NOT A TYPICAL UNION BUT A UNION ALL THE SAME

Opinion leaders, employers, dissatisfaction and the formation of New Unions under the Employment Relations Act 2000

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Abstract

This research examined the rapid formation and proliferation, in New Zealand, of new predominantly workplace-based unions under the Employment Relations Act 2000 (ERA). More specifically, it examined the motivations and interests of the individuals responsible for forming New Unions, and the process by which the decision to form a New Union was made. To date, scholars have placed little emphasis on these issues and have given greater weight to describing New Unions, and on comparing their structure, activities and character against that of older, more established unions. When compared, the typical New Union has not fared well its small size, limited finances, and limited interests outside of enterprise based bargaining is argued to be ineffective in comparison to the size, finances and activities of larger, more established unions. The status of New Unions as 'genuine' union organisations has also been questioned, particularly as many are regarded as, or more accurately implied to be, incapable of operating at arm's length from employers. In simple terms' many New Unions are not seen as genuine unions as their formation is argued to be an employer *not* an employee driven phenomenon.

However, evidence of actual employer involvement in New Union formation and, more importantly, their activities post-formation is relatively sparse, as are explanations for why employers would consider such involvement necessary. If, as argued, the goal of employers' is to undermine the existing union movement, then the current legislative climate already allows them to do so *without* recourse to a New Zealand version of the company union phenomenon seen elsewhere. The current climate characterized by employers' to passing on of union negotiated terms and conditions, union recruitment and retention difficulties, and the availability of decollectivist strategies that have been successful without the formation of a tame in-house unions. Critically, in focusing on how New Unions operate, the role of employers, and comparisons with established unions', scholars have overlooked the

motivations and interests of New Union members. Some scholars have linked workers' dissatisfaction with, and possible opposition to, the wider union movement to New Union formation. But beyond this, no direct or definitive examination has been provided of why workers chose to form, and subsequently join, organisations that are, according to scholars, ineffective and unable to operate independently.

By interviewing New Unions, their employers, and older, more established unions, this study addressed these and other questions, and re-examined New Union formation. The study questioned in particular why those unions formed, the motivations and interests of the workers who formed them, and challenged suggestions that they are *not* genuine unions. A number of significant findings emerged from the research process. New Union formation was found to be an employee *not* an employer driven phenomenon, and little evidence was found of *actual* employer involvement in their formation. Workers' negative personal and shared experiences with the behaviour of older unions and their members and officials were significant to New Union formation. Also significant were the actions and attitudes of key opinion leaders who provided the expertise and knowledge needed to form and operate New Unions, but more importantly acted as a source of workers shared experiences with other unions.

Overall, the findings of this study make an important contribution to existing research by re-defining the significance of existing findings. But more importantly, they challenge existing arguments that New Unions are *not* genuine union organisations that New Union members are opposed to traditional concepts of unionism, and question in particular the relevance of existing empirical definitions and descriptions of the *genuine* union.

Introduction

For the New Zealand union movement, one consequence of the Employment Relations Act 2000 (ERA) has been the rapid formation and proliferation of new predominantly workplace-based unions (Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001; Harbridge & Thickett, 2003; May, 2003b). This process diverges from union and union membership trends internationally (Buchanan, 2003; Chaison & Rose, 1991; Chaison, Sverke & Sjoberg, 2001; Freeman, 1989; Hose & Rimmer, 2002; Kuruvilla, Das, Kwon & Kwon, 2002; Western, 1995). As at 1st March 2004, New Unions as organisations made up approximately half of all registered unions in this country but their members represented only 2% of total union membership at that time (Employment Relations Service, 2004). Despite their small average size the overall contribution of New Unions to union membership growth under the ERA has been significant; approximately one third of all New Union members registered under the ERA belong to New Unions (Employment Relations Service, 2004). Consequently, New Unions as organisations have had a large impact on union membership growth and the number of registered unions recorded under the ERA.

As a phenomenon, the formation and rapid proliferation of New Unions under the ERA has attracted a modest degree of empirical attention from primarily New Zealand-based researchers (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001; May, 2003a & 2003b). The primary focus of this research has been on the structure and activities of New Unions and more specifically on their possible impact on the existing union movement (Barry, 2004; Barry & May, 2002); legitimacy or independence as organisations (Anderson, 2004); and the possible involvement of employers in their formation (Anderson, 2004; Barry & Reveley, 2001). Critically, however, this same research has provided a paucity of data on why these organisations have formed, and in particular on workers' motivations for

forming New Unions, and the process by which the decision to form those unions was made. Rather, scholars have paid greater attention to the question of whether New Unions are now, or are capable of becoming, a genuine form of union representation (Barry & May, 2002), and to comparing New Unions against existing definitions and empirical descriptions of the term 'union' (e.g., Blackburn, 1967; Blackburn & Prandy, 1965; Hawkins, 1981; Jenkins & Sherman, 1979; Nicholson, Blyton & Turnbull, 1981; Webb & Webb, 1907).

The primary method by which scholars have attempted to address the character of New Unions has been to compare the structures, activities and interests of New Unions and Old Unions within the New Zealand union movement (e.g., Barry, 2004; Barry & May, 2002) Old Unions being defined as organisations formed and operating as unions prior to the ERA. Key characteristics said to differentiate New from Old Unions are New Unions:

- Enterprise-based membership.
- Non-affiliation with the New Zealand Council of Trade Unions (NZCTU).
- Lower membership fees.
- Enterprise-based bargaining agenda (Barry, 2004; Barry & May, 2002; May, 2003a & 2003b).

Based on these comparisons and the divergence of New Unions from existing empirical definitions of the term 'union', New Unions have been broadly defined as something less than a genuine form of union representation (Barry, 2004; Barry & May, 2002). However, a key component of these arguments, the concept of union character (Blackburn, 1967; Blackburn & Prandy, 1965), does *not* allow scholars to state that an organisation is or is not a union (Gall, 1997). Recent conclusions also overlook similarities between the character of New and many Old Unions and the possible inaccuracy of existing definitions of the term 'union'.

In general, the typical New Union has been described by scholars as a small, poorly financed enterprise-based organisation formed solely for the purpose of negotiating a site-based collective employment agreement (Barry, 2004; Barry & May, 2002). The enterprise-based structure, found to be typical of many New Unions, is also argued to be an ineffective mechanism for representing workers' interests (Barry, 2004; Barry & May, 2001). More specifically, New Unions' small size, workplace-based membership and bargaining agenda, and low membership fees have raised concerns that as organisations they lack the ability to operate independently of and at arm's length from employers (Anderson, 2004; Barry, 2004; Barry & May, 2002). The ability to act independently is the critical test of an organisations' status as a genuine union (Blackburn, 1967; Blackburn & Prandy, 1965; Prandy, Stewart & Blackburn, 1974), and consequently New Unions' perceived lack of independence has been of significant interest to scholars.

New Union formation has in many cases been linked to employer efforts at undermining the bargaining and organising efforts of Old Unions (Anderson, 2004; Barry, 2004; Barry & May, 2001; Barry & Reveley, 2001). Employers are implied to sponsor or promote New Union formation as part of a wider decollectivist strategy (e.g., Peetz, 2002a & 2002b), possibly based on a New Zealand version of the company union phenomenon seen elsewhere (e.g., Jenkins & Sherman, 1979; Kaufman, 2001; Nissen, 1999). But outside of a few, possibly extreme, examples (Anderson, 2004; Barry, 2004; Barry & May, 2001; May, 2003a & 2003b), little definitive evidence has been produced that this is in fact the case. Nevertheless, the argument that New Union formation frequently represents an employer rather than employee driven phenomenon has not been significantly challenged.

A significant omission from this body of literature is an analysis of the motives and interests of workers who formed New Unions. Few scholars (Anderson, 2004, was one exception) have questioned why workers would 'freely' choose to form, join and remain in organisations that could not and did not effectively represent their

interests. Fewer still have questioned why workers would form, join and remain in organisations that lacked the ability to act independently of their employers. Empirical research into workers' unionisation decisions has consistently found that workers join and remain in unions in order to gain some advantage, typically an economic one. If a union is incapable, or unable, because of employer involvement, to offer such an advantage, why workers would choose to form, join, and remain in New Unions is an important question.

The only identified motives for workers' decisions to form New Unions is argued to be their dissatisfaction with the existing union movement or a desire for a cheaper form of union membership (Barry & May, 2002; May, 2003a & 2003b). But as catalysts or antecedent causes of New Union formation these factors have not been extensively examined by scholars. Consequently, empirical research thus far has offered few if any explanations of why workers choose to form New Unions or of how that decision was reached. This is surprising given the impact New Unions are argued to have on the union movement as a whole and the operation of the ERA (Barry, 2004; Barry & May, 2002; May, 2003a & 2003b).

In examining the decision to form a New Union and questions raised by the relevant literature, this study sought the experiences and perceptions of members of three stakeholder groups: workers who formed New Unions, their employers, and representatives of Old Unions whom they operated alongside. In total, representatives of 9 New Unions, 3 employers, and 3 Old Unions were interviewed by the study in a semi-structured qualitative format. The primary purpose of the interviews was to re-examine the phenomenon of New Union formation and to develop a more comprehensive picture of why and how those unions formed. The primary research question investigated by the study was:

"Why do New Unions form in New Zealand under the ERA?"

To address additional themes identified within the literature as relevant to this question, the study also investigated six additional and supporting research questions. These were:

- Why did workers reject membership in other unions in favour of forming their own?
- What role did and do employers play in workers' decision to form a New Union?
- Was the decision to form a New Union a spontaneous or a deliberate decision?
- How have New Unions' relationships with employers and their character as organisations evolved?
- What is a genuine union?
- Are New Unions genuine?

In order to present its examination and analysis of these questions, the study uses the following format: First Chapter One outlines the relevant literature to describe the current state of knowledge relevant to the research questions and establishes the context within which those questions are asked; Chapter Two describes the research process adopted by the study including the type of interview used, participant selection and data collection. It also provides a description of and rationale for the chosen methodology; Chapter Three provides a brief report on the results of the data collection process in relation to the study's research questions; Chapters Four, Five and Six then discuss those results in relation to the relevant literature with each chapter examining and analysing data collected from a specific stakeholder group. Chapter Four discusses the results of interviews with New Unions, Chapter Five the results of interviews with Employers, and Chapter Six the results of interviews with Old Unions. Finally, Chapter Seven summarises the study's overall findings and offers conclusions in relation to each of the study's research questions with further reference to the relevant literature. Also provided is a discussion of new or

unexpected themes identified by the research process, the implications of the study's overall findings, and suggestions for future research where considered appropriate.

Chapter One

A Review of the Literature

1.0 Introduction

1.0.1 The New Zealand union movement post 2000

Since 2000 the New Zealand union movement has been marked by the rapid formation, registration and proliferation of new, small enterprise-based unions (Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001; Harbridge & Thickett, 2003; May, 2003b). The rapid growth in newly registered unions goes against prevailing trends within Western industrialised systems (Chaison & Rose, 1991; Freeman, 1989; Western, 1995) and Non-Western systems (Kuruvilla *et al*, 2002) toward a decline in union coverage and the creation, by merger, of large conglomerate union bodies (Buchanan, 2003; Chaison *et al*, 2001; Hose & Rimmer, 2002). As an organisational trend, their creation is also at odds with predictions about the potential impact of the Employment Relations Act 2000 (ERA) on the New Zealand union movement. The more positive of these predicated that the ERA represented a turning point in New Zealand union history (May & Walsh, 2002) that heralded a reversal of union decline, provided scope for union renewal (May, 2003a & 2003b) and fostered an environment suitable for union growth (Harbridge & Thickett, 2003).

1.0.2 New Union formation as an object of empirical study

The proliferation of so many New Unions under the ERA (about 100 were formed within the period 2000–2004 (Employment Relations Service, 2004)), was an unexpected consequence of the ERA (Barry, 2004). The nature of New Union growth under the ERA and the consequences of this trend for existing unions has attracted a measured degree of interest from New Zealand scholars (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). It has yet to

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attract the attention of their international counterparts, although some investigations (e.g., Barry, 2004) have been published in international journals. Thus far, scholarly analysis of New Union registrations in New Zealand has been narrow. Emphasis has been placed on comparisons of new and existing union structures and interests (Barry, 2004; Barry & May, 2002) and the possible role of employers in their formation and their use against established unions (Anderson, 2004; Barry & Reveley, 2001). Little or no i has been found that addresses the motivations and interests of their membership, or the question of why they were formed.

On the basis of both quantitative and qualitative data, these studies have generally argued that new organisations may not be genuine unions (Barry, 2004) and are predominantly an employer creation (Barry & Reveley, 2001). It is also suggested that, as employer creations, they lack the real independence (Anderson, 2004) that is the key feature of the genuine union (Shirai, 1983, cited in Benson, 1996). In this vein, newly registered unions are indirectly described as a form of decollectivist strategy (Peetz, 2002a & 2002b) whose formation is an attempt to reduce or prevent genuine unions from gaining an influence in particular workplaces. The primary justification for these conclusions is differences in the structure and possible strategies of new and established unions, their membership, financial structures, and the activities they pursue.

1.0.3 Union formation and the role of employers

Comparisons between new and established unions in New Zealand under the ERA bear some similarity to comparisons between union and non-union representative structures in other settings, and historical accounts of union origins. Like recent investigations in New Zealand, these comparisons also emphasise the involvement of employers in the formation of particular organisations. Analysis of early union history describes employer action as the most significant and consistent barrier to union formation (Chase, 2000; Fraser, 1999; Pelling, 1963). Employer opposition

to particular organisations was also used to identify those organisations as union-like bodies (Webb & Webb, 1907). More recently, employers have been shown to use a variety of strategies that undermine unions either by re-directing employee loyalty to the firm (Dundon, 2002), by challenging the legitimacy of unions (Logan, 2002), or by subverting union representational structures (Royle, 2002).

Yet whether strategies of this type are responsible for the formation of New Unions in New Zealand has not been definitively established. Rather, employer involvement in New Union formation is assumed upon the basis of the limited interests and low level bargaining activities of some New Unions (Barry, 2004; Barry & May, 2002). Yet historical accounts give some indication as to the often narrow and rather simple sets of interests and activities pursued by unions when first formed (Chase, 2000; Fraser, 1999; Pelling, 1963; Webb & Webb, 1907). This could suggest that the narrow interests of newly registered unions in New Zealand are a consequence of their age, not employer action. The interests and activities of the first unions evolved and became more complex over time (Franks, 2001; Pelling, 1963; Ryan, 1997; Webb & Webb, 1907). It is possible that newly registered unions in New Zealand will follow a similar path. More recent investigations of different forms of collective representation offer some lessons here, providing a comparison of new, emerging and established union organisations.

1.0.4 Employee representation: what is its genuine form?

The primary example of the comparison of different forms of employee representation is found with the rise of staff associations and white-collar unions, particularly in the United Kingdom. The rise of staff associations and white-collar unions attracted a significant degree of interest from British scholars (Bain, Coates & Ellis, 1973; Blackburn, 1967; Blackburn & Prandy, 1965; Prandy et al, 1974), and also New Zealand researchers who observed similar processes in this country (Smith, 1987). These comparisons highlight the difficulties faced by scholars when attempting to differentiate between different types of collective organisation. They

also illustrate the difficulties faced in attempting to identify why particular groups formed, as well as the inconsistencies and gaps within recent analysis of newly registered unions in New Zealand.

Of particular interest is that neither set of studies can provide a precise definition or description of the genuine union. Rather, the comparisons provided rested upon the assumption that established representational forms provide an effective benchmark against which any New Union-like body can be measured. In this respect, they reinforce existing institutional or rationalised myths about what a union is and should be (Strauss, 1993). For the purposes of this study, and in relation to unions, rationalised myths outline the actual and perceived characteristics that define what a 'genuine' union is within a particular system. One attempt to establish such a defining set of union characteristics is used by both sets of comparative studies, i.e., that of white-collar unions in Britain and New Unions in New Zealand. The attempt is provided by Blackburn's (1967) and Blackburn, & Prandy's (1965) model of union character.

1.0.5 Union character and New Zealand unions

Although New Zealand scholars have not used the concept of union character in its entirety (Barry, 2004; Barry & May, 2002; Smith, 1987), it has offered the only method of comparing different organisational forms that is common to both the study of alternative forms of employee representation amongst white-collar unions, and the proliferation of new forms of employee representation in New Zealand under the ERA. The model provides a set of seven factors said to be indicative of the typical, and genuine, union (Blackburn, 1967), and the model itself has, along with one other (Lockwood, 1958), been identified as the most rigorous of its type available (Bain *et al*, 1973). Yet while it is a reasonable interpretation of what a union might be, union character does not provide a definitive and widely applicable description of what a union is. A key failing of the concept is that it does not account for changes in a union's external environment. Also, it does not explain

why a New Union forms and adopts a particular structure. Rather, it illustrates a set of factors common to unions at a particular point in time, and which have maintained a degree of historical significance (Blackburn, 1967; Blackburn & Prandy, 1965).

1.0.6 New unions, employers, and union character: some unanswered questions

Examination of the formation of newly registered unions in New Zealand and their links to existing themes raises a number of questions. Existing theories make it possible, albeit in a limited fashion, to compare different types of unions at a given point in time. However, this study argues that we cannot yet categorically state that newly registered unions in New Zealand are not genuine on the basis of such comparisons. Employer involvement is a key indicator of a union's legitimacy and union history clearly illustrates the significance of employer action in their formation and development. Nevertheless, no definitive evidence has been provided that would allow New Unions in New Zealand as a group to be labelled a purely employer driven phenomenon. The investigation of newly registered unions also overlooks the motivations of employees. While the opposition of New Union officials to existing unions is noted, why groups of workers would choose to form their own union rather than join existing unions is not fully discussed, although dissatisfaction with existing unions is mooted as a contributing factor (Barry & May, 2002). The principal questions raised by this body of research then are:

- What is a genuine union?
- Why have New Unions formed in New Zealand?

In order to put these questions into a clearer perspective the aim of this literature review is to introduce and define key concepts and themes relevant to the formation of unions, their development as organisations and the comparison of different organisational forms.

1.1   What is a Union?

1.1.1 Constructing a definitive description

The term union encompasses a variety of organisational forms whose central purpose can be loosely defined as the representation of the interests of employees in the workplace.   In this capacity, unions have been described as the only organisations wholly controlled by workers (Freeman & Rogers, 1999) and the primary form of worker representation in capitalist societies (Freeman & Medoff, 1984).   Unions have existed, within Western industrialised systems for about 300 years, and have maintained a consistent presence in industrialised systems since their first inception.   Yet despite their longevity, identifying unions and their membership as distinct groups has been difficult.   Suggestions that membership of a union is distinct from membership of any other organisation (Nicholson, Ursell & Blyton, 1981) should separate unions from other organisational forms.   Nevertheless, unions are not alone in representing employee interests (Smith, 1987), and consequently scholars have struggled to differentiate between unions and similar employee-based organisations.   The difficulties scholars face in identifying unions are such that an often quoted definition of what a union is, provided by Webb & Webb (1907), is now around one hundred years old.   Webb & Webb (1907, p.1) stated that a union is a "continuous association of wage earners" whose fundamental purpose is to protect their members' standard and quality of life.

Where and when provided, more recent definitions of what unions are tend to differ little from that of the Webb's, and continue to emphasise the role of unions in representing employees and improving various conditions of employment.   As organisations, unions been defined in a number of ways: as groups of workers united collectively in response to a common belief that collective action would provide a stronger means of protecting their conditions of employment (Hawkins, 1981; Jenkins & Sherman, 1979); as organisations formed to meet the interests of their members even where they conflicted with the interests of others (Barry & May, 2002); and as voluntary, freely created coalitions of individuals formed to represent

their interests (Nicholson *et al*, 1981), and to serve society as a whole (Herzenberg, 2002).

Descriptions of union origins, or labour history, provide a strong example of the problematic nature of identifying and defining unions. Labour histories from Britain, for example, continue to differ on the definition of what a union is, and consequently on the dates assigned to the formation of the first unions in that country (Chase, 2000; Pelling, 1963; Webb & Webb, 1907). Comparisons of unions against the character and identity of other forms of employee representation (Bain *et al*, 1973; Blackburn, 1967; Blackburn & Prandy, 1965; Lockwood, 1958; Prandy *et al*, 1974; Smith, 1987) have also found it difficult to define the typical union. These comparisons have included attempts to define the key characteristics of what a union is (Bain *et al*, 1973; Blackburn, 1967; Blackburn & Prandy, 1965). Yet while they provide variables consistent with other definitions, the question of what a union is remains inconclusive. The key problem is that in any comparison or description of organisations that represent groups of workers, those traditionally identified as unions have been shown to possess a wide variation in their adherence to even the most basic characteristics associated with the typical union (Blackburn, 1967; Blackburn & Prandy, 1965; Prandy *et al*, 1974).

1.1.2 What unions are: the influence of dominant mythology

In the absence of a definitive set of identifying characteristics, the continued use of often dated definitions suggests that attempts to define what a union is may be dominated by tradition and accepted practice. Strauss (1993) argues that this practise reflects not the reality of what unions are, but also the myths about what they are or should be that dominate a particular system. In this sense, myths define what unions are, what they are perceived to be and what tradition states they should be within a particular system. Within Western[1] industrial systems, these

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[1] The term Western refers primarily to the industrialised capitalist economies of Britain, Western Europe, the United States, Canada, Australia and New Zealand.

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myths have been found to identify a union as an industrial organisation that represents all workers' through the pursuit of a wide socio-political agenda (Wad, 1996). As comparisons of unions with other workers organisations have illustrated, such myths identify as unions only those organisations that can be favourably compared with established examples of what unions are.

In this manner, there is a significant degree of similarity between the definition provided by Webb & Webb (1907) and later definitions of what unions are in Britain (e.g., Blackburn, 1965; Blackburn & Prandy, 1967) and elsewhere among Western industrialised systems (Barry, 2004; Barry & May, 2002; May, 2003b; Nicholson *et al*, 1981). The consistency of these definitions also illustrates, to a degree, the longevity of traditional definitions of what unions are. What is absent from this body of work, however, is consideration of whether often dated definitions are accurate depictions of reality or merely, as Strauss (1993) suggests, a depiction of tradition and myth. More importantly, where comparative studies have examined new or emerging organisations with existing bodies, the ability of those myths to prevent the accurate identification and description of newer forms of worker organisation is not addressed. There is some evidence that this may actually occur, and that myths can prevent the accurate identification of new organisations.

Within Western industrial systems, dominant myth has been found to contribute to negative descriptions and/or evaluations of newly formed organisations where those organisations' characteristics contradict myths defining the 'genuine' union. Wad (1996), in a review of attitudes toward unions in a number of industrialised and industrialising nations, found a strong ideological opposition to union forms that contradicted prevailing myths. This was most frequently manifested in the negative imagery associated with enterprise unionism amongst Western nations (Wad, 1996). The opposition of Western myth to enterprise unionism is such that even where organisations considered to be genuine unions differed widely in their adherence to established myth, their identification as unions was not questioned or opposed in

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the same manner (Bain *et al*, 1973; Blackburn, 1967; Blackburn & Prandy, 1965; Prandy *et al*, 1974). A possible explanation for this is that such comparisons focused on comparing newly established organisations with unions with an often long and protracted history; newer organisations were more likely to be seen as different from older organisations whose non-adherence to the myth was as great or greater.

1.1.3 How do dominant myths form?

Why particular organisational myths come to dominate a system is a function of the environment in which unions in that system have developed, and can be traced to problems faced by unions when they first formed (Sherer & Leblebici, 1993). However, while unions as a group and their associated myths can be defined by their response to their environment (Fiorito, Jarley & Delaney, 2001), individual unions do not respond to their environment in the same way (Sherer & Leblebici, 1993). Variations in the responses of individual unions explain the often wide variations in an organisation's adherence to the characteristics associated with the typical union. However, in most systems the dominance of myth appears to limit this possibility, particularly where it influences the choices workers make about their unions. Hence, within any industrial relations system we can observe the continued dominance of particular types of union and the adoption by newer organisations of similar or identical structures. This occurs as organisations and workers either deliberately or unwittingly adopt representative structures whose characteristics comply with a particular system's dominant mythology.

Primary examples of the manner in which unions comply with mythology or tradition can be found in the ongoing dominance of particular union forms in many countries. Primary examples include: national unions and their local-level affiliates in the United States (Fiorito *et al*, 2001; Freeman & Medoff, 1984; Sherer & Leblebici, 1993); national and industrial unions in Britain (Chase, 2000; Fraser, 1999; Pelling, 1963; Webb & Webb, 1907) and New Zealand (Harbridge & Thickett, 2003; Holt, 1986; Roth, 1973); and enterprise unionism in Japan (Broadbent, 2001;

Miller & Amano, 1995) and elsewhere in Asia (Kuruvilla & Erickson, 2002; Wad, 1996). Asian examples also serve to illustrate how differences in worker attitudes, unions development, and how unions are perceived in particular systems, can alter the dominant type of structure they adopt. Fahlbeck (2002), for example, identified clear differences in how workers in three countries, Sweden, Japan and the United States, perceived and defined what unions were and what they did.

1.1.4 Identifying a union through the actions of employers

Identifying a union through an organisation's possession of or adherence to particular characteristics has proven difficult. This is particularly so where myth or tradition minimises or exaggerates the importance of particular variables. An alternative method of identifying whether an organisation is a union has been to use the opposition of other parties to its formation and activities as a guide. Labour history has made frequent reference to the use of employer opposition to an organisation as an indication of its status as a union (Pelling, 1963; Webb & Webb, 1907). In some instances, where data on a particular union was absent or inconclusive, this opposition provided the only means by which its existence could be established (Chase, 2000; Fraser, 1999; Pelling, 1963; Webb & Webb, 1907).

Employer opposition to unions has remained a consistent factor in union growth and decline (Chaison & Rose, 1991; Freeman, 1989; Pelling, 1963; Western, 1995; Woods, 1963), as evidenced by employers' ongoing attempts to prevent or reduce the unionisation of their workplaces (Dundon, 2002; Logan, 2002; Peetz, 2002a & 2002b; Royle, 2002). The role of employers is important as the act of joining, and presumably forming, a union has been argued to be less significant where that act is supported or manipulated by an employer (Jenkins & Sherman, 1979).

Another common theme within the history of unions has been the formation of employer sponsored, or supported, union organisations. Company unions in the United States (Kaufman, 2000; Logan, 2002; Nissen, 1999) and white-collar staff

associations in Britain (Blackburn, 1967; Jenkins & Sherman, 1979) are key examples. Typically, these organisations are formed by employers, or with a significant degree of employer involvement, with the express purpose of undermining other unions (Nissen, 1999). The first recorded instance of New Zealand employers forming a company union occurred in 1890 (Roth & Hammond, 1981), but in New Zealand this practice was more typically associated with the registration of an employer sponsored union under the Industrial Conciliation and Arbitration Act (Holt, 1986; Roth, 1973; Olssen, 1986).

Establishing whether an organisation representing workers is the result of employer action has been regarded as a significant factor in defining its status as a genuine union. Typical definitions of unions typically highlight the need for unions to be independent of employer action or influence (Barry & May, 2002, has a recent New Zealand definition), as do comparisons of unions against organisations such as staff associations (Bain *et al*, 1973; Blackburn, 1967; Blackburn & Prandy, 1965). An organisation which lacks independence from an employer is no longer regarded as a union. The case of employer sponsored unions operating on the New Zealand waterfront is a prime example (Barry & Reveley, 2001).

While scholars have established independence as a key determinant of an organisation's status as a union, a lack of independence is a difficult variable to test. A lack of opposition by employers to an organisation, direct employer sponsorship of representatives on union bodies such as consultative committees (Dundon, 2002; Royle, 2002), and possible employer financial assistance to a particular organisation (Barry, 2004; Barry & May, 2002; Jenkins & Sherman, 1979), have been mooted as key indicators. Yet, outside of legal definitions (Anderson, 2004), no definitive test exists to firmly establish a level of employer involvement beyond which a union's independence is and should be questioned. Confusing this issue still further is the active pursuit by many unions of formal cooperative partnerships with employers (Haynes & Allen, 2000; Haynes & Boxall, 2002), and the regular financial

contributions of employers to unions in some countries (Fahlbeck, 2002). Partnership strategies have been observed among several countries in Europe (Haynes & Allen, 2000; Heery, 2002), as well as North America (Rubinstein, 2001), and New Zealand (Haynes & Boxall, 2002). Two questions emerge from this issue:

- At what point do such partnerships result in the loss of a union's ability to act independently, and against the interests of an employer?
- At what point does financial assistance negate an organisation's independence and right to be called a union?

1.1.5 Identifying unions through legislative definitions

Legislation, like employer action, has provided a useful means of defining what a union is and identifying the existence of union organisations. Two factors that contribute to this are: (i) the creation of legislation explicitly designed to prevent and/or hinder the formation and growth of unions, and (ii) the definition of unions commonly contained within industrial statutes, whether restrictive or not. A prime example of the former was the British Combinations Act 1799 and its Amendment passed into law in 1800. The Combinations Act defined unions as seditious bodies that acted in restraint of trade, and placed a number of barriers in the way of their free and unrestricted formation (Chase, 2000; Fraser, 1999; Pelling, 1963; Webb & Webb, 1907). A later New Zealand example was the Labour Disputes Investigation Act 1913 that heavily restricted the rights, and limited the activities, of unions in this country (Holt, 1986; Roth, 1973).

In New Zealand, two early statutes provide an example of the latter situation: the Trade Union Act 1878 (TUA) and the Industrial Conciliation and Arbitration Act 1894 (ICAA). The TUA defined a union as "any combination, whether temporary or permanent, for regulating the relations of workers and employers ... or for imposing restrictive conditions on the conduct of any trade or business" (Deeks & Rasmussen, 2002, p. 37). Where the use of legislation to define what a union is becomes confused is where statute allows for the formation of unions of employers

as well as workers. Both the TUA and the ICAA allowed for this possibility. The TUA also defined as a union "any combination ... for regulating the relations [between]... employers and employers" (Deeks & Rasmussen, 2002, p. 37), while the ICAA defined a union as "a society ... lawfully associated for the purpose of protecting or furthering the interest of employers or workmen ..." (ICAA part 1, section 1.3). The usefulness of these definitions is that they confirm the suitability of characteristics scholars typically use to define unions such as the representation of employees and the furthering of their interests (e.g., Barry, 2004; Barry & May, 2002; Nicholson *et al*, 1981; Webb & Webb, 1907).

What legislative definitions do not provide is an indication of the motives of workers for union formation. Rather they specify a distinct and, at times, narrow set of structured criteria and activities that an entity must abide by in order to be regarded as a legitimate body. This creates further confusion where bodies regarded as unions exist outside of the legislative system. Even a cursory examination of labour history shows that this has been a common occurrence and one that often proved a more successful course of action for some unions (Chase, 2000; Fraser, 1999 & Pelling, 1963 for examples in Britain; Olssen, 1986, and Roth, 1973, for examples in New Zealand). Unions in New Zealand, for example, that were required to register to work within the legislative system would occasionally deregister, or not register at all, to retain the freedom to strike and bargain at an enterprise level (Holt, 1986; Roth, 1973).

1.2 Why do unions form?

1.2.1 The relevance of union origins and their formative history as organisations

Scholars provide evidence of the origins of unions, the role of employers and legislation in their development and growth, and some clues as to the myths that may or may not have determined the structures, activities and identities unions adopted within a particular system. Identifying why unions exist is also "a question

that may be answered by reference to the historical processes of social change" that contributed to their formation (Nicholson *et al*, 1981, p. 29). Consequently, an examination of union origins is relevant to any study that seeks to explore why unions form, and how they are identified. In Western industrialised systems, the first unions emerged approximately three centuries ago and grew in number in response to a range of environmental phenomena. Factors common to the formation of unions have been identified as the:

- Growth of wage earners as a distinct social and political class.
- Failure of other bodies to represent that class effectively.
- Polarisation of waged labour and capital.
- Desire by wage earners to protect and improve their conditions of employment in response to social and economic change (Chase, 2000; Crouch, 1982; Olson, 1965; Webb & Webb, 1907; Woods, 1963).

In some instances, the formation of the first unions has been described as a spontaneous response of workers to the consequences of the industrial revolution (Banks, 1974; Hobsbawn, 1964; Pelling, 1963; Webb & Webb, 1907), and particularly its impact on the structure and nature of industry and employment (Jenkins & Sherman, 1979). However, in most cases the formation of the first unions represented the deliberate, not spontaneous, actions of members of specific occupational groups. The first unions, rather than representing members of the waged class in general, represented members of skilled trades. Unions were formed by groups of skilled workers, whose position in the labour market was substantially better than the unskilled (Fraser, 1999), united collectively to provide welfare and financial services to members of their trade (Pelling, 1963; Webb & Webb, 1907) in the absence of stated sponsored systems (Olson, 1965).

The early history of unions in Britain in particular provides an example of the confusion scholars have faced in identifying unions as a distinct group. Early unions were not alone in representing the skilled trades or in providing workers with

financial and welfare benefits. Consequently the activities of unions frequently blurred the lines between themselves and other organisations, most notably guilds (Fraser, 1999). Guilds have a longer history than unions; their origins can be traced to medieval artisans who sought independence from their feudal lords (Banks, 1974; Perlman, 1949). Distinguishing between guilds and unions is a theme common to examinations of union origins. Attempts to distinguish between guilds and the first unions provide the first example of scholarly attempts to construct a set of identifying characteristics unique to unions that could clearly distinguish them from similar organisations. They provide a range of characteristics remarkably similar to those adopted by 20th century comparisons of unions with other forms of worker representation (Barry, 2004; Barry & May, 2002; Lockwood, 1958; Bain *et al*, 1973; Blackburn, 1967; Blackburn & Prandy, 1965; Prandy *et al*, 1974). In relation to guilds, labour histories distinguish between them and unions on the basis of:

- Unions' eventual but not original emphasis on collective bargaining to further their members interests (Banks, 1974; Hawkins, 1981).

- The manner in which guild artisans could become master craftsman or employers and thus be placed in a position of conflict with the journeyman and wage earners represented by unions (Webb & Webb, 1907).

- The gradual restriction of guild benefits and services to senior members, typically employers (Fraser, 1999).

- The gradual evolution of union interests to include social and political interests beyond the traditional trade boundaries (Herzenberg, 2002).

This work also suggests that unions of skilled and/or unskilled workers formed for three principal reasons:

- To improve or protect workers' conditions of employment through direct bargaining or socio-political means.

- To provide a range of welfare and financial benefits.

- Out of an ideological belief in the value of collective action and/or collective bargaining.

However, very little, if any data on workers' exact motives for forming their unions is available from these early periods.

1.3 Why do workers join unions?

1.3.1 Union formation and workers' decision to join

In the absence of any clear understanding of workers' motives for forming a union, the examination of the motives for joining a union provide the only clues for the individual decision to form one. Internationally, scholars have focused extensively on the individual antecedent causes of union membership such as: age, work status, income, personal belief, and socialisation experiences (e.g., Lahuis & Mellor, 2001; Lewis, 2001; Waddington & Kerr, 2002). In New Zealand, research of this type has been less extensive. Research has been restricted to annual surveys of changes to national union membership numbers (e.g., Blackwood, Feinberg-Danieli & Lafferty, 2005; May, Walsh, Harbridge & Thickett, 2002; May, Walsh & Otto, 2004), changes to the content and coverage of collective employment agreements (e.g., Thickett, Harbridge, Walsh & Kiely, 2003), and the occasional history of individual unions (e.g., Bollinger, 1968; Franks, 2001; Ryan, 1997). The impact of changes to union structure and strategy, and employment legislation on union membership has also been examined.

In New Zealand, research highlights that unions here suffer from recruitment and turnover problems that contradict recent minor growth in membership (Barry & May, 2002; Harbridge, Walsh & Wilkinson, 2002; May, 2003a & 2003b). Only two New Zealand studies have examined union membership at the individual level, providing limited clues as to the motives of New Zealand workers for forming unions. Iverson & Ballard (1996) tested the concept of union commitment (Gordon, Philpot, Burt, Thompson & Spillers, 1980; Klandermans, 1989), and Tolich & Harcourt (1999) examined the individual decision to join a union. This later study produced results that differed little from similar studies conducted in the United

States (Wheeler & McClendon, 1991), Britain (Waddington & Kerr, 1999a & 1999b) and elsewhere (Gani, 1996).

1.3.2 The importance of economic benefit to workers' decision to unionise

The decision to join a union may provide significant clues as to why unions form because at the lowest level of analysis union membership trends, and hence the growth of unions as organisations, are a construct of this decision and the decision to stay in or leave a union (Seeber, 1991). The decision to join a union is typically explained using economic or behavioural arguments (Youngblood, DeNisi, Molleston & Mobley, 1984). Economic arguments state simply that where the economic return of union membership versus non-membership is greater, individuals will be more likely to join a union (Freeman & Rogers, 1999). However, in New Zealand the current practice of employers regularly granting non-union workers identical terms of employment as unionised staff (Waldegrave, Anderson & Wong, 2003) means that union membership frequently offers little if any economic advantage over non-membership. This modern practice is similar to the manner in which the now defunct General Wage Orders and New Zealand Arbitration Court passed on the terms and conditions of awards negotiated by strong unions to their smaller, weaker brethren (Roth, 1974).

In the absence of economic differences, behavioural and other non-economic factors significant to the decision to join should be of greater interest, particularly in New Zealand. Scholars have consistently identified a number of factors significant to the decision to join a union. These are an individuals socialisation experiences, need for external assistance with workplace problems, conditions of employment and a belief in unionism (Barker, Lewis & McCann, 1984; Deery, Iverson & Erwin, 1994; Gani, 1996; Lahuis & Mellor, 2001; Premack & Hunter, 1988; Waddington & Whitston, 1997; Tolich & Harcourt, 1999). The decision to join a union is determined by the strength of either a single dominant factor, such as the need for external assistance (Waddington & Whitston, 1997) or a combination of multiple factors, such as

conditions of employment and belief in unionism (Waddington & Kerr, 2002). It can also result from a linear process where individuals consider several of these factors in turn before making a decision (Youngblood *et al*, 1984). While not specifically examined as part of labour history, the individual decision to form a union could conceivably follow a similar pattern.

1.3.3 Similarities between why workers form and why they join unions

Scholars have identified a range of factors that influenced the proliferation and growth of the first unions. These factors are almost identical to those responsible for workers decision to join unions and include workers' desire to protect their conditions and security of employment, need for various financial services, and belief in the benefits of collective action (Chase, 2000; Fraser, 1999; Jenkins & Sherman, 1979; Pelling, 1963; Webb & Webb, 1907; Woods, 1963). However, while similar, these results do not address three important questions:

- Why did workers first form unions when such action offered little advantage outside of the skilled trades?
- Why do workers form unions in the absence of any clear economic advantage?
- Why, particularly given the importance of economic benefits, do workers today join or form small unions when larger and assumedly more effective ones are available?

A belief in unionism or the benefits of collective action may be a valid explanation. However, as an explanation it is at odds with recent research that found that the official representatives of some New Unions possessed a degree of opposition to traditional concepts of unions (Barry & May, 2002).

1.4   Why unions formed in New Zealand

1.4.1 Historical lessons

In the absence of a definitive explanation for the motivations of individual workers in forming unions, scholars have focused on wider socio-economic and political phenomena to explain union development, growth and decline. In this respect, unions in New Zealand followed a similar pattern of growth and development to those in Britain. British union history is deemed to be particularly relevant to New Zealand whose unions share a number of historical similarities (Crowley, 1950). The first labour laws governing unions in New Zealand were copied from or were broadly similar to British statutes (Roth, 1973; Woods, 1974), and, in many cases, New Zealand unions had strong organisational links with British counterparts (Franks, 2001; Ryan, 1997). The same is also true of Australian unions whose representatives were frequently responsible for the formation of union organisations during the latter half of the 19th century (Roth, 1973; Roth & Hammond, 1981; Woods, 1963).

1.4.2 Union formation in New Zealand: A brief history

Unions in both New Zealand and Britain showed a similar foundation in small craft unions based around the skilled trades (Chase, 2000; Pelling, 1963; Roth, 1973; Crowley, 1950). The first British unions of this type formed sometime between the late 17th and early 18th centuries but scholars do not agree on the exact date due to subtle variations in their definitions and terms of reference (Chase, 2000; Pelling, 1963; Webb & Webb, 1907). For example, Pelling (1963) gives 1696, Webb & Webb (1907) 1720, and Chase (2000) 1716 as the date for the formation of the first confirmable trade union in Britain. In New Zealand, consensus on when the first union formed is equally variable, but scholars have tended to agree on a date between 1840 and 1870 (Roth, 1973; Roth Hammond, 1981; Crowley, 1950). A commonly cited example is the Benevolent Society of Carpenters and Joiners formed in Wellington in 1840-2 (Roth & Hammond, 1981), although it is argued that this group operated more as a friendly society than as a union proper (Roth,

1974). In this respect, the identification by scholars of the first union to form in New Zealand suffers from the same problems scholars face in Britain how to identify unions as a distinct group? The formation of the first union to fit Webb & Webb's (1907) notion of the continuous union was identified as a Union of Printers formed in Wellington in 1862 (Roth, 1974).

While the origins of British and New Zealand unions in the skilled trades are similar, this similarity was only a temporary and small feature of the New Zealand industrial relations system. While the first New Zealand unions shared similar craft orientations to their British counterparts, their operating and social environments were far different. Workers formed unions in Britain in response to the industrialisation of British society and widespread social and economic change characterised by a strong degree of conflict between labour and capital (Chase, 2000; Fraser, 1999; Hobsbawn, 1964; Pelling, 1963; Webb & Webb, 1907). Union formation in Britain was also a fairly widespread phenomenon, albeit with significant concentrations in the main centres such as London (Webb & Webb, 1907).

In New Zealand, unionism was transported to a colony whose workers had already adapted to industrialised society (Keating, 1974; Woods, 1974). Key differences between New Zealand and Britain were the absence in the former of extensive transport and communication networks, a sufficiently large labour force, and of natural conflict between workers and employers (Keating, 1974; Woods, 1974). Union formation in New Zealand was initially characterised by closer relationships between workers and employers (Woods, 1974). It was only from the 1860s that employer-employee relationships in New Zealand would become characterised by the natural conflict between labour and capital typical of unions in Britain (Woods, 1963). Catalysts for this were an influx of socialist ideas and foreign unionists, rising unemployment, economic depression, and the negative after effects of events such as the Otago Gold Rush that contributed to workers' desire to form unions amid a plethora of economic, technical and social changes (Roth, 1973 & 1974; Woods,

1963). Consequently, from the 1860s unions began to form outside of the skilled trades, and as a group they entered a period of sustained growth lasting until 1890 (Roth, 1973).

1.4.3 New Zealand unions and the role of legislation

After 1890, New Zealand unions diverged significantly in their character, structure and activities from British unions (Roth, 1974; Woods, 1963), as would the New Zealand industrial relations system as a whole (Keating, 1974; Woods, 1963 & 1974). The difference was created and reinforced by the country's legislative framework that, after 1890, had unions form within a "legal straitjacket" that ensured they were no longer similar to the free and voluntary unions formed in Britain (Roth, 1974, p. 7). The importance of legislation to the formation and character of New Zealand unions cannot be underestimated. Examination of labour laws is an extensive component of New Zealand literature, and Geare (1988, p. 47) argued that "the impact that legislation has had on industrial relations in New Zealand is such that analysis of the principal legislation is essential to any study of the New Zealand system". The activities of unions in this country regulated by nine major acts from 1878 – 1954, 45 amendments to those acts, a major act in 1973 and 17 subsequent amendments and three more major acts in 1987, 1991 and 2000 (Geare, 2002).

The influence of legislation on the subsequent development of New Zealand unions was stark. Union formation from the 1890s represented a welcomed process of expediency and a "loss of self-reliance" on the part of unions (Woods, 1963), which became dependant upon the legislative system for their survival (Roth, 1974). New Zealand legislation operated in direct contrast to that of other industrialised nations (Geare, 1979; Harbridge & Hince, 1994). It ensured that the decision to form a union in New Zealand was less fraught with conflict than elsewhere, and that unions formed by New Zealand workers after 1890 were an "artificial creation of the State" (Hare, 1946, p. 174). The majority of New Zealand unions formed under the ICAA

were defined as litigious rather than truly militant bodies (Clark, 1907, cited in Roth, 1974), whose formation reflected the legitimacy awarded them by statue (Harbridge & Thickett, 2003) rather than a natural process of development.

1.4.4 Union formation under the Industrial Conciliation and Arbitration Act

The principal body of legislation governing union formation in New Zealand, at least in the private sector, was the ICAA whose central ideology remained in place until 1991. The ICAA offered those workers who chose to form a union that abided by its terms a degree of institutional security and guaranteed bargaining outcomes not available elsewhere (Nolan & Walsh, 1994). This negated the need for unions to possess any real industrial strength, as legislation provided it for them. Under the ICAA most unions in New Zealand remained poorly resourced (Harbridge & Honeybone, 1996), dependant upon the regulatory system for their survival (Geare, 1979; Harbridge & Hince, 1994), and therefore weak and small (Hare, 1946; Roth, 1974).

Although an increasing proportion of union members would remain concentrated in small numbers of large unions (Roth, 1973), after 1987 only organisations with more than 1000 members could register as unions (Geare, 1988). However, not all unions in New Zealand were able to make full use of the regulatory system, and only those that were registered were capable of doing so. Under the ICAA, unions could in simplistic terms be divided into two groups: large numbers of typically small registered unions dependant upon the system, and small numbers of often larger, unregistered unions capable of meeting their members' interests outside of the regulatory system (Hare, 1946; Holt, 1986; Olssen, 1986; Roth, 1973; Woods, 1963).

1.4.5 Union registration under the Industrial Conciliation and Arbitration Act

The registration of unions under the ICAA was a primary feature of that Act (Harbridge & Thickett, 2003). Key advantages for unions that registered were the

retention of the right to strike, and the ability to negotiate binding and legally enforceable collective agreements (Woods, 1963). Key disadvantages of non-registration, or a loss of registration, were that any agreement negotiated by a union could not be legally enforced and that unions had no recourse to state sponsored conciliation and arbitration systems (Woods, 1963). Another key disadvantage was the ability of breakaway unions to register and take over an unregistered unions' coverage (Woods, 1963), a process used to great effect by employers and Government against unregistered unions on several occasions (Olssen, 1986; Roth, 1973). Worker and union compliance with the system was, in part, maintained by this constant threat of deregistration, maintained until 1973 (Geare, 1979 & 2002). The threat was strengthened in 1973 by an amendment that allowed Government to confiscate deregistered unions' financial assets (Geare, 2002).

The process of registration and three types of compulsory union membership (Geare, 2002; Kabui, 1986) appear to have negated any desire by early scholars to investigate the individual decision to join and/or form a union in this country. Investigations of this type were not prevalent until recently (Barry, 2004; Barry & May, 2002; Tolich & Harcourt, 1999). Labour history gives some clues as to why particular groups of workers formed unions, principally for protection of working conditions or their occupation (Crowley, 1950; Franks, 2001; Olssen, 1986; Roth, 1973; Ryan, 1997). These, however, are not easily applicable to workers as a whole, as they show a strong preference for the investigation of a narrow number of occupational fields such as miners, seafarers, watersiders, railwaymen and other skilled trades. As noted, only Tolich & Harcourt (1999) have specifically examined the individual decision to join a union, asking the question of workers who already belonged to a union.

1.5   Dominant myth in the New Zealand system

The reliance of most New Zealand unions upon statute and third party intervention (Hare, 1946; Nolan & Walsh, 1994; Roth, 1973; Woods, 1963) had a significant impact on the activities they pursued as organisations. Union fees, and therefore their financial strength, were capped by a number of statutes (Woods, 1974), and union activities were legally restricted to the pursuit of industrial matters relating to wages and employment conditions (Hare, 1946; Roth, 1973). The rationalised myths (Strauss, 1993) that dominate definitions of what unions are in New Zealand would suggest that they form almost exclusively to meet the requirements of the country's legislative system. Less reliant on industrial strength, New Zealand union leaders became extremely active in wider socio-political discussion, and became used to overseeing a movement dominated by industrial and national level multi-employer collective bargaining (Holt, 1986; Roth, 1973). This influenced the dominant mythology governing what unions are in New Zealand, and recent empirical examinations of the formation and proliferation of new forms of worker representation in New Zealand in 2000 (Anderson, 2004; Barry, 2004; Barry & May, 2002).

It would appear that within any system, what unions are depends on the nature and strength of prevailing myth within that setting, and how unions' external environments shape those myths. These determine what a union is, what activities it will pursue and how it will do so, and are also a reflection of workers' responses to various environmental factors. The characteristics of these myths can be found in the origins of dominant union forms in a particular system. Union origins in Britain and New Zealand illustrate that unions are organisations that represented workers' desire to improve their conditions of employment through collective action, the opposition of employers to that decision, and the use of legislation to control and regulate union formation and development. The primary determinant of what unions are in New Zealand would from 1894, be legislation, and the acceptance and dominance of a mythology emphasising a need for third party intervention and

unions' pursuit of a wide socio-political agenda. Historically a union in New Zealand could be identified by:

- A dependence upon legislative strength and legitimacy.
- Organisational and financial structures defined by legislation.
- The pursuit of goals that satisfied the requirements of legislation above the interests of union members.

However, how unions are defined in New Zealand bears a remarkable similarity to union definitions elsewhere, and particularly Britain. New Zealand research shows a strong predilection for the acceptance of myths that downplay the role of legislation in defining what unions are. Recent empirical examination of newly formed unions in this country (Barry, 2004; Barry & May, 2002), rely in part on a model of union character developed in Britain 40 years previously (Blackburn, 1967). Yet even a cursory examination of the question of what unions are and why they form, raises some unanswered questions, principally:

- How do you know that the organisations workers form are unions?
- Why do workers choose to form unions of a particular type?
- Why are some organisations in New Zealand regarded as genuine unions while others are not?

1.6 How do you know a union is a union?

1.6.1 Identifying what a union is via union character

In the absence of a clear, accepted and unambiguous definition of what a union is, Strauss's (1993) rationalised myths, or the definitions of what a union is common to a particular system, frequently govern the identification of union organisations within industrial relations systems. In these circumstances the dominant structural form adopted by unions within any system ultimately becomes the benchmark against which all other union organisations are compared.

An effective method of identifying union organisations and for comparing newly formed organisations with those deemed to be unions is based on the concept of union character. Union character forms part of a much wider debate that seeks to identify possible relationships between the responses of different groups of workers to unions. It was developed to provide a method of comparing established and emerging forms of worker representation among white-collar workers in the British banking and financial sectors (Blackburn, 1967; Blackburn & Prandy, 1965; Prandy *et al*, 1974). The concept does not allow observers to state that an organisation is or is not a union; rather it measures the degree to which New Unions subscribe to the structures and ideals of existing unions (Gall, 1997) or alternatively how well they fit the rationalised myths of a particular system (Strauss, 1993).

In its original form, unionateness was used to compare new and emerging unions representing non-manual or white-collar workers with pre-existing unions of manual blue-collar workers (Blackburn, 1967; Prandy *et al*, 1974). Its basic assumption was that unionism is "a class activity and that the character of a union may... be taken as an index of the class consciousness of its members" (Bain *et al*, 1973, p. 59). The concept has been criticised for its conceptual ambiguity in relation to class consciousness (Bain *et al*, 1973; Smith, 1987). However, few problems have been found with its ability to measure the character of particular organisations, or lessened the relevance of its key characteristics to later studies (Jenkins & Sherman, 1979).

Several measures of union character are available within the relevant literature of which the work of Lockwood (1958) and Blackburn (1965) are identified as the most rigorous (Bain *et al*, 1973). The concept is particularly relevant to the white-collar dominated New Zealand union movement (May *et al*, 2002). It formed a minor part in the examination of emerging forms of white-collar representation in the New Zealand public sector and private sectors (Smith, 1987), and more recently was a key element in comparisons of new primarily enterprise-based unions and

pre-existing industrial organisations (Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). Of particular interest to scholars in both instances was the role employers played in union formation. New Zealand studies placed some significance on the level and degree of employer influence on the formation process (Barry, 2004; Barry & May, 2002), but without the emphasis placed by British work on how this influence may affect the evolution of New Unions and the development of their character over time (Blackburn, 1967; Blackburn & Prandy, 1965).

1.6.2 The components of union character

Distinguishing between different organisations' unionateness relies upon responses to a seven item scale to assign an approximate value of high or low to individual organisations. To measure the unionateness of an organisation, a value must be assigned to all seven of the items in the scale, as an organisation's score on one item is not sufficient to define its character (Blackburn, 1967). Responses to each item place an organisation on a scale that measures their relative character with respect to other organisations within a particular environment. Responses do not provide an exact or static value, as the character of an organisation evolves over time (Blackburn, 1967); rather they allow observers to measure the degree to which new organisations subscribe to the structures and ideals of existing organisations (Gall, 1997) at a specific point in time.

The ability of unionateness to do this has been criticised for its subjective nature and assumption that it can be applied universally to all unions (Bain et al, 1973). However, this criticism relates more to the inability of a single behavioural item to measure organisations' unionateness, whereas Blackburn (1967) insists that each factor is only useful when used in conjunction with the others. It also possesses two limitations relative to any replication of the concept in New Zealand:

- The non-adherence of even highly unionate organisations to values considered to be fundamental identifiers of a traditional union.

- The irrelevance of some items on the scale.

Blackburn (1967) also notes two general limitations of the scale as the difficulty of:

- Establishing an appropriate scale for variable items.
- Assigning a set of workable relative values for all seven items.

However, these problems do not reduce the index's usefulness as a measure of the behavioural responses, interests and definition of unions; Bain *et al* (1973) argue strongly for its suitability in this respect. The seven items that make up unionateness can be grouped under three headings: behaviour, identification and affiliation.

1.7 Behavioural components of unionateness

Blackburn (1967) gives three items that measure variations in the behaviour and function of organisations that ask:

- How central is collective bargaining to that organisation's existence?
- How independent is that organisation from its employer?
- How prepared is that organisation to engage in militant action?

1.7.1 The centrality of collective bargaining

The pursuit of collective bargaining is the single most distinguishing feature of a union (Blackburn, 1967). It is also the most important of the seven items that define a union's character. Blackburn (1967, p. 28) argues that any null value in relation to this item means that a union can have "no score under the other items... [and its] level of unionateness is [therefore] zero". Where collective bargaining is identified as the main function by which a union protects its members' interests, that union is considered more unionate (Blackburn & Prandy, 1967). However, this is only where it *actively* (Blackburn, 1967) or *seriously* (Jenkins & Sherman, 1979) pursues that function. Consequently, it is the active or serious pursuit of members' interests through collective bargaining, as opposed to the 'stated' intent to bargain, that clearly separates union and non-union structures. However, what is meant by

active or serious pursuit is not clearly established, but as a process it could conceivably be represented by:

- The presence of a collective employment agreement negotiated by a particular organisation.
- An assessment of the type of bargaining behaviour and processes exhibited by particular unions in comparison with each other.

Also, as active bargaining between an employer and a union may only occur sporadically, at the end of an agreement's term, the concept makes little allowance for bargaining activity outside of the direct negotiation of an employment agreement. In these instances, the item also makes no allowance for changes in the actual behaviour of organisations during the life of an existing collective agreement or for other forms of bargaining activity. A more appropriate use, although one that diverges from Blackburn's (1967) original intent, would be to include an assessment of what unions intended to achieve through the bargaining process. This would allow an observer to make some allowances for the influence of other parties on unions' actual activities, and use such influences as an explanation for any divergence between intent and actual behaviour.

1.7.2 Is a union independent and prepared to be militant?

The independence of a union is intimately linked with its ability and desire to be militant. Blackburn (1967, p. 29) defined independence as an organisation's "ability to represent its members freely and effectively... [and be] constitutionally able to apply some sanctions" to an employer. A union's independence from an employer is also linked to its financial state. Some scholars argue that for a union to be independent it must exist without any form of financial support from an employer (Jenkins & Sherman, 1979).

In New Zealand, Barry & May (2002) stated that a genuinely independent union is one capable of pursuing interests that both converge and diverge from those of an

employer. Blackburn's (1967) definition implies that a union will at some point pursue activities that contradict employer interests, and that this may lead to some form of industrial action. However, independence does not imply a constant state of conflict between employers and unions. It does allow for a measure of cooperation between the two parties, without that cooperation preventing or limiting a union's ability to be independent (Blackburn, 1967). From a legal perspective, the New Zealand Employment Court attempted to clarify the concept of independence, ruling that a union is independent when it:

- Is self-governing.
- Is not beholden to an employer.
- Does not employ any employer or employer representative.
- Avoids undue familiarity between itself and its employer (Anderson, 2004).

This ruling originated from a case where the registration of a new union by breakaway members of a larger traditional union was challenged by that larger union. The larger union challenged the newer smaller union's registration primarily on the basis of the assistance provided to the latter by their mutual employer 'prior' to its registration (Anderson, 2004). The court also argued that cooperative relationships between a union and an employer could be not argued to weaken the formers independence as such cooperation was a reflection of everyday reality (Anderson, 2004).

Industrial action and/or the application of other workplace sanctions to protect and further union members' interests is a consistent part of the history and evolution of unions as a group (Olssen, 1986; Pelling, 1963; Roth, 1973). However, Blackburn (1967, p. 31) suggests that the importance of militancy is often over-emphasised to the point where it is "treated as the only variable [of significance] in any study of union character". Blackburn (1967) argues instead that it is the willingness to engage in militant action, rather than actual intent that defines this aspect of union character. In contrast, Bain *et al* (1973) suggest that the term 'willingness' is too

subjective and cannot be measured except through actual activity. The acceptance of militancy as an item necessary for defining a union's character also assumes that the official stance of a union reflects the ideologies and intent of its membership. Bain *et al* (1973) argue that workers as a group do not possess the same cause or ability to strike. Amongst large unions with members spread across a variety of workplaces, gaining union-wide support for militant action may be a considerable problem. The willingness to engage in militant action would naturally vary, as Bain *et al* (1973) suggest, between members dependant upon their particular work and social environment. Consequently, in a large union with a diverse membership, willingness to engage in militant action may only measure the attitudes of union officials, or a small number of members. Among smaller unions, notably unions whose membership is often restricted to a single workplace, the views of officials may be more likely to reflect those of the membership.

1.8 Identification components of unionateness

Two items describe how organisations identify themselves. Blackburn and Prandy (1965) state that they ask:

- Does an organisation declare itself to be a trade union?
- Has the organisation registered as a union?

Of these items, the first is variable and considers not if an organisation declares itself to be a union but how it does so, the second item is fixed in that organisations can only respond yes or no (Blackburn, 1967).

1.8.1 Does an organisation declare itself to be a union?

Rather than describe the title of an organisation, this item measures the public image the organisation wishes to create through its behaviour and actions. The title of a union is an unreliable indicator in itself of how an organisation sees itself (Blackburn, 1967). Nevertheless, organisations that openly declare themselves a union by using the word in their organisational title, and who emphasise union-like

activities are considered more unionate than groups that do not (Blackburn, 1967). Often the use of the word union is avoided even amongst highly unionate organisations. While the word itself is not important to conceptions of character, its meaning is very important to organisations themselves (Blackburn & Prandy, 1965), such that the term is often rejected out of hand due to the negative imagery it is considered to invoke (Blackburn, 1967). In New Zealand, Barry (2004) and Barry & May (2002) considered that many organisations registered as unions after 2000 were less unionate in relation to this factor as they were represented by officials who did not wish to be associated with the term union or the wider union movement. They also considered, but did not present clear evidence of, media descriptions of New Unions as representative of their 'public' image (Barry, 2004) and indicative of their lack of unionateness in relation to this item.

1.8.2 How do we know a union is a union – what's in a name?

Scholars have faced ongoing difficulties in accurately and consistently identifying unions as a distinct organisational form. For scholars interested in union origins, the choices of workers in unions contributed to this problem. A clear example of this is the use of the term union by the organisations themselves. In its original form the term union described a collection of organisational forms that began to emerge sometime in the late 17th to early 19th centuries, and whom themselves did not yet utilise or identify with the word. The first unions to form were identified not by their titles, but by their membership, activities, interests and the presence of any organised opposition by employers and lawmakers to their existence (Pelling, 1963; Webb & Webb, 1907).

The first recorded instance of an organisation calling itself a union did not occur until the early 19th century sometime after the formation of the first union-like organisation. Both the first recorded instance of the formation of a union, and the use of the word by an organisation identified as a union are disputed. Union origins in Britain clearly show that the term union did not gain wide acceptance

until well after the first unions formed (Chase, 2000; Fraser, 1999; Pelling, 1963; Webb & Webb, 1907). Webb & Webb (1907) found that in no instance did any of the early representational forms call themselves a union; although this was due largely to the Combinations Act forbidding the use of the term until its repeal in 1824. Overall, while scholars reach a reasonable agreement on when and why unions formed, there is less agreement on the use of the term union. Consequently, while each body of work discusses the history of unions, it is unclear when the term itself became the dominant semantic.

The first recorded instance of an organisation that used the term union occurred much later than the formation of the first union. However, the date of this occurrence is, like the date of the formation of the first union, disputed by scholars. Pelling (1963) gives the example of the short lived Union of Trades formed among Lancashire spinners in 1818 and the more permanent Loyal Standard Union of seamen formed in 1824. Webb & Webb (1907) give the Weavers Provident Union formed in 1819 as an early example, with a rash of similarly titled combinations forming after 1829. These include the Cotton Spinners and Builders Unions formed in 1829, the Potters Union of 1830, and the Lancashire Trades Union of 1831 (Webb & Webb, 1907). In no instance did the absence of the word union prevent various groups from being identified and from identifying themselves as unions.

The use of the term union, by scholars and organisations alike, is important. The word itself is highly charged and often accompanied by negative imagery that causes some groups to avoid its use (Blackburn & Prandy, 1965). This practice was often a deliberate action on the part of organisations attempting to skirt the boundaries of restrictive legislation (Chase, 2000). Nevertheless, its use by an organisation is taken as an essential sign of its acceptance of and adherence to factors used to identify the genuine union (Blackburn, 1967, Blackburn & Prandy, 1965). The importance given, by union character, of the use of the word union is therefore at odds with its actual use by the first union organisations.

1.9 Affiliation components of unionateness

The remaining two items measure organisations' affiliation with similar organisations and the political ideologies traditionally associated with those organisations. Blackburn (1967) and Blackburn & Prandy (1965) state that the items ask whether the organisation is affiliated with:

- A peak union organisation, e.g., the New Zealand Council of Trade Unions (NZCTU).

- An appropriate left-wing political party, e.g., the New Zealand Labour Party.

1.9.1 Is a union affiliated to a peak union body?

Organisations' affiliations are the visible expression of their shared interest and identity with similar bodies (Blackburn, 1967). To be highly 'unionate' on this item, an organisation must be officially affiliated with a larger congress or council of unions (Blackburn & Prandy, 1965), which in New Zealand is the NZCTU. This item's use to measure character is contentious for a number of reasons. Firstly, affiliation is not a characteristic shared by every union, even organisations that are highly unionate. For example, of the 174 unions registered in New Zealand as at 1st March 2003, only 33 were affiliated with the NZCTU. Why organisations have or have not affiliated with the NZCTU has yet to be addressed by empirical research. Consequently, affiliation is not a consistently strong item as unions and union members remain divided over its necessity and value (Blackburn, 1967). In addition, affiliation often contradicts other items on the scale as many organisations that are affiliated do not declare themselves to be a union, and may not be registered as such (Blackburn, 1967).

Secondly, even when organisations are affiliated this may not reflect the interests of its entire membership. It is also unclear whether affiliated status is a factor in workers' decision to join or not to join a particular organisation. Where workers join an already affiliated union in preference to a non-affiliated union, we could assume that the union's affiliated status was a factor in the decision. However, Bain

et al (1973) argue that the use of affiliation as an item of union character is misleading in this respect as it places a historical decision at the forefront of the existing behaviour and attitudes of union members. Essentially, we can only accurately ascertain the value of this item if it has been identified as a factor in the decision by workers to join a particular union.

However, when examining the decision to join a union, empirical research consistently omits any investigation of this issue (e.g., Gani, 1996; Waddington & Whitston, 1997; Waddington & Kerr, 2002, or for New Zealand unions, Tolich & Harcourt, 1999). Despite these issues, the affiliation status many unions formed in New Zealand since 2000, or more particularly their opposition to affiliation, is identified as a key difference between older and newer unions (Barry, 2004), and is important, if not significant for this reason. Of the 18 New Unions interviewed by Barry (2004) and Barry & May (2002), none was affiliated with the NZCTU. To date no New Unions have affiliated with the NZCTU and, as a group, they are not unionate in relation to this item.

1.10 New Unions in New Zealand 2000-2004

1.10.1 Why is the Employment Relations Act important?

Since 2000 and the passage of the ERA the New Zealand union movement has been marked by the rapid growth and proliferation of new small and predominantly workplace or enterprise unions. This process is linked to the introduction of the ERA, and has attracted a reasonable degree of interest from primarily New Zealand based researchers (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). The key emphasis of this small body of research has been a direct comparison of the structure, ideologies and activities of newly formed unions against that of their older and more established counterparts. Underlying this body of research is a debate over whether newer unions are in fact genuine organisations. In answering this question, researchers used the concept of union character

(Blackburn, 1967; Blackburn & Prandy, 1965) to distinguish between different union forms (Barry, 2004; Barry & May, 2002).

1.10.2 Unions and the Employment Relations Act

The ERA and the formation and proliferation of New Unions in New Zealand appear to be closely linked. The ERA has led to the creation of multiple forms of employee representation in New Zealand (May, 2003b), and the formation of most new organisations cannot be separated from that statute (Barry & May, 2002). The ERA facilitates union formation as it has created an environment more conducive to unions and union membership. For this reason, it is described as a union-friendly statute whose key provisions allow for, without actively encouraging, the prospect of union renewal (May, 2003a & 2003b).

Table 1.0 - Unions and union membership in New Zealand 2000–2004

Date	Union membership	Annual change	Number of registered unions	Annual change
December 1999	302,405		82	
December 2000	318,519	+ 5.1%	134	+ 38.8%
March 2001	319,660	+ 0.4%	121	- 10.7%
March 2002	342,179	+ 6.6%	156	+ 22.4%
March 2003	334,044	- 2.4%	175	+ 10.9%
March 2004	340,413	+ 1.9%	178	+ 1.7%

Source: Employment Relations Service, Department of Labour[2]

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[2] There is some discrepancy between the figures reported by the Employment Relations Service (2003 & 2004) and those provided by Victoria University of Wellington's latest annual survey of unions and union membership (Blackwood *et al*, 2005). The author is aware of this but has chosen, in the interests of consistency, to rely solely on the data provided by the Employment Relations Service throughout this study as they have acted as the primary source for such data throughout the research process. The primary reason for the differences between the two sets of figures lies in the methodology adopted by Victoria University. This relies on a postal survey of unions in which 104/170 registered unions provided their membership figures from 31st December 2004, a phone survey of those who did not respond to the postal survey, and figures provided by the Department of Labour (DoL) from the end of the prior year (Blackwood *et al*, 2005). Exact figures on how many returns were gathered by the phone survey or from the DoL were not provided. This study argues that this method relies too heavily on the accuracy of unions' membership data, and does not allow for consistency within the chosen methodology as data collected represents different time periods. Consequently, an early decision was made to rely solely on data collected, provided and published

Key provisions of the ERA that relate to unions are its recognition of their role as employee representatives, requirement for the registration of union bodies, conferment of and improvements to the right to bargain, and improved union access rights to workplaces (Anderson, 2004; May & Walsh, 2002). Under the ERA, union membership in New Zealand and the number of registered unions (May *et al*, 2002; May *et al*, 2004) has increased (Table 1.0). However, far from precipitating a strong revival of the New Zealand union movement as a whole, i.e., a return to union density and collective bargaining coverage levels experienced prior to 1991, union renewal under the ERA has been inconsistent and relatively insignificant.

Table 1.1 - Registration history and membership of unions in New Zealand as at 1st March 2003

Classification	Registration date	Number of unions	% of registered unions	Membership of unions registered during period	% of union membership
Old Unions	Prior to January 2000	83	47.4	324,892	97.2
New Unions	January 2000– March 2002	92	52.6	9,152	2.7
	TOTALS	175	100.0	334,044	100.0

Source: Employment Relations Service, DoL

1.10.3 Unions and union membership under the ERA

While unions did experience a brief surge in overall membership from 2000–2002, this trend did not continue and the rate of union membership growth has in fact slowed (Anderson, 2004). A brief period of decline was registered from 2002–2003, and despite some growth from 2003 – 2004 the members lost in this period have yet to be replaced (Table 1.0). With only a slight increase in union membership recorded under the ERA, the only significant statistical change for unions since 2000 has been the disproportionate increase in the number of

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by the Employment Relations Service to ensure that any figures used came from a single source and represented a point in time.

registered unions. During the period 2000–2003, for example, union membership under the ERA increased by an annual average of 3.0%. During that same period, the number of registered unions increased at an annual average of 15.0%, or at five times the rate of membership growth. The membership of these newer organisations is also disproportionate to their numbers (Table 1.1). The membership of unions formed after 2000 contributed less than 3% of overall union membership (Employment Relations Service, 2004 & 2005).

Table 1.2 - Distribution of unions by size 2001 – 2003

Membership range	2001	%	2002	%	2003	%
Less than 100	45	37.8	87	53.7	90	51.4
100 – 499	29	24.4	28	17.3	39	22.3
500 – 999	12	10.1	11	6.8	11	6.3
1,000 – 4,999	20	16.8	23	14.2	22	12.6
5,000 +	13	11.0	13	8.0	13	7.5
TOTALS	119	100.0	162	100.0	175	100.0

Source: Employment Relations Service, DoL[3]

1.10.4 Similarities between union trends under the ERA and previous statutes

In strictly numerical terms, the increase in registered unions under the ERA is similar to trends established in New Zealand prior to 1987. The union movement up to that year was characterised by the formation of large numbers of small unions, i.e., those with less than 1000 members, and the concentration of most members in a small number of large unions (Geare, 1979; Harbridge, 1989; Roth, 1973). Under the ERA most registered unions are small (Table 1.2), possessing less than 1000, and in many cases, less than 100 members (Employment Relations Service, 2004). Most of these small unions are those formed under the ERA, and defined by current research as new or newly registered unions (Barry, 2004; Barry & May, 2002).

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[3] Sourced from unpublished material provided to the author by the DoL.

1.10.5 Have New Unions formed for the same reason as unions prior to 2000?

While the proliferation of small unions under the ERA is similar to historical trends in New Zealand, a number of differences exist. These have a particular bearing on the motives for the formation of New Unions under the ERA and their character, and two differences are significant. Firstly, unlike the legislative system in place prior to 1987, and to a lesser extent from 1987 – 1991, small unions under the ERA are not strengthened or supported by compulsory union membership. Consequently, small unions must rely upon their ability to influence the individual decision to join a union, rather than legislation to maintain and strengthen their membership. Secondly, while the good faith requirements of the ERA require a degree of cooperation between unions and employers, the ERA does not provide a system of compulsory conciliation and arbitration. Consequently, unlike small unions formed prior to 1987 (Geare, 1989; Holt, 1986; Roth, 1973), small unions formed today cannot rely upon the legislative system to create and enforce their collective employment agreements. Hence, the act of forming a small union under the ERA may take on a different meaning and represent a different set of motives to the formation of unions under former statutes.

1.11 How does research define newly formed unions?

Definitions of newly formed and established unions note the former's strong links with the ERA (Barry & May, 2002) and the absence of any formal (registered) activity by newer unions prior to that Act (DoL, 2003). The two groups are also separated by different definitions. Newer or newly formed unions are defined by the DoL (2003) and Barry & May (2002) as organisations not registered as unions prior to January 2000 or engaged in any form of organised non-union collective bargaining under the Employment Contracts Act 1991 (ECA). The key distinguishing feature of newer and more-established unions, however, has been found to be their character as organisations. Recent research has found some evidence of the

adherence of established unions and non-adherence of newer unions to characteristics said to define the genuine union.

1.11.1 The recent use of union character in New Zealand

In comparing different union organisations, New Zealand researchers have suggested that it is their character as organisations that most clearly separate them. Key features of union character in New Zealand are identified as unions' interests, motives for formation, activities (Barry, 2004; Barry & May, 2002), and independence (Anderson, 2004). These comparisons are guided in part by Blackburn (1967) and Blackburn & Prandy's (1965) concept of union character. In comparing different unions, New Zealand research has either directly tested the applicability of facets of union character to newer or established unions (Barry, 2004; Barry & May, 2002), or have done so indirectly using similar concepts (Anderson, 2001; Barry & Reveley, 2001). Of the seven items in Blackburn (1967) and Blackburn & Prandy's (1965) model of union character, five have formed part of recent comparisons of newer and more established unions in New Zealand. The items most frequently discussed in New Zealand are:

- The centrality of collective bargaining to organisations' activities and interests (Barry, 2004; Barry & May, 2002).
- The independence of particular organisations (Anderson, 2004; Barry, 2004; Barry & May, 2002).
- How prepared organisations are to engage in militant action (Barry, 2004; Barry & May, 2002).
- Whether organisations declare themselves to be unions (Barry, 2002; Barry & May, 2002).
- Whether organisations are affiliated to the NZCTU (Barry, 2004).

1.11.2 What has the use of union character found?

Recent research has concluded that newer and established unions can be clearly distinguished from each other, and that the status of the former as a set of genuine

independent unions is questionable (Anderson, 2004; Barry, 2004; Barry & May, 2002). These conclusions were reached upon the basis of assumed and actual differences in the adherence of different organisations to five components of the concept of union character. Key differences between newer and more established unions were found to be the former's unwillingness to identify themselves as unions, their poorer financial status, a narrower set of interests, and an absence of any desire to affiliate with the NZCTU (Barry, 2004; Barry & May, 2002). It is also consistently argued that newer organisations lack the independence that is the primary defining characteristic of the genuine union (Shirai, 1983 cited in Benson, 1996). New Unions' lack of independence is due in many cases to the dominant role of employers in their formation (Anderson, 2004; Barry, 2004; Barry & May, 2002).

1.11.3 How many of these new 'possibly' non-genuine unions are there?

The ERA requires every union to register as an incorporated society prior to registering as a union with the DoL. Records from the DoL and New Zealand Companies Office (NZCO) provide a simple method of checking the registration date of New Zealand unions. Registration dates are significant as they provide, outside of union character, the only unambiguous method of identifying different types of union. More importantly, the registration process and its associated documentation allow us to clearly identify those unions defined as 'new' by recent research. As at 1st March 2003, 92 of 175 unions registered in New Zealand could be defined as new on the basis of their registration date and lack of formal 'registered' activity as unions prior to January 2000 (Table 1.1). Of significant interest is that the membership of newly registered unions is disproportionately low given that as 'organisations' they represent slightly more than half of all unions registered as at 1st March 2003. Equally significant is that New Unions contributed about one-third of the growth in union members recorded in New Zealand after 2000 (Employment Relations Service, 2003).

1.12 The investigation of New Unions in New Zealand

1.12.1 What methods have been used to investigate New Unions?

Most available research on New Unions provides findings that are relevant almost by default as part of general examinations of overall union and union membership trends (e.g., DoL, 2003; Harbridge & Thickett, 2003; May, 2003b; May & Walsh, 2002; Waldegrave *et al*, 2003). Only Anderson (2004), Barry (2004), Barry & May (2002) and Barry & Reveley (2001) have examined New Unions as a distinct group. Of particular note is the work of Barry (2004) and Barry & May (2002) that provide using a survey-based methodology, the only qualitative analysis of what 'New Unions' do, who they are as organisations, and the only direct comparison of their character versus Old Union bodies. The DoL (2003) also provided a qualitative examination of New Zealand unions, including data collected from new organisations. However, it did not distinguish between the responses of newer and older organisations or examine why newer unions had formed.

Consequently, Barry (2004) and Barry & May (2002) also offer the only qualitative picture of 'new' union formation taken solely from the perspective of New Unions themselves. Barry & May (2002), for example, identified 64 of 158 unions registered as of October 2001 as New Unions, conducted structured interviews with a single representative of 18 of them, and provided a measured comparison of this sample against older more established union bodies. From these interviews, Barry & May (2002) and later Barry (2004) concluded that the majority of New Unions were small, financially insecure, possessed a more instrumental membership, and were often ideologically opposed to traditional concepts of unionism.

1.12.2 Newly registered unions and their enterprise membership

As a group, New Unions are seen to possess a greater tendency to restrict their activities and membership to single enterprises or worksites, a practice regarded as their primary defining characteristic (Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). Unions that operate in this fashion are defined as enterprise unions,

and most of them can be defined in this way. New Zealand law requires all unions to submit a body of rules, which typically include membership criteria, as part of the registration process (Anderson, 2004). Where these rules restrict eligibility for membership in the union to employees of a single employer or worksite, and do not specify organisational objectives beyond the scope of this employer, that union can be defined as an enterprise organisation. This process was used by Barry (2004) and Barry & May (2002) to identify 58 of 64 New Unions in 2001 as enterprise-based. However, as union rules are subject to change, a union's enterprise membership may only be temporary in nature.

Table 1.3   Distribution of New Unions by membership rules as at 1st March 2003

Membership criteria	Restricted to single employer	Open to employees of any firm	Total
Restricted by occupation or position	20	9	29
Open to any occupation within a firm	41	20	61
TOTAL	61	29	90

Source: New Zealand Companies Office

1.12.3 What do New Unions membership rules say?

Detailed examination of the rules of 90 of 92 New Unions identified by the DoL and registered as at 1st March 2003 shows that 61 possessed membership rules that restricted membership to a single workplace or worksite (Table 1.3). Unions of this type represented 66.3% of all 'New Unions' and 34.9% of all unions registered as of 1st March 2003. Notably, 29 or 32.2% of all New Unions also possessed membership criteria that restricted eligibility for membership in the union to workers employed in a particular occupation, a practice not commonly seen among Old Unions (Table 1.3). Where eligibility is restricted in this way it is typically restricted to non-management personnel and members of particular skilled trades. In this sense, while New Unions show a greater predilection to restrict their coverage than Old Unions, they follow a similar membership pattern to those

unions in their 'original' form, i.e., to the trade and craft based union structures first formed in Britain and New Zealand (Roth, 1973; Webb & Webb, 1907).

1.12.4 What must unions do to become registered?

Since 2000, for an organisation in New Zealand to register and operate as a union it has to have complied with two statutes: the Incorporated Societies Act 1908 (ISA) and the ERA. While the ERA provides the primary legislative framework within which unions operate, it is the ISA that most strictly determines their activities and structure. The ISA requires organisations to establish a community of interest within its membership (Harbridge & Thickett, 2003) either by possessing a minimum of 15 members or by providing evidence that signatories to the registration application represent the interests of the majority of that organisation's membership (Companies Office New Zealand, 1997). Registration as an incorporated society provides an organisation with the same benefits as a corporate body, but without "costly and complex procedures of registration under the Companies Act" (White, 1972, p.1). The act of registration allows organisations to function as a legal entity for any legal purpose that does not generate or intend to generate a profit for its members, but does not prevent unions from collecting membership dues (Companies Office New Zealand, 1997).

1.12.5 The importance of an organisation's rules to the registration process

To complete their registration as a union, an organisation must supply the Registrar of Unions with an accurate, complete and comprehensive set of rules (Anderson, 2004; Companies Office New Zealand, 1997). This final requirement is significant as registered organisations, and therefore unions, can only legally pursue those activities that reflect the objects or reasons for being listed in their rules (Companies Office New Zealand, 1997). In this capacity, the rules provided by registered unions provide a logical means of analysing those unions (Olson, 1965; Poole, 1981), particularly if they are assumed to reflect unions' common desire to maintain or improve workers' conditions of employment (Crouch, 1982; Poole, 1981).

1.12.6 What do New Unions rules suggest they were formed to achieve?

A cursory examination of the rules of 90 New Unions registered after 2000 suggests that most were formed to pursue an almost identical set of objects[4]. Anecdotal evidence suggests also that many unions rely upon templates developed during the registration of non-union societies prior to 2000. These templates remain as broad as possible to cover a wide range of current and potential activities (D.Erickson, personal communication, 13th January 2004[5]). Examination of the rules of 90 New Unions freely available through the New Zealand Companies Office, shows that about half restrict their objectives to the pursuit of collective bargaining alone, although this offers little insight into their actual motives as 'all' organisations registering as unions under the ISA "must have as one of their objects the promotion of its members' collective employment interests" (Anderson, 2004, p. 3). The remainder possess rules that leave room for those unions to pursue activities such as the provision of welfare and education funds, political lobbying, skill development, industry training and financial support for members' families[6]. This cursory analysis suggests that all New Unions formed to represent the collective interests of their members, but a significant proportion of them consider collective bargaining activity to be insufficient on its own to meet those interests.

1.12.7 What does research suggest New Unions were formed to achieve?

Union rules provide a measured description of what New Unions were formed to achieve. However, little or no data exists on why individual unions selected particular rules, how those rules were initially developed and agreed upon by their membership, or if they are capable of pursuing them. The primary motivation of

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[4] While 92 New Unions were identified as registered and operating at this time, through the New Zealand Companies Office, only 90 provided rules whose objects could be easily identified and clearly described.

[5] D.Erickson is a Solicitor for Duncan Cotterill (Wellington), a legal firm that handles the registration of incorporated societies and which acts as the official point of contact (or office) for a number of registered unions in New Zealand.

[6] Based on analysis of union documentation freely available from the New Zealand Companies Office, and conducted from April – July 2004.

workers in forming a New Union is argued by Barry & May (2002) to be economic self-interest. Barry (2004) and Barry & May (2002) also suggest that, as a group, New Unions are typically incapable of pursuing such interests effectively, even where they attempt to do so. Furthermore, they argue that the often narrow range of activities pursued by New Unions and their ineffectiveness in pursuing them reflect the influence of employers in the formation process (Barry, 2004; Barry & May, 2002) and that the formation of a New Union and its rules represent employer rather than worker interests.

1.13 New Unions and the behavioural components of unionateness

The activities pursued by union organisations, and particularly collective bargaining, are a key component of empirical attempts to identify unions as a distinct group. The concept of union character, for example, defines the centrality of collective bargaining to a union as its most important defining characteristic (Blackburn, 1967). It is not surprising, therefore, that recent analysis of New Unions in New Zealand, and comparisons of newer organisations with older more established bodies, has placed a strong degree of emphasis on comparing their activities (Anderson, 2004; Barry, 2004; Barry & May, 2000; May, 2003a & 2003b, May & Walsh, 2002), particularly in relation to collective bargaining.

1.13.1 The centrality of collective bargaining and New Unions in New Zealand

The active pursuit of their members' interests through collective bargaining is a key determinant of a union's character relative to other organisations (Blackburn, 1967). New Unions in New Zealand would appear to possess a high value of unionateness in relation to this item as they formed exclusively for the purposes of bargaining collectively (Barry, 2004; Barry & May, 2002). Yet it is argued that the overall concept of "unionateness has a limited application for these organisations" (Barry,

2004, p. 210). Furthermore, while New Unions form to bargain collectively, it appears that this has little bearing on their identity as organisations. In this respect, empirical research to date has applied this variable inappropriately, emphasising the process and outcome of bargaining rather than its active pursuit.
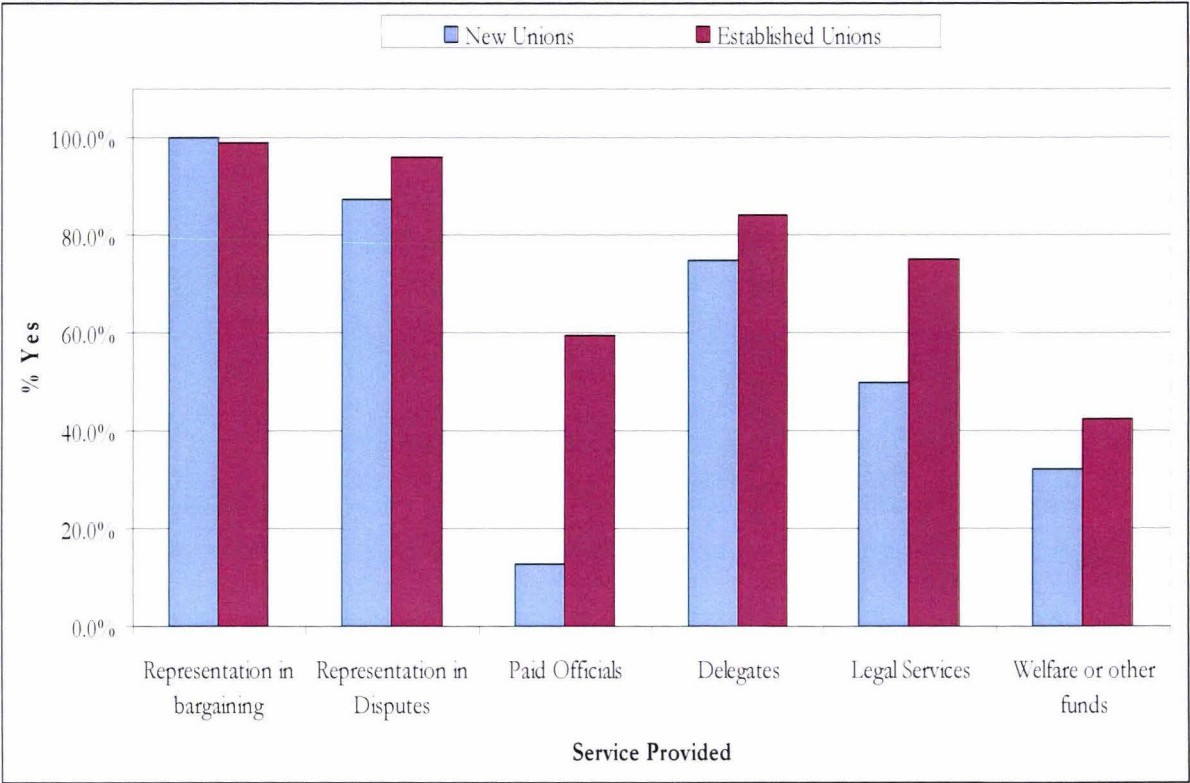
Figure 1:   Union core functions or services and the proportion of newer and Old Unions providing them in New Zealand as at March 2002

Source: Adapted from DoL (2003)

1.13.2 Is the range of activities New Unions pursue really that different?

Barry (2004) and Barry & May (2002) argue that New Unions were formed to pursue a typically narrow set of activities and interests, implying that as organisations, New Unions pursue a range of activities less extensive than that of older more established unions.   However, a more extensive survey of union activities by the DoL (2003) suggests that both newer and Old Unions are broadly similar in the range and type of activities they pursue.   The DoL (2003) identified five activities as being the core functions of any union and measured the proportion

of different types of union that actively pursued or provided each (Figure 1). Union origins suggest that the representation of worker interests through collective bargaining is the primary function of any union. In relation to this function, the DoL (2003) found that both new and old unions possess a similar tendency to pursue this activity. Newer and Old Unions are also similar in their provision of workplace delegates and the provision of various welfare and financial services (DoL, 2003). The only area of significant difference was found to be the smaller number of New Unions providing paid officials and legal aid to their members (DoL, 2003).

Given the importance that Barry (2004) and Barry & May (2002) attach to New Unions' non-pursuit of particular activities, the high proportion of Old Unions that *do not* pursue particular core functions is significant. The DoL (2003) found, for example, that 41% of Old Unions did not provide or support paid officials, and 58% did not provide welfare or other services to their members. The absence of a number of core services from Old Unions is also contrary to recent conclusions that most unions operating under the ERA are "old style bargaining [organisations]... comprising a pragmatic mix of both organising and servicing... backed by officials who retain a central role" (May, 2003b, p. 7). What is unclear from either set of findings is why particular activities are or are not pursued.

1.14 What else determines the range of activities a union pursues?

An important determinant of the range and type of activities pursued by unions is the membership dues they charge. In simple terms, membership dues determine the level and range of services a union can afford to pursue. Where dues are low, a union's finances will be too, as will the range of services it provides. Larger unions with larger memberships and larger revenues should theoretically be able to pursue a wider and more complex range of services and activities than smaller unions.

1.14.1 How do membership dues differ between union organisations?

An absence of high or the presence of low membership fees cannot be conclusively regarded as an effective means of separating genuine and non-genuine union organisations. However, the fee structures of newer and more established unions in New Zealand have been used in this way. Barry (2004) and Barry & May (2002) imply that the lower fee structures of newer unions are a key indicator of their ineffectiveness as a group, lack of independence from employers, and to a lesser degree a desire to compete unfairly with other unions. In investigating this issue, Barry & May (2002) found that approximately 89% of newly registered unions in their study (16 of 18 studied) charged either no dues or dues of less than $2 per week (Table 1.4). The figure of $2 per week appears to be the benchmark figure used by Barry & May (2002) to indicate the inadequacy and inappropriateness of newer unions' fee structures. Given that, the weekly membership dues in some larger unions can be as much as $10 – 15 per week and this appears appropriate. However, low fees, including dues of $2 per week or less, are not confined to newer unions alone.

Table 1.4 - Fees charged by newly registered unions as at October 2000

Dues charged per member	Number of unions charging these dues
None	3
Less than $2 per week	10
$2.01 - $4 per week	2
$5 per year	1
$20 or more per year	2

Source: Barry & May (2002, p. 16)

The DoL (2003) found in a survey of 129 unions, including 33 that were defined as new, that more than half of those unions charged either no dues or dues of $2 – 3 per week. Although low membership dues were found to be more prevalent among newer small enterprise-based unions, with 69% of New Unions versus 27% of Old Unions charging low dues (DoL, 2003), the use of low dues cannot be

regarded as a defining characteristic of newer unions alone (Table 1.5). An alternative explanation is that the lower dues of newer unions are a consequence of their smaller membership and often narrower range of activities. The larger proportion of Old Unions charging higher dues is similar to the proportion of Old Unions with larger memberships than New Unions. Low dues are therefore not an indication of employer involvement, or an absence of genuine union character, but show a lack of need to service a large membership, extensive range of activities and larger union bureaucracy. This particular assumption has not yet been tested in New Zealand.

Table 1.5 - Weekly membership dues charged by unions in New Zealand 2003

Weekly Fee	Old Unions	%	Newer Unions	%
None	4	4.2	5	15.2
Less than $1	6	6.3	4	12.1
$1 – 2.99	19	19.8	15	45.5
$3 – 4.99	30	31.3	4	12.1
$5 – 9.99	27	28.1	3	9.1
$10 +	10	10.4	2	6.1
TOTALS	96	100.0	33	100.0

Source: DoL (2003)

1.14.2 The independence of newer unions

The independence of unions from employers is a critical component of union character (Blackburn, 1967). Establishing a union's independence has also been a consistent feature of the empirical examination of New Unions in New Zealand (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001), and is a key part of their registration as unions with the DoL. To date, the independence of unions in New Zealand is established by a simple legislative process. All organisations seeking registration as unions submit a statutory declaration of independence to the Registrar of Unions prior to registration. It is argued that this process does little to test the reality of unions' independence as organisations

(Anderson, 2004; Barry & Reveley, 2001), presumably as it provides no evidence of the actual relationship between a union and an employer.

Empirical examination of New Unions in New Zealand has consistently questioned their independence as organisations (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). New Unions, it is argued, lack that independence due to their perceived closer and compliant relationships with employers, the assumed involvement of employers in their formation, and low membership fees (Barry, 2004; Barry & May, 2002). The formation of New Unions is also suggested to represent the interests of anti-union employers seeking to undermine the activities of, or derecognise, larger more established unions (Barry & May, 2002; Barry & Reveley, 2001). The formation of new enterprise-based unions in particular represents:

> "...not ... organised workers taking advantage of organising provisions [in the ERA] but rather vehemently anti-union employers seeking the legitimacy of employing unionised workers so as to challenge further an established union" (Barry & Reveley, 2001, p. 15).

1.14.3 When do employers get involved and how extensive is the problem?

Employers are more likely to become involved in the formation of a union prior to its registration, as involvement at this point provides employers with a greater opportunity to influence a union's formation (Anderson, 2004). This is particularly so where what is sought is:

> "... not overt day-to-day control [of the union] but rather an in-house union that can be used as a means of blocking or limiting the entry of a national union and which can be relied upon to be constructive in its relations with the employer" (Anderson, 2004, p. 4).

While employer involvement in New Union formation is considered a significant problem, only two unions have had their independence and registration challenged for this reason. Both cases form an often quoted component of recent empirical research into unions in this country (e.g., Anderson, 2004; Barry, 2004; Barry & May, 2002). Both are regarded as key examples of employers providing financial and non-financial forms of assistance to unions prior to their formation, presumably in order to gain some form of control over their activities. However, these two unions remain the only 'new' organisations to have had their registration challenged or their independence officially questioned. [7]

1.14.4 Does a close relationship with management imply a loss of independence?

It is assumed that many New Unions in New Zealand maintain a relationship with their employer that crosses the line between cooperation and compliance. Where this line has been crossed or where the union's formation was employer-sponsored, that union lacks independence. However, at what point a union's relationship with an employer becomes too close is difficult to judge. In addition, close and strongly cooperative relationships between a union and an employer do not in themselves negate a union's independence. Formal partnerships and cooperation agreements between older New Zealand unions and employers, such as the Public Service Associations 'Partnership for Quality' (May, 2003a), indicate that close relationships could be regarded as the norm. In addition, outside of instances of employer subversion of partnership structures (Dundon, 2002; Royle, 2002), a union's independence is not generally threatened by such relationships.

Worker surveys conducted in the United States (Freeman & Rogers, 1999) and replicated in New Zealand (Haynes, Boxall & Macky, 2004) also indicate that a significant number of workers prefer close relationships with management. In the

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[7] Information based upon personal communication with representatives of the Registrar of Unions November & December 2003.

United States, Freeman & Rogers (1999) found that workers preferred cooperative rather than confrontational relationships with management, and that cooperation did not harm the perceived independence of workers' representative bodies. Their study also suggested that traditional union structures may no longer be as applicable in an environment where workers did not see union membership as a necessary requirement for effective collective voice (Freeman & Rogers, 1999).

1.14.5 Do New Unions determine their relationships with employers?

Formal partnership agreements and similar cooperative strategies between unions and employers (Haynes & Allen, 2000; Haynes & Boxall, 2002; Heery, 2002; Rubinstein, 2001) would suggest that the pursuit of closer and more cooperative relationships with employers is not restricted to New Unions alone. While Old Unions do pursue closer relationships with management, a greater proportion of 'new' organisations have been found to do so (DoL, 2003). The DoL (2003) found that a significant majority of New Unions considered building a strong relationship with employers as a high priority. Another key difference between 'new' and Old Unions in this respect is that New Unions are seen to have less choice in the matter, where a New Union has a close relationship with an employer, it is the result of necessity or coercion rather than a deliberate strategy (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001).

1.15 Conclusion

The rapid formation, registration, and proliferation of New Unions has been identified as a significant feature of the New Zealand union movement under the ERA. While the rate at which New Unions have formed has recently slowed, and their contribution in terms of membership numbers is small, they have as organisations been found to attract a significant degree of empirical attention. Scholars interested in New Unions have almost universally been found to describe them as different to and widely divergent from other union organisations. Principally, those that formed registered and operated as unions prior to the

implementation of the ERA. Clear distinctions are drawn between older and newer unions with scholars attempting to separate them into two distinct ideological and physical camps.

The first consists of Old Unions - those established prior to the ERA - whose activities span a wider range of employee interests and who, as organisations, are more capable of meeting those interests. The second consists of newer unions formed under and as a result of the ERA. Unions in this latter group are defined as creatures of legislation formed to pursue a narrower set of interests, ineffectively if at all, than Old Unions, and as a group have been frequently linked to employer attempts to undermine Old Unions. While some 'genuine' newer unions - those capable of true independent action - are argued to exist, these are implied to be an exception and their effectiveness as organisations does not appear to be held in wide regard.

In separating, or rather in creating, these two distinct groups of unions, scholars have focused intently on their character as organisations. Comparisons are drawn between the adherence and strength of members of each group to a list of characteristics commonly associated with the typical 'genuine' union. However, such comparisons have been found to be, and are argued to be, flawed, particularly where, as in the case of New Unions in New Zealand, they ignore the manner in which unions as organisations evolve over time. More importantly, such investigations do little to address the motivations behind New Union formation. Given it is the formation of New Unions that gave rise to empirical interest in them; empirical research is notable for its omission of any real attempt to address the motivations behind their formation and the process by which they formed. Rather, the identification and comparison of newer and Old Unions has been found to concentrate on the outcome of that formation process, that is, what they as organisations look like and what they do.

However, as the history of Old Unions suggests, who and what unions are cannot be readily or easily understood by the direct examination of what they do at a specific point in time. The formation of any union has been found to be a prolonged and frequently difficult process. Worker attempts at collectivisation have met with frequent opposition from employers and legislators and their unions have evolved in response to that opposition and to changes in workers interests. Defining exactly who and what unions are is also difficult given no exact and universally acceptable definition of the term 'union' exists. Even the concept of union character, that claims to describe characteristics common to unions, is argued to be imperfect.

Time then appears to be crucial in determining who unions are and what they were formed to do. The first unions, formed in the 17th-19th centuries, adopted structures and pursued interests relevant to the interests and motivations of workers at the time they were formed. The character they presented also reflected the activities and interests they were formed to pursue and were allowed to pursue at that time. Yet as the history of these first unions shows, they as organisations evolved over time, and the structures they adopted, the interests they pursued and the character they represented all became more than they were when first formed. At the same time, the motivations and interests of the workers who first formed those unions became less important. Unions must and do pursue the interests of the workers they represent at a specific point in time. Consequently, it makes little sense for any union to base its activities on interests often more than 100 years old, even where those interests would appear to be the same.

Confusing this issue still further is the absence of any clear evidence of why workers first formed unions, and the process by which that decision was reached. Scholars have assumed that workers sought to improve and protect their terms and conditions of employment. However, no definitive evidence of why workers in general first formed unions is widely available, although current evidence allows us

to identify a number of social, political and economic factors relevant to that process. Instead, we rely upon empirical examination of why workers join unions to understand their motivations for union membership. In this we find that a belief in unionism, peer pressure and the desire for an economic advantage are key factors. Yet whether the decision to join a union can, and should, be considered the same as the decision to form a union has not been addressed. More specifically, how the environment in which unions operate affects the decision to form and its outcome has not been clearly established.

In addition, while we can identify some parallels between worker interests in the 17th–19th and 21st centuries, we cannot assume that workers in the 21st century form unions for the same reasons they did in the 18th and 19th centuries. Also, we should not attempt to argue that unions formed in the 21st century should be identical in character to those formed before them and who, unlike newer unions, have had more than a century to evolve as organisations. Yet this is what the comparison of newer and Old Unions internationally, and more recently in New Zealand, has attempted to do. Scholars have attempted to provide a definition within which all unions must fit, and have consequently denied the title of 'genuine' union to organisations that have not done so. Yet history clearly shows workers' interests and motivations, the environment within which they work and, more specifically, the unions they form are not identical. Also, rather than compare newer unions to Old Unions as they exist now, we would be better served to compare them to Old Unions as they existed when first formed.

When this is done a number of striking parallels is found between them, and there is room to argue that newer organisations can and will evolve as organisations. However, in relation to newer unions in New Zealand the question of their evolution as organisations is barely raised, nor are the motivations of the workers who formed them. Rather, what is left is an incomplete picture that paints newer unions as employer creations, which attempt to undermine older 'genuine' unions,

or weak and ineffective forms of collective representation. Yet scholars have based these conclusions on the comparison of two sets of organisations, one of which is considerably older, more evolved and therefore more complex. In doing so they have focused almost exclusively on the outcome of the decision to form New Unions, rather that the decision itself. In this manner, scholars have paid scant attention to why New Unions formed, and more specifically, to why workers would form their own union when doing so offers little if any real advantage.

The literature review then raises a number of unanswered and, more importantly, unasked questions in relation to the formation of New Unions under the ERA. These relate specifically to how and why workers made the decision to form those unions, the process by which that decision was made, and, to a lesser extent, its eventual outcome. The purpose of this study was to investigate these questions in relation to New Unions. Key questions raised by the literature review and pursued by the study were:

- What motivated workers to form New Unions?
- Why have, and why do, workers form, join and remain in New Unions in preference to other organisations?
- How was the decision to form a New Union reached?
- Who was responsible for that decision?
- What influenced the decision to form each New Union?
- What activities did New Unions form to pursue and what are they currently pursuing?
- How do New Unions define themselves as organisations?
- Have the interests and activities of New Unions remained static since formation?

This study argues that the scope of these unanswered questions necessitates a re-examination of New Unions and New Union formation in New Zealand.

Chapter Two

Methodology

2.0 Purpose of the study

The purpose of the study was to re-examine the formation of New Unions under the ERA. In particular, the study sought to address the paucity of data describing how and why workers made the decision to form a New Union, the motivations and interests of workers who made that decision, and the possible role played by third parties in that process. The principal research question for the study was:

"Why do New Unions form in New Zealand under the ERA?"

Additional questions raised by the literature reviews and also examined by the study were:

- Why did workers reject membership in other unions in favour of forming their own?
- What role did and do employers play in workers decision to form a union?
- Was the decision to form a New Union a spontaneous or deliberate decision?
- How have New Unions' relationships with employers and their character evolved?
- What is a genuine union?
- Are New Unions genuine?

2.1 The selected methodology

The study used a qualitative methodology to address the research question, and in particular the decision to form a union. While empirical research was found to examine similar unionisation decisions using quantitative methods, typically in the form a survey (Barker *et al*, 1984; Deery *et al*, 1994; Gani, 1996; Lahuis & Mellor,

2001; Premack & Hunter, 1998; Waddington & Whitston, 1997; Tolich & Harcourt, 1999), quantitative methods were not considered for this research. Rather, qualitative methods were preferred for their greater ability to generate data about social settings and to describe how participants gave meaning to and explained social phenomena (Denzin & Lincoln, 2003; Fossey, Harvey, McDermott & Davidson, 2002; Holstein & Gubrium, 2003). The primary research instrument was the qualitative interview defined as a directed or informal conversation between two or more individuals (Denzin & Lincoln, 2003). The research design was modelled upon previous qualitative examinations of New Unions under the ERA (Barry, 2004; Barry & May, 2002) and, to a lesser extent the study of the strategies, structure, ideologies and membership of New Zealand unions in general (DoL, 2003; Howells, 2002; Waldegrave *et al*, 2004; Wright, 1997).

2.2   What type of interview was used?

The study used semi-structured interviews that combined the advantages of structured and unstructured methods (Berg, 1998; Bordens & Abbot, 1999; Creswell, 1994) to generate data about New Union formation. The basis of each interview was a pre-defined interview schedule consisting of scripted and unscripted questions and prompts. Scripted and unscripted questions and prompts facilitated the rigorous examination of the research topic (Fossey *et al*, 2002; Miller & Glassner, 2004), and allowed the study to:

- Provide consistent data on critical pre-determined questions.
- Be flexible enough to probe and explore emerging themes.
- Be tailored to individual participants and fully encapsulate their responses.

This method was also considered more appropriate than the structured method and closed questions used by previous qualitative research into New Union formation (Barry, 2004; Barry & May, 2002), and the operation of New Unions under the ERA (DoL, 2003; Waldegrave *et al*, 2004).

2.2.1 Disadvantages of the chosen interview method

When designing the methodology the writer took note of disadvantages associated with qualitative interview methods. Basic disadvantages were found to be qualitative researchers' assumptions that interviews were able to extract truthful and accurate participant opinion (Creswell, 1994; Silverman, 2003). Key challenges were the need to accurately record, and later transcribe, the interview (Silverman, 2003), and to accurately analyse the completed transcripts. Preventing interviewer bias (Creswell, 1994), and the challenge of determining which elements of a transcript are important (Wiles, Rosenberg & Kearn, 2005), were also identified as key requirements of qualitative research design.

The key problem facing the study, however, was the need for data interpretation to avoid what Silverman (2001, p. 34) defined as "anecdotalism" or the use of isolated or exemplary responses to explain a phenomenon. Silverman (2001) stated that this problem occurs when qualitative results are generated:

- Without reference to aberrant or deviant cases.
- Without describing the grounds upon which responses were or were not reported.
- By reporting responses without reference to surrounding conversation.
- By selecting responses that fit pre-determined descriptions of that phenomenon.

To avoid this problem, qualitative researchers need to ensure that participant responses are authentically recorded and interpreted (Fossey *et al*, 2002), and that they identify and report only traceable patterns or themes whose origins can be clearly, or at least reasonably, identified (Silverman, 2001) from within participant responses.

2.2.2 Interview schedules

An interview schedule is a key component of the interview process (Tolich & Harcourt, 1999) and, if pre-tested, is a simple method of overcoming problems such as anecdotalism (Silverman, 2001 & 2003). In their original format, the present study's interview schedules followed a structured format and consisted solely of pre-scripted questions. This format was tested in a small pilot study with a single participant prior to the commencement of the study proper. This allowed the format to be improved (Ghauri, Gronhaug & Kristianslund, 1995; Tolich & Davidson, 1999), and its ability to extract meaningful data tested (Berg, 1998).

At the conclusion of the pilot study the interview schedule format was changed to incorporate a number of essential features (Berg, 1998; Davidson & Tolich, 1999; Tolich & Davidson, 1999). Specifically, the format retained a smaller set of core pre-scripted questions but added a set of words describing key themes that would guide impromptu or spontaneous questions during each interview. Interview schedules of this type have been found to keep researchers focused on their research topic (Berg, 1998) while retaining the flexibility necessary to allow participants to provide unique responses (Silverman, 2001) and the research to spontaneously gather information (Berg, 1998; Davidson & Tolich, 1999; Tolich & Davidson, 1999).

2.2.3 How were interviews conducted?

Most interviews were conducted face-to-face with a single participant. In two cases where a face-to-face interview could not be arranged, participants were interviewed by telephone. Mutual consent established the time and date of each interview, which lasted an average of 90 minutes. Participants selected the venue, typically at their place of work, but also their home or a neutral venue. All interviews began informally with general conversation and a review of the study's information sheet and participant rights. Formal consent to participate in the study and for the interview to be tape-recorded was then established either in writing in the case of face-to-face interviews, or verbally for telephone interviews. Following the

establishment of formal consent, interviews moved to questions and themes contained in the interview schedule. Scripted questions from the interview schedules were not asked in a fixed sequence, as this practice was not considered suitable for all participants (Denzin, 1970, cited in Silverman, 2001), and some scripted questions were omitted where participant responses were sufficiently in-depth to answer several questions at once. To get participants to elaborate on their responses, unscripted prompts such as "why", "could you give me an example of that" or "what do you mean by" were also asked throughout each interview.

2.3   The sample

To be effective, qualitative sampling must identify appropriate participants, provide a sufficient number of information sources, and ensure those sources can address the research question (Fossey *et al*, 2002). To provide a balanced and deeper understanding of New Union formation, members of three stakeholder groups were interviewed for the study; New Unions formed under the ERA, old unions formed prior to the ERA, and employers whose workforce contained New Union members. The total sample size for this study was 15 and included representatives of three stakeholder groups - nine New Unions, three Old Unions and three New Union employers.

2.3.1 How were participants selected?

The primary participants in the study were nine New Unions selected from a population of 92 New Unions registered with the DoL as at 1st March 2004. The study's sample was deliberately rather than randomly selected from within this population using criteria established by the researcher. Its size was also considered sufficient to address the research question. While this method of sample selection relied heavily on the judgement of the researcher to produce a representative sample, it is an acceptable, less complicated and cost-effective sampling procedure (Cohen & Marion, 1994; Ghauri *et al*, 1995).

Pre-requisites for a New Union to be selected were that:

- It had provided a valid membership return for 2003 and preferably 2002 as well.

- The DoL had been able to clearly define its industry coverage.

Membership returns allowed the study to describe participants in numerical terms and compare that data with other unions. Selecting unions by their industry classification ensured that data collected would more accurately reflect the experiences of workers and New Unions as a whole, rather than those within a particular industry. Valid membership returns for multiple years also provided a measured indication of the age of particular organisations, the literature review asserting that the age of New Unions was a key factor in any differences between them and other unions. Finally, to simplify and reduce the cost of the research process, priority was given to identifying and approaching New Unions whose official office or contact person was located in the lower or central North Island.

In a small departure from the previous examination of New Unions (Barry, 2004; Barry & May, 2002), the current study identified the actual level of involvement of participants in the formation of their union. Participants were identified as either a founding member or 'the' founding member of a particular union, by asking them when they first became involved with the union and whether they had been involved in the decision to form. Participants were questioned about their level of involvement when first contacted and again during each interview. The representatives of six of the nine New Unions in the study were identified as founding members in this fashion.

With one exception, New Unions were represented by the union secretary[8] or an equivalent senior official. Union secretaries provided a cost effective method of

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[8] The term secretary is the title most commonly applied to the senior or elected representative of a union organisation. However, a number of alternative titles are used, e.g., chairperson, president. The title itself is

collecting data on phenomena relevant to the study, and are in an ideal position to provide data on the formation and operation of unions. The use of union secretaries as a source of data on unions is a common practice in empirical research. Research in New Zealand has, for example, elicited data from union secretaries on:

- Union attitudes toward Human Resource Management strategies in New Zealand firms (Wright, 1997).
- The effect of New Union formation on the New Zealand waterfront (Barry & Reveley, 2001).
- The political ideology of union officials (Howells, 2002).
- Union strategies and activities under the ERA (DoL, 2003; Waldegrave *et al*, 2004).

More significantly union secretaries acted as the key information source for the only previous empirical examination of New Union formation from the perspective of New Unions themselves (Barry, 2004 and Barry & May, 2002).

Employers and Old Unions interviewed by the study were approached after interviews with New Unions were completed. Selection of appropriate employers and Old Unions relied upon the membership rules of New Unions in the study and the responses of New Union participants during the interview process. Identification of New Union employers was a relatively simple process of examining the names and/or membership rules of New Unions. New Unions frequently named themselves after their employer, and a significant number specified in their membership rules the name of the employer whose workers they had formed to represent. Initially the specified employers of all nine New Unions in the study were approached for an interview. However, employers proved overwhelmingly

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largely irrelevant for the purposes of this study although semantic differences may be important to individual organisations. Overall, the term secretary refers to the union official with whom the leadership of a union is most commonly associated and with whom data collection, outside of surveys of union members, is generally conducted by empirical research.

reluctant to participate in the study and only two of nine New Union employers were willing to participate. A third employer was included after the employer of a New Union that had declined to participate agreed to be interviewed. In all cases, employers were represented by a company's Human Resources Manager or equivalent.

Old Union representatives were selected in a similar fashion to New Unions and employers, and, like New Unions, were represented by their union secretary or equivalent. In one case, where the union secretary was unavailable, a regional official was interviewed instead. Appropriate Old Unions were also identified by New Union participants who frequently provided the name of organisations operating within their place of work. Three Old Unions were identified in this way, two of which were found to operate alongside almost all of the nine New Unions in the study. Consequently, the three Old Unions in the study were considered sufficient to represent this stakeholder group.

2.3.2 Limitations of the sample

The study took note of the possible limitations caused by the small number of union participants in the study. Of some concern was the ability of the study to provide results comparable to the work of Barry (2004) and Barry & May (2002) that provided the only previous direct examination of New Union formation. Barry & May (2002), for example, identified 64 of 158 unions registered as at 2nd October 2001 as New Unions, and interviewed 18 or 28% of registered New Unions using a telephone survey. The current study interviewed a smaller proportion of both New Unions and registered unions in general. Only 12/174 unions registered as at 1st March 2004 were interviewed including nine of 92 New Unions. The nine New Unions in the sample represented 9.8% of all New Unions registered at that time. However, the study's small sample is defensible on the grounds that small samples are frequently used in qualitative research (Silverman, 2001), and are justifiable where they provide sufficient information to allow themes within the research to be

fully developed (Fossey *et al*, 2002). While the proportion of New Unions interviewed is small, particularly in comparison to previous research (Barry & May, 2002), it is balanced by the:

- Use of semi-structured rather than survey-based interview methods.
- Depth of data generated by the interview process.
- Inclusion of other stakeholder groups.

2.3.3 How were participants contacted?

All participants were contacted by telephone and/or mail, following methodological procedures described by Tolich & Davidson (1999). When first contacted participants were briefly informed about the purpose of the research and invited to consider, but not decide upon, participation. First contact was then followed by a formal letter inviting participation in the study. The formal letter contained an information sheet that provided a detailed summary of the research project, participants' rights and the researcher's personal details[9]. Where first contact elicited confirmation of a union's willingness to participate in the study, a formal letter was still sent. This was to ensure that all participants were capable of making an informed decision about participation prior to any interview.

2.4   How were participant responses recorded?

Interviews were tape-recorded by the researcher and later transcribed by a third party. Transcribers were required to sign a confidentiality agreement prior to commencement of the transcription process. Consent to record participant responses was established in writing in the case of face-to-face interviews, and verbally in the case of telephone interviews. Hand written notes of participant responses were also made during each interview to act as a source of information for unscripted questions and as a back up for tape-recorded data.

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[9] See Appendices B – C.

2.4.1 Interpretation of results: some considerations

A key component of the study was the need to accurately portray the phenomenon of New Union formation from multiple stakeholder perspectives. Silverman (1998, cited in Silverman, 2003) described three rules for analysing interview conversations:

- Identify sequences of related talks.
- Examine how speakers take on certain ideas and identities.
- Identify outcomes of those talks and determine the path they took.

Identifying sequences of related talks required key themes to be established and identified within interview responses. The interview schedule provided an indication of possible themes prior to the interpretation of each transcript. Examining participant identities allowed those themes to be linked to specific contexts. Tracing the path they took allowed a clearer picture of how those contexts were developed to be described.

The identities participants attached to themselves and others were particularly important. Interview participants will naturally and/or deliberately place themselves and others into particular categories, and their descriptions of a particular phenomena will vary according to the category they associate themselves and others with (Holstein & Gubrium, 2005). A similar observation is made by Silverman (2001, p. 12) who argues that the aim of qualitative research must be to "understand participant categories and to see how they are used". Consequently, participant responses had to be examined to identify:

- How they defined each other.
- How they categorised each other.

This process allows a more accurate picture of participants' social worlds to be created and clear differences and similarities between those worlds to be identified. It also drew a parallel with Blackburn's (1967) concept of unionateness, which drew

clear distinctions between how various employee organisations identified themselves and others. That picture, however, must be flexible and reliable enough to allow multiple researchers the ability to reach the same conclusions from the same data (Silverman, 2003). Consequently, while the literature review suggested a number of possible themes that would arise from the study, these did not limit or prevent the identification of new themes.

A consistent problem with this kind of interpretation, however, is that it relies heavily on the researcher assigning categories and descriptions to participants' perceptions and descriptions of reality. Silverman (2003) identified a number of problems commonly associated with the interpretation of interview data, including:

- Overlooked themes or categories.
- Dominance of researcher defined categories and/or themes.

2.4.2 How were results interpreted?

Following procedures defined by Silverman (2001 & 2003), the full transcript of each interview and the responses it contained were analysed in order to identify:

- Reoccurring phrases or terms.
- How different participants defined similar phenomenon.
- Where responses to particular questions were similar.
- Aberrant or deviant responses to particular questions.
- How participants constructed particular responses, i.e., the paths they took in describing particular phenomenon.

These provided a set of themes that formed the basis of the study's reported results. Identified themes included those identified by the literature review and incorporated into the interview schedules, and new themes previously identified.

2.5 Ethical considerations

The ethical requirements for the study were established and approved by the Massey University Human Ethics Committee[10]. The study was defined as being of low risk to participants, and its ethical requirements were met by:

- Providing all participants with a detailed information sheet, and a brief written summary of the research process and participant rights.

- Giving all participants time to consider and question the study's information sheet and summary prior to consenting to an interview.

- Beginning each interview with a review of participant rights, the study's information sheet and by establishing formal consent.

2.5.1 Informed consent

Informed consent implies that participants in a study fully understand the purpose of the research and the method of data collection, and have agreed to waive their rights to privacy (Zikmund, 2000). To establish informed consent participants must: Have sufficient information to make a decision about whether to take part in the study:

- Be capable of comprehending that information.

- Be competent to make a decision about participation.

- Be able to make that decision free of coercion.

Informed consent in this study was established by:

- Providing all participants with an information sheet describing the purpose of the study, its methodology, participant rights and the researchers involved.

- Beginning every interview with a review of the information sheet and particularly participant rights.

- Having participants sign a written consent form[11] or, in the case of telephone interviews, provide verbal consent to participate.

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[10] See Appendix A.

2.5.2 Participant confidentiality

To ensure participants' identities remained confidential:

- Names and characteristics that would identify a participant were omitted from the written report.

- Transcripts have not been provided in the appendices to the report.

- All tape-recordings and hard copy transcripts are secured within a locked cabinet accessible only to the researcher.

2.6 Conclusion

The purpose of the study was to re-examine the formation of New Unions and the decision making process that led to their formation. Key questions derived from a review of the literature led the design of the research process, which was based upon a qualitative methodology. The study's basic research tool was the semi-structured interview which was selected as it provided the most effective method of examining the research question. The interview process, including the collection and interpretation of results, was based primarily on the work of Silverman (2001 & 2003), and emphasised in particular the identification of key themes relevant to the research question. In selecting and designing the methodology, the factors of cost and flexibility were also considered.

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[11] See Appendix D

Chapter Three

Results

3.0 Introduction

The purpose of this chapter is to discuss the results of the study's research process and, in particular, its findings in relation to the primary research question and supporting questions raised by the literature review. The chapter will discuss each question in turn, addressing the primary research question last, and identify expected and unexpected results and themes relevant to the empirical examination of New Unions. Typical and extreme responses from each of the three stakeholder groups in the study will also be presented. In this and each subsequent chapter the supporting questions are discussed first as they provide data critical to addressing the study's primary research question. Discussion of the results of each supporting question will allow the primary research question to be addressed more fully.

The primary research question for the study was:

"Why do New Unions form in New Zealand under the ERA?"

Supporting questions relevant to the study of New Unions were identified as:

- Why did workers reject membership in other unions in favour of forming their own?
- What role did and do employers play in workers' decision to form a union?
- Was the decision to form a New Union a spontaneous or deliberate decision?
- How have New Unions' relationships with employers and their character evolved?
- What is a genuine union?
- Are New Unions genuine?

3.1 Why did workers reject membership in other unions in favour of forming their own?

Dissatisfaction with prior or existing membership in Old Unions (Barry & May, 2002) peer pressure, workers' social environment, economic rationality and personal belief (Deery *et al*, 1994; Gani, 1996; Lahuis & Mellor, 2001; Peetz, 1998; Premack & Hunter, 1988; Waddington & Whitston, 1997) were expected to be factors significant to workers' rejection of membership in Old Unions. This study found that dissatisfaction with prior membership in Old Unions and peer pressures were significant to that decision.

Workers rejecting of membership in existing unions was also identified as a defining feature of the formation of New Unions, the decision to form a union made only *after* workers had first considered joining Old Unions. The negative public image of Old Unions was a primary determinant of the outcome of this decision. Sources of this negative public image and the factors significant to workers rejecting of membership in Old Unions were found to be:

- The actions and behaviour of the members and officials of Old Unions.
- The perceived unwillingness and/or inability of those unions to understand and represent workers' interests effectively.

Typical responses that allowed the source of workers' dissatisfaction to be identified were:

From New Unions

> "We spoke to representatives of the food and service union... when I first met them they looked like the typical unionists of the seventies. Your labour, keep the red flag flying and all that. And it felt to me like we would be really little fish in a really big pond, because there's a phenomenal amount of people who work in the food and service industry within that union it's huge."

"They weren't happy with the union reps they had, and if they had a really serious problem they found it could take a week to get someone who had any real teeth to actually deal with things."

From Employers

"We find that the unions that we are dealing with do not exactly make you feel excited about joining a union. They are kind of slow. At times we have heard from some staff who joined the union initially and have then pulled out because they weren't getting any action from their union."

From Old Unions

"The conclusion I've come to over a period of time is that there are some workers you simply can't satisfy. They go away disheartened or pissed off at you, swearing that they'll never join a union again."

The rejection of membership in Old Unions was also influenced by the experiences of key peers or opinion leaders. This influence was stronger where key opinion leaders provided the primary source of workers' information on Old Unions, where workers were largely apathetic to the outcome of any unionisation decision, and where opinion leaders provided the expertise or impetus needed to complete the formation process. Typical responses that allowed the role of key opinion leaders to be identified were:

From New Unions

"I had experience with representing [them] before and other [similar] people but on a part-time basis I'm actually a teacher by trade... but basically because there was a lot of trust between me and the [members] at the time really - they charged me with that responsibility so off we went."

From Employers

"[It was] pretty much driven by a particular [staff member] who had been with the company probably ten years at that time. He didn't want the union here."

From Old Unions

"They're just pissed off with the established union for whatever reason, and somebody, some opinion leader in the group has had a bad experience or they don't want to [join us] for whatever reason and they just decide that they're not going to go with an established union."

3.2 What role did and do employers play in workers' decision to form a union?

The study expected to find that employers played a supporting and possibly dominant role in the formation of New Unions with the later course of action aimed at undermining existing, i.e., older, unions (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001; May, 2003a & 2003b). The study found that employers supported the formation of most, but not all, of the New Unions interviewed. Where employers supported the formation of a New Union, a typical response described that support in the following manner:

"[They – the employer - responded] very favourably. In fact, we have an extremely good relationship with management. I think mainly because our attitude is let's add value to the employment relationship from both sides."

However, employer responses to the formation of New Unions were described differently by each group interviewed. Most New Unions in the study believed that their employer *supported*, but did not assist with, their decision to form. Employers indicated that they only *accepted* that decision, and that their involvement was a matter of legislative compliance. Old Unions were contradictory, indicating both a

strong belief in employer involvement in New Union formation, and a desire to believe that such involvement existed where it did not. The wide variation in how each group described employers' actual response is portrayed in the following typical responses:

From New Unions

> "They [the employer] actually suggested it I think. They encouraged it..."

From Employers

> "...we took a view that there was little point in us prevailing against them [the New Union], saying they shouldn't do this as it was their legal right to do so."

From Old Unions

> "I don't think that the employers are involved, even though that's what we'd like to think, it's just, I know that's what people are thinking, that's what people like to think..."

> "I think if you go back and look at why they [the New Unions] were originally formed most of them were basically company sponsored...."

Significantly, employer support or acceptance of the formation of a New Union did not necessarily result in any form of advantage, particularly during bargaining, for those unions once formed. Again, descriptions of that relationship differed between each group interviewed. New Unions reported wide variations in how they interacted and bargained, reporting advantageous, neutral and disadvantageous relationships. Employers emphasised that all unions were treated equally, with no advantage conferred to any group. The absence of any advantageous relationship was, according to Old Unions, the result of New Unions' inability to bargain effectively. Typical responses from each group that highlight the variation in how New Unions were treated were:

From New Unions

> "We are still treated as the poor relations. We don't get consulted on some things in the organisation as we should do."

> "No, no way... they [the other unions] don't get anything we don't get. No, I think we tend to get more respect from management I think."

From Employers

> "Our view, our operational and strategic outlook with the unions on our site is that they all have equal status irrespective of their numbers, irrespective of their philosophy, irrespective in of terms of their affiliation."

From Old Unions

> "Yeah, my observation is there's just a threshold they cannot cross because otherwise the boss will just turn the tap off or refuse to engage and they've got nowhere else to go. I can't think of any situation where any of those in-house unions have taken on a genuine dispute with the boss."

3.3 Was the decision to form a New Union a spontaneous or deliberate decision?

The study expected to find that New Union formation was either a spontaneous response to changes in workers' social environment or position, or a deliberate attempt to improve their terms and conditions of employment and/or follow a particular pattern of belief (Banks, 1974; Chase, 2000; Crouch, 1982; Hobsbawn, 1964; Olson, 1965; Pelling, 1963; Webb & Webb, 1907; Woods, 1963). The study found that this particular question was less relevant than originally believed as, in most cases, New Unions were found to form in response to a deliberate choice by workers to pursue collective action. Key factors that led to this decision were found to be: the requirements of the ERA, the expiry of an existing agreement, and a

pragmatic desire for a cheaper form of collective representation outside of the existing union movement. Responses typical of these findings included:

From New Unions

"Basically we felt the implications of the new Employment Relations Act..."

"...we thought we would be better protected by having a collective forming our own organisation."

From Employers

"They felt vulnerable; they felt that a lot had been asked of them, they didn't have a collective voice..."

From Old Unions

"I think its formality basically some of them wanted to have a collective, a collective employment contract."

Only in one instance could the formation of a New Union be argued to be a spontaneous decision. However, this occurred only after workers had first deliberately considered other collective options as the following response indicated:

"These guys came in and talked to us about what they could do for the company. They spoke to us and said 'we will give you blah blah blah' - and I thought it was just a spur of the moment decision. I just stood up and said 'make a decision, I've got another meeting, why don't we just pull our fingers out, why don't we just make our own union, and we can just look after ourselves'."

The study found also that the decision to form a New Union was a democratic and frequently complex process, but one not actively participated in by every worker

involved. Key problems faced by workers in forming New Unions were identified as prolonged employer opposition to workers' efforts at collectivisation, and worker apathy. Typical responses used to identify these themes included:

From New Unions

> "They were against it, they [the employer] discouraged it, certainly [they] weren't keen to do that way back in the mid '90s and they weren't keen to do that with us when we first started as well..."

> "You had a certain group that would bring things up at meetings and another group that kind of sat back that - sort of thing. We tended to have that division really."

3.4 How have New Unions' relationships with employers, and New Unions' character, evolved?

New Unions' relationships with employers and their character as organisations were expected, like those of unions historically, to change over time and possibly become more complex (Blackburn, 1967; Blackburn & Prandy, 1965; Franks, 2001; Pelling, 1963; Webb & Webb, 1907). Unfortunately, the study was unable to extract enough data to definitively address this question. New Unions did provide some evidence of improvements in their bargaining outcomes, which could be taken as sign of improved union-employer relationships. However, employers proved reluctant to describe those same bargaining relationships as anything other than equitable. Typical responses in relation to these findings were:

From New Unions

> "We made some real progress in those four years. In terms of the real benefits that add value, most of them have already been included in our agreement."

These findings were contradicted, however, by data that indicated a clear preference, by employers, for forming relationships with New Unions. More specifically, they indicated a preference for relationships with unions that exhibited behaviours more commonly associated with the character of newer organisations. Preferred behavioural characteristics were identified as New Unions' more pragmatic, trustworthy and less confrontational attitude to union-management relationships. Typical responses in relation to these findings were:

From New Unions

"I think we are more tolerated because we are so direct, upfront and honest. The other unions are a bit militant, very pushy with management - they charge in there and threaten all sorts."

From Employers

"I guess the starting point is that the histories of the two are very different. We then have a lot less misunderstanding and contention between the [firm] and the [New Union] because they are a bit more mature, more responsible, less prone to being opportunistic in their approach."

"It's the trade off mentality or a positional mentality whereas the [New Union]... theirs is a reasonably pragmatic approach I guess."

In contrast, Old Unions saw these same characteristics as a possible weakness, indicative of New Unions' inability to pursue interests that diverged from those of their employer, and did not regard New Unions as a self-sustaining long-term phenomenon. Responses typical of these findings included:

"I suspect that the ones that still survive ride off the backs of unions like ours. At some point something will happen - a member of theirs is going to get pissed off that they [the New Union] can't do anything and they're just going to lose their creditability. So I think it's only a matter of time before they lose their relevance."

3.5 What is a genuine union and are New Unions genuine?

Based on existing research, the study expected to find that the character (Blackburn, 1967; Blackburn & Prandy, 1965) of New Unions differed from that of Old Unions, and that they represented a distinctly different and less genuine form of union organisation than Old Unions. More specifically, it expected to find that New Unions differed from the characteristics of the dominant myth (Strauss, 1993) associated with the typical New Zealand union. The study found that the character of New Unions, as determined by Blackburn's (1967) concept of unionateness, did differ from that of Old Unions. It found also that the concept of unionateness and characteristics typically associated with New Zealand unions were more applicable to Old Unions. However, it found little difference in how workers and employers defined the character and purpose of New Unions and Old Unions. Both groups saw few if any differences in *what* those organisations were formed to achieve. Rather, any differences between New Unions and Old Unions were attributed to *how* those organisations operated, or more specifically, how they behaved. The defining features of New Unions' character were found to be their age as organisations, and their rejection of behaviours and attitudes associated with Old Unions. Typical responses defined New Unions and Old Unions as:

From New Unions

"Well I don't think we do a hell of a lot that's different but we do communicate perhaps a little better than others. We're in it for the same reasons, we're trying to maximise the benefits for our members and act on their behalf..."

"I see us as a group of people working together rather than a group of people with our fists out fighting together."

From Employers

"The only thing we struggle with - it's like having two children, the eldest [the Old Union] and the youngest [the New Union] child."

From Old Unions

"What they should be doing and that's one of the difficulties we have with those groups, we look at wherever we're dealing as an industry as a whole right – we look right across the industry, whereas they're looking at a section of what they're representing. They don't represent an industry as such; all they represent is part of an industry."

Significantly, both workers and employers regarded New Unions as genuine unions with only Old Unions arguing that they were not. The primary motivation for this appeared to be inter-union competition for members, and New Unions undermining or not duplicating Old Unions' bargaining activities. Old Union opposition to New Unions was found to be stronger where they represented similar occupational groups. Typical responses associated with these findings were:

From Employers

"I think they have a very different approach to their relationship with the company than the other unions. What is different? I guess they don't appear to be driven by any kind of national or CTU agenda..."

"The relationships I guess are complex between the unions because they are competing for members for a start..."

From Old Unions

> "The members say don't call them a union - the members hate them, they hate the idea that they're calling themselves a union - the membership hate them because they're users, you see."

> "Because I don't see them as a reputable union, rightfully or wrongfully, I mean... we see them as just basically bargaining agents, they don't do the things that a proper union do. They're there to negotiate the agreement then they're gone basically."

3.6 Why did New Unions form under the Employment Relations Act 2000?

Existing research findings suggested that this study would find that workers formed New Unions in response to the requirements of the ERA, to continue non-union collective bargaining initiated prior to the ERA, because of their cheaper membership fees and at the behest of employers (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001; May, 2003a & 2003b). The study found that all of these factors were relevant, if not necessarily significant, to workers' decision to form and also join New Unions.

Only in two instances could the study argue that a New Union formed solely in response to the passage of the ERA. In all other cases, the ERA acted primarily to provide the legislative support necessary for workers to pursue a pre-existing desire for collective representation. Again, the study found that the responses of Old Unions differed from that of New Unions and employers. Responses typical of these findings were:

From New Unions – where the ERA was the primary factor

> "It would never have happened otherwise [Q. under no circumstances at all?] Certainly under no circumstances at that time, certainly no one would have considered setting up a union."

From New Unions – where the ERA was a supporting factor

> "...the whole thing started socially rather than as a union. When we had a strike five nearly six years ago..."

> "We believed that we would be a bit stronger as a group, stronger when in negotiations, or any other arguments. Anything that came up you would have that force behind you, so we took it from there."

Cheaper membership fees were found to be more significant to the decision to join New Unions, but were considered important to the decision to form primarily by Old Unions. Notably, cheaper membership fees did not represent an attempt to attract members away from other unions. Rather, they represented the ability of New Unions to provide services to their members through alternative sources, principally personal contacts. Where personal contacts provided New Unions with essential services free of charge, their membership fees were correspondingly low. In relation to these findings, typical responses from each group were:

From New Unions

> "They think we are friendly and [the] cheaper fees we charge."

> "Contacts - I've got a rather good lawyer cousin, and he's got a rather good business up and running. And I have got another cousin who actually works for some union - he's a negotiator or something, I'm not sure what he does but I would approach him as well."

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From Old Unions

> *"I think the majority of people that join those unions its basically to save themselves what they would pay in union fees... their main purpose in life is just to negotiate agreements once a year."*

Overall, the study found that the formation of New Unions represented a desire by workers to pursue collective action independent of the existing union movement. Workers acted upon that desire by actively and democratically discussing a number of options, including membership in existing unions. In the typical case, workers rejected membership in those unions because of their poor public image, dissatisfaction with prior membership experiences, and a belief that their interests would not be effectively represented. The importance of these factors, and in particular the rejection of membership in Old Unions, was magnified where New Union formation was dominated by a key opinion leader and an apathetic workforce.

New Union formation also represented an attempt to form organisations whose character and behaviour were distinctly different from that associated with traditional unions. Yet despite clear differences in their character, neither New Unions nor employers considered New Unions to be anything other than a genuine form of employee representation. Old Unions, conversely, opposed any process that would treat or identify New Unions as 'genuine' unions. To a limited extent, this opposition was due to the suspected involvement of employers in the formation of New Unions.

However, only in a minority of cases were employers found to actively *support* the formation of New Unions. Employer involvement appeared to more accurately represent their *acceptance* of workers' legal right to form unions established by the ERA. The opposition of Old Unions to New Unions appeared to be derived more strongly from the existence of inter-union competition. Where New Unions and

Old Unions competed for members, their relationships were characterised by a strong degree of conflict and hostility. Where no such competition existed, their relationships were either neutral or mildly cooperative.

Chapter Four

Discussion of results of interviews with New Unions

4.0 Introduction

This chapter discusses the results of interviews with nine New Unions formed under the ERA. The general intent of these interviews was to address the actual process by which these unions formed. More specifically, they sought to address the study's primary research question: why do New Unions form under the ERA? The primary focus of this chapter, therefore, is a discussion of results relevant to why workers decided to form New Unions, factors that contributed to that decision and the process by which that decision was made. This chapter follows the same format as the results chapter and discusses the study's supporting questions before addressing the primary research question.

4.1 Why do New Unions form? Past research and the present study

At present it is possible to identify the size, membership rules, intended activities and membership coverage of New Unions but not the process by which the decision to form a particular union was made or the factors significant to that decision. Recent research provides little or no descriptive discussion of this process; rather it describes the formation of New Unions as either the simple formalisation of existing behaviour or the result of employer action. In the first instance, members of a non-union collective that bargained under the Employment Contracts Act 1991 (ECA) formed a New Union to comply with the ERA and to continue bargaining (Barry, 2004; Barry & May, 2002). In the latter case, the formation of a New Union is equated with an employer decision made to undermine the activities of older, more established unions (Anderson, 2004; Barry & Reveley, 2001). In this latter

circumstance, it is implied that the decision to form a New Union is removed from employees, and directed by or at the behest of employers.

However, New Union participants in this study outlined a formation process that was more complex and frequently more prolonged than that described by existing research. Significantly, they indicated that while employers alternatively supported or encouraged the formation of a New Union, those unions gained no apparent advantage from that support. While participants also suggested that New Unions were formed to improve relationships with employers, they indicated strongly that forming an independent union was a key feature of their decision making. What is significant is that independence for New Union members was of greater concern in relation to their independence from *other unions*, rather than from an employer.

An important factor in the identified complexity of the New Union formation process was the consistent influence of unions' environment. Environmental factors identified by May (2003a) as significant to the New Zealand union movement are legislative change and the establishment of new relationships between unions and employers, and unions and their members. Of these, legislative change, principally the passage of the ERA, appears to be the most significant to changes in the union movement (May, 2003a) and is closely linked to the formation of New Unions (Barry, 2004; Barry & May, 2002). However, when New Unions themselves were asked what factors influenced their decision to form, legislative change appears less significant than currently argued. In many cases the decision to form a New Union was reached before the passage of the ERA, and the influence of the ERA would appear less significant to workers 'desire' to organise collectively but *not* the 'act' of doing so.

In the typical case, the ERA did not precipitate workers' decision to form a union. Rather it solidified or strengthened an existing debate and legitimised an existing set of decisions. Significantly, in a previously unidentified process, this debate was

often dominated by a single individual or opinion leader. New Union formation was found to strongly reflect the influence of such opinion leaders, who were often a founding member of a union. Their role was found to be particularly significant where New Union formation reflected workers' dissatisfaction with Old Unions. In these instances, New Union formation was found to reflect a desire to avoid membership in Old Unions, based predominantly on New Union founders' negative past experiences with them. Conversely, however, in no case did New Union founders dissatisfaction with, or negative experiences of, Old Unions prevent workers from considering joining such unions prior to forming their own. What participant responses suggested was that New Union formation reflected a strong preference for union membership outside of the traditional union movement, but one that was not distinctly opposed to the idea of collectivism.

However, why workers would prefer membership in one union to another is a question not clearly or specifically addressed by existing research. Researchers have identified a number of consistent reasons for why workers join unions (e.g., Gani, 1996; Tolich & Harcourt, 1999; Waddington & Whitston, 1991), but have not adequately addressed how and why a 'particular' union is selected; although the influence of key opinion leaders and union officials is mooted as a possible contributing factor (Van de Vall, 1970). In general, workers will select one union in preference to another where that union:

- Offers a greater economic return for membership.
- Has a greater or more influential workplace presence.
- Has a better or more positive degree of influence over workers' social environment.

Membership in other unions was rejected in favour of forming, and joining, a New Union for similar reasons.

4.2 Why did New Unions form? Participant responses

Participant responses suggest that the formation of a New Union is the result of two principal processes: a desire for collective representation, and a change in workers environment, principally the passage of the ERA. In summarising why their unions were formed, a typical response was:

> *"Basically we felt the implications of the new Employment Relations Act and we thought we would be better protected by having a collective, by forming our own organisation, so we didn't get forced or subjected to a larger group."*

However, the key processes responsible for the raising of this issue went beyond the law change and a desire for collective representation. Two issues in particular were raised by participant responses: a history of problems within a particular workplace, which workers sought to address through collective action, and the pragmatic need to renegotiate an existing agreement or set of agreements. The ERA appeared to operate more as a catalyst, providing workers with an incentive but not the rationale for forming their own unions. Only in three instances was the passage of the ERA alone found to be responsible for the decision to form a New Union. Typical responses describing the importance of that statute to workers' decision making were:

> *"It would never have happened otherwise. [Question: Under no circumstances at all?] Certainly under no circumstances at that time, certainly no one would have considered setting up a union."*

> *"It was understood that we had to have a union of some kind because of the new law that was coming in."*

However, in most instances the ERA acted only to provide workers with the means of pursuing an existing desire for collective action. This study found that a number of factors were more significant than the ERA, to the decision to form a New Union. These factors, and responses indicative of them, were:

- Participants' relationships with other workers, particularly union members.

  "I think the whole thing started socially rather than a union. When we had a strike five nearly six years ago, we worked and while I was up in the staffroom looking out the window at all these guys with placards out there, and I was in the social club and every time I went out there I was spat on and abused... so I resigned from the social club and so we decided to form our own, didn't we, and it sort of went from there."

- Dissatisfaction with prior membership in an existing union, or with the behaviour and actions of a union on site.

  "It was just a an alternative that was offered to them... they weren't happy with the union reps they had, and if they had a really serious problem they found it could take a week to get someone who had any real teeth to actually deal with things."

- A desire for some form of collective representation.

  "We believed we would be a bit stronger as a group, stronger when in negotiations or any other arguments, anything that came up you would have that force behind you."

Only in a minority of cases did the study find that New Union formation followed a pattern broadly similar to that described by Barry (2004) and Barry & May (2002)

where organisations formed *solely* to maintain an existing agreement, or to comply with the ERA. An attitude reflected in the following response was:

> "Yeah, the law changed and then this happened. The contract was up and we had to go through this process so we could ratify the contract... in the end we did renegotiate and even the doubters came on board. They realised if they didn't they would have to renegotiate their own... "

In general, for the members of this and other New Unions, the formation of their organisation appears to represent a pragmatic decision to benefit from some sort of collective action. Yet these responses do not in themselves explain why workers would consider membership in a newer smaller union a more beneficial and pragmatic response to the ERA, particularly when membership in larger more established unions was presumably an option. More importantly, they do not describe how that decision was reached.

4.3   How was the decision to form a New Union reached?

In forming their own union, participant responses suggested that workers demonstrated a strong desire for group consensus and group or collective responsibility for that decision. In all cases, workers affected by the decision to form a union were encouraged to participate in a democratic process to vote on the decision. Common responses described the process as:

> "We got them all together in a meeting and Bob... he put it to all of the members and everything else - apparently there was quite a bit of discussion."

While all nine of the New Unions interviewed for the study described the decision to form a union as a democratic process, they described mixed experiences with the

ease with which that process was completed. One problem in particular was found to complicate the decision to form a New Union - worker apathy.

4.3.1 Worker apathy and the decision to form a union

Participant responses suggested that the actions of workers in forming New Unions are often contradictory. In most cases, the formation of the New Union was widely supported by the workers involved, but not by an equal desire to take responsibility for that decision. A typical response indicated that workers were frequently very receptive to the idea of forming a New Union:

> "100 percent support and encouragement right from the word go, and when we initially floated the idea of forming an association they were right behind it – never had any dissenting voices at all, everyone was very positive and thought it would be great."

However, this support was frequently accompanied by a lack of 'active' involvement by workers in that decision. Outside of direct involvement in the vote on whether to form the union, participant responses indicated that many workers remained apathetic to any other aspect of that decision. Consequently, the decision to form the union was frequently dominated by a small minority, or at times a single individual. Most workers appeared willing to follow the majority decision, even in cases where they were not initially receptive to it. When asked how receptive workers were to the idea, a typical response in these cases was:

> "Not a lot – not a lot to start with. People were quite happy to just go with whatever and there was a handful of people who jumped on board with me straight away, who thought 'oh what a good idea'. A lot of people were quite happy with whatever direction we were heading - they were quite happy just to go along. They didn't want to rock the boat, make waves, whatever."

In these cases, the study found that the presence of workers unwilling to take responsibility for forming a union, or even discussing it, was a primary catalyst for the intervention of key opinion leaders; opinion leaders both required and able to take a strong degree of responsibility for the formation process. Worker apathy also made the opinion leader's role more difficult where it delayed or prolonged the decision to form a union and the process by which those unions were formed, i.e., registration. One difficulty faced was in collecting the 15 signatures needed to register each union. A typical response described the time taken for the formation process where this problem occurred:

> "Longer than I actually thought – I just thought we could do it in a week. But in trying to get everyone together in a room, and sometimes it had to be outside work hours, trying to get this lot to do something outside work hours is difficult, which is fair enough... I got the 15 signatures I needed to get the ball rolling and we got that done."

The act of signing appeared in these cases to be a form of 'active' involvement that many workers were unwilling to take without some pressure to do so. While worker apathy played a part in the formation of many New Unions as a process, it appears more important for the manner in which it allowed or required key individuals to take responsibility for the decision to form a New Union.

4.3.2 Discussion of other options

Scholars have been surprisingly quiet on whether workers considered options other than forming their own union prior to doing so. A paucity of data also exists on what those options could have been and why they were rejected in favour of forming a union (Barry, 2004; Barry & May, 2002). This study found that the active discussion of options, other than forming a union, was a key characteristic of the formation of *all* nine New Unions in the study. Each indicated that their founding members had considered a wide range of options prior to deciding to

form their own organisations. The response below typifies the range of options identified by participants:

> *"And the options at the time were to join an existing union, maintain the status quo, which meant nothing changed and we could renegotiate contracts, but they would be individual, or form our own union."*

The most consistent option considered by workers, prior to forming their own union, was joining an existing union. Barry & May (2002) did not identify whether this or any other alternative was discussed by workers, but did suggest two reasons why that alternative was rejected. They argued, albeit briefly, that New Union members are characterised by an opposition to Old Unions and, more simply, by dissatisfaction with their experiences of membership in those unions (Barry & May, 2002). The implication is that the formation of a New Union represents the deliberate rejection by workers fundamentally opposed to or dissatisfied with Old Unions or membership in those organisations. However, if true, this does not explain why, in the case of this study, workers were found to have not only discussed but to have actively considered joining Old Unions. This study, however, does confirm that New Union members were dissatisfied with Old Unions and were moderately opposed to various characteristics associated with those unions. However, it departs from the limited findings of Barry & May (2002) by linking both factors more explicitly to the formation of New Unions, and finding that neither prevented New Union members from considering joining Old Unions in preference to forming their own. Furthermore, worker dissatisfaction with and opposition toward Old Unions did not represent an opposition to the union movement in general. Rather, New Unions in the study appeared opposed only to specific unions with whom they had had prior contact, or more specifically to particular aspects of *how* those unions operated.

4.4 Why was the option of joining an established union rejected?

In a clear departure from existing findings, this study found that dissatisfaction with, and opposition to, Old Unions were the primary causes of workers' rejection of membership in Old Unions. Additional factors identified as significant to workers' rejection of this option were:

- Their reluctance to turn their interests over to a third party.
- The behaviour of union representatives, organisers and members.

4.4.1 The reluctance of workers to turn their interests over to a third party

A consistent reason for workers' rejection of membership in an established union was a reluctance by workers to have their interests looked after by a third party. A third party is typically defined as an organisation whose primary interests and membership lies outside of workers' place of employment. Of particular concern to workers appeared to be the perception that established unions would be both 'unable' and 'unwilling' to represent their interests effectively. This attitude was particularly strong where participants believed their occupation or work environment represented a unique set of interests at odds with an established union's diverse membership. Typical arguments put forward by participants against third party involvement were:

> "[They] understood the implications of industrial law [but] not the culture of the organisation."

> "We spoke to representatives of the food and service union... when I first met them they looked like the typical unionists of the seventies. Your labour, keep the red flag flying and all that. And it felt to me like we would be really little fish in a really big pond, because there's a phenomenal amount of people, who would work in the food and service industry within that union - It's huge."

Overall, the formation of New Unions appears to reflect a desire for collective voice more specific to the needs of a particular group. Significantly, these responses also indicated that some participants saw their organisation as something other than a union.

4.4.2 The recruitment efforts of Old Unions and the behaviour of their officials

Worker perceptions of their job and social environment (Charlwood, 2002), and the activities of union members, particularly local officials, are significant determinants of the outcome of individual decisions regarding union membership (Greene, Black & Ackers, 2000; Thacker & Fields, 2000). This study found that participants' perception of Old Union officials and members, and their impact on their workplaces, was a key factor in the rejection by participants of the option to join such unions. More specifically, each of the nine New Unions in the study showed that support for the decision to form a New Union was strengthened as a consequence of negative experiences with officials, delegates and/or members of Old Unions. Participants described their experiences in a variety of ways. Typical responses, however, were:

> "They weren't happy with the union reps they had, and if they had a really serious problem they found it could take a week to get someone who had any real teeth to actually deal with things."

> "I thought to myself, well we had people in the company who were dead keen on joining a union and joining this union came and spoke to them. I didn't like them. I suppose, to be brutal, I didn't trust them. They didn't come across to me like trustworthy people."

In some cases participants focused on specific instances, often some time in the past, as a key indicator of their experiences with Old Unions. The recruitment efforts of

Old Unions came under particular scrutiny, a typical response indicating quite clearly the reaction of some workers to their efforts:

> *"I was 49 years old. I'd been unemployed for six months and two guys hopped on my bus the first week and say 'come and join this union so we've got solidarity, and with solidarity we can smash the firm' and I said, 'well this firms given me a job at 49 years old, why would I want to smash them?' And that was their approach. And I will never, never join [that] union."*

In some instances, participants' negative experiences with unions had an extremely prolonged history and their attitudes toward other unions often extended well beyond the workplace. In these circumstances a typical response was:

> *"I can even remember back to the waterfront strike in 1951 when I was all of seven years old and the Government brought in the army and my father said Good! I can still remember that was an enormously important thing in our household as a child. Now I don't think that now. But I remember how that feeling was. They're mucking up our country; they're stopping the whole country working... "*

In one instance, these experiences did not originate with the representatives of Old Unions but with their members, who participants regarded as representative of Old Unions as a whole. A typical response, continuing to emphasise the influence Old Unions had on the decision to reject membership in those unions, was:

> *"The reason we haven't joined the others is because of some of the personalities and that's the cold hard facts of it I think."*

Overall, New Unions and particularly key opinion leaders within those unions were found to have a predominantly negative image of Old Unions. This was a result of

either one-off experiences with particular unions, or a history of bad experiences with a number of unions. These images were often reinforced by the behaviour and actions of Old Unions, their members and/or representatives, almost immediately prior to workers choosing to form their own union. Why then did workers who had a history of negative experiences with the union movement choose to become part of that movement?

4.5 Why did workers join New Unions?

New Unions in the study demonstrated a strong degree of dissatisfaction with unions but not an opposition to the idea of becoming a union. However, dissatisfaction with one union is not in itself sufficient to explain why workers would choose to form their own union organisation. Nor is it sufficient to explain why workers, particularly those not party to that decision, would choose to join such unions once formed. The deliberate consideration and then rejection of membership in existing unions in favour of forming their own also suggests that workers saw a clear advantage in the latter course of action. Scholars have found that workers join unions, and by implication form them, where there was a clear economic advantage in doing so, in response to peer pressure or other social influences, and for legal protection or other forms of specialist assistance (Barker *et al*, 1984; Deery *et al*, 1994; Freeman & Rogers, 1999; Gani, 1996; Premack & Hunter, 1988; Tolich & Harcourt, 1999; Wheeler & McClendon, 1991; Waddington & Kerr, 1999a & 1999b).

4.5.1 Were economic factors the primary incentive for New Union membership?

This study found that the primary advantage workers sought in forming and joining New Unions was economic with New Unions' lower membership fees a key factor. For many New Unions their low membership fees have been regarded as indicative of their ineffectiveness as organisations and lack of independence from their employers (Barry, 2004; Barry & May, 2002). Lower membership fees and a more

limited range of services have been mooted as defining characteristics of New Unions (Barry, 2004; Barry & May, 2002). Barry & May (2002), for example, found that most New Unions in their study charged membership fees of less than $2 per week. When asked what membership fees they currently charged, New Unions in this study showed little or no variation from these findings; the fees of New Unions in this study ranged from $100 a year to $1 a week, with one union charging no fees at all. Lower fees would appear, therefore, to be a characteristic feature of New Unions as well as a key factor in workers' decisions to join such unions. When asked why workers joined their organisations, a common response from participants was:

> "They think we are friendly and [the] cheaper fees we charge."

> "Well certainly the price and the fact that they had to join a union."

Yet why New Unions charge lower fees has not been previously established by empirical research. The involvement of employers, a desire to compete more effectively with Old Unions, and the absence of services beyond bargaining have been put forward as possible reasons (Barry, 2004; Barry & May, 2002). Research also shows that the proportion of newer unions that provide certain services to their members, e.g., paid officials and legal aid, is lower when compared to older more established organisations (DoL, 2003). By implication, where fewer services are provided by a union, a lower fee may result.

However, low membership fees in themselves do not provide a clear economic advantage over membership in other unions. This is particularly so where other unions are able to gain greater concessions from employers through collective bargaining, and offer a wider range of financial services to members. In the absence of a full explanation of how workers measured the economic value of membership

in different unions, low membership fees appear to be one reason, but not the deciding factor in why workers join New Unions.

4.5.2 The importance of personal contacts to New Unions cheaper fees

New Unions' low membership fees and service activities create a conundrum for researchers. New Unions as a group have been shown to provide an often limited range of services to their members. However, it is difficult to ascertain whether New Unions limited services are a function of their low fees or if their low fees reflect a desire to provide a limited range of services. This study found that New Unions' low fees reflected their ability to provide a range of services to their members cheaply or free of charge through the use of personal contacts. For example, in relation to legal aid, most New Unions in the study were found to have access to a friend or family member who could and did provide such services, often free of charge. The following response describes how most New Unions in the study provide such services:

> "Contacts – I've got a rather good lawyer cousin, and he's got a rather good business up and running and I have got another cousin who actually works for some union, he's a negotiator or something, I'm not sure what he does but I would approach him as well."

Where personal contacts allowed unions to source cheap or free services, it may have been sufficient reason to reduce their need to charge members high membership fees. The primary service provided by New Unions, though, is that of a bargaining agent. It is this service rather than bargaining fees that appears to be the most significant factor in workers' decision to join New Unions. It is also argued that acting as a bargaining agent is the primary, and at times, the only reason for the existence of New Unions (Barry, 2004; Barry & May, 2002). The findings of this study do not differ substantially from this conclusion, in that the ability of New Unions to provide bargaining services was a key factor in their ability to attract

members. Workers were found to form unions in response to a pragmatic desire to avoid the necessity of bargaining individually for an employment agreement. In relation to both the decision to join and form unions, a typical response stated that workers saw membership in a New Union as:

> "They see well this is sensible. You know we say to them all the staff are members. We invite you to join. You're a new staff member. One person decided he wouldn't... and then he realized that he would have to negotiate his own contract and he couldn't use the contract that we set up. So he eventually decided he'd join, it took about six months..."

However, the provision of bargaining services and cheap fees alone do not explain why workers join New Unions. Workers' reasons for rejecting membership in Old Unions also appear significant, in particular their unwillingness to turn their interests over to a third party. In a number of cases workers appear to have joined New Unions they felt could understand and effectively represent their specific workplace interests. Typical responses here stated that workers joined New Unions because:

> "I think it's because we are such a unique organisation. Without sounding horrible, a printing firm in Petone is not that different from a printing firm in Wellington. But we are the only [company] in NZ we are completely unique to any other... organisation in the country. And keeping it in-house I know it sounds a little [?] or whatever, but keeping it in-house means we can take care of ourselves."

> "We're focused on one employer as well and that makes it a hell of a lot easier"

Overall, workers would appear to join unions for one of three reasons. These are New Unions':

- Low membership fees.
- Role as bargaining agents.
- Ability to more effectively represent their specific workplace interests.

However, this study has also found that many workers who belonged to New Unions were apathetic about their formation, and that others lacked knowledge about unions and what they did. Consequently, it is difficult to argue conclusively that every member of a New Union made an informed and deliberate choice to join those unions. Where workers were apathetic to the outcome of that choice, or reliant upon information from others to make it, it is conceivable that peer pressure or social influences were significant influences on their decision making. A significant source of peer pressure and social influence within New Unions' work environment appeared to come from key opinion leaders.

4.5.3 How did New Unions recruit new members?

Membership growth among New Unions under the ERA suggests that many may pursue an active organising strategy, with clear efforts made at recruiting new members once formed. Eight of nine New Unions in this study were found to pursue an active organising strategy. The primary method by which those unions recruited new members was by approaching workers new to their place of work, typically through their employer's formal induction process. New Unions were also found to approach new staff outside of this process. Responses typical of both processes are presented below:

> "[If someone new starts with the firm] we go around and see them you see. We make an approach to them in their areas.... We give them the right do you want to join up sort of thing? No, no it's been really good as I say with the amount of people we've got."

"Induction programme... I meet with each of the teams [?] induction process if they're signed up to the association if they want to. To be honest, it's not saying that it's do or die for us most of the guys... are aware of the... association and it's [?] not like we need to badger them to become members but a lot of unions do."

In one extreme case, a New Union, whose employer operated across multiple worksites, was found to pursue an extensive organising strategy that deliberately targeted every site owned by that employer:

"We get on the road and we visit every single store, all one hundred and how many of them there are, throughout NZ and we just explain again what we do how do it, and the benefits of belonging to a union as opposed to not belonging to a union are and then the second part of it is that we go talk to our members to see what their concerns are."

Only one New Union in the study was found not to actively recruit new employees. To a minor degree personality issues and particularly workers' desire to avoid the negative imagery associated with Old Unions is relevant to their recruitment efforts. This union stated that, in relation to new members, they were:

"We are very selective on who we take on. It's who we chase. We chase people, some we don't put as much effort into. [Q. What happens when new workers join the firm? Do you approach them?] Well they come under the senior union for the first thirty days... we just have a look at them – I don't even think we bother talking to them do we? Well, some of them we do. It becomes a judgemental thing doesn't it? You read the body language 'this guy's going to be trouble for us' – we've made a few mistakes, we have had guys who have been trouble for us and in the end they run off and went to the other union..."

4.6 Opinion leaders and their importance to New Unions

In identifying why New Unions formed, how that decision was made, and why workers joined New Unions the role of key opinion leaders was consistently identified. Several questions arise from the presence of such individuals:

- Who and what are opinion leaders?
- How do they influence workers' unionisation decisions?
- Why did they emerge during the formation of New Unions?
- How significant were they to that decision?

4.6.1 Who and what are opinion leaders?

Opinion leaders are individuals crucial to the success of unions in a work environment, and who have a strong influence on the social environment (Van de Vall, 1970) in which workers make the decision to join a union (Charlwood, 2002). Opinion leaders and a worker's social environment influence workers' attitudes toward unions in two ways: either a worker's attitude or beliefs are strong enough for that individual to retain them when moving from one workplace to another, or they change to suit a new environment (Van de Vall, 1970).

In relation to New Unions, opinion leaders, where present, acted to adjust or direct worker attitudes away from the idea of membership in an existing union and toward that of forming their own organisation. They may also have influenced workers' decision to join those unions once formed. Opinion leaders are able to exert this influence as workers have been found to be "more receptive to advisors from [within] their own social ranks" (Van de Vall, 1970, p. 102).

The influence of opinion leaders was found to be stronger among small groups of workers, where a large proportion of workers are apathetic in relation to union membership or collective action, and where opinion leaders are better placed to communicate with workers than outside parties (Van de Vall, 1970). The present study found that opinion leaders within workers' social ranks were significant to the

decision to form a union, workers' decisions to unionise and to the operation and future of New Unions once formed.

Key opinion leaders were found to guide and organise the decision to form a New Union. More significantly, in certain cases the decision by workers to form their own union was found to be strongly influenced by the attitudes and experiences of particular opinion leaders. In a process similar to that identified by Van de Vall (1970), this frequently occurred when the decision to form a union was characterised by a lack of active involvement by workers largely apathetic to the outcome of that decision. This is a common process observed among workers whose desire to participate in collective action has been found not to equate with an equal desire to put in the time and effort required to do so (Freeman & Rogers, 1999). The involvement of opinion leaders in New Union formation was readily identifiable as they formed the majority of participants interviewed by the study.

4.6.2 Why did opinion leaders emerge during New Union formation?

The role of charismatic or influential opinion leaders in the formation of New Unions in New Zealand has not been previously identified. The present study found that, most, cases leaders of this type had a significant influence on workers' decision to form, and, by implication, join New Unions. Participant responses to a number of questions suggested how particular individuals took responsibility for, and often led the decision to form a New Union. Opinion leaders were found to be significant where:

- Workers in general were largely apathetic to the decision to form a union.
- They formed workers' primary source of information on unions.
- They took it upon themselves to lead that decision.

Opinion leaders were typically more dominant where workers within a firm were largely apathetic toward and/or lacked knowledge about unions and the legal

requirements for forming them. Key responses where worker apathy and/or lack of knowledge of unions were a factor were:

> "You had a certain group that would bring things up at meetings and another group that kind of sat back, that sort of thing. We tended to have that division really."

> "A lot of them had no idea what the hell unions do at all and if they weren't allowed in the store they were never going to find out were they?"

In a lesser number of cases, opinion leaders took it upon themselves to oversee and lead the decision to form a New Union. This was achieved either by actively promoting that decision as the most advantageous to workers or by leading workers toward the idea of union formation. This behaviour was both spontaneous and deliberate, and appeared to rely heavily on the individuals personal experiences particularly with Old Unions. Where an opinion leader's involvement in union formation was spontaneous, a participant's typical response was:

> "These guys came in and talked to us about what they could do for the company. They spoke to us and said 'we will give you blah blah blah' and I thought it was just a spur of the moment decision. I just stood up and said 'make a decision, I've got another meeting. Why don't we just pull our fingers out why don't we just make our own union, and we can just look after ourselves. Only you guys know how we operate, what our working conditions are like, these guys don't care.'"

Where an opinion leader made a deliberate decision to lead or direct workers' decision making, a typical response was:

"It was a concept Carl came up with because he had been working with other groups and the complaint had been so often 'our union delegates don't know what they are doing...' and it was I guess an idea that just evolved. And he went out to see the management at [the firm] and put a concept to them and said 'are you happy for us to come on site' and they said 'fine yes if that's what you want to do come on site' and the rest... is history."

Opinion leaders' role in the workplace, particularly in relation to workers unionisation decisions, has also been found to increase where they provided a source of expertise or possessed knowledge not available to workers in general (Van de Vall, 1970). This study found a similar process working amongst New Unions with the role of opinion leaders in their formation stronger for two reasons. Firstly, their role was stronger where they provided one or more personal contacts whom in turn provided a New Union with services such as legal aid. Personal contacts of this type were found, by this study, to be significant to New Unions' ability to charge low membership fees and hence attract members. Secondly, opinion leaders' role was strengthened where they themselves provided the knowledge necessary for workers to both register and operate a New Union.

The following responses typify the range of expertise, experiences and knowledge opinion leaders brought to the formation of New Unions in the study:

"I had been involved with the formation of incorporated societies some years ago. So I was reasonably familiar with the processes, the legal protection you get from it. So once we had 15 people we became a legal entity and then it was the legal entity that copped any flack rather than the individuals."

"I had experience with representing [them] before and other [similar] people but on a part-time basis. I'm actually a teacher by trade... but basically because there was a lot of trust between me and the [members] at the time really, they charged me with that responsibility so off we went."

Overall, the role of opinion leaders was found to be an accepted and critical part of the formation of many New Unions, and in these cases provided the principal social, ideological and administrative impetus and expertise by which the decision to form a New Union was both considered and acted upon. The importance of opinion leaders to New Union formation raises two questions:

- Would those unions have formed without the presence of an opinion leader?
- Is the ongoing survival of a New Union dependant upon the continued involvement of an opinion leader?

The apathy of workers in many circumstances and the difficulty faced by particular opinion leaders suggest that in 'some' circumstances a New Union would not have formed without their involvement. When asked if the decision to form a union would have gone ahead without the involvement of these key people, some participants were quick to point out that it would not. However, in circumstances where workers as a group actively pursued collective action outside of the established union movement it is conceivable that opinion leaders served primarily as a means of 'speeding up' the process of New Union formation. Unfortunately, the interview process did not provide a sufficiently in-depth examination of these questions.

4.7 New Union membership and employers

The possible role employers' play in New Union formation has been a central component of existing research into New Unions under the ERA. New Unions have been implied to be less independent than other, more genuine, unions on the basis

of employer involvement in their formation, closer and supposedly more compliant relationships with employers, and lower membership fees (Anderson, 2004; Barry, 2004; Barry & May, 2002). However, close relationships with employers do not necessitate a loss of independence, nor have they been found to undermine or significantly alter how workers define effective collective representation. Worker attitudes in the United States, for example, revealed that a significant proportion of workers defined the ideal employee organisation as one that:

- Was jointly run by employees and management.
- Employed representatives elected by employees.
- Covered workers employed in similar fields (Freeman & Rogers, 1999).

The attitudes of workers in this respect were found to be remarkably similar regardless of their membership or non-membership in a union, and also that receiving financial support from an employer was an accepted component of this ideal (Freeman & Rogers, 1999).

Existing empirical descriptions of New Unions portray them as similar to this worker ideal. New Unions found to be under a degree of management control, reliant upon employee elected representatives, based around a single enterprise or occupational group within a single enterprise, and dependant, in part, on employers' financial support. The findings of this study support some of these conclusions. In particular, participant responses suggest that their unions were seen to offer a beneficial means of communicating with management. Typical responses emphasise the manner in which employees viewed their organisations effectiveness as a voice mechanism:

"I think the big thing is they're talking [with management."

"Oh there's no doubt the staff do feel that they do have a say even if it's a crazy, crazy suggestion they at least get a response from somebody saying this is a crazy crazy suggestion."

These findings also emphasise workers' desire to be represented by people within their own workplace, rather than an external party. That employers were openly supportive of the decision to form some New Unions was clearly evident from participant responses. However, employers differed in their reaction to workers' decision to form a New Union.

4.7.1 How did employers respond to workers decision to form a union?

Seven of nine New Unions interviewed by the study provided evidence of a degree of employer involvement in their formation. This involvement appeared to be of two principal types:

- Support for that decision, or
- Encouragement of that decision.

Whether employers supported or encouraged the formation of a New Union appeared to vary according to:

- The level of control management hoped it could exert over the union once formed.
- The type of behaviour the New Union was expected to exhibit.
- A belief that the New Union would be capable of entering into a productive relationship with that employer.

Overall, it appears, from the New Unions' perspective, that employers supported the formation of the unions as they saw it as offering them some advantage or benefit. A common response explained the reason for employers' approval as:

"Because they saw it as being, well there are two reasons, but primarily it was a staff initiative and they were listening to the staff and this is what the staff wants and we better listen to what they say. The second thing is that obviously I think they could see some benefits in terms of the new law that they could see also if it was somebody they knew, respected and were familiar with was driving the show..."

On four of seven occasions, employers were found to *support* workers' decision to form a New Union, principally by placing few barriers in the way of that decision. Responses typical of these situations stated that employers acted:

"Very favourably, in fact, we have an extremely good relationship with management... I think mainly because our attitude is let's add value to the employment relationship from both sides."

On three of seven occasions, however, this study found that the formation of a New Union was actively encouraged by an employer rather than simply supported. In one, possibly extreme, case this was represented by management's promotion, discussed in the response below, of the idea of forming a New Union as a desirable action for workers:

"They actually suggested it I think. They encouraged it. They said to us 'why don't you form a union?' It was [name omitted] who actually suggested it to us first. He came here and he was pretty keen on us being a collective rather than individual because the collective was just one set of individual negotiations where potentially they could be sitting down doing the same thing twenty-five times and the company really wanted standard pay conditions right across the board rather than everybody being separate."

In most cases, the seven New Unions whose formation was supported or encouraged by an employer saw this involvement as positive; only two appeared to consider the problems an employer's support could cause. Of particular concern to these participants was the real motive behind their employer's support of the decision to form a union. Their responses, though, were contradictory, expressing both concern and understanding of their employer's position. The following response typifies this attitude clearly:

> "I guess [supporting the decision] left them with a certain amount of power as well to keep it in-house – which is a good thing."

In one of these two cases, employer encouragement of the decision to form the union was tempered with an element of coercion. When asked why their employer had suggested they form their own union the response was:

> "I don't know why. I don't know what they meant. It was written up on a piece of paper what they were actually saying. More or less they were saying if we didn't kind of start this union they would not negotiate the next negotiations."

In these instances, the formation of a New Union may have been an employer-driven phenomenon. Yet workers in this instance did not appear concerned about their employer's actions despite, the perception of an implied threat to halt contract negotiations. When asked why they thought their employer had responded in this way their response was:

> "We were surprised that they actually wanted us to start it up. I couldn't see the benefit from where they were coming from but that was their statement. It was a real shock from them to be honest because they weren't the greatest of negotiators you know."

Only in two instances was an employer found to actively oppose, or discourage, workers' desire to organise collectively. Both participants described how employers discouraged the desire to organise collectively and how they placed barriers in their way:

"We were deliberately kept separate kept in our own districts. I mean Wellington was OK Six of us would get together and chew the fat together, meet at a coffee bar somewhere and have a cup of coffee but it was absolutely discouraged by a whole lot of unwritten stuff."

"They were against, they discouraged it... certainly [they] weren't keen to do that way back in the mid '90s and they weren't keen to do that with us when we first started as well... the [members] first went to them with the idea of forming the association and getting one person to collectively negotiate their interests... [the employer] as I understand it got them together in a room and said, we'll hey this isn't going to work... we cant see any point in you having an association - we'd much rather deal with you top guys directly..."

4.7.2 What support did employers actually provide New Unions?

While support or encouragement for the decision to form a New Union appeared strong in most cases, the *actual* support provided by employers was relatively minor. Participant responses suggest that employers' *actual* support extended more to an absence of direct opposition to the decision. Where aid was given, it was usually in the form of legal advice, or permission for workers to use the workplace to complete the registration process.

A consistent element in existing empirical research into New Unions is the degree to which employers provided financial support to New Unions. This study found no evidence of employers supporting New Unions financially. However, it also found

no evidence to contradict suggestions that financial support is a key part of New Union formation. All nine of the New Unions interviewed were quick to point out that financial support was not part of an employer's response to their decision, a typical response here stating that:

> "Certainly not financially... they don't really do us too many favours in that regard and, rightly so, they felt we had to stand on our own two feet. After we'd been going the agreement had been in place for six months and they'd seen the benefits of it. Where they did provide assistance was by telling everyone what a bloody good job we were doing..."

Overall, participant responses make it difficult to assert that New Union formation as a whole is an employer-driven phenomenon aimed at undermining the activities of other unions. In two cases participants implied that employers supported the formation of an in-house union to gain some advantage. Yet only in one instance could it be suggested that workers' desire to form a New Union was precipitated by the actions of an employer. In most cases, employer support came only *after* the decision to form a New Union had been made by workers. Whether this was due to employers complying with the ERA, acknowledging and supporting a staff initiative, or anticipating a long-term advantage is not clear from interviews with New Unions.

4.7.3 How do New Unions describe their relationship with management?

Employer support for New Unions' formation would suggest that relationships between those two groups are relatively cooperative and friendly. Existing research suggests that New Unions do have good relationships with employers, but also argues that those relationships are frequently more compliant than cooperative (Anderson, 2004; Barry, 2004; Barry & May, 2001; Barry & Reveley, 2001). New Unions' description of their current relationships with employers does not differ

from these conclusions. New Unions' relationships with their employers were found to be friendly, cooperative and seen as positive by those unions. Responses typical of most New Unions described their relationships with employers as:

> "I think we are more tolerated because we are so direct, upfront and honest. The other unions are a bit militant - very pushy with management, they charge in there and threaten all sorts. From what we can gather, they are just running off to their lawyers all the time."

> "Between staff and management is a really fantastic relationship – we can go to our manager with an issue and sort it out and it goes away, or the problem gets solved, whatever we need to do. By joining a union you take that away."

However, not every New Union described their union-employer relationship in a positive fashion. Yet the primary concern of New Unions in these cases was that, despite the support their employer had given to them prior to their formation, they had gained no significant advantage over other unions, a typical response stating that:

> "We are still treated as the poor relations. We don't get consulted on some things in the organisation as we should do."

In another case, a New Union also acknowledged that it did not receive special treatment from their employer. However, it did indicate that some aspects of its relationship were perceived as better than those of other unions. This participant described their relationship with their employer as:

"No, no way... they don't get anything we don't get. No, I think we tend to get more respect from management I think. We often find a little piece of paper in an envelope occasionally. I think they trust us. I think they know they can talk to us whereas with the other union, when they don't get their own way they stamp their feet, storm out and threaten blue murder."

This response also continued to emphasise the difference in how New Unions and Old Unions approached their relationship, emphasising the aggressive stance taken by those unions.

4.7.4 How have New Unions' relationships with management changed?

New Unions' relationships with management have, in most cases, improved over time. This improvement appears to be due to the support given by employers to those unions when they first formed, and to the non-confrontational manner in which New Unions and employers have bargained and communicated with each other. In particular, it was found that the longer a New Union's relationship with an employer was, the easier those relationships became. While collective bargaining between New Unions and employers was in the first instance often a prolonged process, later bargaining episodes were frequently shorter and less involved. Typical responses indicated in particular how the range of claims presented at subsequent bargaining sessions changed over the length of those relationships:

"We made some real progress in those four years. In terms of the real benefits that add value, most of them have already been included in our agreement."

In one extreme case, a New Union indicated that it felt confident enough with its relationship to challenge the employer more strongly at their next bargaining session.

"we'll fight a bit harder next time... because we didn't want to rock the boat too much we wanted to maintain you know, and it was our first time and we had David [a lawyer outside the firm]."

Another union, whose initial and current relationship with their employer was described as good, indicated that it remained cautious about where it would go. The New Union in this case did not appear to be complacent about its ability to maintain that relationship, stating that:

"we are probably still in our honeymoon period with our employer to be honest. I think we will get to the stage where the honeymoon will be over and the partnership may become strained..."

However, for those unions whose initial relationships with management were not overly supportive or beneficial it was found that their bargaining relationships had, unlike those of other New Unions, remained fairly static. New Unions in this situation continued to emphasise how poorly they were treated in relation to other unions on site. When asked to describe how their latest collective agreement differed from their first, these unions replied:

"The whole thing was just a flow on of what had happened in the past. Nothing's changed..."

4.8   How New Unions perceive themselves and other unions?

Whether organisations identify themselves as, and declare themselves to be, unions is a key component of the character of the genuine union (Blackburn, 1967). Organisations do not declare themselves to be unions they are considered less unionate than organisations that do (Blackburn, 1967). Existing research provides a measured description of how some New Unions define traditional unions (Barry,

2004; Barry & May, 2002), but does not provide a definitive discussion of how they define themselves. This study found strong evidence that New Unions as a group have a generally positive image of themselves as organisations. It found also that this self-image differed strongly from their image of Old Unions. Terms commonly used by New Unions to describe themselves were:

- Friendly
- Trustworthy
- Cooperative.

Terms used to describe or implied to characterise Old Unions were:

- Antagonistic
- Militant
- Confrontational
- Untrustworthy.

For example, common responses described New Unions as:

> "We see ourselves as a society that looks after matters relating to individuals as well as us as a group, and we are more into building partnerships than what I would call the old fashioned type of unionism."

> "I see us as a group of people working together rather than a group of people with our fists out fighting together. We've never needed to fight you see."

Those same respondents then described Old Unions as:

> "I see unions as pommy bastards who stand up and shout... that's the vision of me growing up in New Zealand... that feeling that the unions were there anti the bosses and they were fighting for rights that people didn't have and you admired them for that."

In one particularly strong response, the issue of trust was described as the key difference between newer and Old Unions. When asked how membership in an Old Union differed, this participant responded:

> "[It would be] like giving your baby daughter or baby son to a stranger and saying 'look after this for an hour' and then going away – you know. Obviously not as strong as that, buts it's giving something that's yours to someone you don't know and asking them to fix it and look after it. But this way [forming their own union] it's like giving it to your trusted uncle, you know."

However, while participants all saw their 'image' as different to that of Old Unions most saw little difference in the outcomes they and Old Unions were formed to achieve. Rather, the primary difference between New Unions and Old Unions, as perceived by New Unions, appeared to be in *how* they achieved those outcomes. A common response here was:

> "Well I don't think we do a hell of a lot that's different but we do communicate perhaps a little better than others. We're in it for the same reasons. We're trying to maximise the benefits for our members and act on their behalf, when there have been injustices that is all that you can be as a union. If you go off and do anything else, and you start dabbling in other things, that's not what the unions are there for."

These findings therefore strengthen this study's suggestion that New Unions' members are not fundamentally opposed to Old Unions, but rather to aspects of their behaviour and character that they find objectionable. Again the issue of third-party unions being unwilling or incapable to represent workers interests was

emphasised as significant to the formation of New Unions, a common response stating that:

> "We only represent ourselves and the service workers union represent so many different like workers in McDonald's, someone who's serving Big Macs to someone who plays the violin in the NZSO. They are worlds apart, not only in what they earn, on the pay scale, but in the lives they lead."

Of less importance to New Unions' self-image was the use of term union. Many organisations have been found to avoid use of the term in order to avoid negative images associated with it (Blackburn, 1967). Where they did so they were considered less union-like than those they did not avoid use of the term (Blackburn, 1967). At other times, union-like organisations did not use the term 'union' in order to circumvent legislative restrictions on union activities (Chase, 2000). Only five of the nine New Unions interviewed by the study used the term in their official titles, but none saw its use or non-use as a matter of importance, nor did they regard it as a critical factor in determining who they were as organisations. The typical reaction of participants to this theme was:

> "You could be called anything you like. It's what you are there for and how you go about doing it that's important, it's knowing what you're there for, and we're there for our members..."

4.9 Conclusion

This chapter discussed the results of interviews with nine New Unions with particular emphasis on identifying areas of convergence and divergence from existing research findings. With reference to the study's principal and supporting research questions, the conclusions of this set of interviews are listed below.

4.9.1 Why did workers reject membership in other unions in favour of forming their own?

A number of factors were found to contribute to workers' rejection of this particular option. In common with previous research (Barry & May, 2002), this study found that workers rejected unions with whom they were dissatisfied. It suggested, however, that the factors most significant to workers' rejection of other unions were:

- An unwillingness or reluctance to be represented by a party whose primary interests lay outside their place of work.
- The actions and behaviour of the representatives and/or members of other unions.

However, other findings suggested that these particular issues reflected *not* the feelings of New Union members in general but key individuals within those unions. More specifically, in certain instances, the decision to reject membership in other unions was based upon the objections of a key opinion leader.

4.9.2 What role did and do employers play in workers' decision to form a union?

In direct contrast to existing research (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001), this study found limited evidence of employers dominating the formation of New Unions. More specifically, New Unions offered no evidence of employers offering financial support to their organisations, and little evidence of active employer involvement in their unions once formed. However, they offered little evidence to counter assertions that either of these processes may occur. Overall, employers were found to either:

- Support workers' decision to form a New Union, or possibly accept it as a matter of legislative compliance, or
- Encourage workers to form a New Union in the hope of gaining some benefit.

In the latter case, some New Unions expressed concern about employers' motives, but none regarded employers' support and/or encouragement as anything other than a willingness to work with them once formed.

4.9.3 Was the decision to form a New Union a spontaneous or deliberate decision?

Upon reflection, this question appears less relevant than first surmised. All nine New Unions in the study described how the decision to form their organisation came after often prolonged and deliberate discussion of multiple options. In every case, the decision to form a New Union was reached through a simple vote. Conversely, however, the decision making process, while deliberate and democratic, was not widely subscribed, several New Unions reported that many workers were largely apathetic to the outcome of the decision, and in some cases unwilling to become actively involved, at least beyond the act of joining.

4.9.4 How have New Unions' relationships with employers and their character evolved?

New Unions provided mixed descriptions of how their relationships with employers had changed since their formation. Some unions reported a gradual improvement, others little or no change. New Union interviews also provided few indications of possible changes to their character as organisations. The absence of clear findings to either questions was largely due to the re-direction of New Union interviews toward themes that emerged during the interview process, the role of key opinion leaders in particular. Consequently, the study cannot offer a definitive answer to these questions.

4.9.5 What is a genuine union?

Blackburn's (1967) argued that a genuine union could be recognised by its:

- Pursuit of collective bargaining.
- Willingness to engage in militant action.
- Affiliation to a peak union body.
- Public identification of itself as a union.
- Ability to operate at arms length from an employer.

New Union interviews found that as a group they assigned a smaller set of characteristics to their description of the genuine union, but focused primarily on:

- The pursuit of collective bargaining.
- Independence from employers..

New Union responses were more revealing in how they defined the *typical* rather than the *genuine* union. The study found that New Union participants, regardless of background and occupation, commonly described the typical union as an organisation that:

- Pursued confrontational relationships with employers.
- Was overly aggressive in its relationships with employers and workers.
- Pursued interests that often contradicted those of its members.
- Offered poor service to many of its members.

New Unions all regarded themselves as genuine collective organisations, but most did not regard themselves as typical unions. The primary motivation for this appeared to be a desire to avoid any public association with the poor public image of the typical union.

4.9.6 Are New Unions genuine?

Several facets of Blackburn's (1967) description of the genuine union were examined by this study, but the findings presented here do not allow New Unions' applicability to this concept to be definitively tested. However, with reference to relevant aspects of that concept, New Union interviews offered the following conclusions:

Is collective bargaining central to New Unions?

Yes, in every case New Unions in the study were found to pursue collective bargaining of one form or another. For some the pursuit or maintenance of a collective agreement was a significant cause of their formation.

Are New Unions prepared to be militant?

With one exception, no. Most New Unions appeared to be unwilling to adopt any form of confrontational or aggressive relationship with employers.

Are New Unions affiliated to a peak union body?

No. New Unions showed little willingness to be seen as members of the wider union movement. However, this did not reflect an opposition to that movement but rather a dislike of what they saw as that movement's negative public image.

Do New Unions publicly identify themselves to be unions?

New Unions appeared largely ambivalent as to whether they were regarded as unions. Their primary consideration appeared to be a desire not to be associated with or regarded in the same light as Old Unions whose behaviour and actions they disliked or were dissatisfied with.

Do New Unions operate at arm's length from their employers?

Most New Unions in the study indicated that employers supported or encouraged their formation. Only in two instances were workers' efforts at collectivisation

actively opposed or discouraged. However, the interviews offered insufficient evidence to state definitively that they either operated or failed to operate at arm's length from their employers.

4.9.7 Why did New Unions form? Current and emerging themes

In general, terms the findings of this study suggest that New Unions formed to:

- Represent workers' collective workplace interests.
- Engage in collective bargaining.
- Provide workers with a range of non-bargaining services.

These factors are also broadly similar to workers' reasons for joining and forming unions in general. When examined in more detail, this study found that workers believed a New Union would be the best means of achieving these outcomes as an organisation of their own could provide those services more cheaply than existing unions. More specifically, this study found that workers believed forming their own organisation would allow them to:

- Represent their specific and/or unique workplace interests more effectively.
- Provide a less antagonistic and more trustworthy form of collective representation than existing unions.

However, this part of the study argues that workers' belief in the benefits of forming their union were not universally agreed to or accepted by members of those unions. Rather, the decision to form a New Union was often the result of discussions led, and at times dominated by, key opinion leaders within their place of work.

Key opinion leaders were found to share a similar set of negative experiences with existing unions, experiences that may or may have not have been shared by New Union members in general. Where New Union formation was characterised by the presence of a key opinion leader, the decision to form a union was, in the typical case, also marked by the presence of a largely apathetic workforce. In these

instances, the decision to form a New Union could be argued to reflect the interests of those opinion leaders rather than workers as a whole. However, whether opinion leaders were present or not the formation of every New Union in the study followed a similar pattern. Firstly, workers who sought collective action actively considered joining an existing union. Workers' experiences or, more specifically, dissatisfaction with those unions, would result in the rejection of that option. Secondly, either as a group or at the behest of one or more key opinion leaders, workers would vote on forming their own union organisation. In every case, the New Unions were formed to represent workers' collective workplace interests in a more positive fashion than existing unions.

Chapter Five

Discussion of results of interviews with Employers

5.0 Introduction

This chapter discusses the results of interviews with three organisations whose workforces were partially represented by at least one new and one Old Union. The general intent of these interviews was to address the paucity of data on employers' reactions to, and perceptions of, New Union formation. More specifically, they attempted to provide a unique perspective on New Union formation, and address the study's primary research question from an as yet unexplored source. The primary focus of this chapter, therefore, is a discussion of results relevant to employers' perceptions of why New Unions formed, their role in that process, and their contribution to the environment in which that decision was made. The chapter also follows the same format as previous chapters and discusses the study's supporting questions before addressing the primary research question.

5.1 New Unions and employers: Past research and the present study

Employer responses to workers' efforts at collectivisation could be described as predominantly negative or hostile. Employer opposition to unions was often the only method by which researchers could identify an organisation as a union (Webb & Webb, 1907), and has become an ingrained part of many Western industrial relations systems. Employers in these systems, particularly in Europe, have been found to pursue a complex range of covert and explicit strategies designed to undermine and/or reduce union influence and workers desire for collective representation (Dundon, 2002; Logan, 2002; Peetz, 2002a & 2002b; Royle, 2002). One facet of these strategies is employer attempts at redirecting or strengthening

employee loyalty to the firm and away from unions (Dundon, 2002; Peetz, 2002a & 2002b). One method by which this is achieved has been through the formation of 'company' unions - employee bodies loyal to and controlled by an employer or at least reluctant to oppose them (Jenkins & Sherman, 1979; Kaufman, 2000; Logan, 2002; Nissen, 1999).

In New Zealand, many unions newly formed under the Employment Relations Act 2000 (ERA) have been implied to represent a local form of the 'company' union phenomenon (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). Employers are argued to have played a dominant role in workers' decisions to form many such unions (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001), with the result that once formed those unions lack the ability to act independently of or at arm's length from their employer (Anderson, 2004). However, little direct evidence has been provided that indicates why New Zealand employers would take such action or see it as advantageous. Undermining the collective bargaining efforts of traditional or Old Unions (those formed prior to the ERA) is mooted as one reason (Barry, 2004; Barry & May, 2001; Barry & Reveley, 2001). But whether employers are deliberately pursuing this type of strategy has yet to be definitively established, as outside of two or three possibly extreme cases (Anderson, 2004; Barry, 2004; Barry & May, 2001), little data has been provided that indicates the formation of 'company' unions is a distinct phenomenon.

The formation of company unions by New Zealand employers also contradicts relevant theoretical descriptions of employer decollectivisation and management strategies in Australasia (Cullinane, 2001; Peetz, 2002a & 2002b; Wright, 1997). Peetz's (2002a & 2002b) model of decollectivist strategies, for example, makes no mention of the formation of company unions as a distinct strategy. Rather it emphasises exclusive or inclusive techniques that aim to prevent unions from entering the workplace or that attempt to redirect employee loyalty toward the

firm and away form unions (Peetz, 2002a & 2002b). In New Zealand, the adoption of these strategies has been found to vary according to the union density within a particular firm (Cullinane, 2001) and the impact of legislation on union organising efforts (Wright, 1997). As a key influence on unions' environment (May, 2003a), legislation has previously been used by New Zealand employers as a substitute for formal decollectivisation strategies (Wright, 1997). More specifically, in a legislative environment that was detrimental to unions, employers were found to forgo formal attempts at decollectivisation and rely on legislation to achieve similar outcomes (Wright, 1997).

While the restrictive legislative conditions to which these findings relate no longer apply, key aspects of the current legislative environment could be argued to have a decollectivising influence. Relevant factors include the absence of continued or sustained growth in union membership (Employment Relations Service, 2004), the proliferation of standardised employment agreements, and the passing on of union negotiated conditions to non-union workers (Waldegrave *et al*, 2004). The use of standardised employment agreements in particular is a key facet of inclusive and exclusivist decollectivist strategies (Peetz, 2002a & 2002b), and many New Zealand firms would appear to routinely adopt this technique (Waldegrave *et al*, 2004).

In examining this aspect of New Union formation, this study found measured evidence of the use of techniques that duplicated key aspects of the decollectivist strategies identified by Peetz (2002a & 2002b). This included the use of standardised employment agreements, redirection of employee loyalty to the firm, and the imposition of barriers to union recruitment (Peetz, 2002a & 2002b). However, only in one instance could this influence be construed as a deliberate attempt to support or facilitate the creation of a 'company' union. Overall, employer responses suggested, without openly acknowledging it, that they influenced workers unionisation decisions by:

- Reducing the economic value of union membership.

- Altering the influence and image of a particular union.
- Influencing a union's ability to service and recruit members.

Employer descriptions of union bargaining activities, social influence and organising efforts also mirrored those provided by New Unions themselves. Most New Unions and employers in the study described their relationships as positive but not advantageous for those unions. Moreover, both groups used an almost identical set of characteristics to describe newer and Old Union organisations.

How an organisation chooses to publicly identify itself is a key facet of its character as a union and its status as a genuine form of employee representation (Blackburn, 1967; Blackburn & Prandy, 1965). Employers, like New Unions themselves, were found to draw clear distinctions between different types of union organisation based on their public image. Employers were found to define New Unions in largely positive terms, emphasising in particular their pragmatism and enterprise focus. In contrast, Old Unions were portrayed negatively with emphasis on their confrontational and uncooperative nature. How those unions were described was significant to the relationships employers had with them, and to how they were perceived by workers in their firms. The public images of older and newer unions were also considered by employers to be a significant determinant of why workers rejected membership in Old Unions and chose to form New Unions.

While the number of employers interviewed by the study was small, their responses are considered significant as they provide strong confirmation of themes raised by the literature review and interviews with New Unions. Principally, employers described:

- Clear differences between the public image of New Unions and Old Unions.
- Workers' dissatisfaction with Old Unions.
- The significance of dissatisfaction to workers decision to form New Unions.
- Relationships between New Unions and Old Unions and their members.

Worker dissatisfaction with Old Unions had been previously identified as a possible factor in the formation of New Unions (Barry & May, 2002). Not identified by that research was why workers were dissatisfied. Significantly, both New Unions and employers in this study identified similar sources for that dissatisfaction, and identified them as the attitudes and behaviours of key individuals, principally union organisers and officials, and the perceived dominance of Old Unions' industrial and national bargaining agenda.

5.2 How employers defined unions' public image

To date New Unions and Old Unions have been differentiated by the formers enterprise focus, lower membership fees, and possible inability to operate at arm's length from their employers (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). The absence of any affiliation or desire to affiliate with the wider union movement was also identified as a key characteristic of newer organisations (Barry, 2004; Barry & May, 2002; May, 2003a & 2003b). Together these differences have seen researchers question the status of New Unions as genuine independent unions (Barry & May, 2002). However, of the factors used by recent research (e.g., Barry, 2004; Barry & May, 2002) to differentiate between newer and Old Unions, only the affiliation or non-affiliation of unions with the New Zealand Council of Trade Unions (NZCTU) appeared significant to New Unions and employers. This study found instead that both groups placed greater significance on the attitudes and behaviour of different unions.

Employers were found to draw clear distinctions between New Unions and Old Unions, with the attitude and behaviour of the former described in a more positive fashion. Specifically the typical New Union was described as:

- Pragmatic.
- Less confrontational.
- Willing to compromise.
- More representative of their members 'workplace' interests.

In direct contrast, employers described old or traditional unions as:

- Militant.
- Overly positional.
- Representative of union rather than worker interests.
- Less capable of entering into productive relationships.

The positive manner in which New Unions were described was reflected in employers' preference for relationships with unions that shared similar behavioural characteristics. This did *not* necessarily result in employers forming stronger or dominant relationships with New Unions, rather it was indicative of a preference for unions that focused on enterprise level issues and that did not overtly challenge managerial prerogative - traits more commonly associated with New Unions.

How employers distinguished between different unions was a common feature of their responses throughout the interview process. The following responses typify how employers described Old Unions:

"It's the trade off mentality or a positional mentality whereas the [New Union] group might say – yes we can recognise that if you don't change this then some of our members of the union might lose their jobs or the business won't succeed or whatever. Theirs is a reasonably pragmatic approach I guess."

"I think the word union conjures up certain stereotypical images of a group, and a society likewise comes up with a different picture. The picture that you get with a union is that with its organised labour it's networked with other unions some sort of adversarial position..."

In contrast, newer unions were commonly described as:

> "I think they have a very different approach to their relationship with the company than the other unions. What is different? I guess they don't appear to be driven by any kind of national or CTU agenda… their focus, and it sounds a bit woolly and PC is in many ways more of a partnership relationship with the business or company than a positional or adversarial relationship."

For employers the primary source of these differences was the relative age of New versus Old Unions. The literature review argued, in part, that any divergence in the character of 'new' and 'old' unions could be attributed to their relative age as organisations. Unions and their character were also found to evolve over time becoming more complex (Blackburn, 1967), and it was argued that New Unions in their current form could follow a similar path. This study found that employers, if not New Union members, recognised the importance of age in determining the character of particular unions. The following responses typify employer perceptions that the history of each union was a key contributor to differences between them:

> "The only thing we struggle with it's like having two children, the eldest [the Old Union] and the youngest [the New Union] child."

> "I guess the starting point is that the histories of the two are very different. We then have a lot less misunderstanding and contention between the [firm] and the [New Union] because they are a bit more mature, more responsible, less prone to being opportunistic in their approach."

5.3   How did New Unions and Old Unions interact?

A paucity of data exists on the relationships between New Unions and Old Unions in New Zealand. Only one study, conducted on the New Zealand waterfront,

specifically examined and described those relationships (Barry & Reveley, 2001), although others have discussed them in passing. Barry & Reveley (2001) highlighted in particular how unions competed for membership and employer recognition, and the open hostility between each group. Other studies have also suggested that competition for members is a defining feature of New-Old Union relationships (Barry, 2004; Barry & May, 2001; May, 2003a & 2003b). Yet in neither instance were the perceptions of employers identified, and in the case of Barry & Reveley (2001), the relationship was described entirely from the perspective of Old Unions. The findings of this study, however, confirm that the nature of those relationships, as seen by employers, is determined primarily by the degree to which New Unions and Old Unions compete for members.

5.3.1 Inter-union relationships where unions compete for members

Two of the three employers interviewed for this study were in a position to clearly describe relationships between New Unions and Old Unions within their firms. In the first of those firms, three unions operated within its dominant worksite, two old and one new. Relationships between those unions were characterised by what the employer termed the openly hostile response of Old Unions to the newly formed organisation. This began when the New Union first formed and has continued since. While competition for members was identified by the employer as a key source of conflict, they also noted the strong ideological differences between each union. Competition for members and ideological differences significant to conflict between those unions were commented on as follows:

> "The relationships I guess are complex between the unions because they are competing for members for a start... you've got those three unions partied to [the] agreement trying to sit in the same bargaining forum, often with different agendas and different national and local perspectives – a different philosophical base."

Both ideological differences and competition for members contributed to the antagonistic nature of relationships between those unions. That relationship was described in general terms in the response below:

> "Well I suppose that they take membership from them – I guess they would challenge some of the fundamental principals underlying the traditional union movement, less of a positional bargaining approach, less positional directional approach on things, often presenting the workers views rather than the unions."

Inter-union relationships in this firm suggest that *how* unions operated, or were perceived to operate, was a significant feature of their operating environment. In describing those relationships, the employer in this case continued to emphasise what was seen as critical differences between the behaviour and attitude of New Unions and Old Unions.

The level of inter-union competition described by this employer would suggest a high level of union membership in that firm, and possibly a trend toward membership growth brought about by union organising efforts. However, the opposite appeared to be the case with the employer describing the negative impact this competition had had on unions in their organisation. The responses indicated a belief that inter-union conflict ultimately hurt unions, a typical comment being:

> "Where we see significant change in membership is not so much in their overall total membership but in the changing solidity of the unions that members belong to."

For the employer, the tangible outcome of this process was seen in the steady decline in union density in the firm under the ERA; figures provided by that employer showed that union density had dropped from 74% to 64% from 2000 -

2004. New Unions in this instance appear to contribute to the existence of what Willman (1989, p. 260) called:

"...market share unionism... [where] unions compete for their proportion of a declining membership base... [and fail] to cooperate in the expansion of the membership base."

The conflict between older and newer unions was strong enough to suggest no possibility of the cooperation Willman (1989) argues is critical to unions' sustainability. A clear example of the strength of inter-union conflict in this firm was provided by examples of Old Unions' refusal to form any type of relationship with their newer counterparts, one example provided being:

"We've had situations where the [Old Union] refused to meet if the [New Union] was present - it still happens. One organiser in particular blatantly refused to meet in the same meeting as the [New Union] – they said they can get stuffed they're not a real union and other language I wont repeat"

The ultimate outcome of this process was found to be either the stagnation or decline of union membership as a single-minded focus on organising prevents unions from sustaining themselves in the long-term (Willman, 1989).

When asked why they formed their own union, a number of New Union participants stated that union recruitment efforts, and competition for members, had played a role. Principally, Old Union organising had reduced their desire to join such unions. Union competition within this workplace highlighted a similar trend with the employer describing the impact of inter-union conflict on unionised workers as:

"For the union members I think it's creating disillusionment and frustration. I think they get pretty annoyed with the union officials' behaviour and the union's behaviour in total. I think we have to keep pointing out to them that they are the union. And I guess where you see a tangible effect is the number of people who exit out of the unions or don't participate in union business, don't go to their annual meetings, things like that."

A key element within this particular workplace was the employer's perception of the poor service Old Unions delivered to their members. However, unions themselves were not held entirely to blame for their situation. In this particular instance, the ERA was seen to have a significant impact on how unions operated.

"The new laws have placed upon the much more traditional-based unions a focus on recruitment and I sometimes wonder if that has superseded the service focus. You know you're busy out canvassing new sites and pulling up new membership to the loss of your current membership."

A similar trend was recently noted by the NZCTU (2003, p. 5) who argued that unionism in New Zealand was fast running "to [a] stand still". The NZCTU noted in particular the case of the Service and Food Workers Union which had declined in real size despite successfully recruiting more than 22,000 members under the ERA (NZCTU, 2003).

5.3.2 Inter-union relationships where unions do not compete for members

In a second firm, one Old Union representing most of the firm's general workforce operated alongside a single New Union which covered a small number of middle managers. The relationship between those unions was also characterised by clear ideological differences between the unions. The employer described those differences and source as:

"They have the [New Union] is the middle management association or union whereas the _____ are very much a blue collar, very traditional, somewhat militant union so they have a philosophical difference in how they approach issues."

However, the most important difference between the two unions appeared to be the workers they represented, and the fact that neither organisation was in a position to or interested in competing for members. Consequently, while both unions were found to follow a different, and opposing, pattern of behaviour, their relationship was not characterised by the conflict found in other firms. The level of interaction between them was described as:

"There is limited interaction between the two of them. They both represent different parts of the workforce so they have – there's no demarcation dispute or anything that complicates life."

The absence of direct conflict over members is such that the employer was able to identify an element of common interest between the two unions, described as:

"They have some level of shared vision but not an enormous amount so they don't operate as a tag team or anything; they have their own interests at heart."

Significantly, the New Union this employer refers to was interviewed by the study, and provided a similar description of its relationship with the Old Union. What these findings suggest is that conflict between New Unions and Old Unions and the opposition of the latter to New Unions is stronger where they both represent similar occupational groups. However, given the small number of employers interviewed for this study it is difficult, without further research, to definitely state that these findings are reflective of the union movement as a whole.

5.4   Why employers thought New Unions formed

Employer descriptions of inter-union relationships in their firms are also significant because of the continued emphasis they placed upon characteristics that distinguished the public image of older and newer unions.   Unions' public image and the impact of hostile inter-union relationships on workers were identified by employers as key factors in the formation of New Unions.   In a similar fashion to New Union participants, employer responses stressed that the formation of New Unions represented, in most cases, the rejection by workers of membership in Old Unions.   In other words, New Unions were formed by workers who actively sought some form of collective representation, but deliberately chose to avoid membership in existing unions.

Factors regarded by employers as significant to that decision, and similar to those identified by New Unions themselves, were Old Unions':

- Poorer public image.
- Poor service delivery.
- Organising and recruitment efforts.

Union service delivery and recruitment efforts in particular came under strong criticism from employers, two of whom argued that unions had failed to deliver or pursue either process effectively.   A typical response stated that:

> "I mean not that we have a negative feeling about unions but if our staff don't want to join them we don't want to force them with a collective agreement either. We find that the unions that we are dealing with do not exactly make you feel excited about joining a union.   They are kind of slow.   At times we have heard from some staff that joined the union initially and have then pulled out because they weren't getting any action from their union."

Underlying these responses, and a large proportion of the interview process, were employer attempts to focus any decision of New Union formation on the responsibility and role of Old Unions in that process. Employers in the study appeared reluctant to discuss, or admit, any direct influence on the formation process.

5.4.1 The role of employers in workers' decision to unionise

This study suggests that employers regard their actions as less significant to workers' decision to join and form New Unions, than the actions of Old Unions. Conversely the study found that employers, while unwilling to claim responsibility for workers joining unions, did claim some responsibility for workers not joining them. When asked why workers did not join unions in their organisation a typical response was:

> "Oh, outstanding employee relationships obviously – I might be flippant but there is something that can be said for a good ER strategy that drives more employees' satisfaction and competence for an employer and that's got to be part of what's happening here. I don't know if we fill any gaps for the unions but we give incredible confidence that they can work with us and they don't have to go off to any unions or third parties or anything like that."

Only in one instance did an employer accept that they were responsible, at least in part, for workers desire for union membership. When asked why workers had decided to form a New Union they responded by stating that:

> "They felt vulnerable; they felt that a lot had been asked of them, and that they didn't have a collective voice. I think it gave them more security; it gave them a voice, and it gave them access to a centre and a chance to have their views heard directly, and it required us to engage with them when perhaps they viewed that we took them for granted."

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Employer responses offered more clues as to why union membership was not pursued by workers in their firms. Their responses indicated that, in at least two of three firms interviewed, employers reduced the likelihood that workers would join unions by:

- Placing barriers in the way of union recruitment.
- Intervening in the relationships between unions and their members.
- Attempting to redirect employee loyalty toward the firm.

One firm in particular provided measured evidence of almost deliberate attempts to prevent or at least undermine union recruitment efforts. The attitude of that firm to union recruitment is effectively described in the following response:

> "I don't know - I think it's also lucky that most of our workforce is so mobile so it's hard for unions to catch up with our people."

However, this particular employer maintained their argument that the low level of union membership in their firm was the result of poorly managed union recruiting efforts. These were described as:

> "Like I said, they have tried meetings and these meetings have happened when we were busy and although the notices were put up we actually, for safety reasons, asked them [the organisers] to go into our cafeteria and do it there - have the meeting. And nobody came into the cafeteria so they thought we deliberately told everybody to stay away from the cafeteria. That's what they told me anyway. They said Ok, that didn't work, let's put you in high visibility jackets with safety boots on and put you in the middle of the freight shed - still nobody wanted to talk to them."

When asked to explain union recruitment efforts, this firm continued to address unions' ineffectiveness in recruitment, rather than any employer-created barriers stating:

> "I have found they like to target places where there are a lot of people at one time. I don't know if they don't understand the _____ industry but they seem to think if they come in the middle of a lunch break, they will catch everybody. But a lot of our [?] they do have lunch breaks but it's not a like a bell goes off and they are all sitting in the cafeteria as a captive audience. Some of them are having them out on the roads - it is tricky. I don't know if whether they are just being lazy perhaps in the areas that we operate in or what."

Taken alone, these responses strengthen suggestions that unions themselves are to blame for their failure to recruit members and the unwillingness of workers to join them. However, in this case the totality of the employer's responses suggest the deliberate, but not overt, use of barriers to union recruitment efforts.

5.5 Do New Unions and their employers operate at arm's length?

The ability of New Unions to act as true independent bodies has been of significant concern to empirical research, which has painted a bleak picture of the independence of many (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001).

The critical test of a union's independence is its ability to act at arm's length (Anderson, 2004) and to pursue interests that differ from its employer (Barry & May, 2002). A number of factors are argued to contribute to a lack of independence on the part of many New Unions. Key factors are their small size, enterprise agenda, low membership fees and, critically, the presumed support given

by employers to their formation (Anderson, 2004; Barry, 2004; Barry & May, 2002).

Employer support for the formation of New Unions is significant as it is implied to result in employer domination of a union once formed; or at the least the formation of a union reluctant to oppose that employer. Empirical research has noted in particular that many New Unions may have received, and in one case were known to have done so, some form of financial help from an employer prior to formation (Anderson, 2004; Barry & May, 2002). However, outside of a few, possibly isolated, cases no definitive evidence has been provided that would indicate this is a widespread practice. Furthermore, the receipt by a union of financial assistance prior to its formation has also been found to have little bearing on its ability and/or willingness to act independently once formed (Anderson, 2004; Blackburn, 1967).

5.5.1 Did employers support the formation of New Unions?

In interviews with the representatives of New Unions, this study found that, in many cases, the formation of a New Union was supported by management. However, those representatives also indicated that management support for their union did not continue post-formation, New Unions gaining no real advantage from that relationship. Interviews with employers, however, found that the formation of New Unions was, with one exception, *accepted* but not actively supported. This study argues that the former case is distinguished by an employer's recognition of and compliance with the requirements of the ERA; the latter by a deliberate attempt to promote or facilitate the formation of a New Union. The following response typified how employers in two cases responded to the formation of the New Union:

"We took the approach of saying 'oh, what a surprise' – they do always give up their meat in the sandwich and they probably feel that the isolation makes them vulnerable individually. They're sort of powerless individually so it was a way in which they could express themselves collectively and we took a view that there was little point in us prevailing against them, saying they shouldn't do this, it was their legal right to do so."

In relation to possible financial support for those New Unions, employers were quick to point out that no such assistance was given:

"We don't fund in any particular way, we don't provide them with any special privileges or whatever - no special privileges accorded to the [New Union]."

The primary indicator offered by employers of the presence of an 'at arm's length' relationship was the manner in which New Unions and Old Unions in their organisations were treated. Employers emphasised in particular equitable treatment in collective bargaining and other aspects of their relationship with unions. New Union independence was assured, and employer duplicity in their formation avoided, by treating all unions in the same manner. A typical response here stated that:

"In terms of remaining at arm's length to be independent of the group, to answer your question, we don't treat our relationship with them or deal with them any differently from any other union."

In elaborating on their responses, this respondent noted further:

> *"Our view, our operational and strategic outlook with the unions on our site is that they all have equal status irrespective of their numbers, irrespective of their philosophy, irrespective in terms of their affiliation."*

For two of the three employers interviewed, the key concern was whether employees and/or other unions believed the 'at arm's length' relationship existed. A key goal was therefore to convince Old Unions that they were not involved in, or responsible for, New Union formation. This process was not assisted at times by the different behaviour or attitudes of newer unions. The absence of direct conflict between New Unions and employers commonly noted as a problem:

> *"What you do have is when the union and the employer decide to enter into a relationship and adopt a different way of working like we have done for the last three years certainly with the [New Union]. They get a level of flak from their members saying that they've gone to bed with us. So there's a sense of which their members - the [New Union's] members - have to adapt to that new way of operating. When the employer was the enemy, they were in very open warfare and you know very clearly you know who wore the black hats and who didn't. When you're in partnership no one's wearing the black hats and its not that clear; disgruntled members who don't get what they want can point to the union and say well you're selling out."*

5.5.2 The possible formation of a company union

The formation of many New Unions has been implied to represent a New Zealand version of the company union phenomenon. In two of the three firms interviewed, this study found little evidence to suggest an employer maintained, or was capable of, this level of control over the relevant New Union, although little evidence was

found to suggest they were incapable of such control, suggesting the need for further study in this area. In one case, however, employer responses provided measured evidence that the formation of a New Union may have represented a deliberate attempt at keeping Old Unions out of the workplace. Significantly, the employer argued that this objective was in the first instance pursued by workers, not management. Workers in the firm pursued the formation of their own because:

> "I would say the older [staff] have a negative feeling about the union. And I guess with the introduction of the ERA a lot of people were worried about what involvement the unions were going to get again. And I guess the guys thought, well how do we stop them from coming into our workplace."

In terms of its character, this union exhibited characteristics commonly attributed to New Unions by both employers and New Union participants. Key characteristics included:

- An opposition to membership in existing unions.
- The presence of a key opinion leader.

The formation of the New Union in this firm was, in the employer's words:

> "[it was] pretty much driven by a particular [staff member] who had been with the company probably ten years at that time. He didn't want them here. I mean, to tell you the truth, he did have the support from management even though you are not supposed to. When they asked for advice on how to setup a union and stuff I guess."

What distinguished this particular union from others in the study was that, unlike other New Unions, it did not appear to have any real or active collective relationship with its employer. The primary evidence for this was the absence of any form of collective bargaining, with the New Union not identified by that

employer as one with whom they bargained. When asked if and how active the New Union had been since it was formed, the employer's response was:

> "No not really. I mean before the ERA we had a collective contract and pretty much that ran up to July last year [2003]. So I knew that they, the union, held a ballot to get that out, to get rid of it, but it stayed in place but everybody's moved onto individuals now."

A brief review of the New Union's rules and the employer's organisational structure revealed also that the employee who had formed the union was a senior manager in the firm. However, to categorically define this particular New Union as an artificial or employer creation is not possible without further examination. Of the three firms interviewed, this particular employer had the lowest level of union membership with less than ten workers out of a workforce of several hundred being members of a union. From this perspective, the firm already appeared capable of excluding unions from its worksites, or at least employed workers who possessed little or no desire for collective representation. Overall, the interview process offered few clues as to why, outside of a dislike of Old Unions, such a course of action was considered necessary.

5.6 Conclusion

This chapter discussed the results of interviews with three employers with particular emphasis on identifying themes relevant to the formation of New Unions and existing research findings. With reference to the study's principal and supporting research questions, the conclusions drawn from this set of interviews are listed below.

5.6.1 Why did workers reject membership in other unions in favour of forming their own?

Employer responses suggested that dissatisfaction with Old Unions was workers' primary motivation for rejecting membership in those organisations. Furthermore, they identified the source of this dissatisfaction as:

- Workers' negative response to the behaviour of Old Unions.
- Old Unions' poor service delivery.

Employer responses were more significant for how they avoided any suggestion that they, not Old Unions, influenced workers' decision in this regard. However, their responses suggested that employers influenced workers' unionisation decisions. Although no definitive evidence was recorded on how this occurred, it is suggested that employers influenced workers' unionisation decisions by:

- Creating barriers to union recruitment.
- Reducing the competitive value of union membership.
- Pursuing active employee relations strategies.

5.6.2 What role did and do employers play in workers' decision to form a union?

In two of three firms, employers were found to *accept* workers' decisions to form a New Union. More specifically, they did not place barriers in the way of that decision out of a recognised need to comply with the ERA. In neither instance did the study find that the employer had actively *supported* the formation process. In the third firm interviewed, employer involvement appeared to be more extensive, extending as far as actively facilitating and promoting the formation of a New Union. Little acknowledgement of that support was provided by the employer, but the role of a senior company manager in forming the union, and the firm's relationship with, and attitude toward, unions in general suggest a degree of duplicity in relation to that New Union.

5.6.3 Was the decision to form a New Union a spontaneous or deliberate decision?

In two of three firms, employer responses suggest that the decision to form a New Union was a deliberate choice by workers attempting to:

- Protect their collective interests, and
- Bargain collectively outside of the traditional union movement.

In the third firm a different process was recorded. While the formation of the New Union in this firm was also the result of a deliberate decision, that decision was made primarily to prevent traditional unions entering the firm.

5.6.4 How have New Unions' relationships with employers and their character evolved?

Employer interviews did not provide a definitive answer to this question. Rather, employers offered clues as to how their relationships with newer unions differed to those with Old Unions.

5.6.5 What is a genuine union?

Blackburn (1967) and Blackburn & Prandy's (1965) concept of unionateness describes seven key facets of the character of the genuine union organisation. Of these, the willingness of organisations to engage in some form of militant action, their public image, and their affiliation with the NZCTU, appears to be most relevant to employer descriptions of union organisations. Employers were found to regard militancy, formal links with the NZCTU and a confrontational public image as a defining characteristic of the traditional union movement. When describing New Unions, employer responses painted a more positive picture emphasising newer organisations' pragmatic and cooperative approach, and the absence of any national affiliation. However, neither description indicates whether employers regarded New Unions as less genuine than their traditional, or older, counterparts. Employers appeared to regard both New Unions and Old Unions as genuine

unions, but only where they effectively represented their member's interests, a trait not associated with Old Unions in their firms. The attitudes of Old Unions were also argued to be significant to how New Unions were perceived in the workplace. Employers reported, for instance, that Old Unions did not regard New Unions as genuine, or viewed them with a degree of suspicion.

5.6.6 Are New Unions genuine?

Several facets of Blackburn's (1967) description of the genuine union were examined by this study, but interviews with employers did not allow New Unions' applicability to this concept to be definitively tested. However, with reference to relevant aspects of that concept, employer interviews offered the following conclusions:

Is collective bargaining central to New Unions?

In two of three cases, employers reported that they were actively engaged in collective bargaining with the New Union operating in their organisation. In one instance, however, the employer clearly stated that no such bargaining relationship existed.

Are New Unions prepared to be militant?

The subject of union militancy was not specifically raised by employers. However, their responses appeared to indicate that the pursuit of militant action was not something they attributed to New Unions. Rather, militancy was a characteristic commonly attributed to Old Unions.

Are New Unions affiliated to a peak union body?

The absence of any affiliation by unions to a peak union body, e.g., the NZCTU, appeared to be a defining facet of employer's description of New Unions.

Do New Unions publicly identify themselves to be unions?

Employer responses provided little indication of whether New Unions identified themselves as unions. They did suggest, however, that employers publicly treated them as unions, predominantly to ensure no union was seen to be favoured by them and to lessen Old Union hostility toward newer organisations.

Do New Unions operate at arm's length from their employers?

In two of three cases, little evidence was found to indicate New Unions did not operate at arm's length from their employer. Employer involvement in the formation of these unions also reflected an acceptance of that process, rather than outright support of it. Only in one case could it be argued that a New Union was not an independent body due to its close relationship with the employer, and the possible role played by management in its formation.

5.6.7 Why did New Unions form: Current and emerging themes?

Employer interviews suggest that where a New Union was formed by workers, its formation represented workers' desire:

- For collective representation outside of the traditional union movement.
- To pursue some form of collective bargaining.

More specifically, employers suggested that workers who formed New Unions were attempting to create, and did create, unions that did not duplicate behaviours and attitudes attributed to Old Unions. Employers offered fewer clues on how the decision to form a New Union was made or reached. They did identify factors they considered significant to the outcome of that decision including:

- Old Unions' poor service delivery.
- Workers' dissatisfaction with membership in Old Unions.
- Inter-union competition.

Inter-union competition was found to be significant to the formation of New Unions. In particular, employer responses suggest that who New Unions represented was a primary determinant of how they were defined, and responded to, by Old Unions. In workplaces where Old and New Unions competed for members, the former were found to be distinctly opposed to New Unions. In workplaces where competition for members was not prevalent, relationships between those unions were to some extent cooperative.

While employers offered some clues as to why workers would form New Unions, they offered fewer clues as to why employers would choose to do so. A desire to undermine existing unions has been mooted as an option, but this study found little evidence of this process. It did, however, identify an attempt by one employer to support the formation of a New Union whose ultimate aim was to prevent other unions from entering their workplace. The formation of this New Union apparently complemented a set of management strategies aimed at maintaining a decollectivised workplace. In another instance, however, the findings suggest that where unions openly competed with each other for members, employers would have little need to deliberately undermine them - employer responses suggest that unions were in fact undermining themselves. However, the small number of employers interviewed by the study makes it difficult for the study to offer definitive conclusions about why employers believe New Unions form. The study did, however, find that employer attitudes mirrored those identified by Cullinane (2001), particularly those found in highly unionised firms or those with a history of union presence. It found also that employer perceptions of their support for workers decision to form New Unions differed from that of workers themselves. Employers also appeared to be very conscious of the need for New Unions to operate independently and at arm's length. Consequently, employers accepted, rather than supported, the decision to form New Unions, and emphasised that once formed they were treated no differently from other organisations.

Chapter Six

Discussion of results of interviews with Old Unions

6.0   Introduction

The purpose of this chapter is to discuss the results of interviews with representatives of three traditional or Old Unions, identified as organisations registered and operating as unions prior to the ERA.   Each of the three Old Unions interviewed was found to operate alongside and/or compete with one or more New Unions. Interviews with them aimed to address the paucity of data on the relationships between those unions, and in particular Old Unions' perceptions and descriptions of New Union formation.   The key intent of the interview process, however, remained a desire to address the study's primary and supporting research questions.

6.1   Old Unions and New Union formation: Past research and the present study

The formation and proliferation of New Unions under the ERA has been argued to have serious implications for the traditional or Old Union movement.   New Unions have been argued to impede Old Unions' organising and bargaining efforts, notably the pursuit of multi-site and/or multi-employer collective agreements (Barry, 2004; Barry & May, 2002; May, 2003a & 2003b).   The enterprise-based membership and bargaining activities characteristic of many New Unions (Barry, 2004) is implied to reduce the incentive for employers to move beyond single employer workplace bargaining arrangements.   If it is correct, then aspects of New Union formation are a serious impediment to union renewal in New Zealand particularly as union renewal depends on an expansion of multi-employer collective bargaining (Harbridge & Honeybone, 1996; Harbridge & Thickett, 2003; Harbridge *et al*, 2002; May, 2003a & 2003b; May & Walsh, 2002; May, Walsh & Otto, 2004).

In addition, where New Unions and Old Unions operate alongside each other, successful multi-employer collective bargaining requires a cooperative relationship between the two groups (Harbridge & Thickett, 2003). However, what limited evidence is available to date suggests that cooperation between New Unions and Old Unions is unlikely given the circumstances in which many New Unions are argued to form (Barry & Reveley, 2001). The present legislative climate also limits the prospect of strong cooperative links between unions as it promotes, or at least permits, the existence of competitive unionism (Barry & Reveley, 2001). A key feature of the ERA competitive unionism is reminiscent of earlier legislative eras but is likely to be stronger as the ERA does not prevent unions from competing for the same workers (Anderson, 2004). The lack of protection for, and the maintenance of, unions' exclusive coverage rights dissimilar to circumstances under the ICAA for example. Internationally, competitive unionism has been found to be detrimental to the long-term success of union organising and bargaining efforts (Willman, 1989 & 2001). In New Zealand, concern over the consequences of competitive unionism is such that the New Zealand Council of Trade Unions (NZCTU), whose affiliates represent most union members in this country, recently stressed that "competitive unionism was against its rules" (NZCTU, 2003, p. 4).

Despite the challenge that New Unions are argued to create for Old Unions, a paucity of data exists on how Old Unions themselves have responded to that challenge. Only one study has specifically addressed Old-New Union relationships: Barry & Reveley (2001) described the consequences for Old Unions of the formation of several New Unions on the New Zealand waterfront. A clearer picture was provided by the NZCTU (2003) at a biennial conference, where the challenges offered by New Unions to its affiliates were clearly outlined. Also significant was what the NZCTU (2003) regarded as workers' short-sighted inability to identify with interests beyond their place of employment, an attitude that may explain the attractiveness of New Unions enterprise-based bargaining arrangements (Barry, 2004; Barry & May, 2002). The primary challenge offered by New Unions, then, is

their ability to offer workers an alternative to existing forms of collective representation.

Workers' freedom to choose between unions is a key feature of the ERA (Anderson, 2004) and, according to the NZCTU (2003), is a significant problem for the union movement. In interviews with New Unions in this study it was found that their formation was strongly related to workers' ability to exercise that freedom of choice. New Unions frequently formed after workers had actively chosen between different union organisations. To date, however, why workers have exercised their freedom of choice to form New Unions rather than join existing unions, has not been extensively examined. In describing New Union formation scholars have focused predominantly on the role of employers, not the decisions of workers. Only two explanations have been offered that would explain why workers would choose New Unions over Old Unions: New Unions' cheaper membership fees and workers' dissatisfaction with Old Unions (Barry & May, 2002; May, 2003a & 2003b). In interviews with both New Unions and their employers, this study found that dissatisfaction with, Old Unions was a key element in workers' decision to reject membership in Old Unions.

Interviews with Old Unions offered measured confirmation of the significance of these themes, specifically that New Unions form because workers:

- Desire a cheaper form of collective representation.
- Are dissatisfied with the existing union movement.

More specifically, Old Unions offered similar arguments to those of existing empirical research, implying that the formation of New Unions is predominantly an employer driven phenomenon, and that their enterprise-based membership and bargaining activities are considered to be an impediment to the bargaining efforts of Old Unions. Significantly, interviews with Old Unions also offered confirmation of a strong new theme to have emerged from this study; the role and significance of key

opinion leaders to New Union formation. Overall Old Unions suggested that, in the typical case, New Union formation was the result of one or more key individuals within a workplace, frequently with a strong relationship with the employer, using workers' dissatisfaction with the existing union movement as a means to promote the formation a workplace-based union. Once formed, that union would, in effect, be used by that employer to undermine the bargaining efforts of larger unions in that workplace. However, while Old Unions consistently argued that employers were influential in and/or responsible for the formation of New Unions, they themselves seemed unsure whether this was in fact the case.

6.2 Competitive unionism and inter-union relationships

Participant responses in this study have suggested that competition between New Unions and Old Unions for members is a significant determinant of how those unions interact with and describe each other. The present study found clear evidence that both New Unions and Old Unions were engaged in competitive unionism. Employers, for example, described how competition for members frequently resulted in confrontational and hostile relationships between unions in their workplaces. New Union participants also described how relationships between themselves and Old Unions were characterised by a degree of hostility. However, this appeared to be the case only where those unions represented workers in similar occupations; where they did not, participant responses suggested that inter-union relationships were less confrontational and possibly cooperative.

When asked to describe their relationship with New Unions, Old Unions in the study described a similar set of relationships. They emphasised, in particular, the absence of any cooperative or even cordial relationship between New Unions and themselves, and of competition between them for members. Typical responses described those relationships as:

> "We don't have a relationship if we can help it... I hate them."

"On those sites where we deal with them what we try to do is convert them [the workers] at any opportunity to join our union."

Confrontational relationships between New Unions and Old Unions were not confined to union officials. Some New Union participants indicated that their relationships with individual members of Old Unions were frequently confrontational. In one particular case the representative of an Old Union described a similar situation. When asked to elaborate on the attitude of union members toward workers in New Unions, their typical response was:

"The members say, don't call them a union... the members hate them, they hate the idea that they're calling themselves a union - the membership hate them because they're users you see."

The unwillingness of Old Union officials and members to characterise newer organisations as genuine unions was a consistent theme throughout interviews with Old Unions.

6.3 Do Old Unions think New Unions are genuine?

Scholars have argued that New Unions may not, or at least may not yet, represent a genuine form of employee representation (Barry & May, 2002). In comparing New Unions to existing descriptions of the character of the genuine union (Blackburn, 1967; Blackburn & Prandy, 1965), this study and existing research (Barry, 2004) found that these descriptions were not generally applicable to those unions. Key differences between New Unions and Old Unions were found to be the former's:

- Pursuit of a purely enterprise-based agenda.
- Non-affiliation with the NZCTU.
- Unwillingness to pursue, or inability to pursue, militant action.

When asked to describe themselves and New Unions, Old Unions in this study used a similar set of characteristics to differentiate between them. Typical responses included:

> "We see them as just basically bargaining agents, they don't do the things that a proper union does they're there to negotiate then they're gone basically."

Old Unions emphasised in particular New Unions' enterprise, rather than industry focused bargaining agenda, as key difference between the two groups, typical responses stating that:

> "What they should be doing, and that's one of the difficulties we have with those groups, we look at wherever we're dealing as an industry as a whole right. We look right across the industry, whereas they're looking at a section of what they're representing. They don't represent an industry as such; all they represent is part of an industry."

> "They don't see that need at all; all they see is what they want to settle at their enterprise. But that type of bargaining arrangement will never go anywhere because it just plays them into the employer's hands. I suppose that comes down to the fear of multi-employer collective agreements, you know, giving the so called power back to the unions."

Also regarded as significant was the perceived inability, and perhaps unwillingness, of New Unions to pursue the non-bargaining related interests of workers. Significantly, both factors, the pursuit of enterprise bargaining and the absence of non-bargaining services, were argued to be indicative of New Unions' inability to sustain themselves long-term. Typical responses here stated that:

"One of the things that's coming through is that the small workplace unions are not able to provide the support when things go wrong, firstly the offices are to close to the problem and they're not detached enough to be appropriate support and they may well be part of the problem."

"I suspect that the ones that still survive ride off the backs of unions like ours. At some point something will happen, a member of theirs is going to get pissed off that they [the New Union] can't do anything, and they're just going to lose their creditability. So I think it's only a matter of time before they lose their relevance."

Overall, the absence of industry-level bargaining, or at least an industry strategy, was regarded as the key weakness of New Unions and the primary reason why they were not regarded as genuine unions. This attitude was stronger, though, among the two largest Old Unions interviewed for the present study. Both represented workers across most of New Zealand's industry classifications and both placed continued emphasis on the problematic nature of enterprise unionism. Underlying their responses appeared to be concern over the detrimental impact that New Union enterprise bargaining had on industry-level terms and conditions. Typical responses were:

"As bargaining agents they do a deal on the site to satisfy that site without looking at what they are doing to the industry."

"We have a minimum set of conditions and we don't go below it basically. On a site the biggest problem we have was the new groups that were on the sites that were going below those standards, so what they were doing was driving the conditions downward."

This concern also extended to the inability of New Unions' enterprise bargaining to effectively cover issues significant to workers' basic terms and conditions, a typical response here stating:

> *"If you have a look at New Zealand, any country in the world basically if you try to bargain on enterprise terms all you're doing is doing your members a disservice because you're not addressing the wider issues."*

These findings offer measured support for suggestions that New Unions undermine and impede Old Unions' bargaining efforts, particularly those aimed at establishing multi-employer industry level agreements (Barry, 2004; Barry & May, 2002; May, 2003a & 2003b). They also suggest frustration at the ability of New Unions to free-ride off Old Unions' bargaining efforts in so far as they hinder the expansion and promotion of effective collective bargaining. But Old Unions themselves may also serve to frustrate the expansion of collective expansion as they appear reluctant to enter into the cooperative inter-union relationships considered necessary for effective multi-employer collective bargaining (Anderson, 2004). However, given the small number of New-Old Union relationships described by participants in this study, it is difficult, without further research, to definitively argue that New Unions are the primary cause of difficulties in this area.

6.4   Free-riding, employers and New Union formation

New Union free-riding appears to be a significant factor in how they and Old Unions interact, in the long-term sustainability of the former, and as a phenomenon it may also be similar to free-riding patterns established under previous statutes (Harbridge & Wilkinson, 2001). Free-riding exists where individuals or groups benefit without paying for the outcomes of union activity, and can result from either the deliberate or passive acceptance of those outcomes (Blumenfeld, Higgins & Lonti, 2004). Under the ERA free-riding is permitted, at least in the early stages of an employment relationship, the Act requiring the automatic extension of

collectively negotiated terms and conditions to new employees (Walsh & Harbridge, 2001). In relation to New Unions, participant responses in this study suggest that free-riding occurs because:

- New Unions deliberately duplicate the terms and conditions of collective agreements negotiated by Old Unions, and
- Employers deliberately pass on those terms and conditions to New Unions.

As organisations who deliberately choose to free-ride, the first process implies that New Unions' free-riding is a calculated (Blumenfeld *et al*, 2004), and perhaps premeditated decision. It also assumes that those unions see little benefit in attempting to negotiate below or above the terms and conditions of those agreements. However, while there are strong suggestions that New Unions do free-ride, little evidence is provided that would clearly indicate New Unions deliberately do so. Rather, New Union free-riding may be more representative of employers deliberately passing on the terms and conditions of agreements negotiated by Old Unions. This may occur when employers fail to alter employees' basic terms and conditions once the ERA's 30-day coverage period for new employees has past and where they are reluctant to employ workers, particularly in the same occupation, on different terms and conditions. There is strong evidence that New Zealand employers are facilitating New Union free-riding. The passing on of union negotiated terms and conditions and the use of standardised employment agreements is a common practice in a significant proportion of New Zealand firms (Waldegrave *et al*, 2004). This may also suggest that New Union free-riding is possible only because of the willingness of employers to participate in the process.

Old Unions interviewed by the study consistently implied that employers were involved in New Union free-riding, a decision perhaps indicative of the incentive that the ERA provides for employers to take such action (Blumenfeld *et al*, 2004), and its promotion of standardised employment agreements (Harbridge *et al*, 2002).

Participants emphasised in particular the existence of a duplicitous relationship, notably where:

- A New Union and an employer had a close or cooperative relationship.
- Employers used New Unions to undermine or hinder the bargaining activities of Old Unions.

The latter course of action was seen to be particularly prevalent in workplaces characterised by inter-union competition, with a typical response describing the role of New Unions as:

> "They give the employer a choice. He can stall negotiations with the union and then go back and bargain with one of them [a New Union] and try to settle a document with them and then try to persuade the negotiations that we're negotiating to go the same way."

New Unions were also argued to be heavily reliant upon the existence of this type of relationship. Old Unions remained consistent in their arguments that New Unions' long-term sustainability rested upon their ability to free-ride and an unwillingness to confront or challenge an employer. A typical response was that:

> "Yeah, my observation is there's just a threshold they cannot cross because otherwise the boss will turn the tap off or refuse to engage and they've got nowhere else to go. I can't think of any situation where any of those in-house unions have taken on a genuine dispute with the boss."

New Unions' lack of financial resources, and assumed inability to act outside of the role of bargaining agent, were also regarded as significant. A typical response described how many New Unions were assumed to operate:

"They can't afford to be too independent from the employer because if they got into a stand off with the employer or they got into a situation where they have to take legal action they can't do it. If they got into a stand off situation industrially they can't sustain it because they... they need the employer as much as the employer needs them."

Overall, Old Unions argued that this mutual dependence was indicative of the strong role played by employers in New Union formation. The key benefit, for employers, of sponsoring or supporting the formation of a New Union was argued to be their impact on the bargaining efforts of Old Unions. When asked to describe why New Unions formed, a response typical of this attitude stated that:

"I think if you go back and look at why they were originally formed, most of them were formed; they were basically company sponsored."

"I suspect though it's not allowed. I suspect that there may be some subtle encouragement from the employers who encourage the staff to form their own union rather than to take involvement into a larger union which has got an affiliation with the CTU."

The primary purpose of this type of sponsorship was argued to be:

"That's why some of these companies actually help to sponsor some of these groups. So there's basically a split so the company basically doesn't have to sit down with our union or another union as a group and they normally get a softer deal."

Old Unions, however, could offer little definitive proof of direct employer involvement in the formation of New Unions. When one participant was

questioned further on the lack of clear evidence for widespread employer involvement, the response was:

> "I think they are being very cautious. In the small sites I obviously know but in the big sites like _____ I think they're being particularly careful to not look to be involved. They'd be very careful about not giving us that kind of ammunition because if we found out anything like that we'd be very tough on them. We'd just toast them with it. I think [they] would distance themselves from that because they've got too much too lose."

Actual evidence for employer involvement in New Union formation, therefore, remains light, both Old Unions and scholars offering one or two, possibly extreme, cases such as the Warehouse or the Te-Kuiti Beefworkers Union and the problem of free-riding as evidence (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001). This study also found little evidence of *actual* employer involvement in New Union formation and of deliberate attempts by employers to form a New Zealand version of the company union phenomenon seen elsewhere (Jenkins & Sherman, 1979; Kaufman, 2000; Logan, 2002; Nissen, 1999). Rather, it found stronger evidence of employer *acceptance* of that decision, and support for the *belief* that employers' involvement is significant to New Union formation. Old Union participants also confused the issue of employer involvement when they suggested that its existence was often a matter of *suspicion* and belief only. One participant articulated this point quite succinctly stating that:

> "I don't think that employers are involved, even though that's what we'd like to think, it's just, I know that's what people are thinking, that's what people like to think."

This statement is particularly significant given that this participant had earlier indicated that employers did play a significant part in the formation of New Unions with whom they had contact.

6.5 Worker dissatisfaction and opinion Leaders

6.5.1 Why are workers dissatisfied with Old Unions?

Employer support for workplace unionism cannot on its own be regarded as the primary cause of New Union formation. The ability of workers under the ERA to freely choose between unions (Anderson, 2004; NZCTU, 2003) strongly suggests that New Unions form because workers choose to form them. To date a paucity of data has been provided on why workers would make this decision. However, two factors have been identified as influential to that decision: a desire for a cheaper form of collective representation, and workers' dissatisfaction with existing unions (Barry, 2004; Barry & May, 2002; May, 2003a & 2003b). Old Unions interviewed by the study also indicated that monetary concerns and worker dissatisfaction were relevant to New Union formation. Cheaper membership fees, in particular, were regarded as a fundamental component of the decision to form, and the decision to join New Unions. When asked why *workers* formed New Unions, typical responses were:

"I think the majority of people that join these unions it's basically to save themselves what they would pay in union fees."

"Their starting point is [?] off and they're just pissed off with the established union for whatever reason..."

New Unions interviewed by the study also indicated that cheaper fees were influential to workers' decisions to form and join their organisations. Of these two factors, workers' dissatisfaction with Old Unions was regarded as the more

significant. In describing that dissatisfaction New Unions and some employers indicated that it originated from workers' experiences:

- With Old Unions throughout their employment history, and
- Immediately prior to their making the decision to form a New Union.

More specifically, this study found that workers' dissatisfaction with Old Unions was largely derived from the attitudes and behaviours of the members and officials of those unions.

Old Unions interviewed in this study also indicated that New Unions were formed by workers dissatisfied with the existing union movement. They did not, however, regard the behaviour and attitudes of their members or officials as responsible for that dissatisfaction. Rather, workers' dissatisfaction with Old Unions was said to result from workers' unhappiness with the outcome of Old Unions' bargaining efforts and/or their misunderstanding of why those unions pursued activities beyond collective bargaining. This attitude was stronger among the two larger unions interviewed for the study. Responses typical of those unions included:

"The conclusion I've come to over a period of time is that there are some workers you simply can't satisfy. They go away disheartened or pissed off at you, swearing that they'll never join a union again."

"I think some of it will be because they're disgruntled. A lot of them don't like our union's policies about having women's committees, they didn't like them having Maori committees, and they were upset we were supporting gay rights. Those sorts of things upset them."

Only one of the three Old Unions interviewed for the study indicated that *they* were responsible for workers' dissatisfaction with them, that participant stating that:

"As an aside I think it's a bit sad that we as an association haven't been able to convince people that we are an appropriate body to relate to and that they don't need to set up their own union. And that's our fault and there is some history in that under the Employment Contracts Act. The whole emphasis in the organisation dropped and of course the Employment Relations Act provides more, gives the unions much more strength. And of course the option of a workplace union came in and because we hadn't yet proved ourselves, these [groups] for their own reasons decided to go it alone."

It would appear that New Unions and Old Unions identify a similar process, worker dissatisfaction, as significant to New Union formation, but have different reasons for why that process exists. Where both groups did agree was on the importance of opinion leaders to New Union formation, and their importance as a source or conduit for workers' dissatisfaction with Old Unions.

6.5.2 What role do Opinion Leaders play in New Union formation?

Opinion leaders were defined by this study as individuals crucial to union success and who have a strong influence on workers' social environment (Van de Vall, 1970). The significance of opinion leaders to workers' unionisation decisions has been previously identified (Van de Vall, 1970) but not in relation to the formation of New Unions under the ERA (e.g., Barry, 2004; Barry & May, 2002). The responses of New Union participants in this study provided strong evidence that opinion leaders were significant to both the decision to form a New Union and the success of that decision. The responses of Old Union participants provided confirmation of both the presence of key opinion leaders and their significance to New Union formation. All three Old Unions interviewed by the study indicated that opinion leaders played a strong role in the formation of New Unions with whom they had contact, typical responses stating that:

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"Somebody, some opinion leader in the group, has had a bad experience or they don't want to [join us] for whatever reason and they just decide that they're not going to go with an established union."

"The people I've actually spoken to, the only reason they've joined them is normally an influential person, a leading hand in one of those groups within a work area. Then he'll basically try and recruit his disciples, he'll work around them. That's how they form."

For these participants, though, the role played by opinion leaders appeared to be more significant where it allowed employers to exert undue influence over the activities of a New Union. This was argued to be more prevalent where the opinion leader and an employer had a strong or close relationship. A response typical of this attitude stated that:

"Part of it is it's more convenient for the boss to have an in-house union that he were to control psychologically or what have you, and they will limit the scope of what they can do. It's quite seductive too if you're an opinion leader in a workplace and the boss is kind of falling over you to talk to you. You have your leadership role endorsed by the boss as well and you have a reasonably high degree of importance."

Old Unions also appeared to suggest that the role of opinion leaders was particularly important where those leaders placed their relationship with the employer ahead of the interests of their union's membership. In citing other examples of this type of situation, Old Unions also emphasised how multiple opinion leaders, or small groups within a New Union, could dominate that New Union. A typical response described the detrimental impact this would have on union outcomes:

"To me a union has to have a proper democratic structure where the members run the union, and in a lot of their cases the members don't run the union because it's been formed by a company or a small group of people. It's not democratic at all basically because the company have got influence."

Unfortunately, participants were unable to provide definitive evidence of the existence of opinion leaders in particular workplaces or of their actual role in New Union formation. Existing research into New Union formation also provides scant discussion of this particular phenomenon, and indeed does not identify its existence. Given the significance both New and Old Union participants attached to the presence and role of opinion leaders, this study suggests that further investigation of this phenomenon is warranted.

6.6 Conclusion

This chapter discussed the results of interviews with representatives of three Old Unions with particular emphasis on identifying themes relevant to the formation of New Unions and existing research findings. With reference to the study's principal and supporting research questions, the conclusions drawn from this set of interviews are listed below:

6.6.1 Why did workers reject membership in other unions in favour of forming their own?

Participants in this part of the study suggested that workers rejected membership in existing unions primarily because of the cost of that membership and dissatisfaction with various aspects of how Old Unions operated. Yet when describing the source of workers' dissatisfaction, Old Unions identified a different set of factors to other participants in the study. New Unions and employers both linked dissatisfaction to the behaviour and attitude of Old Union members and officials. Old Unions

however, linked it to the unrealistic expectations workers had in relation to union bargaining, and worker's dislike of unions' non-bargaining activities.

6.6.2 What role did and do employers play in workers' decision to form a union?

Old Unions consistently argued that employers played a strong if not extensive role in the formation of New Unions. This role was implied to extend to the promotion of New Union free-riding, created through the passing on, to New Unions, of Old Unions' collectively negotiated terms and conditions. The key intent of any form of employer involvement in New Union formation was said to be a desire to undermine the activities of Old Unions. Employers were also argued to sponsor New Unions in an attempt to prevent any expansion, or at least limit the success of, multi-employer and multi-site collective bargaining. However, Old Unions offered a number of contradictory responses in relation to employers' *actual* role in New Union formation, arguing both for and against its existence.

6.6.3 Was the decision to form a New Union a spontaneous or deliberate decision?

Interviews with Old Unions unfortunately failed to definitively address this particular research question, although they did suggest that the formation of a New Union could result from workers deliberately choosing to pursue a cheaper enterprise-based form of collective bargaining. Why workers would choose such an option was not elaborated on by participants in this part of the study.

6.6.4 How have New Unions' relationships with employers and their character evolved?

While not answering this question specifically, the responses of Old Union participants suggested a number of possible answers. Specifically, in describing the inability of New Unions to survive in the long-term, Old Unions suggested that

union-employer relationships were relatively static. In other words, in order for New Unions to survive and operate effectively, it was argued that they had to maintain cooperative, or compliant, relationships with their employer. Participant responses suggested that where a New Union's relationship with an employer moved away from that cooperative dynamic, that relationship would end, as would the New Union.

6.6.5 What is a genuine union?

Old Unions interviewed for the study offered a number of variations on the characteristics they associated with the genuine, or in their words, reputable, union organisation. These appeared to define a genuine union as an organisation that:

- Engaged in enterprise, industry and national level bargaining.
- Provided services to members outside of collective bargaining.
- Operated at arm's length from, and was prepared to pursue interests that diverged from, an employer.
- Was capable of and willing to engage in militant action.
- Was financially independent and sustainable without recourse to free-riding.
- Was democratic and accountable to its members.

These characteristics bore a strong similarity to existing theoretical descriptions of the genuine union and particularly Blackburn (1967) and Blackburn & Prandy's (1965) concept of unionateness.

6.6.6 Are New Unions genuine?

Several facets of Blackburn's (1967) description of the genuine union were examined by this study. With reference to relevant aspects of that concept, interviews with Old Unions offered the following conclusions:

Is collective bargaining central to New Unions?

Despite the stated differences in the level at which New Unions and Old Unions pursued collective bargaining, participants clearly indicated that collective bargaining was central to New Unions. However, they argued that New Unions' pursuit of a purely enterprise-based bargaining agenda was both an unsustainable and ineffective mechanism for representing workers' interests.

Are New Unions prepared to be militant?

Old Unions argued that New Unions were unwilling and incapable of pursuing any form of militant action against employers. This was due primarily to their close and possibly compliant relationships with employers that were dependant upon New Unions not pursuing interests that diverged from those of the employer.

Are New Unions affiliated to a peak union body?

The absence of any affiliation or desire to affiliate with other unions appeared to be a defining characteristic of New Unions, according to participants in this part of the study. Participants provided little definitive evidence, however, that New Unions had actively rejected such affiliation. Rather, it was implied primarily through the perceived unwillingness of New Unions to enter into multi-employer or multi-union collective bargaining, and the absence of informal or formal relationships with other unions. Yet the study also suggests that the hostility directed by Old Unions toward newer organisations would preclude any attempt by the latter to enter into such a relationship.

Do New Unions publicly identify themselves to be unions?

Unfortunately, interviews with Old Unions did not specifically address or provide data relevant to this particular question. They did suggest, however, that any attempt or desire by New Unions to identify themselves as union organisations would be opposed. Members in some Old Unions were strongly opposed to any public recognition that new organisations were in fact unions.

Do New Unions operate at arm's length from their employers?

Interviews with Old Unions consistently extracted data that suggested New Unions as a group either do not or cannot operate at arm's length from employers. However, participants provided little direct evidence of this, and at times appeared to contradict their assertions that employers were able to exert undue influence over New Unions once formed.

6.6.7 Why did New Unions form? Current and emerging themes

Overall, representatives of the three Old Unions interviewed for the study suggested that New Unions were formed by workers dissatisfied with existing unions, and sought an often cheaper form of collective representation. However, they argued more strongly that New Union formation was an employer driven and not an employee driven phenomenon, and that it represented in some cases a deliberate attempt to undermine the bargaining and organising efforts of older, possibly more genuine, unions. The arguments offered in favour of this hypothesis were broadly similar to the overall theme of recent empirical research. Scholars consistently implied that the employers frequently sponsored, and at times dominated, the formation of New Unions who were, as a consequence, incapable of operating as independent entities (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001; May, 2003a & 2003b).

The implied origins of New Unions were in part responsible for Old Unions not regarding them as genuine, or at least reputable, union organisations. Participants placed continued emphasis on differences between the bargaining activities of New Unions and Old Unions. Strong emphasis was given to the former's pursuit of a purely enterprise-based agenda and unwillingness to operate outside of the role of bargaining agent. This was regarded by Old Unions as one indicator of New Unions' inability to sustain themselves in the long-term, and the non-pursuit of worker interests outside of bargaining resulting in workers becoming dissatisfied with, and possibly exit from New Unions. New Unions continued sustainability was

also argued to have a strong correlation with their ability to free-ride off Old Union bargaining efforts. Free-riding was also linked to employers' support for New Union formation; New Unions were argued to exist and survive only because of the presence of both factors.

Where employer involvement was not emphasised, Old Unions described the role that cheaper membership fees and workers' dissatisfaction with existing unions played in New Union formation. The pursuit of a cheaper form of collective representation was, in particular, argued to be a consistent feature of workers' decision to form, and join, New Unions. Participants' descriptions of worker dissatisfaction with existing unions, however, were more significant. This was due to two particular factors, namely participants':

- Description of the source of that dissatisfaction.
- Identification of the role and influence of key opinion leaders within particular workplaces.

In interviews with New Unions and employers, the source of workers' dissatisfaction with existing unions was found to be:

- The behaviour and attitude of Old Union officials and members.
- Old Unions poor service delivery.

New Union participants emphasised in particular how the behaviour of Old Union representatives was frequently the primary reason they rejected the option of joining those unions. However, Old Unions interviewed by the study did not identify the behaviour and attitude of their representatives or their service delivery as the cause of workers' dissatisfaction with them. Rather, they suggested that workers dissatisfaction was due to workers':

- Unhappiness with the outcome of union bargaining efforts.
- Misunderstanding of why those unions pursued activities outside of collective bargaining.

Only in one instance did an Old Union interviewed for this study indicate any belief that their actions, and not workers' perceptions or attitudes, were responsible for workers' dissatisfaction with their organisation.

The responses of Old Unions were also significant for the manner in which they confirmed the possible existence, role and importance of opinion leaders to New Union formation. Defined as individuals with a strong influence over workers' decision to unionise (Van de Vall, 1970), the role and importance of opinion leaders was a strong and consistent theme throughout interviews with New Union participants. Representatives of Old Unions also argued that New Union formation was frequently directed and/or dominated by key opinion leaders. Opinion leaders were also identified as the source of workers' dissatisfaction with existing unions, with Old Unions suggesting that the formation of some New Unions reflected the negative experiences of a particular individual. That individual would then use their influence to convince workers to form a New Union. New Union participants also described the role and influence of opinion leaders in a similar fashion, emphasising their often negative experiences with Old Unions and their role in the process by which the decision to form a New Union was made.

Also identified in this set of interviews was the possible influence of competitive unionism, or inter-union competition for members, to:

- Relationships between New Unions and Old Unions.
- How Old Unions described newly formed organisations.

Employers in the study emphasised the role inter-union competition for members played in determining the relationship between New Unions and Old Unions in their organisations. In general terms, where those unions directly competed for members, relationships between them were predominantly hostile and confrontational. Where those unions did not compete for members, their relationships were friendlier. All three Old Unions interviewed for the study

competed with New Unions for members, and in two cases they competed with more than one. Of these, two described their relationships with New Unions in the same manner as employers in the study, emphasising their confrontational and, at times, openly hostile nature. This hostility was also found to have to strong links with New Union free-riding and differences in how New Unions and Old Unions bargained.

Chapter Seven

Conclusion and Suggestions for Future Research

7.0   Introduction

This study sought to provide a more comprehensive picture of the formation and rapid proliferation of new, predominantly workplace-based, unions in New Zealand under the ERA. More specifically it sought to develop a picture of the motives and interests of workers who formed those unions and the process by which the decision to form a union was made. Recent literature has argued that New Union formation has significant implications for the operation and success of the wider union movement and the ERA itself, the formation of many New Unions also being seen to represent a deliberate attempt by employers to undermine the existing union movement. Yet despite the implications posed by New Union formation, scholars have not extensively examined why those organisations have formed. Rather, their primary focus has been on how those organisations differ from existing unions and their general effectiveness as organisations.

Given the nature of global union decline and the widespread interest in why workers join unions, this is surprising, particularly as the rapid formation and proliferation of New Unions in this country goes against a number of key international trends: union decline, stagnant union membership growth and the formation of larger conglomerate unions significant among them. This study and its findings, then, have significant implications for this body of research and for those studies which have explicitly examined New Unions.

Using a qualitative research process, this study collected data from three groups of stakeholders directly involved in, or affected by, New Union formation: New Unions themselves, their employers and Old Unions (organisations formed and

operating as unions prior to the ERA). The results of these interviews were presented and then discussed in the preceding chapters.

This chapter summarises those results and the discussion of them, and offers conclusions in relation to each of the study's research questions. Key and emerging themes are identified, as are the implications of particular findings and recommendations for future research where appropriate. As in previous chapters, the supporting research questions are addressed first in order to provide data necessary for addressing the primary research question.

7.1 Why did workers reject membership in other unions in favour of forming their own?

Workers rejected membership in other, principally older more established, unions because of their personal and shared experiences with those unions. In rejecting membership in other unions, workers did not reject the idea or concept of collectivism only membership of specific unions. This decision was based upon workers' negative experiences with particular unions, and specifically with the actions, attitudes and behaviour of the members, officials and other representatives of those unions. Key characteristics with which workers were dissatisfied with were Old Unions' aggressive organising and bargaining tactics, poor service delivery, and perceived unwillingness and inability to represent their interests. In rejecting membership in other unions, workers did not reject the idea of collectivism,

Why workers join unions is a question New Zealand scholars have not so far examined as extensively as those internationally. A single New Zealand examination of the decision to join a union (Tolich & Harcourt, 1999) compares rather unfavourably to the plethora of similar studies available elsewhere (e.g., Barker *et al*, 1984; Deery *et al*, 1994; Gani, 1996; Lahuis & Mellor, 2001; Lewis, 2001; Seeber, 1991; Waddington & Kerr, 1999a & 1999b; Waddington & Kerr, 2002;

Wheeler & McClendon, 1991). New Zealand scholars have also avoided direct examination of why workers reject membership of particular unions and/or leave them. The closest comparable evidence comes from Australia where Peetz (1998) examined workers' decisions to join, stay in and exit unions in that country. That New Union formation consistently represented the rejection by workers of membership in one union in favour of another suggests that workers' unionisation decisions require further examination in this country. Recent research, which found that union density in New Zealand is less than half its potential (Haynes *et al*, 2004), also argues for a preferably quantitative re-examination of these decisions, as do New Zealand unions' ongoing problems with membership retention (NZCTU, 2003). The findings of the present study strongly suggest that the experiences of workers with unions, and the behaviour of union officials and members should be factors in such studies.

7.2 What role did and do employers play in New Union formation?

Employers were found to play a limited role in the formation of New Unions. Employer involvement in New Union formation was more likely to reflect an *acceptance* of workers' legal right to form unions under the ERA. Only in one or possibly two instances did employer's actions follow a pattern described by existing research, where they attempted to form a tame union to undermine existing organisations. Yet evidence of *actual* or widespread attempts to form a tame in-house union with the intent of undermining existing union organisations was limited.

The key problem for this study and others into New Unions (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001) is that none answers the question of why would an employer sponsor the formation of a New Union? More specifically, why would New Zealand employers consider it necessary and/or advantageous to do so? A number of factors suggest that employers do not *need* to

sponsor New Unions particularly in order to undermine the existing union movement, and overall the ERA, in a similar fashion to the Employment Contracts Act, would appear to offer anti-union employers the opportunity to let the legislative environment decollectivise their workforces for them (Wright, 1997). Confounding the issue further is that very little is known about employer attitudes toward unions under the ERA, and consequently it is difficult to argue that some are actively attempting to deunionise their workforces. The only recent and comparable evidence is provided by studies into employer attitudes under the Labour Relations Act 1987 (McAndrew, 1989; McAndrew & Hursthouse, 1990), and by more recent examination of their attitudes toward collective bargaining and possible role in union stagnation (Foster, Laird, McAndrew & Murrie, 2005). A more detailed picture is provided of employers' interpretation of and response to the ERA itself, which suggests that many employers either deliberately or unwittingly serve to undermine unions (Waldegrave *et al*, 2004).

In short, in relation to the pursuit of formal decollectivist strategies, little evidence has been produced by this or other recent studies, to show why New Zealand employers would pursue the formation of company unions when other less overt forms of decollectivist strategy appear to be more effective. These include the use of standardised employment agreements and management strategies aimed at directing employee loyalty toward the firm and away from other parties (Peetz, 2002a & 2002b). There is some evidence to suggest that both are used by New Zealand employers (Cullinane, 2001; Waldegrave *et al*, 2004; Wright, 1997). Yet whether this is a deliberate strategy aimed at reducing union influence is unclear. The findings of this study suggest that further examination of employers' attitudes toward and response to unions under the ERA is warranted. More importantly, confusion over the actual role of employers in New Union formation argues strongly for a re-examination of the use decollectivist strategies in New Zealand firms.

7.3 Was the decision to form a union a spontaneous or deliberate decision?

This study found that the formation of New Unions represented a deliberate choice by workers who wanted to represent their interests collectively. The complexity of the typical process by which the decision to form a New Union was made belies any description of that process as a spontaneous or simple event. Rather, in a typical case, the decision to form a New Union was made after a prolonged debate by small groups of workers. This debate typically included discussion of a number of options other than forming a New Union, and was concluded by workers voting on those options. Only in one or possibly two instances could the decision to form a New Union be regarded *solely* as a direct consequence of the passage of the ERA. Overall, the ERA provided workers with the incentive, but not the rationale, for their decision to form a New Union, and the Act served primarily to legitimise a pre-existing desire for collective action. In a similar fashion to existing research (e.g., Barry, 2004; Barry & May, 2002), the following were identified as factors significant to workers' decision to form New Unions:

- The expiry of existing agreements and a corresponding unwillingness to negotiate individually.
- A pragmatic desire for cheaper union membership.

More significant, however, was the apathy of many workers to the outcome of any decision to form a New Union, and reluctance on the part of many to take responsibility for that decision. In these circumstances the deliberate decision to form a New Union was frequently left in the hands of key individuals or opinion leaders within a particular workplace. The influence and level of responsibility taken by those individuals for the decision to form a New Union was found to be greater where workers were apathetic to or reluctant to be actively engaged in the decision to form a New Union. These findings are consistent with arguments that workers' desire for collective representation does not necessarily equate with an

equal desire to participate in the collective process (Freeman & Rogers, 1999). They also suggest that in many workplaces the decision to form a New Union was strongly influenced by one or more key opinion leaders - individuals whose significance to New Union formation has not been previously identified by New Zealand scholars.

7.4 How have New Unions' relationships with employers and their character evolved?

Consistent with the unions historically, this study expected to find some evidence of a gradual change in the complexity of New Unions' character and in their relationships with employers. When describing the current status of the later New Unions' relationships with employers they were found to be largely cooperative and characterised by an absence of:

- Overt employer hostility toward a New Union.
- Union militancy.
- Confrontational or distributive style collective bargaining.

This reflected New Unions' largely pragmatic and less confrontational character, regarded as a key point of difference between New Unions and Old Unions. New Unions reported a mixture of changes to these relationships but the examples given were insufficient to argue for the existence of a clear trend. Overall, outside of moderate but unsubstantiated improvements in their bargaining outcomes, little evidence was produced that would show these relationships evolving to any degree. Consequently, despite operating on average for four years, New Union relationships with employers did appear relatively static. In relation to their character as organisations, the study also found little definitive evidence that New Unions were evolving as organisations.

The lack of clear data on, and evidence for, the evolution of New Unions in this study prevented this particular research question from being answered in any great detail. From the data that was collected it would appear that two possible paths are open to New Unions. In the first they continue as they currently are, servicing a small membership through cooperative non-militant bargaining at the enterprise level; bargaining that may or may not be reliant upon employers passing on the terms of other unions' agreements. Old Unions argued that this approach is not sustainable in the long-term and this would appear to be the case where workers are unable to extract some benefit from continued membership in a New Union. In the second path, New Unions could attempt to alter their current structures and activities and essentially evolve into a more complex form of union. Basic methods by which this could be done could be to:

- Strengthen their bargaining position by forming cooperative alliances with other unions.
- Move to a more confrontational or active bargaining style.
- Increase their membership fees to improve their ability to provide a wider range of services to members, and possibly increase their ability to pursue industrial action.

None of these appear likely given the findings of this study. The hostility shown by Old Unions toward New Unions and New Union participants' negative experiences with Old Unions would seem to preclude any form of cooperation between them. New Unions also show a strong reluctance to engage in the type of distributive or confrontational bargaining said to characterise Old Unions. The findings of this study also suggest that some may be dependant upon free-riding and unwilling to jeopardise their cooperative relationships with employers. Charging higher membership fees would appear to be a simple option, but as low membership fees were a factor in the formation of all New Unions in this study, it would appear that this option would not be pursued by New Unions.

Overall, it would appear that scholars could address the possible evolution of New Unions by examining those organisations over a prolonged period. New Unions could be compared at particular points in time with strong emphasis given to the process and outcome of New Union collective bargaining, the extent of their non-bargaining activities, and the interests and motivations of their membership. But given that Old Unions in their current form represent about 100 years of development and evolution any comparable evolution on the part of New Unions would be difficult to detect in the short-term. It would also be difficult to state categorically that any such evolution was not an isolated case, precluding the use of specific case-studies as a method of investigation.

7.5   What is a genuine union and are New Unions genuine?

In addressing these questions, the study found that participants defined a union as a collective organisation whose primary purpose was the representation of workers' employment interests; a definition broadly similar to that of Webb & Webb (1907). Like scholars, they did not provide a consistent definition or description of the *genuine* union. Rather participants identified characteristics critical to the character of the *typical New Zealand union* and how New Unions did or did not adhere to those characteristics. The typical New Zealand union was identified by all three groups of participants interviewed for the study as an older organisation formed prior to the ERA, that:

- Represented workers across an industry or the country as a whole.
- Pursued interests that frequently diverged from those of employers.
- Pursued those interests through collective bargaining and other non-bargaining activities.
- Was affiliated with the NZCTU.

Of these factors, the pursuit of collective bargaining, independence from employers, and willingness to engage in militant or industrial action appeared most significant to participants' descriptions. A number of additional characteristics were also

attributed by New Unions and employers to the behaviour of the typical New Zealand union. The specific terms used to describe Old Unions were:

- Confrontational or positional.
- Untrustworthy.
- Antagonistic.

Consequently, this study found that participants' descriptions of the typical New Zealand union were broadly comparable to the concept of union character, as well as to existing definitions of the term union.

The question of whether New Unions were genuine was more difficult to answer. Participants in the study seemed to describe New Unions in the same way, but differed on whether they were in fact genuine unions. New Unions were described in a similar fashion to existing research (e.g., Barry, 2004; Barry & May, 2002) with participants in the study noting features such as their enterprise-based membership, and narrower bargaining agenda. However, when describing New Unions, participants gave greater weight to describing *how* they operated rather than *what* they did and how they were structured. In relation to the concept of union character, participant responses give weight to previous claims that the concept has little application to New Unions (Barry, 2004). Key facets of union character New Unions were not found to adhere to were:

- The willingness to engage in militant action.
- Affiliation with the NZCTU.
- A willingness to be declare themselves to be a union.

Participants also identified a strong divergence between New Unions and their definition of the typical New Zealand union. How they did so also appeared more significant to participants than New Unions adherence or non-adherence to the concept of union character. Key factors said to differentiate New Unions from the typical New Zealand union were argued to be their:

- Pursuit of enterprise rather than industry and national level collective bargaining.

- Unwillingness or inability to engage in militant action.

- Unwillingness and inability to pursue activities outside of collective bargaining.

- Unwillingness and possible inability to pursue interests that diverged from those of their employer.

- Pragmatic and cooperative rather than confrontational relationships with employers.

On the basis of these findings, New Unions would appear not to be genuine unions as they do not adhere to either the concept of union character or participants' descriptions of the typical New Zealand union. Conversely, however, when asked whether New Unions were genuine unions, both New Unions and their employers stated that they were. Only Old Unions argued against defining New Unions as genuine, placing significant emphasis on two key characteristics attributed to those organisations:

- The presumed lack of independence, and

- The pursuit of a purely enterprise-based agenda.

The first characteristic was argued to derive from New Unions' reliance upon free-riding to secure a collective agreement, and their inability to pursue a confrontational relationship with employers. Old Unions regarded both as indicative of New Unions' dependence upon employers for their long-term survival. In describing the second, Old Unions did not dispute that many New Unions bargained collectively which is a key facet of union character (Blackburn, 1967). They argued, however, that this did not make them genuine unions as *how* they bargained was not sustainable and an ineffective method of representing workers.

New Unions and employers, however, placed less emphasis on the level at which New Unions bargained and operated, and focused more strongly on the basic purpose of those organisations. This was defined by both groups as the simple representation of workers employment interests, a definition similar to Webb & Webb (1907) and an organisational objective that does not differ from that of other unions. Overall, New Unions and employers both argued that New Unions were genuine unions, but were genuine unions distinctly different to organisations typical of the New Zealand union movement. These differences while significant did not prevent New Unions from being regarded or from operating as genuine independent union organisations.

The attitude of Old Unions toward New Unions may be determined not by the character of those organisations but by whether they compete with them for members. All three groups of participants highlighted the significance of competition for members to the type of inter-union relationships they experienced. In workplaces where New Unions and Old Unions represented, and therefore competed for, the same group of workers, these relationships were predominantly confrontational and at times openly hostile. Old Union participants of this type were more likely to argue that New Unions were not genuine unions. In workplaces where New Unions and Old Unions did not compete for members, inter-union relationships were predominantly neutral with minimal contact between each group.

This study suggests that more needs to be done to identify how workers, rather than scholars, identify, describe and define unions. The findings of this study also raise the question of what type of organisations workers believed they were forming when they created a New Union. The results suggest that many believed they were forming something distinctly different to the typical union. However, given this study interviewed only a small number of New Union members, it is difficult to state this as a certainty, particularly as participants frequently saw little or no

difference between *what* their organisations were formed to do, and why other unions formed. Freeman & Medoff (1984) asked quite clearly 'what do unions do?', while this study argues that this question and 'how do they do it?' are questions scholars need to address in this country.

7.6   Why did New Unions form in New Zealand under the ERA?

This study found that New Unions formed to represent the specific collective employment interests of small groups of workers, typically employed within a single workplace, through the process of collective bargaining. Workers' decisions to form a New Union rather than join an existing organisation represented the deliberate and democratic decision to reject membership in the established union movement. That decision resulted also from workers' personal and shared experiences and strong dissatisfaction with the behaviour and attitudes associated with Old Unions, their officials and members.   In general, New Unions formed because workers desired membership in a collective organisation that would not repeat their personal experiences with other unions.

7.6.1   The role of employers

Employers were found to play a less significant and less active role in New Union formation than previously identified (Anderson, 2004; Barry, 2004; Barry & May, 2002; Barry & Reveley, 2001).   Specifically no evidence was found of widespread attempts by employers to sponsor or create a tame or company-type union. Evidence was found, however, of possibly isolated incidents, similar to those reported in existing research.   Overall, employer support for New Unions could be more appropriately described as an acceptance of workers' legal right to organise and a preference for the type and style of bargaining New Unions would pursue.

7.6.2 The importance of opinion leaders to New Union formation

The role of key opinion leaders was critical to New Union formation. Most opinion leaders provided the expertise and knowledge, or access to the expertise and knowledge, needed to form and operate a New Union. Key examples were opinion leader's direct experience with the formation of incorporated societies and access to free legal and bargaining advice from friends or family members. In these circumstances, opinion leaders' roles may have been sufficient to convince workers that forming their own union was a viable option, and in at least one instance an opinion leader was responsible for raising this option among workers. Opinion leaders' provision of, or access to, this knowledge and expertise were also significant to the lower membership fees characteristic of New Unions. As a catalyst or primary cause of New Union formation, cheaper membership fees were found to be significant (Barry, 2004; Barry & May, 2002). However, the role of opinion leaders' in New Union formation may have reduced the significance of low fees by removing any requirement for New Unions to charge high fees. In simple terms opinion leaders' access to and/or provision of various types of expertise could have negated any need to collect fees to pay for various essential services.

Opinion leaders' roles strengthen the argument that New Union formation reflects first and foremost workers' dissatisfaction with the existing union movement. Opinion leaders were found to share other participants' negative experiences with Old Unions. They also acted in a manner considered typical of opinion leaders elsewhere (Van de Vall, 1970) in that they shared their experiences with Old Unions with workers, and possibly influenced and/or strengthened workers' general opposition to the idea of joining an existing union. Old Unions themselves argued that this led to the creation of New Unions that did not represent the totality of their membership, but the interests of a small minority. However, the democratic and often prolonged process by which workers considered, voted upon and then collectively actioned the decision to form a New Union suggests that this was not the case.

7.7 Overall summary

This study set out to re-examine the phenomenon of New Union formation and to provide a more comprehensive picture of the motives and interests of the workers who formed those unions. In achieving this, a valuable contribution has been made to the small body literature on New Unions in New Zealand. In doing so, this study reaffirmed a number of findings from this body of research. More importantly, however, it redefined the significance of some of those findings, and identified a number of new trends. These were the importance of workers' previous union experiences to their decision to join and form unions, the relevance of existing definitions of the genuine union, and the significance of key opinion leaders to union formation.

These findings have some practical implications for a number of stakeholders, the New Zealand union movement and older more established unions in particular. For these organisations, the deliberate and free choice by around 10,000 collectively-minded workers to reject them is a further sign of the problems they face in rebuilding under the ERA. Slow union membership growth and poor membership retention rates will not be helped by suggestions that unions' own organising efforts, officials and members often serve to deter people from joining the union movement. Old Unions' efforts at building constructive partnerships with employers and at multi-employer collective bargaining may also be hampered by suggestions that they are seen as antagonistic, overly militant, and untrustworthy. Both situations suggest that unions need to take greater care in how they build and maintain relationships within New Zealand firms.

For scholars, this study highlights that New Unions and union membership have been an under-explored phenomenon in this country. Why workers join unions, what they believe unions are, and how they choose between unions are questions critical to any understanding of union membership trends. It is surprising therefore that these questions are often left unexplored or are given less attention than the

wider examination of unions as organisations. The findings of this study argue for the need to examine the unionisation decisions of New Zealand workers in more detail, and perhaps to provide a side by side comparison of the motivations and interests of the members (rather than the secretaries) of Old Unions and New Unions.

Scholars, too, may have been too quick to judge the character of New Unions. While they have argued that some are genuine forms of workplace representation, they have been stronger in their criticism of those unions and in accepting existing research findings. These have predominantly implied that New Unions are an employer-driven phenomenon, or at the very least incapable of becoming effective unions. That workers do not seem to think so, and that employer support may only exist in a few isolated cases, argues for additional research into New Unions. Particular emphasis could be given to the actual bargaining outcomes achieved by those unions and a more exacting analysis of what they do and why.

The great weight given to comparing New Unions against organisations that have evolved over several decades also highlights the inadequacies of existing definitions of the genuine union. The concept of union character used, in part, to separate New Unions and Old Unions is in itself incapable of stating that an organisation is or is not a union. Yet this is the very manner in which scholars appear to have used the concept when examining New Unions. Perhaps a more appropriate method would have been to compare the character of New Unions against that of Old Unions of a similar age - in other words, to the character of Old Unions when they first formed. The findings of this study suggest also the need to redefine the suitability of existing descriptions of the genuine union.

In examining these issues, scholars should take note of findings relevant to this study's primary research question, 'Why do New Unions form under the ERA?' This study concludes that New Unions were formed under the ERA by workers who saw

benefit in collective action, but, because of past and shared experiences with existing unions, were reluctant to pursue their collective interests as part of the existing union movement. In order to pursue their collective interests, those same workers formed their own union, because they believed or were possibly convinced they could do so effectively. The ability of many New Unions to access cheap or even free expertise such as legal advice also allowed them to charge the lower membership fees that characterise many New Unions. Lower membership fees, however, were not the primary motivation for workers' decision to form New Unions, although they do appear significant to their continued operation. The primary motivations for the formation of a New Union were workers' past experiences with Old Unions. Where employers supported, or accepted, workers' decisions to form a New Union, this typically occurred only after the decision to form that union had been made. The formation of New Unions under the ERA represents therefore an employee driven phenomenon.

References

Anderson, G. (2004). *A New Unionism? The Legal Dimensions of Union Structures in New Zealand.* AIRAANZ 2004: Proceedings of the 18th Association of Industrial Relations Academics of Australia and New Zealand Conference. Noosa, 3rd – 6th February.

Bain, G.S., Coates, D., & Ellis, V. (1973). *Social stratification and trade unionism: a critique.* London: Heinemann Educational.

Banks, J.A. (1974). *Themes and Issues in Modern Sociology: Trade Unionism.* London: Collier-MacMillan Publishers.

Barker, A., Lewis, & McCann, M. (1984). Trade Unions and the organisation of the unemployed. *British Journal of Industrial Relations, 22* (3), 391 – 404.

Barry, M. (2004). New employee representation: Legal developments and New Zealand unions. *Employee Relations, 26* (2), 203 – 223.

Barry, M., & May, R. (2002). *United we stand, Multiplied we fall: New Unions and the New Zealand Employment Relations Act.* In McAndrew, I., & Geare, A. (Eds.). AIRAANZ 2002: Proceedings of the 16th Association of Industrial Relations Academics of Australia and New Zealand Conference. Queenstown, 5th – 9th February.

Barry, M., & Reveley, J. (2001). *Contradictory Rights and Unintended Consequences: The Early Impact of the Employment Relations Act on the New Zealand Waterfront.* Working Paper 01/01. Wellington: Industrial Relations Centre, Victoria University of Wellington.

Benson, J. (1996). A Typology of Japanese Enterprise Unions. *British Journal of Industrial Relations, 38* (3), 371 – 386.

Berg, B.L. (1988). *Qualitative Research Methods for the Social Sciences.* Boston: Allyn and Bacon.

Blackburn, R.M. (1967). *Union Character and Social Class.* London: Batsford.

Blackburn, R.M., & Prandy, K. (1965). White Collar Unionization: A conceptual framework. *The British Journal of Sociology, 16,* 111 – 124.

Blackwood; L., Feinberg-Danieli, G., & Lafferty, G. (2005). *Unions and Union Membership in New Zealand: Annual Review for 2004: Working Paper, February 2005.* Wellington: Industrial Relations Research Centre, Victoria University of Wellington.

Blumenfeld, S., Higgins, A., & Lonti, Z. (2004). *No Free Lunch: Union Free-Riding in New Zealand.* AIRAANZ 2004: Proceedings of the 18th Association of Industrial Relations Academics of Australia and New Zealand Conference. Noosa, 3rd – 6th February.

Bollinger, C. (1968). *Against the Wind: The story of the New Zealand's Seamen's union.* Wellington: New Zealand Seamen's Union.

Bordens, K.S., & Abbott, B.B. (1999). *Research Design and Methods: A Process Approach.* London: Mayfield Publishing Company Ltd.

Broadbent, K. (2001). Power in the Union? Part-time workers and enterprise unionism in Japan. *International Journal of Manpower, 22* (4), 318 – 322.

Buchanan, J. (2003). Union amalgamations as a basis for union renewal in Australia: insights from unfinished business. *Just Labour, 2,* 54 – 64.

Chaison, G.N., & Rose, J.B. (1991). The Macro determinants of Union Growth and Decline. In Strauss, G., Gallagher, D.G., & Fiorito, J. (Eds.). *The State of the Unions.* Madison, Wisconsin: Industrial Relations Research Association.

Chaison, G., Sverke, M., & Sjoberg, A. (2001). How union mergers affect membership participation. *Journal of Labor Research, 22* (2), 355 - 372

Charlwood, A. (2002). Why do Non-union Employees Want to Unionize? Evidence from Britain. *British Journal of Industrial Relations, 40* (3), 463 – 492.

Chase, M. (2000). *Early Trade Unionism: Fraternity, skill and the politics of labour.* Sydney: Ashgate.

Cohen, L., & Manion, L. (1994). *Research Methods in Education (4ᵗʰ Ed.).* New York: Routledge.

Companies Office New Zealand. (1997). *A Guide to the Incorporated Societies Act 1908.* Wellington: Companies Office New Zealand.

Creswell, J.W. (1994). *Research Design: Qualitative & Quantitative Approaches.* London: Sage Publications.

Crouch, C. (1982). *Trade Unions: The Logic of Collective Action.* Glasgow: William Collins Sons and Co Ltd.

Crowley, D.W. (Ed.). (1950). *New Zealand labour's pioneering days: the history of the labour movement in N.Z. from 1840 to 1894.* Auckland: Forward Press.

Cullinane, J. (2001). Workplace determinants of union presence in New Zealand organisations. *International Journal of Manpower, 22* (4), 380 – 392.

Davidson, C., & Tolich, M. (Eds.). (1999). *Social Science Research in New Zealand: Many paths to understanding.* Auckland: Longman.

Deeks, J., & Rasmussen, E. (2002). *Employment Relations in New Zealand.* Auckland: Pearson Education.

Deery, S.J., Iverson, R.D., & Erwin, P.J. (1994). Predicting Organizational and Union Commitment: The Effect of Industrial Relations Climate. *British Journal of Industrial Relations, 32* (4), 581 – 597.

Denzin, N.K., & Lincoln, Y.S. (Eds.). (2003). *Collecting and Interpreting Qualitative Materials (2nd Ed.)*. London: Sage Publications.

Department of Labour. (2003). *Union Research Report: A Component of the Evaluation of the Employment Relations Act.* Wellington: Department of Labour.

Dundon, T. (2002). Employer opposition and union avoidance in the UK. *Industrial Relations Journal, 33* (3), 234 – 245.

Employment Relations Service. (July, 2003). *ERA Info: The Report on Employment Relations in New Zealand*, Volume 16. Wellington: Employment Relations Service.

Employment Relations Service. (July, 2004). *ERA Info: The Report on Employment Relations in New Zealand*, Volume 16. Wellington: Employment Relations Service.

Fahlbeck, R. (2002). Trade Unionism in Sweden. In Jose, A.V. (Ed.). *Organised Labor in the 21st Century.* Geneva: International Institute for Labor Studies. p. 63 – 103.

Fiorito, J., Jarley, P., & Delaney, J.T. (2001). National Unions as Organisations. In Ferris, G.R. (Ed.). *Research in Personnel and Human Resource Management*, Volume 20. p. 231 – 268.

Fossey, E., Harvey, C., McDermott, F., & Davidson, L. (2002). Understanding and evaluating qualitative research. *Australian and New Zealand Journal of Psychiatry, 36*, 717 – 732.

Foster, A.B., Laird, I., McAndrew, I., & Murrie, A.J. (2005). *Employers attitudes as a factor in union stagnation in New Zealand.* In Referred Conference Proceedings International Human Resource Management Conference Cairns Australia 15 – 17 June 2005.

Franks, P. (2001). *Print & Politics: A History of Trade Unions in the New Zealand Printing Industry, 1865 – 1995.* Wellington: Victoria University Press.

Fraser, W.H. (1999). *A History of British Trade Unionism 1700 – 1988.* New York: St Martin's Press.

Freeman, R. (1989). *On the divergence in unionism among developed countries.* Working Paper No 2817. National Bureau of Economic Research

Freeman, R.B., & Medoff, J.L. (1984). *What do Unions do?* United States: Basic Books.

Freeman, R.B., & Rogers, J. (1999). *What Workers Want.* Ithaca, New York: Cornell University Press.

Gall, G. (1997). Developments in unionism in the financial sector in Britain. *Work, Employment and Society, 11* (2), 219 – 235.

Gani, A. (1996). Who joins and why? Evidence from India. *International Journal of Manpower, 17* (6/7), 54 – 65.

Geare, A.J. (1979). *New Zealand Industrial Relations: Legislation and Practice.* Dunedin: Campbell & James.

Geare, A.J. (1988). *The System of Industrial Relations in New Zealand (2nd Ed).* Wellington: Butterworths.

Geare, A.J. (2002). *Industrial Relations: A General Introduction and the New Zealand system (4th Ed.).* Dunedin: Foundation for Industrial Relations Research and Education (NZ).

Ghauri, P., Gronhaug, K., & Kristianlund, I. (1995). *Research Methods in Business Studies: A Practical Guide.* New York: Prentice Hall.

Gordon, M.E., Philpot, J.W., Burt, R.E., Thompson, C.A., & Spillers, W.E. (1980). Commitment to the Union: Development of a Measure and an Examination of its Correlates. *Journal of Applied Psychology Monograph, 65* (4), 479 – 499.

Greene, A., Black, J., & Ackers, P. (2000). The Union Makes Us Strong? A Study of the Dynamics of Workplace Union Leadership at Two UK Manufacturing Plants. *British Journal of Industrial Relations, 38* (1), 75 – 95.

Harbridge, R. (Ed.). (1989). *Evaluating the Labour Relations Act 1987.* Proceedings of a seminar held at Victoria University of Wellington, 18 October 1989. Wellington: Industrial Relations Centre, Victoria University of Wellington.

Harbridge, R., & Hince, K. (1994). Bargaining and worker representation under New Zealand's employment contracts legislation: a review after two years. *Industrial Relations (Canadian), 49* (3), 576 – 596.

Harbridge, R., & Honeybone, A. (1996). External Legitimacy of Trade Unions: Trends in New Zealand. *Journal of Labor Research, 17* (3), 425 – 444.

Harbridge, R., & Thickett, G. (2003). *Unions in New Zealand: A Retrospective.* AIRAANZ 2003: Proceedings of the 17th Association of Industrial Relations Academics of Australia and New Zealand Conference. Melbourne, 4th – 7th February.

Harbridge, R., Walsh, P., & Wilkinson, D. (2002). Re-regulation and Union Decline in New Zealand: Likely Effects. *New Zealand Journal of Industrial Relations, 27* (1), 65 – 78.

Harbridge, R., & Wilkinson, D. (2001). Free-riding: Trends in collective bargaining coverage and union membership levels in New Zealand. *Labour Studies Journal, 26* (3), 51 – 72.

Hare, A.E.C. (1946). *Report on Industrial Relations in New Zealand.* Wellington: Whitcombe and Tombs Limited.

Hawkins, K. (1981). *Trade Unions.* London: Hutchinson & Co Ltd.

Haynes, P., & Allen, M. (2000). Partnership as union strategy: a preliminary evaluation. *Employee Relations, 23* (2), 164 – 187.

Haynes, P., & Boxall, P. (2002). *Closing the Workplace Divide? Prospects for Union-Management Partnership in New Zealand.* Retrieved 2nd January 2005 from http://www.psa.org.nz/library/other/miscellaneous%20papers/index.asp?sort _type=Date

Haynes, P., Boxall, P., & Macky, K. (2004). *Patterns of Demand for Union Membership in New Zealand.* AIRAANZ 2004: Proceedings of the 18th Association of Industrial Relations Academics of Australia and New Zealand Conference. Noosa, 3rd – 6th February.

Heery, E. (2002). Partnership versus organising: alternative futures for British Trade Unionism. *Industrial Relations Journal, 33* (1), 20 – 35.

Herzenberg, S. (2002). Reinventing the US Labor movement, inventing post-industrial prosperity: A progress report. In Jose, A.V. (Ed.). *Organised Labor in the 21st Century.* Geneva: International Institute for Labor Studies. p. 105 – 136.

Hobsbawn, E.J. (1964). *Labouring Men: Studies in the History of Labour.* London: Weidenfeld and Nicolson.

Holstein, J.A., & Gubrium, J.F. (2005). The active interview. In Silverman, D. (Ed.). *Qualitative Research, Theory, Practice and Method (2nd Ed.).* London: Sage Publications. (p. 140 - 161).

Holt, J. (1986). *Compulsory Arbitration in New Zealand: The first forty years.* Auckland: Auckland University Press.

Hose, K., & Rimmer, M. (2002). The Australian union merger wave revisited. The *Journal of Industrial Relations, 44* (4), 525 – 544.

Iverson, R.D., & Ballard, M. (1996). An Examination of the Factor Structure of Union Commitment in New Zealand. *New Zealand Journal of Industrial Relations, 21* (3), 215 – 232.

Jenkins, C., & Sherman, B. (1979). *White-collar unionism: The Rebellious Salariat.* London: Routledge Keagan Paul Limited.

Kabui, N.G. (1986). *Student's perceptions of voluntary and compulsory unionism.* Research report presented in partial fulfilment of the requirements of Master Business Studies, Massey University.

Kaufman, B.E. (2000). The Case for the Company Union. *Labour History, 3,* 321 – 350.

Keating, E.J. (1974). Trade Unionism in State Organisations. In Howells, J.M., Woods, N.S., & Young, F.L. (Eds.). *Labour and Industrial Relations in New Zealand.* Carlton, Victoria: Sir Isaac Pitman (Aust) Pty Ltd. (p. 22 – 52).

Klandermans, B. (1989). Union Commitment: Replication and tests in the Dutch Context. *Journal of Applied Psychology, 74* (6), 869 – 875.

Krislov, J. (1989). How does the Japanese industrial relations system differ. *Labour Law Journal, 40* (6), 338 – 346.

Kuruvilla, S., Das, S., Kwon, H., & Kwon, S. (2002). Trade Union Growth and Decline in Asia. *British Journal of Industrial Relations, 40* (3), 431 – 461.

Kuruvilla, S., & Erickson, C.L. (2002). Change and Transformation in Asian Industrial Relations. *Industrial Relations, 41* (2), 171 – 225.

Lahuis, D.M., & Mellor, S. (2001). Antiunion and Prounion attitudes as Predictors of College Students Willingness to join a union. *The Journal of Psychology, 135* (6), 661 – 681.

Lewis, P. (2001). The unemployed and trade union membership. *Industrial Relations Journal,* 271 – 279.

Lockwood, D.L. (1958). *The Blackcoated Worker: A Study in Class Consciousness.* London: University Books.

Logan, J. (2002). Consultants, lawyers, and the union free movement in the USA since the 1970s. *Industrial Relations Journal, 33* (3), 197 – 213.

May, R. (2003a). *Labour Governments and Supportive Labour Law.* Retrieved 18th August 2003 from http://www.actu.asn.au/cgi-bin/printpage/printpage.pl

May, R. (2003b). *New Zealand Unions in the 21st Century: A Review.* AIRAANZ 2003: Proceedings of the 17th Association of Industrial Relations Academics of Australia and New Zealand Conference. Melbourne, 4th – 7th February.

May, R., & Walsh, P. (2002). Union organising in New Zealand: Making the most of the new environment? *International Journal of Employment Studies, 10* (2), 157-180.

May, R., Walsh, P., Harbridge, R., & Thickett, G. (2002). Unions and Union Membership in New Zealand: Annual Review for 2001. *New Zealand Journal of Industrial Relations, 27* (3), 307 - 322.

May, R., Walsh, P., & Otto, C. (2004). Unions and Union Membership in New Zealand: Annual Review for 2003. *New Zealand Journal of Employment Relations, 29* (3), 83 – 95.

McAndrew, I. (1989). Bargaining structure and bargaining scope in New Zealand: the climate of employer opinion. *New Zealand Journal of Industrial Relations, 14* (2), 149 – 167.

McAndrew, I., & Hursthouse, P. (1990). Southern employers on enterprise bargaining. *New Zealand Journal of Industrial Relations, 15,* 117 – 128.

Miller, R.L., & Amano, N.M. (1995). Trade Unions in Japan: The Consequences of Enterprise Unionism. *New Zealand Journal of Industrial Relations, 20* (1), 35 – 48.

Miller, J., Glassner, B. (2004). The inside and the outside: Finding realities in interviews. In Silverman, D. (Ed.). *Qualitative Research, Theory, Practice and Method (2nd Ed.).* London: Sage Publications. (p. 125 – 139).

NZCTU. (2003). *Rebuilding Unionism: Biennial Conference 2003 Discussion Paper.* Retrieved 12th March 2003 from http://www.nzctu.org.nz/policy/files/Rebuilding.pdf

Nolan, M., & Walsh, P. (1994). Labour's Leg-iron? Assessing Trade Unions and Arbitration in New Zealand. In Walsh, P. (Ed.). *Trade Unions Work & Society: The Centenary of the Arbitration System.* Palmerston North: The Dunmore Press.

Nicholson, N., Ursell, G., & Blyton, P. (1981). *The dynamics of white collar unionism: a study of local union participation.* London: Academic Press Ltd.

Nissen, B. (1999). The remarkable rehabilitation of company unionism in recent industrial relations literature. *Critical Sociology, 25* (1), 59 – 80.

Olson, M. (1965). *The Logic of Collective Action: Public Goods and the Theory of Groups.* London: Harvard University Press.

Olssen, E. (1986). *The Red Feds: Revolutionary Industrial Unionism and the New Zealand Federation of Labour 1908 – 1914.* Auckland: Oxford University Press.

Peetz, D. (1998). Why Join? Why Stay? Instrumentality, Beliefs, Satisfaction and Individual Decisions on Union Membership. *Economic and Labour Relations Review 9* (1), 123 – 148.

Peetz, D. (2002a) *"You're All Individuals!": Employer Strategies for Decollectivisation.* In McAndrew, I., & Geare, A. (Eds.). AIRAANZ 2002: Proceedings of the 16th Association of Industrial Relations Academics of Australia and New Zealand Conference. Queenstown, 5th – 9th February.

Peetz, D. (2002b). Decollectivist Strategies. *Relations Industrielles/Industrial Relations, 57* (2), 252 – 281.

Pelling, H. (1963). *A History of British Trade Unionism (3rd Ed.).* London: MacMillan Press Ltd.

Perlman, S. (1949). *A Theory of the Labor Movement*. New York: August M. Kelley.

Poole, M. (1981). *Theories of Trade Unionism: A sociology of industrial relations*. London: Routledge, Kegan and Paul.

Prandy, K., Stewart, A., & Blackburn, R.M. (1974). Concepts and Measures – Example of unionateness. *Sociology, 8* (3), 42 7 – 446.

Premack, S.L., & Hunter, J.E. (1988). Individual unionization decisions. *Psychological Bulletin, 103* (2), 223 – 234.

Royle, T. (2002). Just vote no! Union-busting in the European fast-food industry: the case of McDonald's. *Industrial Relations Journal, 33* (3), 262 – 278.

Roth, H. (1973). *Trade Unions in New Zealand: Past and Present*. Wellington: Reed Education.

Roth, H. (1974). Trade Unions. In Howells, J.M., Woods, N.S., & Young, F.L. (Eds.). *Labour and Industrial Relations in New Zealand*. Carlton, Victoria: Sir Isaac Pitman (Aust) Pty Ltd. (p. 3 – 21).

Roth, B., & Hammond, J. (1981). *Toil and trouble the struggle for a better life in New Zealand*. Auckland: Methuen Publications (NZ) Ltd.

Rubinstein, S.A. (2001). A Different Kind of Union: Balancing Co-Management and Representation. *Industrial Relations, 40* (2), 163 – 203.

Ryan, S.F. (1997). *Men of Metal. The Amalgamated Society of Engineers Dunedin 1874 – 1923*. A thesis submitted for the degree of Master of Arts in History, Otago University, New Zealand.

Seeber, R.L. (1991). Trade Union Growth and Decline: The Movement and the Individual. In Strauss, G., Gallagher, D.G., & Fiorito, J. (Eds.). *The State of the Unions.* Madison, Wisconsin: Industrial Relations Research Association.

Sherer, P.D., & Leblebici, H. (1993). *The formation and transformation of national unions: A generative approach to the evaluation of labor organisations.* In Bacharach, S.B., Seeber, R., & Walsh, D. (Eds.). Research in the Sociology of Organisations, Volume 12. London: JAI Press Ltd, p. 75 – 109.

Silverman, D. (2001). *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction.* London: Sage Publications.

Silverman, D. (2003). Analysing talk and text. In Denzin, N.K., & Lincoln, Y.S. (Eds.). *Collecting and Interpreting Qualitative Materials (2nd Ed.).* London: Sage Publications. (p. 340 – 362).

Smith, D. F. (1987). *White Collar Unionism in New Zealand.* Wellington: New Zealand Institute of Industrial Relations Research.

Strauss, G. (1993). *Issues in Union Structure.* In Bacharach, S.B., Seeber, R., & Walsh, D. (Eds.). Research in the Sociology of Organisations, Volume 12. London: JAI Press Ltd, p. 1 – 49.

Thickett, G., Harbridge, R., Walsh, P., & Kiely, P. (2003). *Employment Agreements: Bargaining Trends & Employment Law Update 2002/2003.* Wellington: Victoria University.

Tolich, P., & Davidson, C. (1999). *Starting fieldwork: An introduction to Qualitative Research in New Zealand.* Melbourne: Oxford University Press.

Tolich, P., & Harcourt, M. (1999). Why do people join unions? A case study of the New Zealand Engineering, Printing and Manufacturing Union. *New Zealand Journal of Industrial Relations, 24* (1), 63 – 73.

Van de Vall, M. (1970). *Labor Organisations.* Cambridge: Cambridge University Press.

Wad, P. (1996). *Enterprise Unions: From backward to vanguard unionism? Theory and evidence from industrialised and industrialising countries: USA, Japan, South Korea, Mexico, India and Malaysia.* Retrieved 18th August 2003 from http://www.cbs.dk/departments/ikl/publications/workpapers/WP07.doc

Waddington, J., & Kerr, A. (1999a) Membership Retention in the public sector. *Industrial Relations Journal, 30* (2), 151 – 165.

Waddington, J., & Kerr, A. (1999b) Trying to stem the flow: union membership turnover in the public sector. *Industrial Relations Journal, 30* (3), 184 – 196.

Waddington, J., & Kerr, A. (2002). Unions fit for young workers? *Industrial Relations Journal, 33* (4), 298 – 315.

Waddington, J., & Whitston, C. (1997). Why Do People Join Unions in a Period of Membership Decline? *British Journal of Industrial Relations, 35* (4), 515 – 546.

Waldegrave, T., Anderson, D., & Wong, K. (2003). *Evaluation of the Short-Term Impacts of the Employment Relations Act 2000.* Wellington: Department of Labour.

Webb, S., & Webb, B. (1907). *The History of Trade Unionism (8th Ed.).* London: Longmans, Green & Co.

Western, B. (1995). A comparative study of working-class disorganization: Union decline in eighteen advanced capitalist societies. *American Sociological Review, 60,* 179 – 201.

Wheeler, H.N., & McClendon, J.A. (1991). The Individual Decision to Unionize. In Strauss, G., Gallagher, D.G., & Fiorito, J. (Eds.). *The State of the Unions.* Madison, Wisconsin: Industrial Relations Research Association.

White, D.J. (1972). *The law relating to societies registered under the Incorporated Societies Act 1908.* A thesis submitted in partial requirement for the completion of a Master of Law with Honours, Victoria University, Wellington.

Wiles, J.L., Rosenberg, M.W., & Kearns, R.A. (2005). Narrative analysis as a strategy for understanding interview talk in geographic research. *Area, 37* (1), 89 – 99.

Willman, P. (1989). The Logic of market share trade unionism: is membership decline inevitable? *Industrial Relations Journal, 20,* 260 – 271.

Willman, P. (2001). The Viability of Trade Union Organization: A Bargaining Unit Analysis. *British Journal of Industrial Relations, 39* (1), 97 – 118.

Woods, N. (1963). *Industrial Conciliation and Arbitration in New Zealand.* Wellington: R E Owen.

Woods, N.S. (1974). Industrial Relations Legislation in the Private Sector. In Howells, J.M., Woods, N.S., & Young, F.L. (Eds.). *Labour and Industrial Relations in New Zealand.* Carlton, Victoria: Sir Isaac Pitman (Aust) Pty Ltd. (p. 81 - 106).

Wright, M.A. (1997). *A Substitution Strategy for Trade Unionism? A study investigating Human Resource Management as a management approach to employee relations in twenty-two New Zealand Organisations.* A thesis presented in partial fulfilment of the requirements for the degree of Master of Business Studies in Human Resource Management, Massey University.

Youngblood, S.A., DeNisi, A., Molleston, J.L., & Mobley, W.H. (1984). The Impact of Work Environment, Instrumentality Beliefs, Perceived Labor Union Image, and Subjective Norms on Union Voting Intentions. *Academy of Management Journal, 27* (3), 576 – 590.

Zikmund, W.G. (1999). *Business Research Methods (6ᵗʰ Ed.).* Fort Worth, Texas: The Dryden Press.

Appendix A

Ethical approval for study

5 March 2004

Alexander Murrie
Human Resource Management
College of Business
PN253

Dear Alexander

Re: The Origins & Motives of new Unions in New Zealand 2000 - 2003

Thank you for the Low Risk Notification that was received on 1 March 2004.

You may proceed with your research without approval from á Campus Human Ethics Committee. You are reminded that this delegated authority for approval is based on trust that the Screening Questionnaire to Determine the Approval Procedure has been accurately filled out. The delegated authority is valid for three years. Please notify me if situations subsequently occur which cause you to reconsider your initial ethical analysis.

Please ensure that the following statement is used on all public documents, and in particular on Information Sheets:

"This project has been reviewed, judged to be low risk, and approved (*note to applicant: include the process below that is most appropriate to practice within your Department, School or Institute*)
     by the researcher
     by the researcher and supervisor
     by peer review (*if you followed that process*)
     by other appropriate process (*outline the process appropriately*)
under delegated authority from the Massey University Human Ethics Committee. If you have any concerns about the conduct of this research, please contact Professor Sylvia Rumball, Assistant to the Vice-Chancellor (Ethics & Equity), telephone 06 350 5249, email humanethics@massey.ac.nz".

Please note that if a sponsoring organisation, funding authority, or a journal in which you wish to publish requires evidence of Committee approval (with an approval number), you will have to provide a full application to a Campus Human Ethics Committee.

Yours sincerely

Professor Sylvia V Rumball, Chair
Assistant to the Vice-Chancellor (Ethics & Equity)

cc   Dr Karl Pajo & Mr Barry Foster
        College of Business, PN253

Appendix B

Information Sheet

The Origins & Motives of New Workplace Societies in New Zealand 2000 – 2003

INFORMATION SHEET

The information in this sheet is a detailed summary of the proposed research project that conforms with the requirements of Massey Universities Human Ethics Committee. The information is designed to allow potential participants to make an informed decision about participation in the research.

Researcher & Academic Staff Involved

- The researcher responsible for designing and completing this project is:

Mr John Murrie
PN 253
Department of Human Resource Management
Massey University
Private Bag 11 222
PALMERSTON NORTH
Work telephone: 06 350 5799 extension 2728
Home telephone: 06 358 0852 (after 6pm weekdays)
Email: a.j.murrie@massey.ac.nz

- The design, completion and conduct of this research project is being supervised by:

Chief Supervisor
Dr Karl Pajo
Senior Lecturer
Department of Human Resource Management
Massey University
Private Bag 11 222
PALMERSTON NORTH
Work telephone: 06 350 5799 ext 2383
Email: K.B.Pajo@massey.ac.nz

Assistant Supervisor
Mr Barry Foster
Lecturer
Department of Human Resource Management
Massey University
Private Bag 11 222
PALMERSTON NORTH
Work telephone: 06 350 5799 ext 2370
Email: A.B.Foster@massey.ac.nz

- The researcher and the supervisors are contactable at your convenience if you have any questions or comments about the research and the research process.

Type of Research

- Exploratory qualitative research utilising informal semi-structured interviews conducted with potential participants.

Purpose of Research

- To explore the origins of the growth in new workplace based union organisations in New Zealand 2000 – 2003.

Participants

- The founders and/or elected representatives/spokespersons of Incorporated Societies registered as unions with the Department of Labour, and Employers whose workforces include members of new unions.

Risks of Participation

- There are no risks or discomforts associated with participation in this research.

Project Procedures

- All written material will be checked and approved by the Supervising team
- All interviews will be conducted by the identified researcher and recorded in both written and tape format.
- Interviews will be transcribed by the identified researcher
- Data will be interpreted and used solely by the identified researcher
- Only the identified researcher and the principal supervisor will have access to data collected and participant information

Project Procedures (continued)

- All data and participant information will be stored in a secure location for the minimum specified period of 5 years
- Data will be used to produce material suitable for publication as a Masters Thesis for completion of a Masters Degree in Business Studies, and for publication in relevant academic journals and other public media sources.
- All participants are entitled to receive a summary of the completed results upon request.
- Interviews are confidential and participants are guaranteed of anonymity. Interview transcripts will not be identified with individual participants and no transcript or participant response will be linked to an identifiable individual or group.
- Participants will not be informed of the names, details and depth of involvement of other participants.

Participant Involvement

- Participants will attend an interview at a time and place convenient and suitable to both themselves and the identified researcher and respond to approximately 15 questions.
- The length and content of responses is **entirely** at the discretion of participants.
- Interviews will take approximately 1 hour.
- No other form of involvement is required beyond this point.

Participant Rights

- In accordance with Massey University Ethical Guidelines agreement to participate in the project and to tape record the interview will be obtained by written consent, and all completed consent forms will be stored with the Chief Supervisor in a secure location for a minimum period of 5 years.
- All participants have the right to decline to answer any particular question.

Project Contacts

- Participants are free to contact the identified researcher at anytime if they have questions or concerns about the research process.

Ethical Approval

- This project has been reviewed, judged to be low risk, and approved by the research and supervisor and by peer review under delegated authority from the Massey University Human Ethics Committee. If you have any concerns about the conduct of this research please contact:

Professor Sylvia V Rumball
Assistant to the Vice-Chancellor (Equity & Ethics)
Massey University
Palmerston North
Work Telephone: 06 350 5249
Email: humanethics@massey.ac.nz

Appendix C

Contact Letter

3rd March 2004

Dear

Thank you for your welcome response to my initial phone call, your help and your enthusiasm in wishing to participate in my research project, this letter briefly describes my research and includes a more detailed information sheet. I will call again on Friday 5th March to arrange a suitable interview time with you. If you have, any questions in the mean time please feel free to contact me.

I am researching incorporated societies registered as unions and in particular societies that represent workers employed at a single worksite or by a single employer. Societies like the represent a new and extremely interesting form of workplace representation. However, very little is known about their origins.

What is involved? I have a set of approximately 15 questions I would like to ask you in a semi--formal interview that should take no more than an hour of your time. You will be free to answer as many or as few questions as you wish. The questions are designed to gather information on three main areas:
- The formation of the society
- Employment relationships during the time of formation
- The societies interests

What is in it for you? The chance for you to tell the story of the society and an opportunity to represent a group of organisations that are a becoming an increasingly important part of New Zealand workplaces. I will be happy to supply you with a copy of a summary of the research once completed.

When will this take place? I would like to conduct interviews during March 2004. Interviews will be conducted at a time and date that is convenient to you, and at a place of your choosing.

Your personal involvement and input will be invaluable to the completion of this project and will help provide a more informative and balanced perspective. Thank you for taking time to read this letter and for considering my request. Thank you also for your help in providing contact details for the societies current secretary.

Yours truly,

John Murrie
Office Telephone: 06 359 5799 extension 2728
Home Telephone: 06 358 0852,
Email: a.j.murrie@massey.ac.nz

Appendix D

Consent Form

The origins & motives of new unions in New Zealand 2000 – 2003

CONSENT FORM

THIS CONSENT FORM WILL BE HELD FOR A PERIOD OF FIVE (5) YEARS

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

I agree/do not agree to the interview being audio taped. *(if applicable include this statement)*

I agree to participate in this study under the conditions set out in the Information Sheet.

Signature: .... Date: ....

Full Name - printed ....