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NEWSLETTER OF THE CENTRE FOR LABOUR, EMPLOYMENT AND WORK (CLEW)

NOTICES

Workshop Video

CLEW and the Employment Relations Authority have developed an excellent training resource from our 2014 workshops '*Taking a Matter to the Employment Relations Authority*'. The resource comprises 5 YouTube clips of different stages of the process. It is available to view on both the [CLEW website](#) and the ERA website.

Employment Court Decisions easier to access

The [courts website](#) now has an easy search tool to help locate decisions. They are grouped in years and you can search by name or number.

Erin Polaczuk, National Secretary, PSA

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Achieving Pay Equity – What needs to happen?

Report from Sue Ryall, Centre Manager, CLEW

The current court case on equal pay (Terranova vs Bartlett) has reinvigorated the discussion and debate around gender pay differences and why women's pay still lags behind their male counterparts. The May 19 seminar **Achieving Pay Equity – What needs to happen?** organised by CLEW in partnership with the PSA brought together a range of people from different perspectives to look at this issue.

Erin Polaczuk, National Secretary of the NZ Public Service Association outlined the historical campaigns for pay equity. The PSA has a long history of campaigning for pay equity with the issue first raised at the inaugural PSA conference in 1914 when it was agreed '*That female employees of equal competence with male employees shall receive equal treatment as to pay and privileges.*'

In 1956 the PSA women a landmark equal pay test case and in 1961 the Government Service Equal Pay Act, introduced by the Labour Government and supported by the opposition National Party, came into force. However, women in the private sector had to wait until 1972 for the Equal Pay Act to win the right to pay equity with their male counterparts.

Erin Polaczuk commented, "*Some might have thought the battle had been won and indeed some big shifts occurred immediately following its passage, but 44 years on the Act seems both arcane and not fit for purpose for ensuring equal pay for work of equal value.*" Despite this perception, Lisa Heap later commented the arguments in the *Terranova* case for establishing pay equity for care workers may have proven more difficult if changes had been made to the Act.

The 1980's saw another rash of initiatives to address pay equity - New Zealand ratified the International Labour Organization Remuneration Convention 100 (1983); we followed that up by signing up to the UN Convention on the Elimination of Discrimination Against Women (1986), the establishment of the EEO Unit in the State Services Commission; the report *Towards Employment Equity* became the basis for the short-lived

Employment Equity Act 1990 that addressed equal employment opportunity and pay equity. However, the Act was repealed within a few months after a change in government.

Erin observed that despite the past campaigns and legislative change the gap still exists and it remains to be seen what impact the Terranova case has on equal pay for work of equal value but the PSA will continue their work with other union members through the Worth 100% campaign with the goal of eliminating the gap by 2020.

Prue Hyman, an economist and former associate professor at Victoria University, took a labour economic lens to the issue and drew on her February 2015 article on Policy Quarterly[1]. Prue began by pointing out that there is no one economic view and no consensus across economists. She would look at the social and political factors as well as economic.

The extent of the gender pay gap is difficult to determine. There is both horizontal and vertical occupational segregation between men and women and women are frequently in areas of insecure work. Women also work part- time more than men and there are big differences in pay rates between part time and full time employees. Also, more women are in trainee positions with lower pay rates but are absent in the higher levels of most organizations where remuneration is higher.

It is also important to note that there are also big disparities **among** *women and men on the basis of other factors particularly ethnicity. Maori and Pacific women are over-represented in the low wage sectors and Maori and Pacific men and women on average earn much less than their pakeha counterparts*

It is also important to note that there are also big disparities **among** women and men on the basis of other factors particularly ethnicity. Maori and Pacific women are over-represented in the low wage sectors and Maori and Pacific men and women on average earn much less than their pakeha counterparts.

Another issue for measuring the gender pay gap is the payment level that is being measured. *'The gap is often expressed as a single measure for the sake of simplicity, but the reality is whether you look at hourly, weekly or annual earnings, for example, or only those working in full-time employment [part-time employees make significantly less], can really change how the numbers look. To make it more challenging to assess, there are different sources of data.'*

Prue posed the question - '*How much is due to discrimination*?' She considers that there are multiple factors involved. She commented, '*It is partly judgment but predominantly that women's occupations are undervalued by the market, and less than productivity would justify. Biases cannot all be detected in individual employment agreements. Individual productivity is unknown and variable.*'

So how can the gender pay gap be narrowed? In Prue's view gender wage gaps will narrow as women's economic capital builds up. Low wage workers are an increasing proportion and women are over represented in this group.

She commented that '*There is also discrimination against women at the upper end of organizations and initiatives that get more women on Boards or ensure that women are better represented in management are attempting to address this. But improvements for women at the top will not necessarily spin down to lower wage workers*'.

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[1] Hyman, P (2015) 'Is Active Intervention Still Needed to Improve the Position of Women in the New Zealand Labour Market? If so, what can be done?' *Policy Quarterly, Volume 11, Issue 1, February 2015: Institute of Governance and Policy Studies, School of Government, Victoria University of Wellington*

With much discussions and concern around inequality and poverty issues narrowing the gender pay gap is proposed as a positive means of dealing with these issues. The gender pay equality argument is that money in women's hands is more likely to be spent on the next generation. It has a multiplier effect. If the pay of underpaid women is increased there is a long term gain.

Prue commented finally that from the traditional economists' point of view, if wages do not reflect productivity and are based more on social and political factors, they will distort the allocation of resources and be inefficient.

The HR perspective

Susan Doughty a partner in Human Capital at EY looked at organisations and how the gender pay gap develops both outside and inside the workplace.

From her perspective it starts at school - what courses are girls accessing and what advice are they given. This then leads into tertiary education where women are over-represented in social sciences, education and health and almost invisible in the hard sciences, engineering and IT. They are therefore already disadvantaged when they arrive in the workplace and poorly represented in the well-paid work areas.

When they are in the workforce - females with no childcare and career breaks start lower and increase at lower rate. With career breaks for children career plateaus. Often seek lower roles and part-time work.

Susan is quoted in the PSA journal article that reported on the Pay Equity seminar as saying,

Susan Doughty

"*My contention would be these are not "choices" in the traditional sense, but instead complex decisions that are based on what options and support are made available through school and into the workplace, societal expectations, as well as personal abilities and strengths.*"[2]

Susan went on to outline three levels of gender pay gap in an organisation.

1. *Like for like* – pay gaps that exist between men and women undertaking work of equal/comparable value. Examples of this type of gender pay gap are: inequality in starting pay rates; bias (both conscious and unconscious) in performance ratings and management systems; inequality in access to discretionary pay such as bonuses and incentives. Other factors that influence 'like for like' gender pay gap are the cumulative effects of pay inequality, the impact of long-term leave, and periods of part-time employment.

2. *By-level* - where there are pay gaps between women and men at the same organisational level. The cumulative effect of 'like for like' gender pay gaps contribute to 'by-level' gender pay gaps such as women predominantly in support roles and men in organizational roles.

3. *Organization wide* - differences between men and women in average remuneration across an organization. This can be identified as more men at higher levels and more women at lower levels; conscious and unconscious bias in the way 'mothers' and pregnant women are treated such as pregnant women not included in long-term

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[2] Biswell, S. 'Achieving Equal pay: What's the deal?' *Working Life: The PSA Journal* June 2015: Wellington, PSA. pp 8-11.

projects or either of these groups of women not being offered development opportunities that would contribute to career advancement.

Susan Doughty pointed out that even top female executives are not immune to the gender pay gap. Research from the Federal Reserve Bank of New York (March 2015)[3] shows that:

- Female executives receive less incentive pay or stock overall than men.

- Men benefit more when company stock increases than women do.

- Women's earnings are more exposed to decline in a company's market value than men and conversely growth in a company's market value is inequitably shared between male and female executives at the same level.

'Use data to drive strategy. With that information, develop a proactive strategy and ensure the leadership is actively and consistently engaged in meeting targets to narrow the gap. Key to all of this is educating and training.'

In addressing the gender pay gap in an organisation, Susan stressed the importance of good information that looks across all three levels. *'Use data to drive strategy. With that information, develop a proactive strategy and ensure the leadership is actively and consistently engaged in meeting targets to narrow the gap. Key to all of this is educating and training.'*[4]

Lisa Heap, adjunct professor at the Australian Catholic University, who is currently advising the PSA on equal pay was the final speaker. She focused on the legal campaign, particularly in relation to low-pay care workers.

Lisa was involved with landmark equal pay case for Australia's social and community workers. Lisa identifies care work as a prime example of systematic undervaluation of 'women's work'. In both Australia and New Zealand this sector is dependent on government funding and as public expenditure has tightened over the last thirty years this funding has been set on an assumption low labour costs, effectively placing a ceiling on wages for care workers.

But a major difference between the two countries in relation to the current legal case is that the Australian award system *'provides a vehicle for changes in wages for workers collectively that is not readily available in New Zealand (unless class action cases become the norm).'*[5] Lisa commented that in New Zealand the absence of an award system means that the only protection for wage rates, with the collapse of collective bargaining, is the legislated minimum rate. But *'the collapse in the minimum wage has meant that the gap between male and female wages has converged, not because of advancement in pay equity, but because of the reduction in remuneration of male workers.'*

In Australia the legislation has moved toward 'equal pay for work of equal or comparable value'. It does not rely on discrimination as the foundation for proving inequity, but rather has adopted the framework of undervaluation.

There is also a difference in the legislation between the two countries. There has been little change since the 1972 Act in New Zealand and it is still framed in the 'equal pay for work of equal value' concept whereas in Australia the legislation has moved toward 'equal pay for work of equal **or comparable**

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[3] Gender and Dynamic Agency: Theory and Evidence on the Compensation of Top Executives (Federal Reserve Bank of New York - March 2015)

[4] Biswell (2015:11)

[5] Heap, L. 'Point of View'. *Working Life: The PSA Journal* June 2015: Wellington, PSA. p20

value'. '*It does not rely on discrimination as the foundation for proving inequity, but rather has adopted the framework of undervaluation*'.[6]

However as Lisa pointed out, this difference may not be as big as it seems as the New Zealand Court recognises the need to look at historical undervaluation. The Court of Appeal, in sending the *Terranova* case back to the Employment Court to develop a '*statement of principles*' that would provide a '*workable framework for the resolution of Ms Bartlett's case*' indicated that the Court '*may for example in its statement of principles identify appropriate comparators and guide the parties on how to produce evidence of other comparator groups or issues relating to systematic undervaluation.*'[7]

The seminar concluded with a discussion that concluded that this case may be a game changer but the achievement of pay equity will only happen through work at multiple levels and there is no certainly that its time has come.

Presentations from the seminar are available on our [web-site](#).

RESEARCH UPDATE

The following articles are developed from the research papers of two current Victoria University School of Management Honours students who discuss two current workplace issues. Erin Roxburgh provides an interesting consideration of conscious and unconscious bias, an issue raised by Susan Doughty at the 'Achieving Pay Equity' seminar. Hamish Crimp looks at bullying in the workplace and through a review of literature explores some of the ways organisations can deal with bullying.

BIAS IN RECRUITMENT AND SELECTION

Erin Roxburgh and Kate Hansen

Understanding 'unconscious bias' and its role in recruitment and selection is essential for organisations looking to diversify their workforce. Not only can unconscious bias disadvantage gender, ethnicity, social and cultural diversity, it also harms an organisation's ability to respond to more complex stakeholder demands. In the realm of HR it affects not only who and how we recruit, but why.

Unconscious bias is a mental shortcut of sorts, necessary as to how we operate as humans, but one that can also, without intent, interfere with good decision-making and lead to biased outcomes. Although many decisions we make are objectively informed, through training and reflection, another decision making process flies under the radar – rapid-fire associations and assumptions, based on our prior experience, that operate outside our conscious awareness.

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[6] Ibid, p20.
[7] *Terranova Homes and Care ltd and Service and Food Workers Union Nga Ringa Tota Inc* [2014] NZCA 516 at [239]

New Zealand's public sector is beginning to take unconscious bias more seriously as it attempts to diversify its workforce and reap the benefits of changing demographics. The 2014 State Services Commission's Performance Improvement Framework (PIF) report indicated that 88% of staff was of European heritage; with only 37% agreeing that 'diversity objectives are integrated into decision-making' (SSC, 2014).

A recent literature review, undertaken with the help of one of the Government's lead agencies, The Treasury, looks at unconscious bias within the selection and recruitment process, highlighting key steps in which unconscious bias could shape decision making and potential solutions to this.

The Treasury has already taken steps to tackle some issues of unconscious bias and is trialing new recruitment practices such as removing demographic information from CVs and actively recruiting outside traditional sources. Other potential areas highlighted by the literature review include:

1. Recruitment

Informal recruitment techniques such as word of mouth, headhunting and referrals have more scope to eliminate unconscious bias during the recruitment processes, and improve the quality of potential employees Avery (et al 2012).

This seems to work partly because the candidate has "inside knowledge" eliminating incorrect or unrealistic expectations about the organisation. In turn, HR is freed from a traditional "that's how we've always done it" process, and a possibly outdated system Avery (et al 2012). It pushes organisations to actively search for talent away from traditional sources, and potentially expand their search capabilities.

Job placement and wording also shapes perception of the organisation - limiting or enhancing the willingness of a candidate to apply for a role (Robertson et al 2005).

2. Selection

In-group favouritism, which concerns the hiring, promoting and rewarding of those in the "in" group (Bell 2013), constrains diversity, working against women in particular and minority groups.

Re-categorising the in-group, and re-directing this bias to new members of the organisation, is a way of shifting power and reinventing an inclusive company culture. Breaking this "more of me" complex can broaden company culture and the impact of one group of individuals. Processes as simple as having minorities represented on the selection panel can make an organisation more attractive to other minorities (Byrne 1971). Although strong cohesive work groups have many strengths, they can also be closed, insular and exclude people they see as outsiders.

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3. Training

Training was also of value to changing gender and race bias. Bell (2012) found training to be particularly helpful in averse racism – where recruiters are not openly racist but are influenced not to hire based on racial beliefs. She also highlights the importance of female staff being mentored by both male and female mentors as a way to break the "gender divide".

4. Pay Structures

Gender diversity within organisations has been on the table for decades. Cohen published in 1976 that females paid males more because of the responsibility they felt for selection and placement. More recent research shows a formalized pay structure is one of many ways to block out gender bias during negotiations whereas less formalized pay structures result in greater pay differentials between genders (Elvira and Graham 2002). Effective pay systems include robust policy to ensure there is no bias in pay, they are checked against a formalized policy. In contrast, informal pay systems are characterized by adhoc policy or procedure where performance measures etc are subjective and where there is no formalised policy.

In addition to pay systems, effective voice in the workplace, and facilities like childcare can also help (Donnelly, Proctor-Thomson & Plimmer, 2012).

As systems move online, the idea of transforming a recruitment system from a 'traditional' one to an online recruitment system is gaining traction (Sivabalan et al 2014). According to research by Berman et al (2013) there is widespread willingness within the Human Resource community to adapt to this new style to ensure centralisation of hiring. Increasingly, organisations and business are also considering online automated screening tools that will help detect and potentially eliminate unconscious bias.

DEALING WITH WORKPLACE BULLYING

Hamish Crimp and Kate Hansen

There's an old adage – prevention is better than cure – and a recent literature review on bullying in the public sector reminds Human Resource Management of ways in which it can manage bullying at its source.

For the NZ public sector, the cost of workplace bullying, both personally and financially, is a critical issue. The 2013 Integrity and Conduct Survey found that 25% of state sector staff had experienced bullying (NZ State Services Commission, 2014) compared to only 18% within the private sector[8].

Not only do employers who ignore bullying risk breaching legislation, but the personal costs include anxiety, stress, deterioration in physical health and possible serious mental health issues. At the Organizational level bullying impacts team relationships, organizational culture and business outcomes as well as financial, through recruitment and retention costs (Bartlett & Bartlett, 2011)

What is bullying

Although definitions vary, NZ Guidelines developed by WorkSafe NZ and MBIE define workplace bullying as repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to

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[8] http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11386510

health and safety. (WorkSafe NZ, 2014). This can be carried out via email, text messaging, internet chat rooms or other social media channels in addition to direct verbal or physical interaction. In some cases workplace bullying may occur outside normal working hours (WorkSafe NZ, 2014).

Bullying may be particularly prevalent in the public sector due to higher rates of restructuring and change compared to the private sector (Beale & Hoel, 2010); and high levels of emotional labour and personal involvement required in many public sector jobs (Zapf et al., 2011). It may also be because management skills are low. Research conducted at CLEW has also found high levels of bullying in the public sector, associated with lower organisational capability (Plimmer et al., 2013).

What conditions lead to bullying?

Although many factors contribute to workplace bullying, poor psychosocial work climates have higher rates of bullying, increasing the vulnerability of targets or the bullying behaviours of perpetrators (Salin & Hoel, 2011).

A poor psychosocial environment has three broad categories: enabling, motivating and precipitating. The literature shows human resource management can offer a number of practical solutions to tackle these antecedents to bullying.

1.   Enabling contributors and recommendations

Enablers include structures and processes that make it possible for bullying to occur in the first place and can be work specific or organizational.

Work-related enablers include role ambiguity and conflict, excessive and unreasonable job demands, and limited job autonomy (Tuckey, Dollard, Hosking, & Winefield, 2009; Bowling & Beehr, 2006). A thorough job analysis, with well-defined, well-communicated job roles and a strong performance review process are essential in tackling enabling work factors (Tubre & Collins, 2000).

Organizational enablers include a normalized bullying culture with little support for prevention and management initiatives (Skogstad et al., 2011; Zapf, Knorz, & Kulla, 1996); and leadership styles which are typically more authoritarian, or conversely, laissez faire (Johan Hauge, Skogstad, & Einarsen, 2007; Mathisen, Einarsen, & Mykletun, 2011; Skogstad, Einarsen, Torsheim, Aasland, & Hetland, 2007).

A thorough job analysis, with well-defined, well-communicated job roles and a strong performance review process are essential in tackling enabling work factors (Tubre & Collins, 2000).

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The support of management from the outset is critical for any prevention initiative. Boundaries and expectations that are established and led from the top, coupled with strengthening the induction and socialisation processes helps destabilise the normalisation of bullying (Salin & Hoel 2011). Training in performance management, delivery of feedback, and bullying identification and awareness, on bullying, in addition to management-led anti-bullying policy require helps develop leaders to recognise and enact change (Ferris et al 2007, Salin 2008, Rayner & Lewis 2011).

Arthur (2011) also recommends greater use of internal hiring practices, which he found to be empirically related to lower levels of workplace bullying.

2. Motivating contributors and recommendations

Motivating factors - particular circumstances/factors/systems within an organisation which might indirectly encourage/incentivize bullying behaviours -may exist in a workplace. These may include performance-based remuneration where workers or teams could undermine and bully each other in competition for finite organizational resources (Salin, 2003).

A well-designed individual and collective reward system linking performance to positive behaviours and ensuring transparency is key to tackling this kind of bullying (Frey, Homberg, & Osterloh, 2013; Armstrong & Murlis, 2007).

3. Precipitating contributors and recommendations

Precipitating contributors are triggers to workplace bullying (Salin, 2003). These include extensive use of part-time or temporary workers, pay cuts or freezes, changes in organizational management or restructures (Hoel & Cooper, 2000; Salin, 2003). A shift to policies that emphasize permanent employment or strengthen the socialization and induction program for part-time workers ensures staff understand workplace culture and ways to identify and deal with bullying (Hoel & Cooper 2000).

In times of high change and pressure, HR must support staff by ensuring they manage any conflict that may arise. There is typically a spike in bullying at such times. (Hoel & Cooper, 2000; Salin, 2003)

Moving forward

CLEW researchers are working with both the SSC and the PSA on the development of effective programmes to reduce the incidence of public sector bullying.

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Employment Agreements Update 2014/2015 available

If you are heading into bargaining in the next six months make sure you have checked out our publication '*Employment Agreements: Bargaining Trends and Employment Law Update 2014/2015*'. The book is seen as the essential reference for employment relations experts and the only source of information on current provisions in collective agreements. It includes information on wages/ salaries, term of agreements, all forms of leave, work hours and penal/overtime rates, redundancy, superannuation/ kiwisaver, union provisions and much more.

Our stocks are getting low but we expect to order more later in the year. Order forms are available on our website.

CLASSIFICATION OF INDUSTRIES
Sue Ryall

The way that industries are classified has become a focus in the discussion around the industries that have been included and excluded in 'high-risk' industries in the Health and Safety Reform Bill.

Industries in New Zealand are classified and grouped using the Australia and New Zealand Standard Industry Classification (ANZSIC). This classification is used for statistical purposes to ensure there is a consistency in reporting on different industries. There is a similar classification for occupational groups (ANZSCO).

The ANZSIC defines four levels:

1. Division (A-S with broad categories such as 'A -Agriculture, Forestry and Fishing' or 'C-Manufacturing');
2. Subdivision (numeric codes 01-96)
3. Group: (numeric codes that build on the subdivision codes e.g. 011 – nursery and floriculture production; 012 – mushroom and vegetable growing)
4. Class: (numeric codes that build on the group codes e.g. 0111 – nursery production (under cover); 0112 NP outdoors; 0113 Turf growing)

Level 3 ANZSIC has been used for the classification of high-risk industries in the Bill so while 015 (other crop growing) and 019 (other livestock farming) have been included the remaining industries classified under subdivision '01 - Agriculture' **are not** included - Nursery and floriculture; Mushroom and vegetable growing; fruit and nut tree growing; grain sheep and beef cattle farming; dairy cattle farming; poultry farming; deer farming. Also, all **classes** of industry under group 015 (sugar cane growing cotton growing and other crop growing not elsewhere classified) and 019 (horse farming, pig farming, beekeeping and other livestock farming n.e.c) **are included**. This final class in 019 includes worm farming, rabbit farming, and pet breeding.

LEGAL UPDATE

HEALTH AND SAFETY REFORM PROGRESS

Jake Greenleaf and Chontelle Climo, Kiely Thomson Caisley

The Health and Safety Reform Bill ("Bill") aims to reduce New Zealand's unacceptably high workplace accident and death rates by providing a consistent, robust regulatory health and safety framework.

Under the Bill, PCBUs will have the primary duty to ensure health and safety in the workplace, replacing the defined duty holders under the Health and Safety in Employment Act 1992. A PCBU is defined under the Bill to mean "*persons conducting a business or undertaking*". The Bill does not define a "*business*" or "*undertaking*" which will be a question of fact to be determined in the particular circumstances. Worksafe New Zealand already has some guidance available on its website regarding the interpretation of PCBU. Once the Bill is passed, it is expected that Worksafe New Zealand will follow Safe Work Australia's lead on similar legislation and issue detailed interpretative guidance.

Following the Select Committee's recent Report, the Bill is in the final stages of the Parliamentary process with only "*minor*" and "*technical*" changes to come. It is expected to pass later this year to become the Health and Safety at Work Act, replacing the Health and Safety in Employment Act 1992 and the Machinery Act 1950.

The Select Committee made significant amendments to the Bill in the following areas:

Worker Engagement and Participation

The Bill makes it clear that there are two overarching worker participation and engagement obligations for all PCBUs. Small businesses with fewer than 20 people will be exempt from the requirements to have a health and safety representative and/or a Committee if requested. The Regulations associated with the Bill will detail what constitutes a high-risk industry but an indicative list was released on August 19 and has created much debate and discussion as to what is included and more importantly, what is excluded.

Overlapping Duties (Multiple PCBUs).

Multiple PCBUs will be required to consult with one another and cooperate as far as practicable. The Select Committee clarified that the obligation to consult is not with all duty holders, but with the PCBU.

Volunteers

The existing differentiation under the Health and Safety in Employment Act of "*Volunteer Workers*" and "*Casual Volunteers*" will remain. PCBUs must still ensure the safety of Casual (and Exempt Volunteers) through their duty to other persons affected by the PCBU's business.

Meaning of "*Officer*"

The officer duty will apply to those who hold roles in an organisation such as a director, and those that hold "*very senior governance roles*" that allow that person to exercise "*influence over the management of the business*" such as a CEO. A person who only makes recommendations or gives advice to an officer is not an officer under the Bill.

Changes to the definition of "*workplace*", "*hazard*" and "*risk*"

The Select Committee removed the "*risk*" definition as the majority preferred the ordinary meaning of risk. The Select Committee clarified the definition of "*hazard*" to make it clear that someone's behaviour can be a hazard. The definition of "*workplace*" under the Bill is a place where work is carried out and it includes places where a worker is likely to be while working. The Select Committee amended the definition to clarify that it will only include a workplace where work is "*customarily*" carried out for a business or undertaking.

Following the Select Committee's recommendations, on 30 July 2015 the Workplace Relations and Safety Minister Michael Woodhouse, moved that the Bill be read a second time. According to the Minister, the Bill is now *"in good shape"* having struck the right balance between safer workplaces and the imposition of unnecessary red tape on businesses.

The Regulations associated with the Bill still need to be finalised, with the draft exposure of the last Regulations expected in November of this year.

Once the Bill is passed into law, Worksafe New Zealand has indicated that it will start preparing guidance on the new law such as factsheets, approved codes of practice and good practice guides.

With the Health and Safety at Work Act not far away, workplaces throughout New Zealand need to be prepared to reconsider their health and safety measures in light of the new regime.

For more information, see the full Select Committee Report which is available on [Parliament's website](#) *or for a summary of the Select Committee's changes to the Bill, see* [Worksafe NZ's website](#)*.*

Legal News

3rd Biennial Labour Law Conference

The New Zealand Labour Law Society in conjunction with the Victoria University Faculty of Law is holding its third biennial conference in Wellington on 27 November 2015. The conference will feature leading international experts including Dr Virginia Mantouvalou (University College London) on "Human Rights at Work" and Professor Anthony Forsyth (RMIT) on the Australian Productivity Commission's report of industrial relations reform, as well as a wide of new Zealand speakers.

For details of speakers and registration click [here](#).

For further information contact Prof Gordon Anderson gordon.anderson@vuw.ac.nz

Obituary

Frederick <u>John</u> Lenane Young

Emeritus Professor of Industrial Relations, Victoria University

Died Nelson, New Zealand, 17th July 2015

Emeritus Professor F J L (John) Young died in Nelson recently, aged 91 years. Professor Young pioneered the discipline and application of Industrial Relations in New Zealand while at Victoria University. His drive to improve the knowledge of unionists, employers and government departments through education and case studies informed many of the major developments in our labour market.

John was born in Rugby, Warwickshire in England on 8 June 1924. He lived in Rugby until he was 18 where he went to local elementary schools and during the depression he won a scholarship to enable him to attend Rugby School, leading to admission to university. He said the Rugby education laid the groundwork for his later success in advanced education and professional life.

In 1942/43 he attended St Andrews University, Scotland, before being called up to complete basic infantry training with the Royal Scots. John then progressed to officer training at Aldershot. At the completion of training John was posted to India with the 10th Gurkha Rifles. With the Gurkha's, John's future began to take shape when he became Education officer for his regiment. His interest in the welfare of Gurkha veterans continued throughout his life. John left India in 1947, the day before partitioning formed Pakistan.

He returned to St Andrews to complete a degree in Political Economy and Modern History. It was there he met his future wife, Janet Church. In 1950 John was awarded a Scholarship by the Worshipful Company of Goldsmiths, to study for a Masters degree in Canada at Queen's University in Kingston, Ontario.

Following the completion of his MA in May 1952 John did personnel work at Polymer Corporation followed by a spell at a private school in Aurora, Ontario. In 1956 he was asked to return to Queen's University to teach. While at Queen's he met a visiting academic from New Zealand and this led to him being offered a job at Victoria University in the Economics Department.

Arriving at Victoria University in 1963, John was encouraged by Professor Frank Holmes to establish a group focused on Industrial Relations. He made a name for himself in teaching and industry education from which he gained support to establish the Industrial Relations Centre at Victoria in 1970.

Heading the Centre was a productive time for John professionally. He became respected for his intellectual skill, and most significantly, his pragmatic approach to labour relations issues. The Centre emerged from the National Development Conferences held in the late 1960s and was designed to improve New Zealand's poor industrial relations climate through education. John was an ideal appointment. His ability to host and foster debate between otherwise warring parties was both remarkable and timely. He took the role of heading a "national" centre literally, and rather than focus the Centre's educational activities exclusively in the large cities, he and his team

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travelled to regional areas hosting workshops and seminars on industrial relations issues of the day. He developed a Certificate (and then a Diploma) in Industrial Relations which brought together employers, trade unionists and government officials in two week blocks, three times a year. This had an enduring and positive impact on New Zealand labour relations.

Ex-students attest to John's strengths as a teacher, based on a fund of knowledge backed up by a great deal of practical experience in the subjects he taught. He drew on that knowledge in a way that was informative, interesting, and memorable. Others noted his admiration for the careful writing style of Winston Churchill and his empathy for the common man. He related well to people from all walks of life.

At the end of his working life, John was the first Permanent Arbitrator in Fiji for 3 years. Returning from Fiji to Wellington, he served on the Arbitration Commission and as Chairman of the Waterfront Industries Commission.

In 1990 John was awarded an OBE for his services to Industrial Relations.

John valued education and vocation, but not just from the ivory towers of university. Excellence in any profession was something he admired, particularly skilled craftsmanship. He taught that we are all equal and that our own achievements should define us. He believed that a good education combined with common sense and the ability to communicate with others would help you reach your goals in life.

(*edited from that originally published in* **The Nelson Mail***, Saturday 15 August 2015*)

CLEW – WHO ARE WE?

The Centre for Labour, Employment and Work (CLEW) is in the School of Management at Victoria University of Wellington. Our research and public education programme are centred on three pillars of research:

Organisational dynamics and performance - What happens in organisations matters. From strategies, business processes, management practices, worker experiences to knowledge sharing, collaboration, innovation, productivity, engagement and trust – these all impact how individuals and organisations perform.

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Employment rights and institutions - What is the role of trade unions and of collective bargaining in New Zealand's contemporary economy and society? Is the current system of employment rights and the institutions and processes for enforcement of those rights in New Zealand still relevant? Is it efficient, and does it contribute to overall productivity growth?

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Changing nature of work and the workforce - Rapid and increasing change in the external environment of organisations has fundamentally changed the world of work. Factors shaping how we organise and participate in work include rapid technological development, intensifying environmental and resource pressures, globalised markets, mobile workforces and changing demographics.

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