

Protests in New Zealand against proposed probationary employment bill

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Over the past month, New Zealand workers have taken to the streets to protest the passage of a probationary employment bill through the parliament. The Employment Relations (Probationary Period) Amendment Bill, introduced by opposition National MP Wayne Mapp, is modelled on the “First Job Contract” law that provoked major demonstrations and confrontations across France earlier this year.

On July 20, over 1,000 workers braved atrocious winter weather to protest against the bill in Wellington. Stop-works and protests were also held nationwide, including a march by 100 Fonterra cheese workers through the rural town of Eltham. In Dunedin 80 protesters gathered outside National MP Katherine Rich’s office, and there were rallies and leafleting in Nelson, Hamilton and Auckland. Since then rallies and protests have continued, including one in the main South Island city of Christchurch on July 22.

Mapp’s private members bill passed its first reading in March by majority vote. It was opposed by Labour and the Greens, but went through with the support of National, New Zealand First, United Future, ACT and three of the Maori Party’s four MPs. It is now before a select committee, which is hearing public submissions. The committee will report back, and then the bill will be submitted to a second reading, committee stage and third reading before becoming law. On current numbers its eventual success is a definite possibility.

The proposed legislation provides for a 90-day probation period for all workers beginning new employment or changing jobs. It gives employers the right to terminate employment for no reason and without notice at any time during this period. Not only that, but workers who have been fired will have no right of challenge or even an avenue to seek mediation. The bill also prevents the Employment Relations Authority or Employment Court from enforcing compliance or imposing penalties.

As far as employers are concerned, anything goes.

Although the bill will particularly impact on low paid, seasonal, casual workers and youth, it could affect any worker who starts a new job. At present, in any 90-day period, 297,000 workers change jobs, and all of them will potentially have no rights or protections at work. In the event of being dismissed, a worker will face being denied unemployment benefits for 13-weeks, without any right of appeal, and will have to declare the dismissal at a subsequent job interview.

The bill will further allow employers to create 89-day rolling contracts, eliminating workers’ access to basic rights such as holidays or sick leave. This will create an entire layer of insecure, disposable employees, whose position will be used to undermine the wages and conditions of every worker. For many thousands employed in seasonal jobs and on short-term contracts, the bill means they will never have any rights at work again.

A limited and desultory union campaign protesting the bill is being co-ordinated by the Council of Trade Unions (CTU) and the Engineering, Printing and Manufacturing Union (EPMU). The unions are intent on confining the growing opposition to lobbying and petitions, while deflecting popular anger over attacks on working conditions, living standards and basic rights away from the Labour government.

The measure is only the latest in a 22-year assault on jobs, wages and conditions carried out by governments of all political persuasions. Beginning under Labour in the early 1980s, successive waves of legislation have removed long-standing employment rights as the drive to expand casualised, low paid, on-demand and insecure employment conditions has escalated.

Already, the Clark Labour government’s own industrial legislation carries provisions allowing employers to impose a probationary period in most employment

agreements. Labour's Employment Relations Act (ERA), introduced in 2000 with the backing of the CTU, replaced the previous emphasis on individual contracts with collective agreements negotiated by unions. Its purpose was to halt the unions' ongoing membership decline and to position them within the industrial relations system as the key enforcement agency in pushing down wages and conditions.

The unions' main concern with the present bill is that it will see their current functions and powers severely curtailed. The National Party has declared it will get rid of "complicated and expensive" personal grievance procedures, and remove current legal restrictions preventing employers from trying to prevent workers from joining a union, or sacking them for doing so. The unions are particularly sensitive to anything that makes it more difficult to retain their existing membership levels and financial dues base.

The unions describe the bill as a "National Party attack on workplace rights." It could not have progressed so far, however, without substantial backing from other quarters, including within the Labour-led coalition government itself.

While Labour has formally opposed Mapp's anti-working class bill, it has allowed NZ First and United Future—its coalition allies—to throw their weight behind the legislation, without any censure or disruption of their working relationship. The modus operandi is clear: Clark has set up her right-wing allies to act as point-riders for unpopular initiatives that her government will then accommodate. When the EPMU, a key union supporter of the Labour Party, first announced in April it would launch "massive industrial protests" if the bill were not withdrawn, United Future leader Peter Dunne denounced the proposal as "industrial blackmail", and said the union's "bully-boy threats" would only strengthen United Future's support for the bill.

Dunne then went on to declare; "This is not France where industrial legislation is decided by street rioting—this is New Zealand where these matters are decided by people making submissions to a select committee and by the people's elected representatives in parliament." His comments attracted no opposition within government circles, because he was simply articulating the contempt for the masses they all share. It goes without saying that he and his fellow MPs will vote on the bill in spite of public sentiment—which is overwhelmingly opposed—not because of it.

Dunne need not worry. Notwithstanding its radical

bluster about "massive industrial protests", the labour bureaucracy can be relied upon to do everything in its power to prevent any mass popular mobilisation. The unions' attitude to the basic rights and conditions of the working class is exemplified by a current posting on the CTU website. It boasts that of the more than 2,500 collective agreements in place, most were settled last year "without the need for industrial action".

Recent Statistics NZ data showed only 66 work stoppages in the year to March—a period that has seen booming private sector profits and a widening gap between rich and poor. The CTU sees no problem with this situation, with president Ross Wilson recently declaring that for most workers, "strike action is not needed". Little wonder that it has collaborated with Labour to ensure that the ERA outlaws strikes of a "political" nature, further undermining the ability of workers to challenge the current bill.

The unions have been preoccupied with making backroom deals in order to secure the parliamentary numbers to have the bill stopped. Their central focus has been the votes of the three Maori Party MPs, including co-leaders Tariana Turia and Pita Sharples, who supported the bill through its first reading. Their position was based on the claim that the destruction of workers' rights is necessary to reduce the high unemployment rates among Maori.

Nothing could more clearly demonstrate the anti-working class character of the Maori Party itself, which has been assiduously promoted by the various middle class radical groups as a "left wing" formation ever since its leaders split with Labour prior to the 2005 election over Maori rights to the foreshore and seabed. The unions have calculated that, far from mobilising the working class, the best way to stop the legislation is to court favour with the Maori Party MPs.

The fact that Mapp's probationary employment bill has already advanced so far through the parliamentary process is evidence of the unbridgeable gulf separating New Zealand's entire official political establishment from the interests and rights of ordinary working people.



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