

**GERALD ALLOWAY, ASSISTANT EDITOR**

Victoria University of Wellington, Faculty of Law, Student/Alumni

**JOHN PREBBLE QC, EDITOR**

Professor of Law, Victoria University of Wellington - Faculty of Law, Gastprofessor, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, Adjunct Professor of Law, University of Notre Dame Australia - School of Law

[Browse ALL abstracts for this journal](#)

**Links:** [Subscribe ~ Unsubscribe](#) | [Distribution](#) | [Network Directors](#) | [Submit ~ Revise Your Papers](#)

## Announcements

**Labour Law: Papers by Gordon Anderson, Professor of Law, Victoria University of Wellington**

## Table of Contents

### **The Origins and Development of the Personal Grievance Jurisdiction in New Zealand**

[Gordon J. Anderson](#), Victoria University of Wellington - Faculty of Law

### **The Common Law and the Reconstruction of Employment Relationships in New Zealand**

[Gordon J. Anderson](#), Victoria University of Wellington - Faculty of Law

### **The Common Law and the Individual Employment Relationship: A Three Jurisdictional Perspective**

[Gordon J. Anderson](#), Victoria University of Wellington - Faculty of Law

[Douglas Brodie](#), University of Edinburgh - Department of Private Law

[Joellen Riley](#), The University of Sydney Law School

### **Transforming Workplace Relations: The Way Forward**

[Gordon J. Anderson](#), Victoria University of Wellington - Faculty of Law

[^top](#)

## **LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES** **VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

### **"The Origins and Development of the Personal Grievance Jurisdiction in New Zealand"**

(1988) 13 *New Zealand Journal of Industrial Relations* 257-275

*Victoria University of Wellington Legal Research Paper No. 87/2018*

**GORDON J. ANDERSON**, Victoria University of Wellington - Faculty of Law

Email: [gordon.anderson@vuw.ac.nz](mailto:gordon.anderson@vuw.ac.nz)

The paper discusses the background to the personal grievance procedure introduced in New Zealand in 1973 and considers its development over the first fifteen years of its operation.

### **"The Common Law and the Reconstruction of Employment Relationships in New Zealand"**

(2016) 32 *International Journal of Comparative Labour Law and Industrial Relations* (93-116)

*Victoria University of Wellington Legal Research Paper No. 88/2018*

**GORDON J. ANDERSON**, Victoria University of Wellington - Faculty of Law

Email: [gordon.anderson@vuw.ac.nz](mailto:gordon.anderson@vuw.ac.nz)

The article departs from the theme in this issue of the ICCL&IR that there has been a 'withdrawal' of the common law courts from areas of labour law regulated by statute, using the rationale that they should not intervene in such areas even if there is no explicit statutory exclusion relating to the point

at issue. The article considers the role played by the New Zealand Court of Appeal following the neoliberal reforms to labour law by the Employment Contracts Act 1991. It argues that the Court, rather than 'withdrawing', actively intervened in the development of the law to reinforce the neoliberal reforms and to ensure that the bipartite values that had characterized labour law for most of the twentieth century were displaced by the unitary values of the common law. While approaching the topic from a different perspective, the conclusion is much the same: the courts consistently decline to extend the common law in ways which would have enhanced employee rights against employers, an inhibition noticeably absent when extending the range and scope of duties owed by employees to their employers. This article argues that if employment relationships are to balance adequately the relationship between capital and labour, the autonomy of labour law must be increased through a greater codification, the reinforcement of specialist courts and the minimization of the intrusion of the common law courts into their jurisdiction.

## "The Common Law and the Individual Employment Relationship: A Three Jurisdictional Perspective"

*Proceedings of the Fourth Labour Law Research Network Conference, Toronto June 25-27, 2017*  
*Victoria University of Wellington Legal Research Paper No. 89/2018*

**GORDON J. ANDERSON**, Victoria University of Wellington - Faculty of Law

Email: [gordon.anderson@vuw.ac.nz](mailto:gordon.anderson@vuw.ac.nz)

**DOUGLAS BRODIE**, University of Edinburgh - Department of Private Law

Email: [jbrodie@staffmail.ed.ac.uk](mailto:jbrodie@staffmail.ed.ac.uk)

**JOELLEN RILEY**, The University of Sydney Law School

Email: [joellen.riley@sydney.edu.au](mailto:joellen.riley@sydney.edu.au)

This paper is derived from our book *The Common Law Employment Relationship: A Comparative Study* recently published by Edward Elgar. This paper considers three key observations drawn from the book. First, the common law has developed differently in each jurisdiction, under the influence of the particular social and political circumstances in those jurisdictions. Second, the changing modes in which enterprises seek to engage subservient labour have placed the common law concept of employment under considerable pressure, and have (consequently) generated some evolution in the common law approach to defining employment. These developments also evidence jurisdictional variation. Finally, the impact of new technology has tested the common law's capacity to accommodate changing expectations in employment relationships. Here we find fewer jurisdictional differences, and a greater tendency towards conservatism.

## "Transforming Workplace Relations: The Way Forward"

*Victoria University of Wellington Legal Research Paper No. 90/2018*

**GORDON J. ANDERSON**, Victoria University of Wellington - Faculty of Law

Email: [gordon.anderson@vuw.ac.nz](mailto:gordon.anderson@vuw.ac.nz)

This paper was presented at the seminar "Transforming Workplace Relations – Learning from the Past and looking to the Future" held in Wellington on 28 February 2018 and hosted by the Centre for Labour, Employment at Work at the Victoria University of Wellington. This seminar was founded on the recently published book "Transforming Workplace Relations in New Zealand 1976-2016". The paper, written shortly after the election of a Labour government committed to workplace reform, discusses the possible direction of future labour law reforms in New Zealand and argues that the neoliberal based model of the current law should be abandoned for a pluralist system that promotes worker voice and which recognises the interests of workers as well as employers.

 top

---

## About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of

Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

## Submissions

To submit your research to SSRN, sign in to the [SSRN User Headquarters](#), click the My Papers link on left menu and then the Start New Submission button at top of page.

## Distribution Services

If your organization is interested in increasing readership for its research by starting a Research Paper Series, or sponsoring a Subject Matter eJournal, please email: [sales@ssrn.com](mailto:sales@ssrn.com)

## Distributed by

Legal Scholarship Network (LSN), a division of Social Science Electronic Publishing (SSEP) and Social Science Research Network (SSRN)

## Directors

LAW SCHOOL RESEARCH PAPERS - LEGAL STUDIES

BERNARD S. BLACK

Northwestern University - Pritzker School of Law, Northwestern University - Kellogg School of Management, European Corporate Governance Institute (ECGI)

Email: [bblack@northwestern.edu](mailto:bblack@northwestern.edu)

RONALD J. GILSON

Stanford Law School, Columbia Law School, European Corporate Governance Institute (ECGI)

Email: [rgilson@leland.stanford.edu](mailto:rgilson@leland.stanford.edu)

Please contact us at the above addresses with your comments, questions or suggestions for LSN-LEG.

[^top](#)

## Subscription Management

You can change your journal subscriptions by logging into **SSRN User HQ**. If you have questions or problems with this process, please email [Support@SSRN.com](mailto:Support@SSRN.com) or call 877-SSRNHelp (877.777.6435 or 212.448.2500). Outside of the United States, call 00+1+212+4482500.

## Site Subscription Membership

Many university departments and other institutions have purchased site subscriptions covering all of the eJournals in a particular network. If you want to subscribe to any of the SSRN eJournals, you may be able to do so without charge by first checking to see if your institution currently has a site subscription.

To do this please click on any of the following URLs. Instructions for joining the site are included on these pages.

**Accounting Research Network**

**Cognitive Science Network**

**Corporate Governance Network**

**Economics Research Network**

**Entrepreneurship Research & Policy Network**

**Financial Economics Network**

**Health Economics Network**

**Information Systems & eBusiness Network**

**Legal Scholarship Network**

**Management Research Network**

**Political Science Network**

**Social Insurance Research Network**

**Classics Research Network**

**English & American Literature Research Network**

**Philosophy Research Network**

If your institution or department is not listed as a site, we would be happy to work with you to set one up. Please contact [site@ssrn.com](mailto:site@ssrn.com) for more information.

## Individual Membership (for those not covered by a site subscription)

Join a site subscription, request a trial subscription, or purchase a subscription within the SSRN User Headquarters: <https://hq.ssrn.com/Subscriptions.cfm>

## Financial Hardship

If you are undergoing financial hardship and believe you cannot pay for an eJournal, please send a detailed explanation to [Subscribe@SSRN.com](mailto:Subscribe@SSRN.com)

[^top](#)

---

To ensure delivery of this eJournal, please add **LSN@publish.ssrn.com (Alloway and Prebble)** to your email contact list. If you are missing an issue or are having any problems with your subscription, please Email [Support@ssrn.com](mailto:Support@ssrn.com) or call 877-SSRNHELP (877.777.6435 or 585.442.8170).

## FORWARDING & REDISTRIBUTION

Subscriptions to the journal are for single users. You may forward a particular eJournal issue, or an excerpt from an issue, to an individual or individuals who might be interested in it. It is a violation of copyright to redistribute this eJournal on a recurring basis to another person or persons, without the

permission of SSRN. For information about individual subscriptions and site subscriptions, please contact us at [Site@SSRN.com](mailto:Site@SSRN.com)

[^top](#)

Copyright © 2018 Elsevier, Inc. All Rights Reserved