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Bridging the Divide:

The impact of protective employment
legislation on contract service workers

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of the requirements for the degree of
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Dedication

To Luci Highfield

1966-2009

Whose passion and
commitment transformed the
lives of so many contract
workers

Abstract

The subject of this thesis is the effectiveness of legislation introduced to provide continuity of employment for contract workers in the service sector, during the sale or transfer of a business. A review of minimum standards in 2001 found that workers were materially and psychologically disadvantaged by the process of contracting out. This study is about whether the subsequent law for specific service workers called *Continuity of employment if employees' work affected by restructuring* achieved that outcome. Such a study has not been undertaken to date.

The thesis consists of a theoretically-driven narrative, in which the practice of contracting out is explored within the context of the new social democracy in New Zealand. The theory of risk society and the third way contribute to a critique of the institutionalized individualism of modern society. This critique is supported by stories from nine commercial cleaners and hospital kitchen workers who share recent experiences of a change of contract. These stories serve to illustrate the effectiveness of the new law. The experiences of these workers are gathered through conversations held in interviews and focus groups and provide a link between theory, history and the reality of the frontline.

The study concludes that the destiny of contract workers is tied as much to the policy nest in which the employment protection law resides, as the subsequent legislative amendment. The risk of disadvantage to contract workers is linked as much to the processes of institutionalized individualism in modern society and the freedoms incorporated into the Employment Relations Act 2000, as to the new minimum standard providing continuity of employment for workers. I conclude that the existing protections for vulnerable workers are fragile and without minimum entitlements that ensure workers have the capability to access those rights, the risk of material and psychological disadvantage remains high.

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Photograph by Lynette Shum

Paula Atatagi

From *For the Love of the People: Photographs and stories from the work and lives of seven contract cleaners*

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