

# LABOUR LAW IN NEW ZEALAND

SECOND EDITION

GORDON ANDERSON



Wolters Kluwer  
Law & Business

# **Labour Law in New Zealand**

**Second Edition**

**Gordon Anderson**

This book was originally published as a monograph in the International Encyclopaedia of Laws/Labour Law and Industrial Relations.

General Editors: Roger Blanpain, Frank Hendrickx



**Wolters Kluwer**  
Law & Business

*Published by:*

Kluwer Law International  
PO Box 316  
2400 AH Alphen aan den Rijn  
The Netherlands  
Website: [www.kluwerlaw.com](http://www.kluwerlaw.com)

*Sold and distributed in North, Central and South America by:*

Aspen Publishers, Inc.  
7201 McKinney Circle  
Frederick, MD 21704  
United States of America  
Email: [customer.service@aspenpublishers.com](mailto:customer.service@aspenpublishers.com)

*Sold and distributed in all other countries by:*

Turpin Distribution Services Ltd.  
Stratton Business Park  
Pegasus Drive, Biggleswade  
Bedfordshire SG18 8TQ  
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Email: [kluwerlaw@turpin-distribution.com](mailto:kluwerlaw@turpin-distribution.com)

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*Printed on acid-free paper*

ISBN 978-90-411-5675-4

This title is available on [www.kluwerlawonline.com](http://www.kluwerlawonline.com)

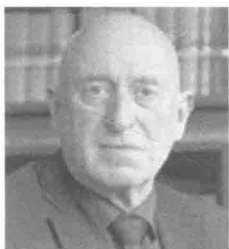
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Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

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He is the author of numerous articles on labour law and is one of the authors of *Mazengarb's Employment Law*, the leading commentary on New Zealand labour law, and (with John Hughes) *Employment Law in New Zealand* (2014). He is also the author of *Reconstructing New Zealand's Labour Law: Consensus or Divergence* (2011).

## Preface

This monograph on New Zealand the first edition of which was published in 2005, replaces that originally written by Professor Howells. Over the last two and a half decades there have been a number of substantial legislative changes to New Zealand labour law. In 1991 the compulsory arbitration system first introduced in 1894 was finally repealed in its entirety and replaced by the neoliberal inspired Employment Contracts Act 1991. This Act gave New Zealand one of the most flexible labour markets in the Western world, although the country continued to maintain the basic floor of rights which has existed since the middle of the last century. The following decade saw massive structural changes in the system of industrial relations. The current primary Act, the Employment Relations Act 2000, continues the underlying policy of promoting a flexible labour market at the macro level but attempts to introduce a system which provides for much stronger employee voice and input at the enterprise level. These changing philosophies of labour law have provided a considerable practical challenge for employers, unions and employees, as well as the courts who must implement the law. They have also provided fertile material for academic analysis as industrial relations and labour law academics attempted to come to terms with the structure and implementation of a controversial and changing environment. This first edition of this monograph was written at a time when New Zealand's statutory regime seemed to have reached a period of stability after close to three decades of turbulence and change. Now, after nine years of Labour governments (1999–2008) and a subsequent six years of Conservative governments, this prediction seems to have been largely justified. The Conservative National-led Government has introduced a number of employer-friendly reforms but has not sought to change the fundamental structure of the Employment Relations Act. However, while there remains a broad political consensus on the overall structure of labour law, the winds of change may be in the air. Policies released by the two dominant left-leaning parties during the current general election campaign suggest that those parties favour a return to a more strongly pluralist labour law system. Even if these parties do not form a new government this year significant changes in labour law might be expected within the next decade.

## Acknowledgements

In writing a monograph such an author draws on a wide range of material from other academics and commentators. These sources are acknowledged in the bibliography and the text but a particular debt is due to my co-authors of *Mazengarb's Employment Law* and in particular John Hughes and Paul Roth whose analysis and commentary has been an invaluable source in the preparation of this work. I would also particularly acknowledge the contribution of Jane May and Olivia Grainger, my research assistants, who provided a valuable assistance in the drafting and the completion of the first edition of this monograph and James Gilbert for his contribution to the second and Jessica Warn for this third edition.

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