.

Uncertainty in the Screen Production Industry

In his work on the risk society, Ulrich Beck (1992) argues that one of the outcomes of living in a world dominated by risk has been the development of uncertain and insecure forms of lived experience, including the emergence of different forms of working arrangements and the growth of other pre-existing non-standard forms. Such a description could well apply to the screen production industry generally, especially in light of the project-based nature of the work. This sets up a very dynamic work context, whereby the high proportion of independent contractors and freelance workers tend to move quickly from one project to another, or even juggle multiple projects simultaneously. The feature of peaks and troughs noted earlier also means that the industry is characterised by fluctuations in the demand for labour and thus a lack of continuity of work. The implications for employers are obvious.

When you are dealing with short-term contracts you can't expect people to hang around waiting for you to be able to put in place another gig, when someone else offers them one. It's volatile and it's competitive. It is small.

Industry uncertainty, particularly with respect to the television segment of the industry, was a theme that emerged strongly in the research. Factors influencing this include the TVNZ charter and the rapid appreciation of the New Zealand dollar. A culture of freelance editors seems to characterise the television sector. Most people begin their work experience by working as an employee at a post-production facility before leaving to freelance. A lack of ongoing work means, however, that when large projects finish, the market is flooded. Post-production facilities are in direct competition with freelance editors for the smaller jobs during the downtimes within the industry. One participant described the significant pressures felt by business owners in the industry.

What tends to happen is we've got a culture of freelance editors and when I've had people to a certain level of skill, they tend to leave and go freelance. ...What happens is, is that those people can't get jobs. They may be well qualified, they maybe quite talented but there are only so many jobs and what's happening is for them to make ends meet, they're doing little jobs on the side, perhaps if they're into animation specifically they might buy their own computer and set up from home. That can...in an ironic manner, undermine what we're trying to do as a

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company because that takes away some of those little or lower end jobs that just keep you ticking over when you're not doing a big job.

The lack of continuity of work can also lead to a loss of skilled people who frequently go overseas to find more steady or full-time employment.

It has been difficult because there are some really good talents around, unfortunately most of them go overseas because they have got to pay their rent and I hire on a freelance basis, so if I can't get the work, they haven't got any.

Similar to the out-flow to the overseas labour market, there is also the flow out of the screen production industry to occupational labour markets within New Zealand. Thus, for example, a person educated and trained as an architect, draughtsman, interior designer or industrial designer might return to that occupation when the project-based, set designer job contract is completed. There is thus high inter-occupational mobility of workers in the industry.

Entry level workers appear to be in a very different situation however. Their uncertainty relates to initial entry into the industry – literally getting 'a foot in the door'.

There is a definite surplus of young people coming in, sending CV's, writing, ringing, saying I have just done this course and I want to get into the film industry. It is endless, it is a tidal wave of them, and I feel sorry for them because you get to a point where you don't even want to see them because there is just too many of them.

The perceived over-supply of entry-level workers has implications for training providers. All of those interviewed mentioned that in the last decade there had been a proliferation of courses related to the screen production industry, resulting in large number of graduates wanting to enter the industry. It was not uncommon for some production companies to have a person or CV per day coming through their facility. In general, the tertiary education system was seen as a provider of entry-level people with a low skill and experience base, who still needed on-the-job training and experience. The problem for entry level workers was well recognised. In addition, the relevance to industry of some of the skills and material being taught was often questioned. There were also questions of accountability to fee-paying students. Sectors such as post-production and animation signaled that graduates from most institutions were being taught skill sets that were not relevant to the needs of industry.

I do feel sorry for these people wandering in, they have got no practical experience but they have been in a tertiary institution for six years getting these skills and then all of a sudden they find that they are getting the tea or something.

Uncertainty therefore, takes many forms in this industry – uncertainty for employers with respect to acquiring and managing projects and skill availability, for experienced workers there is the uncertainty of where the next job is coming from and for entry level hopefuls there is uncertainty around getting a first job and even whether a career in the screen production industry can be a viable option. Dex et al. (2000), commenting on uncertainty in the British television industry also note the connection between deregulation and the displacement of risk onto the workforce. Their study showed a range of strategies workers adopted in response to uncertainty. These included: diversification of their income portfolio; collecting information; building informal contacts (a point that we will develop in the following section); and having a spouse's income as a buffer in down times. Their article concludes with the salutary comment, 'The extent to which individuals continue to cope with uncertainty will influence the viability of the television industry's workforce to sustain its productive potential and the quality of the product' (Dex et al., 2000: 304). Such a comment appears equally applicable to the broader screen production industry in New Zealand.

Social Capital in the Screen Production Industry

According to Bourdieu (1986: 248-249), social capital is 'the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalised relationships of mutual acquaintance and recognition – or in other words, to membership in a group – which provides each of its members with the backing of the collectively-owned capital'. Put more simply social capital is the resources one can call on due to one's membership of a group. Bourdieu argues that social capital operates as a credit which group members can call on. The 'volume' of social capital available to individuals depends on the size of their networks and the extent of the various forms of capital those in the networks possess. Social capital is produced through creating and sustaining relationships and interactions with family, friends, neighbours, co-workers and other relatively close associates. It is not necessarily consciously or intentionally pursued, although it can be. Portes (1998) defines social capital as the ability to secure resources, or benefits as an outcome of people's membership in social networks or other social structures.

The screen production industry research demonstrated that the exigencies of the nature of the industry were such that a 'situation of immediacy' regularly came into operation. New projects were commissioned and frequently these had very little lead in time. The problem for employers then became one of who to employ. The usual response was the selection of someone who was trusted and known to deliver. These people were chosen on either previous knowledge and experience of the quality of their work, or on reputation. Thus networks were vital for both the employer to secure workers and employees to secure work. A high level of social capital is thus critical for successful involvement in the screen production industry. The importance of on-going relationships and personal contacts in the industry is aptly demonstrated by the following comments:

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We all know each other, all the producers know each other well, so you can just pick up the phone and say, hey, we need an art person, who have you worked with recently that's good?

...it's more down to relationships and how you've worked with them before – whether you work with them or not, it comes down to the most important individuals being available – doesn't it? 'Cause you would never...I mean, I'd never...if for instance Art Department was really important, we would never...you know...we wouldn't go with somebody we hadn't worked with or didn't know. You simply wouldn't take the risk. We'd change the shoot date.

The screen production industry is one that emphasises preserving relationships and not taking risks. Because of the short-term nature of independent contracting, one mistake by a crew member can cost them future work with that company whereas in a standard employment relationship, such a person might get a chance to prove themselves again and 'redeem' themselves.

However, connections may also mean that there is no necessary correlation between experience and ability:

Having said that, commercials also have what I call the director's girlfriend syndrome. Somebody might be highly experienced and absolutely pretty useless at the job, but because she has got a foot in the door through her boyfriend being the director or somebody...the agency producer's girlfriend or something, then she will get given a go and she might do really well and she might be a disaster. In the end it is always an industry about who you know.

The importance of contacts and informal recruitment processes in the industry is also borne out by overseas research (e.g. Blair et al. 2001 and Blair 2001, where the title of the article: 'You're only as good as your last job' says a lot about how the industry works and captures the essence of the importance of having connections within the industry. Blair (2001), drawing on a case study where a film was tracked through the eighteen months of its production, commented that for the crew she followed, family and friends were important 'mediators of entry, serving such functions as recommending or directly offering a job' (Blair, 2001: 167). As people's careers developed the type of contact used changed and colleagues or ex-colleagues became more important. However, the role of contacts remained pivotal to a successful career.

Conclusion

Workplace flexibility has been the subject of much academic debate. On the one hand, it is associated with many of the extreme neo-liberal reforms of the last two decades and seen as simply adding to the repertoire of practices that can be used to disadvantage

workers. Others see workplace flexibility in much more positive terms. It offers workers an opportunity for input and creativity unattainable under Fordist workplace organisation and employers the prospect of business viability in an increasingly competitive and globalised world. The argument put forward in this article is that such macro-level polarised positions are not especially useful in understanding the complexities of the operation of contemporary labour markets or many workplaces. To move beyond the current impasse it is necessary to drill further down to examine the meso-level of workplace flexibility as it relates to particular industries as well as the more micro-levels of employer (firm) flexibility and worker flexibility. While we drew attention to the latter level namely through the worker flexibility distinction and mentioning our earlier work on varied categories of non-standard workers and their experiences, the main focus of this paper was on the meso-level of a particular project-based industry.

The screen production industry in Auckland provides an example of a high-tech, knowledge industry where workplace flexibility is a necessary prerequisite for the industry to operate. The industry is a varied and multifaceted, multi-sector, multi-occupation industry. It is an industry that is highly competitive, both internationally and locally, and one that is strongly impacted upon by such factors as macroeconomic variables, the rapid nature of technological change and other external factors like government incentives, tax subsidies and funding regimes. Many of the specific features of the screen production industry derive from it being largely project-based in nature. It is an industry where workplace flexibility goes unquestioned.

Like many such industries the peaks and troughs that come with project-based work affect both workers and employers. Fluctuations in the demand for labour mean that the industry is characterised by uncertainty. In order to deal with this, workers might opt for work overseas or move into other occupations, especially when they have another profession they can call on. Alternatively, as freelancers they could compete head-on with employers in small scale jobs. Employers seldom have full-time, permanent staff on board, so the industry could be described as one where NSW is the norm.

The glamour of the industry means that it is extremely appealing for young people. Yet, as the research on which this article is based demonstrated, it is very difficult for young people, however well trained they might be, to get a foothold in the industry. The evidence from this research showed the importance of social capital with respect to securing and maintaining employment. In an industry where rapid completions and high quality work are mandatory, then trust and reputation are vital. Social networks therefore are an intrinsic feature of the screen production industry. An intriguing revelation from this research therefore, is the extent to which close ties and networks are an essential part of a post-Fordist labour market, like that of screen production. It is clear that 'the strength of weak ties' (Granovetter, 1995) still has salience for the contemporary world of work.

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Multiple Job Holding in the Agriculture Sector

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Abstract

New profiling based on the 2001 Census supports research in the 1990s which examined farm family pluriactivity in New Zealand, showing multiple job holding is a key strategy used by farm families to support their household and farm incomes. Moreover, a study of 60 farm people with multiple jobs in Ashburton District indicates that the motivation for farm women and men to work off the farm may be stronger than ever, despite relatively high levels of farm income in recent years. In addition to economic reasons, multiple job holding is driven by personal fulfilment, and the entrepreneurial ethos of farm families.

Introduction

Research in the mid 1990s examined the importance of pluriactivity as an economic strategy commonly pursued by farm households. In their study of off-farm employment in three districts of the South Island, Taylor and McCrostie Little (1995) considered the character and dynamics of multiple job holding (MJH) amongst farm families, including its impact on the family members, individual workers, the farm business and the community. That research identified the importance of on-farm, non-agricultural enterprises to farm families, either due to the distance from labour markets making it relatively difficult for some to participate in off-farm employment, and as an expression of entrepreneurial creativity to run a business apart from the farm itself. Subsequently, Taylor et al. (1997) completed their research on alternative farm enterprises, confirming and extending the earlier evidence of pluriactivity, identified by Moran et al. (1989), Benediktsson et al. (1990) and Le Heron (1991).

The research showed multiple job holding has become an important source of income for farm families facing cyclical commodity prices, periodic rises in farm input prices

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and climatic events such as prolonged drought. Multiple job holding is also evident in the wider rural economy, including meat processing workers (Shirley, et al., 2001) and specifically-skilled, casual, mobile, workers such as shearers and ski instructors, some of whom work in more than one location internationally (Hunt, 1996). Indeed it reflects the general importance of non-standard work across society (de Bruin and Depuis, 2004).

This article reports results from a programme of research on multiple job holding in New Zealand, with agriculture one of the sectors examined. The research investigates multiple job holding in rural New Zealand using census data, and discusses the implications of multiple job holding by farmers and the possibility of changes in attitudes towards off farm work since the 1990's.

The research programme provides knowledge about the way individuals, families and communities are adapting to social and economic change through multiple job holding. The research began in 2001 and has two main objectives. The first objective is developing a profile of multiple job holding in New Zealand over recent years based initially on 2001 Census data for factors such as age, sex, ethnicity, work-force status and occupation, plus a detailed analysis of changes 1981 to 2001, and comparisons to other official statistics including the 1998/99 Time Use Survey and the quarterly Household Labour Force Survey. The second objective is identifying the factors which encourage or inhibit multiple job holding, and determining the impacts of multiple job holding on individuals, families and communities through a series of 180 in-depth interviews, with three sectors covered in a first round in 2003-4: farming, café and restaurant workers, and health professionals.

Profile of multiple job holding for rural areas and farmers

This section provides results from the national profile of multiple job holding for rural areas and farmers, using data from the 2001 Census. The profile shows that a relatively high proportion of farmers hold multiple jobs, one of which includes their work on farm.

Profiling multiple job holding from 2001 Census data

Although census data covers the entire working population (1,727,271 in 2001), providing accuracy for detailed analysis and cross-tabulations, there are limitations due to the questions asked, including those about work. The central question for this research is "In the 7 days that ended on ..., did you have one job or more than one job?". While details are sought on the nature of the main job, no information is asked about the additional jobs (including unpaid work for a family business or farm). So if this work is not identified by farmers as their first job, it means the occupational and industry data (assembled on the basis of the first job) can understate multiple job holding for farm men or women for whom work on the farm is their second job.

A further limitation of the Census question arises if the additional job took place outside the period of a week. Other research (Taylor and McCrostie Little, 1995) shows that seasonal work is an important dimension of rural multiple job holding. So if this work is not taking place at the time of the Census the data further understates the multiple job holding of farmers.

Another issue for profiling multiple job holding from official statistics is the amount of casual employment taking place outside the formal economy, particularly in the rural economy. Multiple job holders may be reluctant to report cash income from casual employment for reasons related to tax, child support and welfare benefits (Averett, 2001).

Nonetheless, the 2001 Census data provide a useful baseline profile of the level and distribution of multiple job holding in rural New Zealand (Baines, et al. 2003). The baseline profile provides information on the demographic characteristics of the individuals involved, their geographic locations and other empirical guidance for the research.

Incidence of multiple job holding in rural areas

Analysis of the 2001 Census found the average incidence of multiple job holding across the entire working population was 10.1%. This figure establishes multiple job holding as a significant element of New Zealand working life, setting a reference level for comparing multiple job holding rates across the working population.

Rural areas stand out for relatively high rates of multiple job holding, with an increase for each official statistical category from main urban area to rural area (Table 1).

Table 1 Incidence of MJH for rural to urban statistical areas

Statistical category	Number of workers	Percent MJH
Rural area	231636	20.2
Rural centre	34266	11.5
Minor urban area	130197	8.9
Secondary urban area	104355	8.6
Main urban area	1226301	7.9

Rates of multiple job holding are particularly high for rural statistical areas, with the highest rural areas and the district they are located in shown in Table 2. The pattern of high multiple job holding in these rural areas reflects the predominance of the agricultural sector in their workforces. It is noticeable that women typically record higher rates than men, in some cases 30-50% higher.

Table 2 High incidences of MJH in rural areas

Location	Number of workers			Percent MJH		
	All	Women	Men	All	Women	Men
Chatton (Gore District)	1017	435	582	28.7	31.5	27.1
Hinds (Ashburton District)	2079	870	1212	23.6	28.6	20.1
Pohonui-Porewa (Rangitikei District)	1497	648	849	22.2	26.5	18.9
Hurunui (Hurunui District)	1320	582	738	22.1	25.8	19.1
Kahutara (South Wairarapa)	2295	1044	1251	19.4	23.3	16.1
Clutha (Clutha District)	2712	1104	1608	19.2	23.6	16.1

Incidence of multiple job holding by industrial classification occupational group

Analysis of 2001 Census data by industry classification and occupational group shows agricultural sectors lead the incidence of multiple job holding (Table 3). As for rural areas generally, the multiple job holding rate in farming is consistently higher for women than men, while the opposite is true for the more urban-dominated industries.

Table 3 Incidence of high rates of MJH by industrial classification

Category	Number of workers			Percent MJH		
	All	Women	Men	All	Women	Men
Beef cattle farming	7500	2628	4869	25.3	29.8	22.8
Deer farming	1902	645	1257	24.9	29.9	22.5
Mixed and other livestock farming	7941	2853	5088	22.9	27.9	20.1
Sheep farming	26124	8199	17925	22.2	29.3	19
Cropping and other farming	3657	1101	2556	21.9	26.6	19.9
Central Govt Fire Service Administration	2007	195	1812	19.8	9.4	21
Live entertainment	1707	843	861	19.5	18.3	20.7
Horse farming and breeding	1131	558	570	18.7	22.2	15.3
Doctors, Group Practice Admin/Partnerships	9729	7584	2142	18.6	17.3	22.9
Authors, Music Composers, indep. Artists	2442	1116	1329	18.3	18.7	17.9
Physiotherapy Services	1626	1251	375	17.8	17.4	18.5
Veterinary Services	2907	2016	894	17.3	15.3	21.3
Fruit Growing	2754	1128	1626	17.3	19	16.1
Tertiary Education	24873	14145	10728	16.8	15.1	19
Residential property operators	2394	1158	1236	16.6	14.1	18.9
Dairy farming	35037	12108	22929	16.1	21	13.6

Analysis by farming-related occupational groups (Table 4) supports the findings from the analysis by industry sector, showing high incidences for the farmer occupational groups and also for women.

Table 4: Incidence of MJH by highest farming occupational groups

Category	Number of workers			Percent MJH		
	All	Women	Men	All	Women	Men
Cattle farmer/farm worker	3609	1188	2421	24.5	28.7	22.4
Other livestock farmer/farm worker	2607	783	1821	24.2	28.8	22.3
Sheep farmer/farm worker	8493	2292	6201	22.7	29.5	20.2
Farm machinery operator/contractor	2961	174	2787	22.3	25.4	22
Crop and livestock farmer/farm worker	25917	8178	17739	21.2	27.6	18.3
Mixed livestock farmer/farm worker	4881	1350	3534	20.4	28.1	17.5
Field crop grower/related worker	1506	426	1083	19.8	22.7	18.6

Influence of workforce status on multiple job holding by farmers

The analysis also provided data on the incidence of multiple job holding in the larger farmer occupational groups for full-time workers and part-time workers by sex (Table 5). For females the incidence of multiple job holding in these sectors is higher for full-time than part-time workers. For males the incidence is higher for part-time workers in the beef and sheep sectors, but not for deer farming. It should be remembered here that these results are for individuals declaring farming as their main job. The results for those who have farming as their second job remains a major gap in the official statistics.

Table 5: Incidence of high MJH by larger farming sectors & workforce status

Category	Workforce status					
	F FT	F PT	F FT&PT	M FT	M PT	M FT&PT
Beef cattle farming	32.5	26.8	29.8	22.4	24.5	22.8
Sheep farming	30.5	27.9	29.5	< 20	23.3	< 20
Dairy cattle farming	21.4	20.2	21	< 20	21.2	< 20
Deer Farming	33	26.5	29.7	23	< 20	22.5
Grain growing	30.2	27.5	28.9	< 20	< 20	< 20
Sheep and beef cattle farming	29.9	27.1	28.7	< 20	21.3	< 20

Note: F = female, M = male, PT = part time, FT = full time.

Other rural occupations

Other rural occupations were examined for rates of multiple job holding, noting some of these people would have had farming as an (unstated) second job. For agricultural consultants, the overall rate was 26.5%. The highest rates are amongst agricultural consultants who are full-time, self employed, and females (28.9%) are more likely than males (25.6%) to hold more than one job in this category.

For the livestock buyer occupational group, the rate with more than one job is 28.3% and males make up 97% of the group. Similarly, the stock and station agents occupational group has 31.9% with more than one job and males make up 95% of this group. There are also relatively high multiple job holding rates indicated amongst groups such as self employed musterers, nursery growers and workers, and self employed grape growers and wine makers.

Motivations and effects of multiple job holding

The article next examines some of the factors which encourage or inhibit multiple job holding by farmers, and impacts of multiple job holding on individuals, farm families and rural communities.

Method

The analysis draws on a purposive sample of 60 farm men and women interviewed in the Ashburton District during 2003, identified through farm directories, local contacts and snow balling. The high rates of multiple job holding amongst farmers made it relatively easy to recruit individual for these interviews. The sex breakdown of respondents was 26 males (43%) and 34 females (57%).

The respondents came from a range of farm sizes, with 65% of them coming from properties between 100 and 400ha. Ninety-two percent of the people interviewed said that they were owners or part owners of the farming operations. A third indicated that they were the person most involved in operating the farm business. Allowing multiple responses, the farms of the respondents produced crops (42), sheep (34), beef (30), dairy (11), pigs (6), deer (5) and horticulture (2).

The principal definition of multiple job holding used in these interviews was paid or unpaid work for more than one employer or family business or farm in the course of the most recent week. Those who did not meet this criterion were screened out of the research. The interviews were based on a comprehensive schedule combining closed and open questions and took an hour to one and a half hours to complete.

Types of jobs and hours of work

Respondents identified a wide range of work undertaken in addition to farming (Table 6). Most (46) indicated their main job was the same as their main occupation. For the other 14, their occupation was the same as their second job and for nine of these this was farming. Twenty five of the respondents who reported that their second job was a farmer or farm worker were women, and 19 were men.

Table 6: Main occupation, main job and other jobs of respondents

Type of job	Main occupation	Main job	Second job	Third Job
Farmer/farm worker	19	12	44	4
Teacher, tutor	9	9	4	1
Management/accounts	6	8	2	1
Admin/PA/secretarial	4	4	2	
Director	1	2	1	6
Nurse	4	4	2	
Other health sector	3	2	1	
Driver/transport	3	3	1	
Sales/retail	2	4		
Contractor	3	3		
IT related	1	3		
Councillor		1	1	
Agriculture related	1	3		
Other	4	2		
Not specified			2	
Total	60	60	60	12

Over three-fifths (63%) of respondents worked thirty hours or more in their main job during the most recent working week. Half (48%) worked less than 10 hours in their second job, and 11 of the 12 respondents with three jobs worked less than 10 hours in their third job. The average number of hours respondents worked were 36.8 for the main job, 10.1 for the second, and 4.2 for the third. The average time they worked for all their jobs during that week was 47.7 hours. A fifth of the respondents worked less than the full-time equivalent of 30 hours that week, while 35% worked for more than 59 hours.

At least two-thirds of respondents (65%) usually worked for five or more days per week in their main jobs. Only 30% of respondents reported that they usually worked for five days or more in their second job, while a third (33%) did so for less than five days. Some indicated that the number of days they worked in their additional job varied according to the demand for their labour.

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To obtain a broader picture beyond the “last week” definition, respondents were asked about additional jobs they had over the past month and the past year. Other jobs in the past month included bookkeeper (3), trustee (2), director, repairs and maintenance of investment property, cosmetic sales representative, safari guide and colour sorter. For the past year, respondents were asked more broadly whether they undertook any paid or unpaid current work that they considered to be “a job” that they had not previously mentioned. Forty-two of them described a broad range of activities which they considered to be “a job” (Table 7).

Voluntary work for schools, sports clubs, community organisations and churches comprised almost two-thirds (62%) of activities undertaken by the 42 respondents in the previous year that they defined as a “job”. These findings illustrate that multiple job holders in rural areas make a significant contribution to the social capital of their communities in addition to their paid work.

Table 7: Other activities over the last year self-defined as a “job”

Activity	Number of responses
Officer/volunteer of schools (e.g. BOT, PTA, fund raising etc)	12
Officer/volunteer of churches	10
Officer/committee member/volunteer of community organisations	9
Paid job /contract work	8
Officer/coach/volunteer of sports clubs	6
Office/committee member of farming organisations (e.g. FF, A&P)	4
Directorships - paid & unpaid	4
Unpaid work for family members, friends & neighbours	3
Care giver for parents & other extended family members	3

Note: others were Professional training & education 2, Craft sales 2, Home stay for Asian students 2, Decorating house 1

Forty-nine respondents also commented on other activities they spent a lot of time on (other than “jobs”). These activities included household work (37 respondents) and childcare (33 respondents). Here again, respondents (30) identified voluntary work, sports and other leisure activities they undertake.

They also described how they manage to balance these activities with their work responsibilities. While one respondent remarked that the lifestyle “*all seems to fall into place*”, another, acknowledging high stress levels, stated “[*We*] both agree it is not living”. Others noted achieving a balance between their work and personal/family lives was an ongoing issue: “[*I*] can’t do everything”. Several mentioned that they needed to organise and plan ahead to achieve balance in their lives.

Overall, the research found that multiple job holding helped personal relationships, friendships and involvement in ongoing education, and hindered care or support of other family members, housework, health and fitness or involvement in organised sport, entertainment or leisure, and involvement in community activities. Some spoke about the positive features of enjoyment, diversity, stimulation, freedom of choice and flexibility from holding multiple jobs. The remainder mentioned negative effects including tiredness, rural isolation, increased stress levels and little opportunity for time off. *"[It's] the hours that kill you really"* said a spray contractor and farmer working 70 hours per week. *"The lifestyle is more of a life sentence than a lifestyle"* commented an art teacher and farmer working 62 hours per week. *"I don't think I'm a boring person to live with or be with, but perhaps I'm too busy for family and friends sometimes. I miss them,"* noted a primary teacher, farmer and company director working 65 hours per week.

In relation to the impacts of multiple job holding on the rural community, respondents noted that there is a reduced pool of volunteers available in rural areas. Voluntary organisations are struggling and often run by older people and multiple job holding doesn't help. For example, one respondent had to relinquish her sporting activities when she took an extra job, while another belonged to 13 different committees before a return to the paid workforce in addition to farming meant she had to resign from them.

Multiple job holding by farmers is longer term

The research shows that multiple job holding amongst farmers is more a long-term feature of farm households than supposed by observers in the aftermath of the 1980s "farm crisis". Forty nine respondents (82%) indicated they had held more than one job beyond the previous year. Two fifths of the 49 respondents had been multiple job holders for 10 years or more and the average time they had held more than one job was 8.5 years. Moreover, their experience of multiple job holding showed a third (37%) had held three or four jobs at a time for a period of their working life.

Just under half (47%) of respondents had held their main job and 62% their second job for at least 10 years. The average length of time respondents had worked in these jobs were 10.4 years for the main job, 13.6 years for the second, and 10.8 years for the third (Table 8).

Table 8: Years worked by respondents in their main and other jobs

Years	Main job		Second job		Third job	
	number	percent	number	percent	number	percent
Less than 1	5	8.3	6	10	1	8.3
1-4	14	23.3	6	10	1	8.3
5-9	13	21.7	11	18.3	2	16.7
10-19	21	35	16	26.7	6	50
20-29	3	5	14	23.3	2	16.7
30-39	1	1.7	3	5		
40 & over	3	5	2	3.3		
not specified (1)			2	3.3		
Total	60	100	60	99.9	12	100

Note: (1) The two respondents who did not state the length of time they had worked in their second job had not been employed in that activity during their most recent working week.

Further analysis by sex and age showed 62% of the men had spent ten years and over in their main jobs compared with 35% of the women. However, 68% of the women were employed in their second job for ten years and more compared to 46% of the men. This contrast between the main and second jobs can be explained by many of the women having a main job in a career outside the agricultural sector (e.g teacher, nurse) that complemented their work on farm (their second job).

Another question confirmed the longer-term nature of multiple job holding. Over half the respondents (54%) expected to remain multiple job holders for more than three years, and a third (33%) until they retire. Further analysis by sex and age showed younger respondents of both sexes expected to be multiple job holders for the medium and long terms.

Reasons for multiple job holding by farmers

While in the 1980s and early 1990s farm men and women appear to have moved into multiple job holding largely because they had to, this research shows that the reasons are now more complex. The respondents indicated they hold multiple jobs by choice rather than necessity. When asked a closed question about their reasons for having more than one job, two-thirds of respondents (67%) said that it was because they wanted to, while just over a quarter (27%) acknowledged that there were elements of choice and necessity that influenced them to do so. Only 3% said they held more than one job simply because they had to.

Nonetheless, economic reasons predominated for holding multiple jobs and there are implications for farm household finances and farm finances. Asked about their reasons for having more than job over time, the most frequently cited reasons (31) were the need for extra or regular income. *“Money”, “financial reasons”* and *“income”* were keywords frequently used by respondents. As one remarked, the extra money from a second job *“got us through the hot patches”*, and another, *“I want to get ahead, [it’s] easier while you are young and fit”*. While several explained that income from the farm was insufficient to sustain their standard of living. Those who explained they had another job for lifestyle reasons either wanted to broaden their interests by having a non farming occupation, or had purchased a farm so they could enjoy a rural lifestyle. Others saw their non-farm job enabled them to continue or develop a career, *“I just love my teaching”* and provided a social outlet, *“I’d go nuts if I was at home all day”*.

Respondents were asked to indicate how their other jobs contributed to their farm business or household, and it is evident this contribution is complex. More than anything else, the income from additional jobs was used to maintain the household’s lifestyle or to pay for extras to enhance that lifestyle. By comparison, its contribution to farm finances and farm succession was seen as relatively minor. Only 11 respondents indicated that their other job was essential for the farm finances, and another two noted that their other jobs had contributed to that purpose in the past. Respondents who indicated that their additional income was *“very important”* explained it in terms of the contribution the non-farm job(s) made to ensuring economic survival, *“Keeps us floating”*, *“Without it we’d be on the dole”*, and *“[The] farm is not making enough to sustain our lifestyle as we live at the moment”*. The income helped them achieve financial goals (e.g. repayment of debt and saving for retirement and other purposes) and provided cash for essential household expenditure. Respondents who rated their income as *“important”* considered that it provided money for less essential items of household expenditure, *“We eat out, which we never did before.”*, and reduced the need to draw funds from the farm. The remainder, who felt their income was of lesser importance to the household, were more dependent on the farm for their livelihood. They were more likely to describe the contribution of their income as providing luxury items, *“play money”*, *“icing on the cake”*, rather than necessary for the household’s survival.

Asked for their views about what leads to multiple job holding in the farming sector, respondents identified a range of factors. Although economic factors predominated, personal and social factors were also significant. Many spoke of a need to broaden their outlook, the interest and challenge of farming, or an opportunity to use their skills in another occupation, for *“plain self satisfaction, self worth”*. Others considered that women in particular worked off farm to have social contact with other people: *“Good for farm wives to get off farm for social factor”*. A wide range of individual benefits identified included social contact with other people, personal growth and stimulation, a sense of satisfaction and self-worth, *“To be a valued member of society and feeling I have something to contribute”*, flexibility in hours of work, financial independence and a balanced lifestyle.

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For some people these benefits were the result of a deliberate choice to have more than one job, but for others they were the outcome of other motivations: a woman who valued her contacts with a wide range of people observed “[/] don’t consciously go out and get more than one job”.

The general view was that employment was relatively easy to find in the Mid Canterbury area. Fifty-seven percent of respondents considered it was very easy or easy to obtain work in their main job and only 22% thought it was difficult or very difficult. Comments made by respondents indicated that generally there were plenty of jobs available for nurses and care givers, “*In rural areas they are desperate for registered staff*”, teachers and early childhood workers, rural bankers, spray applicators and farm workers. Those who said it was difficult or very difficult to find work in their non-farming job explained it in terms of their age, lack of experience, or the very specialist nature of the occupation. Eight women married to farmers observed that this relationship was the crucial factor in their having a job on a farm. As one remarked, “*all you have to do is marry a farmer - it comes with the territory*”.

Over four-fifths of respondents said that changes at their place of work in the farming sector had affected their jobs. The introduction of new technology in the form of tractors, machinery, animal health and breeding practices, irrigation systems, improved seed varieties, and the use of computers for production and administration has reduced the amount of physical labour required on farms. There has been a general trend for permanent farm workers to be replaced by casual and contract labour. Many respondents also mentioned that their farm had either modified its production system (e.g. by growing more specialised crops, leasing land for dairy grazing) or converted to another system (e.g. from sheep to mixed cropping). Respondents also noted the influence of increased government regulation and associated paper work, and external economic factors, on changes at their workplaces.

Respondents were asked to identify changes in their personal and family circumstances that affected their decisions to hold more than one job. The influence of the family life cycle is clearly evident as shown by the high frequency of responses such as starting a family, starting a long-term relationship/getting married, children’s education and planning for retirement. Further analysis of these responses by sex and age (Table 9) reveals that changing a place of residence, starting a family, commencing a long term relationship or marriage, children’s education and other family finances were more influential factors in the decisions of women in holding their current jobs than was the case for men. Men were more likely than women to be influenced by tertiary study or obtaining new qualifications when they made their decisions to take multiple jobs. However, there seemed to be no difference between the two sexes with respect to the influence of home ownership, mortgage or planning for retirement on their decisions.

Table 9: Effect of changes in personal or family circumstances on decisions to hold multiple jobs by sex and age of respondents

Personal and family circumstances	Male			Female		
	No.	age range	average age	No.	age range	average age
Change in place where I live	9	39-65	47.4	16	36-58	43.8
Starting a family	8	38-56	41.8	13	31-64	41.2
Starting a long-term relationship/getting married	2	38-41	39.5	16	31-64	43.8
Children's education	3	39-44	42	15	36-57	46.1
Home ownership/mortgage	8	32-56	42.1	9	36-53	44
Other family finances	3	39-41	40.3	13	31-58	45.6
Tertiary study/getting new qualifications	9	33-65	43	5	36-50	42
Planning for retirement	6	32-52	41.8	5	42-61	49.6
Total respondents (60)	26	32-65	46.3	34	31-64	44.1

In comments about the personal and family circumstances that influenced them to hold multiple jobs, one woman recalled the criticism she received from farming neighbours when she returned to nursing some 20 years before, and added that nowadays working off the farm is the accepted norm and they seek her advice on health matters. Other women spoke of returning to a previous occupation, changing from part-time to full-time work, or quitting their off-farm jobs as they juggled their careers with their family commitments.

Discussion

The findings from the 2001 Census and interviews show multiple job holding is a feature of farming life. Multiple job holding by farm men and women appears more established as a long-term feature of farm households than suggested by observers in the aftermath of the 1980s "farm crisis". The New Zealand research confirms and extends the international evidence of farm pluriactivity, including the impacts of rural restructuring, successive climatic events and commodity price cycles. The research contributes to critical reviews of family farming and sustainable farming by rural sociologists, reflecting an emerging orientation towards ecological and global perspectives, and applied, multi-disciplinary research (Fuller, 1990).

Farm families have diversified their sources of income from the core farm business operation to include off-farm employment and alternative enterprises (Benediktsson, et al., 1990; Fairweather and Gilmore, 1992; Le Heron, 1991; Rhodes and Journeaux,

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1995). This pluriactivity helps maintain farm household incomes, defends farm equity and provides greater opportunity for retirement and family succession (Taylor and McCrostie Little, 1995; Taylor et al., 1997). Benediktsson et al. (1990) argued off farm work has been a feature of rural occupations since pioneer times. Le Heron (1991) recognised, however, that a trend to greater off farm income is part of a general societal trend towards dual incomes, casualisation of work, and individualisation. It is probable farmers are moving closer to urban society in their social and economic aspirations. For example, several farm women mentioned working to pay for the education of their children, or to develop their full potential, as primary motivations for having an extra job and source of income. However, the high levels of multiple job holding and the long hours worked suggest that multiple job holding may have reached sustainable limits as an adaptive strategy for managing the risks inherent in farming, and increasing farm household income.

Both earlier research (Taylor and McCrostie Little, 1995; Taylor et al., 1997) and the new interview data show there are gender differences in farm household labour and multiple job holding. However, farm women, especially those involved in “doing the books”, appear to have an increasing role in financial planning and decision making (McCrostie Little and Taylor, 1998). Furthermore, in addition to their reproductive and farm roles, and other employment, farm women continue to make an important input to community life. The 2001 Census data show while men and women are heavily involved in multiple job holding, generally women are more involved than men. The non-farm employment of farm men is dominated by work in the agricultural sector including agricultural contracting and truck driving. For farm women, occupations in education, health and administration predominate.

The research shows there is an important relationship between the non-farm work of farm women, the family life cycle and farm development. Women noted how they had developed, and in some cases redeveloped, their careers outside farming, citing examples of re-entering the workforce in various ways, including voluntary work, relief teaching and part-time work. They emphasised how they were using their qualifications, benefiting from their social contact outside the farm and strengthening their personal development. Many then clearly develop professional careers and some attain management levels. Fewer farm men take a career path off the farm, and generally these are males with tertiary qualifications. Despite their careers, however, women continue to work on their farms. These findings are consistent with overseas studies. Shortall (1992:438-439) found that women considered their off-farm employment provided a means to increase their independence, raise their status, and give them a sense of personal identity.

There is a complex relationship between off-farm income and farm finances. Off-farm income used by the household allows farm income to be ploughed back into the farm. So both should be considered as components of total income and expenditure by a farm family. Multiple job holding is a flexible mechanism that helps farm families adjust to

changes in the economic environment and minimises the impact of downturns in farm income (Weersink et al., 1998).

While in the 1980s and early 1990s farm men and women appear to have moved into multiple jobs largely because they had to, this new research shows that the reasons are now more complex. After a period of significant debt on some farms, Taylor and McCrostie Little (1995) found for nearly two thirds of the off-farm employment households interviewed back then, the additional income was either very important or important to their farm finances. The respondents in 2003 hold multiple jobs more by choice than necessity. They identified a broad range of personal, social and economic factors behind their jobs, and although economic factors predominated, personal and social factors were also significant. Whatever the financial position of farming, multiple job holding is now a feature of the rural scene.

There have been considerable changes in farming community attitudes to non-farm employment since the farm "crisis" of the mid to late 1980s. Before then both men and women met resistance to working off their farm. By the 1980s it was regarded as acceptable to work to "save" the farm, and for younger farm couples with high debt loading it was the only feasible option to maintain household incomes (Taylor and McCrostie Little, 1995). Today, multiple job holding is widely accepted, no matter the reasons for it, with those interviewed noting the support there now is in the farming community.

Conclusions

National statistics combined with in-depth analysis based on personal interviews has built on previous research to provide a picture of changes in the patterns of work amongst farm men and women. The interviews provided some understanding of the dynamics of multiple job holding for individuals, households and communities. Mid Canterbury has a range of farm sizes and types, with an emphasis on cropping, however, the findings from interviews in one district should be treated with caution in terms of national representativeness.

While off-farm work may no longer be driven by the need to sustain farm income, the need many women have for non-farm work may be stronger than ever. Urban and rural society are no longer distinct social contexts, as telecommunications, mass media, improved road networks and modern transportation have all reduced the distinctions between town and country lifestyles. Farming is increasingly seen as a business that needs expert management as well as basic farming knowledge, differing little structurally from many urban based businesses with an export or market component (McCrostie Little and Taylor, 1997). Universally women today expect to continue their careers throughout their family lives – its no different for women on the land (McCrostie Little and Taylor, 1998). Nor was the continued careers of farm women deemed remarkable by the farm community in 2003. Continuing their farm work has not dissuaded women from non-farm careers.

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With acceptance of the normality of pluriactivity by farm businesses and households, the research focus falls on the extent and type of non-farm jobs, and the types and styles of non-farm businesses, rather than the overriding necessity to provide secondary income for survival. Of particular interest is the interdependence of the core farm business, and personal, family and community life for multiple job holders. Key questions remain, including the effect of emerging, less gendered farm business management structures on the employment options of women, and comparing the type and amount of work by men and women over family and farm development cycles.

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Unions and Union Membership in New Zealand: Annual Review for 2003

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Introduction

This paper reports the results of Victoria University's Industrial Relations Centre's survey of trade union membership for 2003 in New Zealand. The survey carries on from our earlier surveys, conducted by the Industrial Relations Centre since 1991. As with all reports since the enactment of the Employment Relations Act (ERA), there has also been an increase in union membership in 2003. Union membership for the year to December 2003 rose 1.5 per cent, with the number of unions rising to 181. Union density is 21.4 per cent, unchanged from 2002 (both figures have been recently revised from that reported earlier, as a result of a population rebase by Statistics New Zealand). Thus, union recruitment has not been able to keep pace with strong labour force growth over the year.

Methodology

When the Employment Contracts Act 1991 (ECA) ended the practice of union registration, it not only removed the distinct legal status of trade unions but it also brought to an end the official collection of data on trade union membership. In the absence of official data, the Industrial Relations Centre at Victoria University of Wellington began to undertake voluntary surveys of trade unions in December 1991, and these surveys continue to the current date. Notwithstanding their voluntary status, the surveys have always had a high compliance rate. In addition to information on aggregate membership, our surveys have also sought information on gender and industry breakdown (at two digit industry level) and organisational affiliations. We have recently included an additional question on whether unions collect statistics on the ethnic background of their membership.

The return to official collection of data on union membership began in 2001 with the ERA's requirement that unions submit an annual return of members to the Registrar of

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Unions at 1 March of each year. In 2002, the Department made public for the first time in over a decade, the membership of each of the registered unions, and has continued to do so each year since (DOL 2002, 2003, 2004).

For our survey this year we included only those unions registered as at 31/12/03, as per the Department of Labour website of registered unions (see www.ers.dol.gov.nz-union-registration and DOL Annual Report 2003). At the end of 2003, registered unions numbered 186. Two unions (The Seafarers Union and The Waterfront Workers Union) merged to form the Maritime Union of New Zealand, and four unions deregistered, reducing the number to 181. The Department of Labour notes that there were 178 registered unions at 1 March 2004 (DOL, July 2004) this is due to three unions deregistering during the period January to June 2004.

In February 2004, each of the registered unions was sent a survey requesting membership numbers as at 31 December 2003. Two further follow up mail-outs resulted in a total of 134 returns. Details on the remaining 47 unions were established by using last year's return verified by the Registrar's figures, or telephone contact where possible, and any media information (DOL 2003, 2004). Of these 47 unions, five were newly registered and were attributed the minimum membership figure of 15.

The Employment Relations Act and Trade Union Registration

The objects of the Act with respect to the recognition and operation of unions are:

- To recognise the role of unions in promoting their members' collective interests
- To provide for the registration of unions that are accountable to their members
- To confer on registered unions the right to represent their members in collective bargaining
- To provide representatives of registered unions with reasonable access to workplaces for purposes related to employment and union business.

In pursuit of these objectives, the ERA establishes a union registration system, and grants registered unions bargaining rights together with rights of access to workplaces (specified in sections 19-25). To gain registration, a union must have more than 15 members, and provide a statutory declaration that it complies with the requirements of s14 of the Act regarding rules, incorporation and independence from employers. The Act requires the statutory declaration to stipulate that the union is 'independent of, and is constituted and operates at arm's length from any employer' (s14(1)d). The Registrar of Unions may rely on the statutory declaration to establish entitlement to registration. Only registered unions may negotiate collective agreements, and collective agreements apply only to union members whose work falls within the agreement's coverage clause, and to new workers whose work falls within the agreement's coverage clause for the first 30 days of their employment.

Results: Union numbers and membership

Table 1 shows trade union membership since 1985. Union density is defined as the proportion of potential union members who belong to a union (Bamber and Lansbury, 1998). The numerator and denominator in this equation vary from country to country and there is no agreed 'correct' method. What is important is consistency in reporting so that results can be compared year on year. One measure of density uses the total employed labour force as the denominator. This includes employers, self-employed and unpaid family members, many of whom do not usually represent potential union members. Another measure of density is based on wage and salary earners only. Whilst union membership numbers continued to rise in 2003, strong labour force growth has meant that density levels have stalled at 2002 levels. The growth in the total labour force during 2003 was 2.6 per cent and the growth of wage and salary earners alone was 2.1 per cent. Union membership increases did not keep pace with this growth.

Table 1: Trade Unions, Membership and Union Density 1991-2003

	Union membership	Number of unions	Potential union membership		Union density	
			Total employed labour force	Wage and salary earners	(1) / (3) %	(1) / (4) %
	(1)	(2)	(3)	(4)	(5)	(6)
Dec 1991	514325	66	1518800	1196100	33.9	43.0
Dec 1992	428160	58	1539500	1203900	27.8	35.6
Dec 1993	409112	67	1586600	1241300	25.8	33.0
Dec 1994	375906	82	1664900	1314100	22.6	28.6
Dec 1995	362200	82	1730700	1357500	20.9	26.7
Dec 1996	338967	83	1768200	1409300	19.2	24.1
Dec 1997	327800	80	1773200	1424000	18.5	23.0
Dec 1998	306687	83	1760900	1399100	17.4	21.9
Dec 1999	302405	82	1810300	1435900	16.7	21.1
Dec 2000	318519	134	1848100	1477300	17.2	21.6
Dec 2001	329919	165	1891900	1524900	17.4	21.6
Dec 2002	334783	174	1935600	1566400	17.3	21.4
Dec 2003	341631	181	1986100	1598700	17.2	21.4

Source: Household Labour Force Survey, Table 3, Table 4.3 (unpublished), HLFQ.SAA3AZ, Industrial Relations Centre Survey (Notes: Total employed labour force includes self-employed, employers and unpaid family workers. Figures in columns 3, 4, 5 & 6 are different to those reported in previous years due to a population rebase by Statistics NZ in June 2004, see HLFS population rebase: June 2004 quarter, July 2004)

In June 2004, Statistics New Zealand adjusted the Household Labour force statistics, based on the 2001 census, and the adjustment was made all the way back to March quarter 1986. As a result, the slightly higher labour force figures have meant a small

downward adjustment to density figures. The figures reported in Table 1 are, therefore, different to those previously reported from this survey.

Results: Union size

Prior to 1987, New Zealand had numerous small unions, most of whom were dependent on the protections of the arbitration system. The introduction in the Labour Relations Act 1987 of the requirement that unions have a minimum membership of 1000 ensured that the number of unions dropped dramatically between 1985 and 1989. During the ECA, when registration provisions were abolished, the number of unions estimated to be in existence varied between 58 (in 1992) and 83 (in 1996). It is possible these figures may have slightly under represented the real numbers of unions, as there was no formal means of identification. However, these are the only documented estimates available. It is noteworthy that the number of unions remained very stable between 1994 and 1999.

The number of unions has more than doubled in the last four years since the introduction of the ERA (see Table 1 above). A key reason for this is that under the ECA, a large number of collective contracts were negotiated by informal groupings of workers who did not define themselves as unions and were not captured by our surveys. The ERA requirement that only registered unions can participate in collective bargaining has led to many of these to formalise their status as a registered union to allow them to continue to negotiate their terms and conditions of employment. The low membership threshold for registration - just 15 members - allows these unions to register on an enterprise basis. As Table 2 shows, the membership of unions with less than 1,000 members has risen almost seven-fold since 1991. However, this has not substantially altered the distribution of membership by union size since 1999. Small unions (those with less than 1000 members) still only account for 6 per cent of overall membership, and large unions (those with more than 10,000 members) account for 70 per cent of all membership. Overwhelmingly, membership increases are as a result of growth in the large established unions. One consequence of the rise in union numbers is that average union size has declined substantially, from 7,593 members in 1991 to 1,887 members in 2003 (Harbridge, Hince and Honeybone, 1994).

Closer examination of the new unions, those unions whose formal existence is closely linked to the ERA, has found that the majority are enterprise or workplace based. This is a new phenomenon for New Zealand unionism. Furthermore, these organisations often do not see themselves as unions; this reflects the context of their origins under the ECA. Indeed, a number of them explained on survey returns that: 'the ERA forced us to become a union' (Barry and May, 2002: 17). These organisations have extremely limited resources and typically exist to negotiate a collective agreement for members and little beyond.

Table 2: Membership by union size 1991 – 2003, selected years

M'ship range	May 1991			Dec 2001			Dec 2003		
	No.	Members	%	No.	Members	%	No.	Members	%
Under 1000	4	2954	1	131	18616	6	147	21591	6
1000 – 4999	48	99096	16	22	46178	14	21	45735	13
5000 – 9999	8	64268	11	4	29507	9	5	35103	10
10000+	20	436800	72	8	235618	71	8	239202	70
Totals	80	603118	100	165	329919	100	181	341631	100
Av. Size		7539			2000			1887	

Source: Industrial Relations Centre Survey

Table 3 shows that despite the increase in the numbers of unions, the concentration of union membership in the top 10 largest unions remains high, dropping only slightly from 78 per cent in 1999 to 75 per cent in 2003. This tendency for membership to be concentrated in the largest 10 unions was in part a consequence of the 1,000 member rule introduced through the Labour Relations Act (LRA) in 1987. The LRA set in motion a process of union amalgamations and mergers that bore fruit in the 1990s, leading to a high degree of union concentration. This concentration trend was accelerated by the collapse of many unions under the ECA. Between 1984-1991, the largest 10 unions represented around 45 per cent of all union members. By 1994 the largest 10 unions represented 70 per cent of all union membership (Harbridge, Hince and Honeybone, 1994) and concentration has remained high since.

Table 3: Membership of largest 10 unions (selected years)

	Numbers of unions	Total membership of largest 10 unions	Total union membership	Concentration %
1984/1985	259	292856	666027	44
1990	104	275854	611265	45
1994	82	261186	375906	69
1999	82	234523	302405	78
2000	134	244560	318519	77
2001	165	253452	329919	77
2002	174	255700	334783	76
2003	181	256280	341631	75

Source: Industrial Relations Centre Survey, Harbridge, Hince & Honeybone, 1994

Results: Union membership by Industry

Table 4 examines gains and losses in membership by industry at the one-digit level (classified according to the Australia New Zealand Standard Industry Classification). In 2003, unions recorded large membership gains in the retail sector and the construction sector, two of the fastest growing areas of the labour force. Membership in construction grew by 27 per cent in 2003 and retail grew by 10 per cent. This is good news for unions in these hard to organise areas. Table 6 shows, however, that, despite membership gains, union density levels have only slightly improved in retail and have declined in construction. Membership gains have not kept up with labour force growth in the two sectors. There was also a noteworthy increase of 48 per cent in membership in the relatively small agriculture, fishing and forestry sector.

Membership gains are once again recorded within the public and community services category although at more modest rates than last year. Membership in the government administration and defence category has increased by 2 per cent, in the health sector by 2 per cent and in the education sector 5 per cent. Of concern for unions will be the ongoing decline in manufacturing, where membership dropped 3 per cent in 2003, on the back of a 1 per cent decline in 2002. This sector alone comprises 21 per cent of overall union membership.

Table 4: Union membership change by industry 2002 – 2003

Industry Group	Dec 2002	Dec 2003	Change 2002-2003 (%)
Agriculture, fishing, forestry etc	2472	3656	48
Mining and related services	907	1029	13
Manufacturing	74060	71936	-3
Energy and utility services	4062	3763	-7
Construction & building services	4887	6201	27
Retail, wholesale, restaurants, hotels	16296	17849	10
Transport, storage and communication	32830	34153	4
Finance, Insurance and business services	14385	13148	-9
Public and community services	184884	189896	3
Govt admin and defence	33022	33735	(2)
Education	73854	75164	(2)
Health	60637	63570	(5)
TOTAL	334783	341631	1.5

Source: Industrial Relations Centre Survey

Table 5 shows where 2003's new union members have come from. The biggest gains have come from the health sector, which claims almost half of 2003's 6800 new members. The education, retail, transport and construction sectors all contributed to 2003 gains. Of concern for unions is the fact that the union mainstay of manufacturing slipped backwards

in 2003, as it did in 2002 as well. The finance and business sector also continues to see declines in membership.

Table 5: Union membership and growth by industry 2003

Industry Group	Union membership 2003	Membership by industry %	Breakdown of new members 2003 %
Agriculture, fishing, forestry, etc.	3656	1.2	17.3
Mining and related services	1029	0.3	1.8
Manufacturing	71936	21.1	-31.0
Energy and utility services	3763	1.1	-4.4
Construction & building services	6201	1.8	19.2
Retail, wholesale, restaurants, hotels	17849	5.2	22.7
Transport, storage and communication	34153	10.0	19.3
Finance, Insurance and business services	13148	3.8	-18.0
Public and community services			
• Govt admin and defence	33735	9.9	10.4
• Education	75164	22.0	19.1
• Health and community	63570	18.6	42.8
• Other services	17427	5.1	0.8
TOTAL	341631	100%	100% (6848)
Membership private sector	160208	46.9	
Membership public sector	181423	53.1	

Source: Industrial Relations Centre Survey, 2003

Union membership remains highly concentrated, with three quarters of all members located in the public and community services sector and manufacturing sector. As we have noted in previous reports, these two sectors are not major growth areas of the labour force. In 2003, manufacturing and public and community services together accounted for 46 per cent of all wage and salary earners (Statistics NZ, unpublished tables). In 1996, the figure was 47 per cent, indicating that at best the two sectors have a stable presence in the overall labour force. However, for unions the reality is that three quarters of members are located in industry sectors that represent less than half the wage and salary workforce.

We also ask unions how many of their members work in the private sector and the public sector. We now estimate that almost 53 per cent of all union members work in the public sector. This is not quite the equivalent of the public and community services sector as that category includes some private sector employment, particularly in the areas of health, education and other services. Whilst we have only asked unions for their estimates of the public/private split of membership since 2000, using the public and community services sector as a proxy measure shows how the composition of membership between the public and private sectors has changed dramatically over the last decade or so. In 1991,

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40 per cent of members were employed in the public and community sector (Crawford, Harbridge & Walsh, 2000), since 2000 we have tracked the per centage as over 50 per cent. This trend is underlined by analysis of our collective bargaining database, which for 2003/04 reports that 58 per cent of those covered by collective agreements contained in the database are employed in the public sector (May, Walsh & Kiely, 2004:17).

Tables 6 and 7 show that the areas of union stronghold are not the same as those sectors of the labour force that have grown over the last decade. Table 5 depicts how union membership is highly concentrated and table 6 shows that these sectors are the areas of highest density. The education sector has the highest level of union density at 51.9 per cent, closely followed by government administration and defence, health, transport and storage and then manufacturing. Density has been calculated by using the wage and salary earners only component of the Household Labour Force survey, thus eliminating self-employed and employers from the calculations.

Table 6: Density by industry (selected industries) 2003

	Approx. density 2003 (%)
Manufacturing	29%
Construction & building services	6.8%
Retail, wholesale, restaurants, hotels	5.1%
Transport, storage communication	34.1%
Finance, insurance & business services	6.8%
Govt administration & defence	48.3%
Education	51.0%
Health & community services	39.5%

Source: Household Labour Force Survey – wage and salary earners component, unpublished, Statistics New Zealand, 2004. Industrial Relations Centre Survey.

Table 7 shows that overall the labour force has grown by 13.5 per cent in the seven years December 1996 to December 2003, while union membership is essentially the same now as it was in 1996. Disguised within this, however, is the fact that membership bottomed out in 1999, before commencing a slow and steady increase to the current period. Sectors where employment growth has been above average include retail (growing 20 per cent), and construction (growing 26 per cent). The public and community services sector also grew by 18 per cent during this period. Union membership during the seven year period fell in all but three categories, those being agriculture, fishing and forestry; retail, wholesale and accommodation and public and community services, with an overall increase of a little under one per cent.

Table 7: Sectoral changes in employment 1996 – 2003, wage and salary earners component of HLFS

Industry Group	Labour force Dec 1996 (000)	Labour force Dec 2003 (000)		Percentage increase/decline in union m'ship
			(Change %)	
Agriculture, fishing, forestry etc	67.8	75.6	11.5%	240.7%
Mining and related services	2.7	2.6	-3.7%	-10.1%
Manufacturing	248.1	248.3	0.08%	-8.6%
Energy and utility services	12.5	9.5	-24%	-38.2%
Construction & building services	72.3	91.1	26%	-5.7%
Retail, wholesale, restaurants, hotels	321.0	384.8	19.9%	67.7%
Transport, storage and communication	87.7	100.3	14.3%	-20.7%
Finance, Insurance and business services	175.5	192.5	9.7%	-48.5%
Public and community services (includes Non-public sector employment)	417.9	492.4	17.8%	14.3%
TOTAL	1408.3	1598.7	13.5%	0.8%

Source: Household Labour Force Survey, wage and salary earners component, 1996 & 2003, unpublished, Statistics New Zealand. Industrial Relations Centre Survey.

Results: Gender

The percentage of union members who are female is 52.7 per cent. As reported in previous years, female membership in unions remains higher than their participation in the workforce. The percentage of the total labour force that is female is 45.7 per cent (Household Labour Force Survey, Dec 2003 Table 3, Statistics New Zealand 2003). The percentage of union members who are female has been around 48-50 per cent for the last decade. This year's figure is the highest we have reported so far, higher than last year's figure of 51.5 per cent.

Ethnicity analysis

The 2001 survey asked a new question about whether the union collected statistics on the ethnic background of membership. This year, 32 unions advised that they collected statistics on ethnicity. These unions covered 167,419 employees or 49.0 per cent of total union members. The aggregate breakdown of that membership by ethnicity, compared to the ethnicity breakdown of the total labour force, was as follows:

Table 8: Ethnicity by sample and labour force 2003 – where details are provided

Ethnic group	Survey sample	Total labour force*
NZ European / Pakeha:	60.4	78%
Maori:	10.1	9.5%
Pacific Peoples:	7.0	4.4%
Asian:	0.8	N/a
Other:	21.8	7.6%
Total	100%	100%

* Statistics New Zealand, Household Labour Force Survey, December Quarter 2003, table 5. No breakdown given for Asian working population

Results: Peak body affiliations

We asked each union to report on their peak council affiliation and the results are reported in Table 8 below. Since many of the new unions have no sense of affinity with the wider movement (Barry and May 2002), few of these have affiliated with the CTU. As a result, only 36 of the 181 registered unions are CTU affiliates. More importantly, however, CTU affiliates comprise 87 per cent of total union membership and represent 18 of the 20 largest unions in New Zealand. This proportion has been consistent throughout the period of the ERA.

Table 9: NZCTU affiliation 1991 – 2003

	NZCTU Affiliate unions	Members	Per centage of total m'ship in CTU affiliates
1991	43	445116	86.5
1992	33	339261	79.2
1993	33	321119	78.5
1994	27	296959	78.9
1995	25	284383	78.5
1996	22	278463	82.2
1997	20	253578	77.4
1998	19	238262	77.7
1999	19	235744	78.0
2000	26	273570	85.9
2001	32	289732	87.8
2002	34	293466	87.7
2003	36	297440	87.1

Source: Industrial Relations Centre surveys

Discussion

Four years have elapsed since the passing of the ERA in October 2000, and we are in a reasonable position to make comment on its impact of New Zealand's union movement. Every year since the ERA's introduction, has seen an increase in membership. Overall, the four years have seen membership rise by 13 per cent, or a little over 39,000 members. The annual increases have been variable. Membership increased by 5.4 per cent in 2000, it was 3.6 per cent in 2001 and for the last two years the rate of annual increase has dropped to 1.5 per cent. In terms of union density, the clearest measure of union strength, the inability of union recruitment to keep pace with strong labour force growth over recent years has seen density effectively stalled at around 21 per cent of all wage and salary earners.

A number of issues emerge for New Zealand's trade unions. The ERA has a clear objective to promote collective bargaining. This has not occurred. The Industrial Relations Centre's most recent analysis of collective agreements shows a decline in bargaining coverage (May, Walsh & Kiely, 2004). In part this is a function of the ERA's requirements that only union members are covered by collective agreements, and as a consequence, the prevalence of 'free-riding'. The decline in coverage is also due to unions' inability to extend bargaining on a multi-employer or industry basis, and break into the hard to unionise but expanding areas of the labour market. These issues have been uppermost on unions' minds as they lobbied government over the detail of the Employment Relations Law Reform Bill. The Bill, which the government hopes will be law on 1 December 2004, makes changes around good faith rules for collective bargaining including new remedies for breaches of good faith during bargaining. The Bill also introduces protections for vulnerable workers in a transfer, sale or contracting out situation and makes some changes to provisions for the promotion of collective bargaining.

In terms of the 'free-riding' issue, the Bill will make it a breach of good faith to pass on terms or conditions of a collective agreement to a non-union employee, if the intention and effect is to undermine the collective bargaining. Furthermore, a Supplementary Order Paper proposes amendments to the Bill to allow for a bargaining fee to be paid by employees who are not in a union but whose work falls within the coverage of a collective agreement. The bargaining fee would however apply only under a set of very limited conditions that require employer agreement, agreement by secret ballot, and the ability to 'opt out' by the individual employee. Strikes and lockouts over bargaining fees would not be permitted (Minister for Labour, 13 September 2004)

Business New Zealand mounted a strong campaign of opposition to the Employment Relations Law Reform Bill (ERLRB). They have claimed that the Bill represents an infringement of employer 'rights and freedoms', including what they refer to as 'freedom of speech' - for example, advising 'an employee against joining a collective agreement with the intention of undermining the collective' (BNZ, 2004). The Employers and Manufacturers Association (2004: 2) notes, 'The primary motivation for the Bill is to promote an outdated collective ideology, based on unionism, which no longer has any relevance in 21st century New Zealand, or to the well-informed, well-educated people working in kiwi workplaces'. Given the possibility that a National Government, supported by the business sector, could be elected in 2005, New Zealand unions cannot assume that the provisions of the ERLRB will endure.

Further, recent comments from Opposition Leader, Dr Don Brash about New Zealand's falling behind Australia, and a large wage gap between Australia and New Zealand (estimated to be somewhere of the order of \$200 per week per person) raise an interesting discussion. An obvious institutional point of difference between Australia and New Zealand is the award system. Whilst the last decade has seen some downgrading of Australia's award system, it remains a fact that a large number of Australian workers

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have their wages and conditions, at least at some minimal level, regulated by this system. In New Zealand, collective bargaining coverage is confined to around 20 per cent of the workforce and is far more common in the public sector than in the private sector. Barry and Wailes (2004:19) note, '...during the course of the 1990s Australia's labour productivity performance has been far superior to that of New Zealand despite the continued role played by Arbitration'. Whether the award system will remain in place in Australia in the wake of the re-election of the Liberal Government remains to be seen. Some serious challenges remain for New Zealand unions. Membership and bargaining are increasingly a polarised, public sector rather than private sector, activity. Furthermore, the ERA appears to have broken the historical pattern of bargaining leading membership, where unions levered membership growth off a collective agreement. In 2003/04, we find for the first time, that membership figures exceed those of collective bargaining coverage figures. This serves to both narrow and confine unions' sphere of influence to their stronghold areas of the public sector and to a lesser extent manufacturing and transport and storage. Without any mechanism for extending union influence beyond the specific enterprise collective agreement, unions remain trapped in a site-by-site bargaining cycle. The ERLRB looks unlikely to bring relief in this area. The New Zealand economy is currently running at very low levels of unemployment, with significant skill shortages emerging in a number of areas. Although under such circumstances it would normally be anticipated that wages would rise, there is no evidence of a wages boom, certainly not for collectivised workers who on average are receiving increases only slightly above the inflation rate (May, Walsh & Kiely, 2004). Nor have we found any real evidence of a winning back of conditions lost during the ECA (May, Walsh & Kiely, 2004: 13).

In last year's report, we observed that it is understandable, and consistent with historical experience, that unions have looked to government for a legislative fix to their problems. However, we added that 'the historical lesson for unions is that the legislative fix only works if it is sustainable in the long-term under governments of different persuasions. It is not obvious that legislative measures of the kind that would restore union fortunes now and quickly would gain long-term bi-partisan support' (May, Walsh, Harbridge and Thickett, 2003: 324). The debate over the ERLRB suggests that there is little likelihood of long-term bi-partisan support for the measures contained there, although we note that business and the National party originally opposed but now largely support the ERA. As we stressed last year, a restoration of union fortunes, although it can be encouraged by supportive legislation, must depend in the long-term on the development by unions of a strategic direction that is grounded in their own capabilities and which offers them a sustainable path forward. We do not underestimate the magnitude of this challenge, since the current level of trade union capability, even enhanced by the likely provisions of the ERLRB, does not seem to provide a realistic basis for the restoration of union fortunes to anything resembling their pre-ECA level. If this is true, a key challenge for unions is to agree on the degree of recovery that may be possible, and the strategic initiatives that will contribute to this.

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Appendix

Public/Private sector employment breakdown using Quarterly Employment Survey

	Public sector			Private sector			Total
	female	male	Total (000s)	female	male	total	Total (000s)
Feb 1991	163.6	138.1	301.7	391.8	506.2	898.0	1199.7
<i>Feb 2001</i>	<i>160.7</i>	<i>100.1</i>	<i>260.8</i>	<i>563.0</i>	<i>626.9</i>	<i>1189.9</i>	<i>1450.7</i>
Feb 2002			268.2			1231.7	1499.9
Feb 2003			284.3			1271.4	1555.7
% change 1991-2003			-6%			+42%	+30%
B/down 91			25%			75%	100%
B/down 01			18%			82%	100%
B/down 02			18%			82%	100%
B/down 03			18%			82%	100%

See: 'Differences between the QES and HLFS' (Statistics New Zealand) for an explanation of why the HLFS and the QES report different figures. The above figures represent 'filled jobs', ie. people, but establishments employing less than the equivalent of two full time persons are not measured. Hence the private sector figure is likely to be understated.

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June 2004

Submissions to the Select Committee on the Employment Relations Law Reform Bill continued and, as many people wished to make oral submissions on the Bill, there was further delays. The select committee was scheduled to report back to Parliament at the end of June but the date was extended to early August.

The country's biggest media company Fairfax told the Select Committee that the Bill should be scrapped. The company disagreed with numerous clauses and it argued that the legislation would increase compliance costs, restrict the freedom of choice between individual and collective agreements and infringe on its right to manage. In contrast, the Maritime Union wanted changes to the Employment Relations Act to safeguard secure, permanent jobs and it advocated that the industry needed to be rid of casualisation. The union wanted to see the maritime workforce regulated, and New Zealand shipping given priority to carry New Zealand coastal cargo. On a different note, Margaret Long (77 years) and Elizabeth Orr (74 years) told the Select Committee to abandon the proposed repeal of the equal pay legislation (passed in 1960 and 1972) because it would weaken women's rights. The National Council of Women supported this because it would remove the process available to women to take pay equity claims to the Employment Relations Authority and the Employment Court. The submission said that women now made up 47 per cent of all employees, yet on average they earned only 84.3 per cent of the average hourly earnings of men.

Business New Zealand advised its members to watch out for 'sickies' during Queen's Birthday weekend. In an electronic newsletter to its 15,000 members, the organisation said that some firms had reported higher-than-usual employee sick leave during Easter and on Anzac Day. It blamed the new Holidays Act that required employers to pay rostered workers time-and-a-half even if they called in sick on a public holiday.

The employers received unexpected support from the unions when the President of the Council of Trade Unions (CTU), Ross Wilson, questioned the Department of Labour interpretation that the Holidays Act entitled workers to be paid time and a half when they were sick on a public holiday. The Department of Labour claimed that workers, who are sick on public holidays, are entitled to penal rates under the revised Holidays Act 2003. However, this interpretation was disputed by employer groups. Ross Wilson regarded it as 'an unintended consequence': penal rates were only intended to be paid to people who worked on a public holiday and it was now given to people who did not work on a public holiday. According to the *Dominion Post*, the Minister of Labour, Paul Swain, confirmed that he was likely to change the law.

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Westpac call centre staff walked off the job in protest at their employers' refusal to address their concerns about work and life balance. Call centre staff in Christchurch, Wellington and Auckland picketed outside the bank's offices. Finsec, the union representing the striking staff said the striking workers wanted their terms and conditions to be brought into line with their other colleagues who worked 37.5 hours a week. The call centre staff also sought a five-month agreement so they could renegotiate at the same time as other staff covered by the bank's main collective agreement.

General staff at Victoria University's library went on strike for two hours to protest against a stalled pay claim. Staff wanted a 4% pay increase (the same as academic staff) and rejected the university's offer of a 2.5% increase and a one-off \$350 payment.

More than 200 mental health nurses in central North Island issued notice of strike. Their union said the six-day strike was likely after a 10-hour mediation session between the Public Service Association (PSA) and three Health Boards ended in stalemate. For the past eight months, the two sides had been negotiating a collective agreement to cover psychiatric nurses, psychiatric assistants, community mental health nurses and forensic mental health nurses from the three Health Boards of Waikato, Lakes and Bay of Plenty. The Waikato nurses wanted a 3.4% pay rise to be backdated to October 2003, followed by a 3.4% increase in October 2004. Nurses employed by the other two health boards wanted their pay increased to match the pay levels of Waikato nurses.

Toll Holdings asked the Employment Relations Authority for an urgent hearing to prevent a planned wildcat scheduled for Queen's Birthday weekend by 50 cooks and stewards on Cook Strait ferry Arahura. The Maritime Union claimed Toll Holdings had told its members to take a big cut in pay and conditions or be made redundant. Additionally, Toll Holdings had told the union that the Arahura's stewards would no longer live in special quarters on the ship for each seven-day shift, but instead had to report for work each day in Wellington.

Mediation failed to resolve an employment dispute threatening the transfer of the Auckland rail network to the new operator, Toll Holdings. Toll Holdings, the new owner of Tranz Rail, was seeking an Employment Relations Authority declaration that it did not have to let staff stay on a multi-employer collective agreement after their transfer to new operator Connex. The Rail and Maritime Transport Union said the around 115 staff wanted an orderly transfer, but they would claim redundancy compensation if offered less than their existing conditions.

In an Employment Relations Authority case, four long serving help-desk analysts at a Paraparaumu information technology company challenged their employer's decision to pay them less than new staff. The company had decided to leave them on their existing annual pay of about \$32,000 despite that new operators started on about \$37,000. However, the Employment Relations Authority ruled in favour of the employer.

Employment lawyer Paul Pringle said the judgment affirmed the right of employers to offer different rates of pay to people working in the same role.

Police Commissioner Rob Robinson came under fire during a Law and Order Select Committee hearing at Parliament for receiving a 25% pay increase during the past two years while his staff received only about 5% during the same period.

An Auckland company director stood by his warning to workers that they would be dismissed if they did not speak English at work. Managing Director Maurice Clist claimed that he was within his rights to insist that staff at the Fort Richard Laboratories all spoke English, even during lunch breaks. The director claimed that for safety reasons he had already ordered some workers to speak only English on the production line because the company prepared medical supplies for disease diagnosis.

July 2004

Hundreds of Central North Island mental health nurses went on strike in early July after they had rejected the employer's latest offer (see June Chronicle). The strike came after the Public Service Association (PSA) had negotiated with the region's three Health Boards – Waikato, Lakes and Bay of Plenty - over an eight-month period and been involved in four failed mediation sessions. The PSA wanted a 3.5% pay increase for Waikato nurses, backdated to October 2003, followed by another 3.5% increase in October 2004. They also wanted nurses in the Lakes and Bay of Plenty Districts to be paid the same as Waikato nurses. Following further mediation talks, the *Waikato Times* could announce that an agreement had been reached and the nurses would return to work.

The *Dominion Post* reported the start of negotiations in Wellington for a national pay deal for 20,000 nurses (see May Chronicle). If successful, it would be the first time in 13 years that nurses from the 21 district health boards would be covered by one collective agreement. The Nurse's Organisation was seeking pay equity with professions such as teachers and police, as well as fixed nurse-to-patient ratios. The union's 20% pay claim would increase base rates for graduate nurses from \$32,000 to \$40,000 and senior nurses from \$45,000 to \$60,000. It was estimated to cost the Government around \$300 million a year.

Victoria University general staff accepted a 3% pay rise, ending a six-week dispute (see June Chronicle). Secretarial and administrative staff, librarians and laboratory technicians had originally sought a 4% pay rise.

The *NZ Herald* reported a 24-hour strike at a Carter Holt Harvey plant in Northland. About 140 of the 180 workers at the site went on strike protesting against the company's refusal to pay an increased overtime payment to union members of 1.5 times the hourly

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rate. The employees had turned down the company's offer of an overtime payment of 1.2 times the hourly rate.

Both the primary and secondary teachers' unions began their collective agreement talks. The primary teachers' union, the New Zealand Educational Institute, sought a 6 per cent pay rise for around 25,000 teachers and 2000 principals (see May Chronicle). The major bargaining issues were expected to be workloads and recognition of qualifications.

The Employment Court ruled that Toll Holdings, the owner of the Interisland Ferry, could continue a restructuring programme with shift changes for more than 40 cooks and stewards (see June Chronicle). By rejecting the Maritime Union's claim that the redundancies were unlawful, the Court said its decision was conditional on existing employees being considered for the new roles, proper consultation being undertaken and any ensuing redundancy provisions being honoured.

Negotiations between unions representing Presbyterian Support workers in Southland and their employer reached a deadlock. Pay negotiations began in March but the latest offer tabled by Presbyterian Support Southland was rejected because it was less than previous offers already turned down by union members. Presbyterian Support Southland claimed that rising operational costs such as the Holidays Act, which added a further 2% to the payroll budget, made it difficult for employers to meet union members' expectations. According to *NZ Herald*, the Auckland Company that banned its employees from speaking anything but English (see June Chronicle) also prevented union representatives from entering the premises to offer help. The Engineering, Printing and Manufacturing Union tried to enter the premises to recruit workers. However, the union was advised by the lawyer acting for Fort Richards Laboratories, that the company had an exemption under the Employment Relations Act on the grounds that the employer was a member of a religious society whose doctrine and beliefs preclude membership of any other organisation or body.

University of Canterbury faced accusations of gender bias along with female academics alleging bullying and intimidation by the predominantly male hierarchy. According to the *Press*, one lecturer had lodged a complaint with the Human Rights Commission and other female academics had complained of a male-dominated university culture where women struggled to progress. The Human Rights Commission had agreed to follow up the allegations and would attempt mediation.

National Party leader Don Brash claimed that New Zealand's strong economic run in the past two or three years masked structural problems and these prevented New Zealanders from catching up with Australian income levels. Dr Brash estimated that a family of four in New Zealand earned, on average, about \$700 a week less than their Australian counterparts and that the buoyancy in cyclical terms had nothing to do with government policies. He also suggested that recently implemented policies would actually impede the rate of growth and identified that aspects of the Resource Management Act, the

Employment Relations Law Reform Bill and the Holidays Act were the opposite of the kinds of policies required to foster long-term economic growth.

The Employment Relations Authority dismissed a case taken by two New Plymouth District Council employees where they sought the ability to avoid wearing name badges at work. The workers claimed that the wearing of full names was a threat to their safety and health but the Authority found name badges were not hazardous to an employee's health. Their union, the Engineering, Printing and Manufacturing Union, said the decision would be appealed.

A long-running employment saga at Radio New Zealand continued in the Employment Court when the broadcaster conceded that there were no medical grounds for its continued refusal to allow its news manager Lynne Snowdon to return to her job. But the question of an 'irretrievable breakdown' in the employment relationship remained under consideration by the company.

Meanwhile, another media organisation Maori Television Service (MTS) was ordered to keep paying the salary of its General Manager of Programming, Joanna Paul, even though she had been on sick leave for almost four months. After her pay was stopped, Ms Paul took her case to the Employment Relations Authority claiming that MTS had breached her employment agreement, and sought damages or compensation. The Authority found that by stopping Ms Paul's pay without consultation, MTS had not acted as a fair and reasonable employer.

August 2004

Negotiations over a new collective agreement for primary school teachers continued (see July Chronicle). Talks stalled over claims related to workload, and pay adjustments related to qualifications, experience and responsibility. According to the *Dominion Post*, the New Zealand Educational Institute (NZEI) had warned during negotiations that its members might strike if they did not get a better offer.

However, the Post Primary Teachers Association (PPTA), representing secondary teachers, agreed a three-year collective agreement with the Ministry of Education. The agreement would deliver salary increases of up to 13% over three years and was estimated to cost around \$270 millions. The PPTA claimed that it was a substantial package that would help make secondary teaching a more attractive profession and that it appeared to answer a lot of the concerns of secondary teachers.

Staff at McCain Foods potato factory in Fielding unanimously rejected what their union, the Engineers Printers and Manufacturers Union, estimated to lead to an average 23% pay cut. McCain Foods proposed to abolish shift allowance entitlements which would

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cause a significant reduction of earnings for most employees. The company rejected the union's estimated figure, stating that it was distorted.

The *Press* covered extensively a local dispute at the Alliance Smithfield freezing works near Timaru. Alliance management wanted to spend \$6.5 million at Smithfield to increase production and assure the future of the plant but had sought changes to contract rates for boning-room staff. The company announced that it would spend the money elsewhere if a settlement was not reached. This would clearly put the future of Smithfield in doubt. Negotiations broke down when the 130 boning room staff rejected the latest company proposal.

The *Press* also reported that up to 200 Nurse Maude walked off the job for four hours after mediation talks failed to reach agreement. The Nurse Maude Association had agreed to meet the full cost of the nurses' practising certificates but rejected claims for increased pay, weekend and on-call rates, and extra sick leave. It was only the second time that members of the NZ Nurses Organisation at Nurse Maude had gone on strike.

A strike at Ports of Auckland's container terminals could have ramifications for all ports. The Maritime Union's Auckland branch president, Denis Carlisle, said in the *NZ Herald* that workers were trying to set benchmark employment conditions that would affect all ports. Ports of Auckland had been chosen for these key negotiations because it was the biggest port in New Zealand. The union claimed that some workers had been casuals for nine years or more and were not able to organise their lives because they "lived on the end of a phone". It had proposed a scheme whereby workers moved to part-time and then to permanent positions over time. However, the Ports of Auckland wanted the right to choose staff rather than implement a system that awarded transfers by time served.

The Employment Court awarded a Hamilton legal executive \$15,000 for humiliation and distress after she took parental leave and was made redundant on her return. The Employment Relations Authority found her employer had breached the Parental Leave and Employment Protection Act when he made her redundant. The employer challenged the decision but the Employment Court Judge upheld the Authority's decision.

Following mediation, Maori Television settled its dispute with its General Manager of Programmes, Joanna Paul (see July Chronicle). This also lifted the Employment Relations Authority order for Maori Television to keep paying Ms Paul her salary despite extensive sick leave.

Meanwhile, the controversial Principal of Cambridge High School, Alison Annan, claimed that she was not sure that she had resigned. This was despite that she had told staff she had resigned, her resignation was announced to a school assembly and a statement was released to the *Waikato Times* which said "today I have resigned". Ms Annan said she had no signed letters, there was no date of resignation and she did not know if her

resignation to the board had gone through the proper process. However, the statutory manager appointed to run the school was adamant that she had resigned.

Child, Youth and Family Services (CYFS) were ordered to pay \$12,000 to a former social worker suffering cerebral palsy who had complained of discrimination. The Employment Relations Authority recommended that CYFS designate a manager to support employees with disabilities and that it should have had someone to act as a mentor for the employee in order to give practical support and help organise the necessary workplace equipment. The part-time employee claimed that CYFS had failed to provide an emotionally and physically safe workplace, and it did not provide her with the equipment she needed to do her job. She also said she was harassed by colleagues and suffered discrimination because of her disability.

A special taskforce comprised of representatives from Department of Labour's Occupational Safety and Health (OSH) Service, the Employment Relations Service and the Immigration Service found sweatshop-type conditions in several of 'ethnic' Auckland businesses. Most of the taskforce's efforts had focused on the Auckland area, where, to date, it has taken action against three 'ethnic' employers and investigated another firm.

The Engineering, Printing and Manufacturing Union announced that it would challenge the section of the Employment Relations Act which allowed Fort Richards Laboratories to prevent it from talking to staff (see July Chronicle). That particular section of the Act stipulated that if an employer was a member of a religious society then the employer could be granted an exemption from the Act. Union Secretary Andrew Little said it would ask Parliament to rescind this section of the Act as it was being used to over-ride workers' basic rights.

Air New Zealand claimed that the new Holidays Act could add an extra \$40 millions on to its wage and salary bill this year and it was estimated to increase its labour costs by 2.5 to 5% in the year to June 2005. In its annual report, the company revealed that, in the year to 30 June 2004, it took a \$17 million 'hit' from rises in labour costs that had "no corresponding gain in productivity".

September 2004

The amended Employment Relations Law Reform Bill finally emerged from the select committee process. There appeared to be 'wins' for both employers and unions. The *NZ Herald* suggested that the changes would not stifle complaints about the Bill from the business lobby but it would enable the Minister of Labour, Paul Swain, to convey an impression that the Government had been listening. The newspaper suggested that the National party's warning that the Bill would prove detrimental to growth, productivity and employers' willingness to take on workers was a difficult argument to sustain during

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a period of high economic growth, low unemployment and very little industrial unrest. Having predicted doom and gloom when the Employment Contracts Act was repealed in 2000, the centre-right opposition parties could easily be accused of scaremongering.

The *NZ Herald* reported that the unions recorded some important 'wins' with the Bill: they had made progress in preventing non-union staff 'free-loading' on workplace benefits and the Bill would make it more difficult for employers to induce employees to refrain from taking part in collective bargaining. There was also a stricter definition of the 'reasonable grounds' on which employers can refuse to conclude a collective agreement. The 'wins' for employers included the removal of a clause that could have dragged them into multi-employer collective agreements. The controversial clause about 'passing on' benefits was clarified to avoid any suggestion of a breach of the law though the clause still intended to stop employers offering similar terms and conditions to staff on individual contracts as those negotiated for the collective agreement. There was also further clarification regarding employers' duty to divulge commercially sensitive information about their business operations.

There were two further twists to the debate over the Bill. First, the *Dominion Post* reported that the Minister of Labour, Paul Swain, had hinted that he might revamp the rules to make it easier to sack new employees; many small employers had concerns about the procedure for dismissals. Mr Swain's reported comment was: "once this bill is passed I will be looking at ways to give better guidance around these issues." Second, Leader of the National Party, Don Brash, was reported, rather surprisingly, as saying that his party would review the Employment Relations Act, if in government, but he thought the business community was 'broadly happy' with it. In Parliament, the Government claimed that Dr Brash's comments were at odds with a promise he reportedly made last October to scrap the Employment Relations Act.

The Bill sparked fresh tensions between the Government and employers and particularly the law change which allowed employers to possibility to deduct a 'bargaining fee' from the pay of non-union workers caused a stir. Employer representatives accused the Government of trying to stifle debate by slipping the measure in unannounced in the middle of the parliamentary recess. However, Labour Minister Paul Swain said the proposed change had been signalled by the select committee when it was considering the Bill. He also pointed out that employers would first have to agree to the arrangement and there would then have to be a ballot of all staff over whether the fee should be paid and finally, individual workers, who decided they did not want to pay the fee, would not be required to do so. Employers argued that the 'bargaining fee' option would have two detrimental effects: it would increase compliance costs in workplaces where workers agreed they wanted to pay the bargaining fee and, according to Business New Zealand, workers would be pressured into paying the fees.

The *Sunday Star Times* criticised business lobby groups claiming that their lobbying was

a repeat of their dismal performance when the Employment Relations Act was going through Parliament in 2000. The article argued that while unions kept offering to move to a more enlightened agenda on skills training, workplace productivity and other issues critical to our economic future, business lobby groups kept rebuffing them, dragging the debate back to the dark ages of confrontational industrial relations through misleading and inflammatory rhetoric.

On the other hand, Charles Baird, a professor of economics at California State University, said at a Business Roundtable event that he found a lot in the bill objectionable and predicted that it could stifle New Zealand's economic growth. Professor Baird suggested that the Employment Contracts Act was a better piece of legislation and was a "wonderful model" for the civilised world.

Secondary teachers accepted with a large majority a new three-year agreement (see August Chronicle). The agreement included pay increases ranging from 8.74% to 13.1% over the three years as well as a targeted middle management package addressing pay and workload issues. The Post Primary Teachers Association (PPTA) evaluated that the new agreement would make secondary teaching a more attractive and worthwhile profession, that it would lead to real improvements in working conditions and paved the way for a long-term solution to recruitment and retention.

Meanwhile, the primary teachers' union, NZ Educational Institute (NZEI), said that the \$420 million pay offer from the Government was likely to be accepted by teachers, though a key part of the claim remained unsettled. As part of the offer, primary teachers would be given time out of the classroom, as well as pay increases, and the promise of more teachers. An important aspect of the claim was for an increase in the amount of 'management units' allocated to schools each year. NZEI wanted an increase in the number of units, but had not been able to make progress on that issue.

The *Dominion Post* reported that senior doctors were offered a collective agreement that would give them six weeks leave a year and a base salary of between \$111,000 and \$161,000. If accepted, it would be the first national agreement for senior doctors since 1992. Under the proposed agreement, District Health Boards would have to consult with senior doctors before undertaking any review impacting on the delivery of services.

Nurses rejected a \$329 million pay offer from the government and talked of possible strike action after a breakdown of negotiations. Their employers estimated that the offer of increases ranged from 6.1% to 27% over three years, that it was fair and as much as they could afford. But the Nurses Organisation said the offer did too little to close the pay gap between nurses and police and secondary teachers. At stopwork meetings, nurses instructed their union to obtain a better offer or give notice of industrial action.

The ongoing dispute between the Lyttelton Port Company (LPC) and its unions went

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before the Employment Relations Authority (ERA) after the LPC management and the combined unions struggled to come to agreement on one particular clause. The clause stipulated the number of part-time staff as opposed to full-time or casual workers the Company is able to employ at any one time. The union was concerned that the LPC was seeking to increase the number of part-time workers at its disposal, while LPC was concerned that the union interpretation of the clause could see the pool of part-time workers fall significantly. The Authority ruled that LPC's ability to employ new staff to restore the size of the pool following dismissal, resignations or full-time appointments was not limited by the clause in the expired collective agreement.

Ports of Auckland watersiders staged a four-day strike to contest the use of casual and part-time staff (see August Chronicle). The Maritime Union estimated that enough work existed for up to 14 people to become full-time. The company said that the union was backing away from an existing agreement that caps the use of casuals, who provide vital flexibility. It also argued that it needed flexible staffing because work at the port had more peaks and troughs now that larger ships were arriving.

The *Dominion Post* reported that employers would be able to demand a medical certificate from their employees at any time if they believe sick leave is being abused, under planned changes to the Holidays Act. This was in response to employers' concerns that enhanced sick leave provisions introduced last year had led to an increase in leave taking. Where a medical certificate was required an employee would choose which doctor to consult, but the cost would be borne by the employer. The planned change drew a sharp response from Council of Trade Unions President Ross Wilson who said it was time for employers to "put up or shut up" with hard evidence to support their claim workers were abusing sick leave.

But the Chief Executive of Business New Zealand, Simon Carlaw, said that despite employers' concerns, the Government had done nothing to review a problem that had arisen because of a late amendment to the definition of pay in the Holidays Act. What the act now calls "relevant daily pay" included elements of overtime, bonus and incentive payments and left employers effectively paying bonuses to staff who were off sick or on bereavement leave. The Minister of Labour, Paul Swain, said government policy was that if people could not get to work because they were sick or bereaved they should not be deprived of their income through no fault of their own.

The Employment Relations Authority ordered Air New Zealand to reinstate a worker who was sacked after admitting he may have played golf while on sick leave. The worker said he remembered a day when he went home sick with flu and stress over his mother's death and his wife told him to play a round of golf. The company concluded that he had played while on sick leave but the Authority found that Air New Zealand had acted unfairly by failing to consider whether the worker took days off to play golf, or was genuinely sick and later felt well enough to play. It had also failed to look into his claim that he was

stressed and had taken more than three months to resolve the problem, which did not fit with its argument that his conduct was serious enough to warrant being fired.

As a result of a hearing before the Employment Relations Authority, the Cambridge High School Principal, Alison Annan, won back her \$100,000-a-year salary but was not allowed through the gates of Cambridge High School (see August Chronicle). Under the ruling, she was banned from actually going to the school, but would collect her salary until a full hearing into her personal grievances in October. Subsequently, a confidential settlement was reached through mediation and Ms Annan resigned her position effective from 3 December.

Radio New Zealand head of news Lynne Snowdon was back in court trying to stop her dismissal despite her winning an earlier court agreement allowing her to return to work (see July Chronicle). Her lawyer, Rob Moodie, asked the Employment Court in Wellington yesterday to declare that RNZ could not proceed with a meeting to consider if her employment relationship had irretrievably broken down. The decision was reserved.

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