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Employer attitudes to Collective Bargaining in New Zealand

Barry Foster#, Ian McAndrew*, John Murrie#, and Ian Laird#

Department of Human Resource Management, Massey University, Palmerston North, New Zealand, * Department of Management, University of Otago, Dunedin, New Zealand.

This paper reports research on New Zealand employer attitudes to collective bargaining and the factors constraining its growth. A cross sectional survey of organisations in the Central North Island Region of New Zealand sought information on employers' attitudes to collective bargaining. Of 367 respondent firms, one third had employees covered by collective agreements; two thirds did not. In some respects the two groups had similar attitudes towards collective bargaining. In other respects, however, they were quite different. Employers not engaged in collective bargaining were far more likely to perceive that it could contribute nothing of value to either the firm or its employees. Virtually all of them perceived adverse effects on productivity, the exercise of managerial discretion, work organization, and workforce conflict. By contrast, significant minorities of employers engaged in collective bargaining saw it contributing in those areas.

Introduction

This paper is the first part of study with the underlying premise that collective bargaining is not pursued by organisations, in the private sector, due to the negative perceptions of collectivism, confusion over the process of bargaining and an overall reluctance or inability by employers to adopt collective bargaining in its present form. Over the last 15 years collective bargaining density has dramatically declined for these reasons. This attitude has been attributed to the introduction in 1991, of former employment legislation, the Employment Contracts Act.

The paper begins with a discussion of the literature on the decline of, and employers attitudes to, collective bargaining. This is followed with a description of the survey and the methodology used the presentation and discussion of the findings. We focus on three themes, respondents' attitudes to collective bargaining, and views of the factors that would increase collective bargaining and perceived benefits of collective bargaining. In the conclusion we offer some formative views and suggestions for future research in this area, and provide, in this paper, a description of our findings. The next phase of this study will be an analytical study using semi-structured interviews of respondents who are and who are not involved in collective bargaining.

The objectives of this study were to determine employers' attitudes to collective bargaining and the factors that are thought to increase the coverage of collective employment agreements in a sample of employers in the Central region of New Zealand (NZ).

Collective Bargaining in New Zealand

New Zealand has a colourful industrial relations history, having ventured through a full range of industrial relations systems over the past 30 years. Each of them has given shape and character

to collective bargaining in this country. For 90 years from 1894 the predominant system was one of compulsory conciliated bargaining for blanket-coverage awards, backed by the availability of arbitration if needed. There were a limited number of industries in which second-tier negotiations for above-award rates produced some vigorous and localised negotiations at times. Amidst the reforms of the 1980s, substantially more – and more decentralised – bargaining was intended by the Labour Government’s 1984 and 1987 legislative initiatives but in the bigger scheme of things, the impact in terms of changing the nature and process of collective bargaining was minimal.

The Employment Contracts Act 1991 (ECA) promoted individualism in employment relationships at the expense of collectivism causing the membership and the coverage of collectively negotiated documents to decline dramatically during the decade of the 1990s. Also, what unionised collective bargaining remained was quickly decentralised in many cases. Prior to the ECA the private sector bargaining density rate was just under 50 percent (May, Walsh & Kiely, 2004). Under the ECA private sector density fell away in the early 1990s but stabilised to around 21 percent in the late 1990s and the number of collective contracts peaked at 2947 in 1999 (Refer Table One).

The ERA (2000) reversed the legislative philosophy that dominated the 1990s promoting collective bargaining as a positive basis for employment relationships and some significant resurrection was widely anticipated. In fact, there has been a decline in collective bargaining coverage with the number of collective agreements and density rates dropping away since the introduction of the ERA. The density rate in the private sector is 10% the lowest level seen in the last twenty-five years and the number of collective agreements is 1682.

Table 2 – Density rates and coverage of collective agreements 1990-2004

Private Sector		Density
Year (March)	Coverage (000s)	Private Sector (%)
1990	413.6	48
1995	247.0	21
2000	244.8	21
2004	123.7	10

Source: May, Walsh & Kiely (2004)

Even though the figures are dramatic and show a significant decrease in coverage and density over time, the reasons for the decline are more complex. There are several explanations for this. National data on density and coverage of collective bargaining over the last fifteen years has been collected by the Industrial Relations Centre at Victoria University, Wellington, but they have recently changed the way in which the data is analysed and reported. The changes relate to recording the number of union members rather than the number of employees covered by the agreement, and the number of contracts as opposed to agreements settled (Thickett, Walsh and Harbridge, 2004, pp.42-43.).

If we are to accept the Victoria University’s database as the explanation for the decline then one of the factors that would increase collective bargaining coverage and density is to increase union membership. However the figures do not look promising for future growth. In the private sector union density is currently 12.6 percent and remains heavily concentrated in two sectors, manufacturing (29%) and transport, storage and communication (34.1%) (May et al, 2004). Even with an overall increase in the labour force of 13.5 per cent between 1996 and 2003, union

membership is essentially the same as it was in 1996. Consequently, the promotion of collective bargaining under the ERA over the last 5 years has shown no signs of increasing as can be seen in Table 2 and the research carried out by Waldegrave et al (2003) also confirm this where the majority of workplaces particularly smaller ones have shown little change in their types of agreements. The increases have tended to be in areas where there was existing union coverage, a history of unionisation and larger workplaces.

Employers' attitudes to collective bargaining

In New Zealand statistics show that there has been and is still a clear preference by employers and employees for individual bargaining. There are various factors that may explain why this so. The literature on employers' perceptions and its impact on the management of firms have been well documented in the past perhaps no more exhaustively than at the peak of collective bargaining in the United States. The classic has to be Slitchter, Healy & Livernash (1960) where they reasoned (on the basis of their field research with 150 companies and their unions in the heyday of collective bargaining in the US), that employers would resist collective bargaining to the extent that bargaining was perceived to affect the content of firm policy and practice, restrict the process of decision making by management, and affect the implementation of management policy by organised scrutiny and criticism. Under the ERA only a registered union is allowed to negotiate collective agreements. Consequently, the attitudes of employers toward unions may also reflect their attitude toward collective bargaining.

The work by Bakke (1966) cited in Deeks and Boxall (1989) sets out the conventional academic wisdom on employer's views of unions. Bakke argued that management had a particular set of attitudes towards labour relations these included; that labour relations should be kept to the level of the plant or firm; labour relations should contribute to the efficiency of the enterprise; management's freedom of action should not be constrained by the actions of employees or their representatives. Deeks and Boxall (1989) suggest that this was the prescription for workable labour relations advocated by NZ employers at the time and we suspect that is still the case today. Deeks and Boxall (1989) point out that when management looks at unions it sees attitudes, behaviours, policies and practices that are considerably at odds with management's preferred model of labour relations. They drew on Bakke's framework and characterised managements views of unions in the following way; unions curtail management's freedom of action; unions insist on the rate for the job at the expense of individual rewards; unions come between management and its employees; unions introduce irrelevant extraneous issues into company labour relations; unions fail to appreciate economic realities and unions are not businesslike in their dealings with employers. Intuitively, one suspects that many NZ employers would hold views fairly close to these about unions and collective bargaining, and would be reluctant to re-engage with unions after the freedom they have enjoyed since the early 1990s.

The other classic piece of work is Freeman and Medoff's (1984) in their research found while unionism generally serves as a force for social and economic good, they also found that unions benefit labour at the expense of capital and unions reduce the profitability of organized firms. If we accept Freeman and Medoff's view then that it makes perfect sense that we cannot reasonably expect employers to promote collective bargaining. Rather we can reasonably expect employers to resist it. We suspect that the resistance is there, even though it does not get articulated as much as it might, because unions and employees are not aggressively pushing collective bargaining in NZ.

The international literature on benefits of collective bargaining to the firm cites positive relationships are formed (Oxenbridge, Brown, Deakin & Pratten, 2003). In the case of single-employer bargaining the parties share a common interest in the prosperity of the enterprise and lead to productivity coalitions which may lead to improved company performance (Windolf, 1989, cited in Traxler, n/d). In firms that have a unionised workforce Eaton and Voos (1992) and Freeman (1992) suggest that workplace innovations are more likely to result in increased productivity in the organised environment. In New Zealand during the 1990s attempts were made by some unions and employers to improve productivity, making the most of new technology and partnership structure and this was to be achieved through innovative collective bargaining arrangements (Foster, 1995; Foster & Mackie, 2003). There was some success with employers, although not many, applying these arrangements whose outcomes benefited both workers and the organisation. However, most employers tended to take a low-road approach of implementing change without union involvement (Ryan, 1996).

The attitudes of New Zealand employers would appear to be synonymous with the unitarist frame of reference with incompatible personalities, incomprehension of the inherent community of interest between the parties or the work of outside agitators. Whereas employers and employees who have different goals from the relationship however seek cooperation from the relationship MacAndrews (1992)

Methodology

Questionnaire: A cross sectional survey design was used for the study involving the development of a self administered postal questionnaire, which sought information on employers' attitudes to a range of issues including the relevance, motivation, interest in, and transactional costs of collective bargaining, and also perceived benefits of the collective bargaining process to the business. The questionnaire was piloted to examine the format and integrity of the question sets and was amended accordingly.

Sample Selection: The target population was restricted to all organisations within the Taranaki, Manawatu-Wanganui and Hawkes Bay regions of New Zealand (Figure 1) employing 10 or more staff listed in the Universal Business Directory. This matched the sample demographics used by previous studies (McAndrew, 1989; McAndrew & Hursthouse, 1990) and allowed the entire population of employers within the regions to be surveyed. The regions were selected as they contained a wide range of industries and workplace types.

Inclusion of businesses employing less than 10 staff would have necessitated a random sampling process, which would not have produced a sample representative of the wide range of industries in the regions. The survey included all employers within the 17 industry standard classifications used by previous researchers (Thickett et al, 2003), including those in which collective bargaining is traditionally and currently prevalent. Employer attitudes to bargaining fluctuate over time (McAndrew, 1989; McAndrew & Hursthouse, 1990) and those enterprises with longer operating histories have an advantage as they would provide a more accurate profile of the history of employer responses to collective bargaining.

Questionnaire distribution and follow-up: A total of 1823 self administered questionnaires were distributed to employers and business organisations in the private sector within the regions selected. Postal questionnaires provide a simple and cost effective method of describing and understanding individual behaviours and attitudes and their use mirrors the methodology

commonly adopted with the relevant literature. The questionnaire solicited information on a wide range of variables relevant to the incidence or absence of collective bargaining and attitudes and experiences of employers toward the concept.

Questions required a mixture of responses ranging from simple dichotomous yes/no answers to the use of standardised scales and the provision of written responses. Specific demographic information (number of employees, industry type, whether business is engaged in collective bargaining) was also collected from all participants, as well as participant perceptions of the concept of “good faith” enshrined in the ERA. In order to maximise return rates a follow up letter was sent to all participants within two weeks of the dispatch of the questionnaire.

Profile of respondents

Most of the immediate respondents to the survey were managers of their organisation (58%) and 42% were owners. However the number of owners who were not involved in collective bargaining was 87% compared with 13% who were. But there was an even distribution of managers who were not involved compared to those who were.

Characteristics of the firms

There was an even spread of respondents from the three regions; Hawkes Bay, 32% involved in collective bargaining and 63% who were not; Manawatu/Wanganui 35% and 65% respectively, Taranaki 33% and 66% respectively. Overall, 65% of firms did not have collective agreements. To break this down further firms that employed between 10-50 had 55% on individual agreements were as firms that employed 51 plus had only 10% of employees on individual agreements. It is interesting to note that firms that employed more than 51 had 18% on collective agreements. These figures are comparable with the national figures. (May, Walsh, and Kiely, 2004). Of the organisations that were not involved in collective bargaining only 4% had been approached by a union about collective bargaining and only 3% of employees had done likewise. The industry profiles in Table 3 is a comparative representation of the numbers nationally that **are** or **not** involved in collective bargaining. The main concentration of collective agreements is in manufacturing (10%), retail (4%) and transport (3%). All three regions have a mixture of primary (agricultural) and secondary (manufacturing) industries with Hawkes Bay also having a large tourist industry than the other two regions.

Results

The response rate from the cross-sectional survey was 20.1%. Even though this is a relatively low figure and the results must be interpreted with caution, this rate for a self-administered postal questionnaire is accepted by comparative studies. It is worthwhile noting that the second stage of this study will involve a series of semi-structured interview that will focus in more detail the response given by the respondents.

Employers' attitudes to collective bargaining and the process.

How do employers' attitudes who are engaged in collective bargaining compare with those who do not? Table 4 illustrates employers not covered by a CEA, by showing that they have never really considered collective bargaining (73%), they do not believe CB is relevant to their business (69%) and that the majority of their employees are not interested in CB anyway (68%). There appears to be some uncertainty of the transactional costs of CB (54%) and the length of time required for the CB process (43%). An overwhelming attitude (88%) said there is a general lack

of information on how to undertake bargaining. However (54%) appeared to know what to bargain about. For those involved in collective bargaining except, bargaining taking too long (42%), would proportionately disagree with these questions.

Table 3 – Industry classifications covered by collective employment agreements (CEA's)

Industry Classification	Covered CEA		Total
	Yes	No	
Accommodation or Hospitality	3 (.9%)	24 (6.8%)	27 (7.7%)
Agriculture, Forestry & Fishing	7 (2%)	25 (7.2%)	32 (9.2%)
Communication Services	4 (1.1%)	6 (1.7%)	10 (2.9%)
Construction	9 (2.6%)	19 (5.4%)	28 (8.0%)
Electricity, Gas and Water Supply	7 (2.0%)	4 (1.1%)	11 (3.2%)
Finance & Insurance	5 (1.4%)	4 (1.1%)	9 (2.6%)
Manufacturing	34 (9.7%)	34 (9.7%)	68 (19.5%)
Mining	0 (0%)	1 (.3%)	1 (.3%)
Property & Business Services	4 (1.1%)	20 (5.7%)	24 (6.9%)
Retail Trade	13 (3.7%)	46 (13.2%)	59 (16.9%)
Transport and/or Storage	12 (3.4%)	9 (2.6%)	21 (6%)
Wholesale Trade	3 (.9%)	6 (1.7%)	9 (2.6%)
Other, please specify	4 (1.1%)	6 (1.7%)	10 (2.9%)
Education	7 (2.0%)	6 (1.7%)	13 (3.7%)
Health & Community services	11 (3.2%)	11 (3.2%)	22 (6.3%)
Cultural & Recreation	0 (0%)	3 (.9%)	3 (.9%)
Personnel & other services	0 (0%)	2 (.6%)	2 (.6%)
Totals	123	226	349
	35.2%	64.8%	100.0%

Table 4 – Respondents attitudes to collective bargaining

Variable	n(%) Agree	Covered by CEA		Not Covered by CEA		n(%) Unsure	(P<0.000)#
		Disagree	Unsure	Agree	Disagree		
Takes too long to bargain	53(42.4)	60 (48)	12 (9.6)	95(42.8)	35(14.4)	92 (42.8)	***
Transactional costs too high	35(28.7)	60 (49.2)	27(22.1)	80 (36.0)	22 (9.9)	120(54.1)	***
Employees not interested	36(29.0)	75 (60.5)	13(10.5)	151(67.7)	15 (6.7)	57 (25.6)	***
CB not relevant to business	19(15.1)	96(76.2)	11(8.7)	156(69.3)	36(16.0)	33(14.7)	***
CB never considered	10(8.1)	111(89.5)	3(2.4)	162(73.0)	41(18.5)	19(8.6)	***
Lack of info on how to bargain	27(22.0)	94(76.4)	2(1.6)	197(87.9)	15(6.7)	12(5.4)	***
Unsure what to bargain about	9(7.2)	110(88.0)	6(4.8)	66(29.7)	119(53.6)	37(16.7)	***

Chi-squared test for differences in more than two proportions

Employer's views that would increase collective bargaining

From an employers view point what factors would increase the coverage of collective bargaining? Table 5 illustrates these factors which would potentially increase collective bargaining coverage. For those employers not covered by a CEA, there was a common view (64%) that even if employees showed more interest in the CB process, this would not necessarily lead to increase in the number of collective agreements. There was general agreement (54%) that the introduction of compulsory unionism would be an effective way of increasing CEA coverage, and that there was some agreement (47%) that CB may increase if the evidence of research showed value in the CB process. If business groups such as Business New Zealand endorsed CB (41%) then their views on CB may change. However there was indecision about the Government promoting collective bargaining. From those employers involved in CB, there was strong support if workers showed more interest (62%) and the introduction of compulsory unionism (60%).

Table 5 – Respondents views of the factors that would increase collective bargaining coverage

Variable	n(%) Agree	Covered by CEA		Not Covered by CEA		n(%) Unsure	(P<0.000)#
		Disagree	Unsure	Agree	Disagree		
Workers showing more interest	76(62.3)	28(23.0)	18(14.8)	18(11.4)	101(63.9)	39(24.7)	***
Key firms adopting CB	60(49.6)	37(30.6)	24(19.8)	59(26.0)	78(34.4)	90(39.6)	***
More unions operating in industry	39(32.2)	64(52.9)	18(14.9)	60(26.3)	96(42.1)	73(31.6)	***
Higher level of interest shown by union	51(41.8)	54(44.3)	17(13.9)	74(32.7)	93(41.2)	59(26.1)	**
Introduction of compulsory union	72(59.5)	42(34.7)	7(5.8)	122(53.5)	69(30.3)	37(16.2)	*
Govt promotion of CB	65(53.3)	39(32.0)	18(14.8)	82(36.3)	79(35.0)	65(28.8)	**
Research showing value of CB	69(57.0)	33(27.3)	19(15.7)	108(47.4)	45(19.7)	75(32.9)	**
Business groups endorsing CB	59(48.8)	40(33.1)	22(18.2)	94(41.4)	69(30.4)	64(28.2)	NS

Chi-squared test for differences in more than two proportions

Perceived benefits of the collective bargaining process

If collective bargaining was introduced into their organisation would they perceive certain benefits from collective bargaining? Table 6 illustrates this for those employers not covered by a CEA there was strong disagreement (range 64 – 71% responses) with the all of the perceived benefits of the CB process. Even among those employers currently with CAE's, there appeared a similar reluctance (range 48 – 68% responses) to accept the benefits of the process.

Table 6 – Perceived benefits of the collective bargaining process

	n(%) Agree	Covered by CEA		Not Covered by CEA		n(%) Unsure	(P<0.000)#
		Disagree	Unsure	Agree	Disagree		
Improve productivity	29(23.8)	79(64.8)	14(11.5)	12(5.2)	163(70.9)	55(23.9)	***
Improve managerial freedom	28(23.0)	83(68.0)	11(9.0)	15(6.6)	162(70.7)	52(22.7)	***
Reduces conflict	55(45.1)	58(47.5)	9(7.4)	30(13.2)	147(64.5)	51(22.4)	***
Improve structure/ job design	37(30.3)	71(58.2)	14(11.5)	16(7.0)	158(69.3)	54(23.7)	***
Ease into new technology	33(27.3)	73(60.3)	15(12.4)	13(5.7)	152(66.7)	63(27.6)	***

Chi-squared test for differences in more than two proportions

Discussion

This study confirms that employers who are not involved in collective bargaining do not have a high opinion of collective bargaining and these findings are confirmed by Slitchter, Healy & Livernash (1960), Bakke (1966), Freeman and Medoff's (1984) Deeks & Boxall (1989), who all contend that employers have a negative (in terms of consequences for themselves and their businesses) view of unions and collective bargaining. The results suggest that there may be reasons for these attitudes such as the percentage of owners rather managers who are not involved in collective bargaining and the number of firms that employ less than 20 employees. This would support Waldegrave et als (2003) findings that employers in small and medium organisations have had little exposure to unions and collective bargaining and this may have affected their judgement. It appears that those involved in collective bargaining take an opposite approach to those who are not and this may be dependant on the size of the organisation, their history of collective bargaining and whether the respondents are managers or owners. Owners are more likely to be protective of their organisations and probably see unions in a different light to those who are employed as mangers. In NZ during the ECA era employers, especially of small to medium organisations, did not see the need to return to a centralised collective bargaining system that had operated prior to the ECA. Even though the ERA promotes Collective Bargaining individual agreements are still seen as the preferred option by employers and employees (May, Walsh, Kiely; 2004; Waldegrave et al 2003)

For those respondents who viewed factors that would increase collective bargaining the results were not that conclusive. However, compulsory unionism was the one area where there was agreement. From this survey there is evidence that the Employment Contracts Act 1991 was successful in the demise of collective bargaining when compulsory unionism was abolished and this has continued with the ERA (May, Walsh & Otto, 2004). It appears that unions are not giving a high priority to seeking out new collective agreements and employees are not doing likewise, therefore employers not involved in collective bargaining would see no reason to become involved. In addition, there was some agreement amongst the respondents that if research showed the value of collective bargaining they may consider it. As there is a dearth of research in this area this may be one area that could be explored more extensively.

Finally, the perceived benefits of collective bargaining showed collective bargaining in a negative light from all respondents. For those involved in collective bargaining, why get involved? But the near unanimity on these points especially amongst those not engaged in collective bargaining suggests that even if approached to bargain collectively they would resist it. This resistance

would be rational given that they do think collective bargaining would be bad for productivity (Freeman & Medoff, 1984) and their ability to make management decisions (Bakke, 1966; Slitchter, Healy & Livernash, 1960). We suspect it may have something to do with the ERAs requirement that employers must participate in collective bargaining if approached by a union. Those employers not involved in collective bargaining did not see conflict being reduced. It is thought that this is due to a dislike of unions and saw them as a source of conflict. These attitudes seem to confirm the New Zealand literature, that employers seem to have a negative approach to working with a third party and follow a traditional unitarist frame of reference (Foster 1995; Foster and Mackie 2002; MacAndrew 1992).

Conclusions

If one of the aims of Employment Relations Act 2000 is to promote collective bargaining coverage with an intended consequence of increasing union coverage and density then the employers attitudes to collective bargaining does not bode well for collective bargaining. In this study small to medium organisations do not appear to show much interest in collective bargaining and unless the present government introduces compulsory unionism, which is very unlikely, collective bargaining will not increase above the rates that we have at present. The study quite convincingly shows that unless unions show a greater presence and or employees show more interest, collective bargaining is going to remain the preserve of union members in large organisations. However employers in this survey may be convinced to enter into collective bargaining if research shows some benefit to their organisation. This may be an area of future research.

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