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["Developing the Statutory Obligation of Good Faith in Employment Law: What Might Human Resource Management Contribute?"](#)


Victoria University of Wellington Law Review, Vol. 37, p. 487, 2006

[Victoria University of Wellington Legal Research Paper No. 40](#)

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The Employment Relations Act 2000 has strengthened individual employee rights in two ways. First it provides that the parties to an employment relationship must deal with each other in good faith and second it has made it clear that the standard by which an unjustifiable action is to be judged is an objective one. It is suggested that applying these new provisions will require some realignment of the judicial mindset which has tended to resist interventions into an employer's management of its employees. This paper will first discuss the nature and extent of the good faith obligation in the management of the day-to-day individual employment relationship as well as the nature of the changes to the test of justification. It will then go on to consider whether disciplines such as organisational psychology and human resource management good practice provide a potential source of reliable evidence which can contribute to the legal development and re-evaluation of concepts such as good faith and justification. The ability to make such a contribution is dependent first on whether the disciplines are sufficiently developed and their principles and practices sufficiently accepted and second on whether the courts are prepared to accept and give adequate weight to expert evidence that may be adduced.

["Employment Rights in an Era of Individualised Employment"](#) 
(2007) 38 Victoria University of Wellington Law Review 417
[Victoria University of Wellington Legal Research Paper No. 41](#)


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On 7 August 2007, Gordon Anderson delivered his inaugural lecture after becoming a professor in the Law Faculty of Victoria University of Wellington. Gordon took as his theme the protection of employees employed on an individual contract of employment. Following the repeal of the award system by the Employment Contracts Act 1991 the majority of New Zealand employees ceased to be covered by collectively negotiated instruments. Instead the contract of employment became dominant. The lecture argued that the common law contract of employment provides little protection for employees. Instead protection depends on some critical statutory interventions that provide a degree of balance within the employment relationship. While not perfect, these protections may be the best that can be expected in the real world of employment.

["The Individual and the Employment Relations Act"](#) 
26 New Zealand Journal of Industrial Relations 103
[Victoria University of Wellington Legal Research Paper No. 42](#)

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Union density in New Zealand at the time of the enactment of the Employment Relations Act 2000 was estimated at 17 per cent meaning that collective bargaining was of marginal importance to the bulk of employees. For this reason it is necessary to reconsider the approach to employment law and in particular the extent to which statutory labour law should evolve to reflect the reality of modern employment relationships. This article considers the implications of the ERA from the perspective of the individual non-unionised employee working in an unorganised workplace and asks what the reforms achieved for such employees.

["The Good Employer: The Image and the Reality"](#) 
International Labour and Employment Relations Association 16th World Congress, Philadelphia, July 2012
[Victoria University of Wellington Legal Research Paper No. 43](#)

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This paper considers the good employer from both an HRM perspective and a legal perspective emphasising the inter-relationship between HRM and the law. While the paper focuses on New Zealand's particular experience with a legislative conceptualisation of the good employer it also has a general application as the problems it addresses are applicable to employers generally, all of whom to a greater or lesser extent seek to project a "good employer" brand. The paper begins by considering the notion of a good employer first from an HRM and then a legal perspective and suggests that the theory of instrumental decentred regulation assists in explaining a relationship between the law and HRM: legal obligations imposed on employers have led to self-regulation through the development of HRM policies which in turn have helped the law develop its own concept of what constitutes a good employer. The paper concludes with a discussion of the strengths and weaknesses of New Zealand's statutory model of the good employer.

This paper was presented at the 16th ILERA World Congress as part of a Panel "The Good Employer - A Basic Building Block for Global Worker Rights." The other participants were Prof Ellen Dannin, Penn State, Associate Professor John Howell, University of Melbourne, Professor John Budd, University of Minnesota, and Professor Gregor Murray, Université de Montréal. References to papers by those panel members can be found in the paper.

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Solicitation of Abstracts

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 Judicial 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.

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