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Union Organising in New Zealand:
The Near Death Experience

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Introduction

Having endured and survived almost a decade of one of the harshest industrial relations climate amongst the Anglo-Saxon nations, primarily in the shape of the Employment Contracts Act 1991, New Zealand’s labour unions have now had an almost similar period of time under a re-regulated regime, providing for some interesting comparisons. Since the Labour government enacted the Employment Relations Act 2000 in October of that year, union membership has climbed slowly and steadily, reversing a decade of long decline. Whilst membership numbers are at similar levels to those of the early 1990s, density remains stubbornly at all time low levels because of strong labour market growth over the last decade. The New Zealand Council of Labour Unions (NZCTU), having learnt the hard way that reliance on the state for union fortunes was no longer a responsible strategy, has, since the late 1990s, vigorously pursued an ‘organising’ agenda and affiliates are currently working together with unheard of levels of cooperation. A small number of affiliates have been keen proponents of the ‘organising model’ since the 1980s (Oxenbridge 1998). Nonetheless, the impact of the Employment Contracts Act 1991 has been long-lasting, however, and not just because the current government has accepted this as the status quo and the platform for its changes, rather than returning to what went before the 1991 Act. This raises questions about the sustainability of the current membership revitalisation and what might really be needed in order to put New Zealand’s labour unions properly back on the map of important social agents. In this chapter, we look at what unions have done in order to survive, what shape they came out the other end in, and how this has informed the New Zealand movement today. We also question
the label ‘union organising’ and how helpful the ‘organising model’ has been as a rallying cry for unions in their quest for re-legitimacy and renewal.

In the New Zealand context, some particular questions start to emerge. Is it really possible for a movement the size of New Zealand’s with a long history of dependence on the state to stand on its own feet regardless of government per se? Does the organising model, broadly described as a set of principles for union rebuilding and empowering workers to be active in their own workplaces and not reliant on EUOs to not only provide solutions to problems but also implement these (Bronfenbrenner et al. 1998; Heery 2002), require a resourcing base beyond that possible for a union movement the size of New Zealand’s? Are we able to say that New Zealand labour unions are capable of fully embracing the organising model and implementing it into their own cultures and strategies, given their small size and the consequent resource constraints that flow from lack of scale? Is organising as a strategy predicated on a critical mass something more akin to that of the AFL-CIO or TUC? Or has some peculiarly New Zealand approach been crafted by unions in response to the particular circumstances they have faced and, if so, what lessons might be learnt from this by unions in other countries? We draw on our professional experience (see biographical notes on pp.xi–xii) and extant studies to examine these issues.

Background and context

The impact of the Employment Contracts Act 1991 on New Zealand’s labour unions has been well documented (Anderson 1991; Boxall 1991; Kelsey 2005). Changes to the system of compulsory arbitration, that had been the mainstay of New Zealand’s industrial relations since the Industrial Conciliation and Arbitration Act 1894, were begun by the Labour government of 1984–1990. This government was heavily influenced by advocates for widespread market liberalisation within the public sector, and the economic conditions of the time that had lead to the rejection at the polls of the previous incumbent government (Easton 1994). The Employment Contracts Act 1991 took decentralisation and de-collectivisation much further, prohibiting compulsory membership provisions, putting individual and collective contracts on the same footing whilst making negotiation of multi-employer contracts difficult. The Employment Contracts Act also gave employers veto rights over union access and allowed non-union groups or individuals to negotiate collective agreements. Within a decade, union membership and density had more than