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Re-invigorating Industrial Relations as a Field of Study: Changes at Work, Substantive Working Conditions and the Case of OHS

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Key Words: Industrial relations, occupational health and safety, precarious work, substantive working conditions, discipline/fields of study, inequality at work

Abstract

For over two decades, Industrial Relations (IR) has been under challenge both as an academic field (especially in terms of teaching) and as a term to describe work-related policies. This challenge has coincided with a decline in collective regulation of working conditions, associated efforts to re-orientate both academic and policy discourse, and substantial changes to work organisation. While IR journals continue to flourish, it is not clear to what extent the field has confronted these challenges. In particular, to what extent has the field sought to chart the consequences of these changes for substantive working conditions (SWC)? This paper seeks to answer this question by reviewing 1349 publications in eight major IR journals (2002-2008). This review finds that SWC (such as wages and OHS) were the primary focus of only 20 percent of articles. More detailed analysis revealed systematic analysis of SWC in 23 percent. We argue that in order to renew itself as a discipline and a major contributor to policy debates over work employment, IR must engage more directly with changes in SWC. Substantive working conditions can provide a measure of inequality at work which has consequences not only for workers but the wider community. Our paper points to research in other fields that IR scholars should seek to engage with and to contribute to. Finally, extending on Kelly's (1998) argument relating to IR as the study of injustice at work this paper suggests that IR would be better served if it were to be conceived of as the study of the nature, mechanisms and consequences of equality/inequality at work.

Introduction: The Rise and Demise of Industrial Relations

Industrial relations as a subject has deep historical roots. Taking the most conservative approach of what would now be viewed as industrial relations can be traced back to the gradual emergence of 'free' labour and the modern employment relationship (and laws regulating this) from the late

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medieval period (Hay & Craven, 2006). The transformation entailed a division of labour and the emergence of journeymen's societies (the first unions) to represent waged craftsmen and subsequently (by the late 17th/early 18th century) other groups of workers were engaging in collective action, most notably merchant seamen. The industrial revolution accelerated the growth of mass wage labour, much of it precariously employed. The centrality of precarious/irregular work to early industrial and regulatory campaigns, such as the anti-sweating leagues, has largely been overlooked in contemporary debates over insecure work (Johnstone et al, 2012). By the late 19th/early 20th century, writers, such as the Sidney and Beatrice Webb (1914), and Commons and Andrews (1916), were documenting the rise of organised labour; the slow, fitful and contested emergence of collective bargaining; and the development of new bodies of regulation (setting minimum labour standards, union recognition/control and collective bargaining, OHS and workers' compensation). These developments and some of those who wrote about it (like the Webbs) were to become a central part of lexicon of IR literature.

Yet, it was not until the 1940s that IR emerged as a distinct field of academic teaching/research and a term widely used in policy circles, and even then it began as a distinctly Anglo-centric development in the USA, UK, Canada, Australia and New Zealand. It was no accident that the emergence of IR coincided with the consolidation of unions and collectivist regimes for regulating work, the introduction of the welfare state, and the post-war Keynesian policy accord, marked by rising living standards, sustained full-employment and where secure jobs appeared to have become the norm. Organised labour and the institutional mechanisms for determining working conditions that recognised competing interest groups were seen to be an important and permanent feature of modern society – something requiring training for the emerging group of professionals in the field (such as IR managers, arbitrators, consultants and government policy advisors) as well as being a topic warranting deeper knowledge and worthy of research. Unlike other terms that preceded it (like personnel management) or followed (human resource management [HRM], employee relations and workplace relations) IR was both an explicitly pluralist term and one that did not entail a focus on management, individual employees or the workplace. Though IR did not ignore individual worker behaviour, its primary focus was on collective relationships arising from work and how these operated at workplace, industry/sector and the broader society. The term also did not affront the International Labour Organisation's (ILO) 1944 declaration that labour was not a commodity (unlike HRM where labour is termed a human resource).

The subject began to be taught in universities, often initially within economics departments or to a lesser extent in law schools. Individual subjects expanded to clusters of subjects drawing on a range of other disciplines (psychology, economics, law and sociology) and, ultimately, grew into separate departments teaching stand-alone undergraduate and postgraduate programs. The growth in teaching activity was mirrored by a growth in IR research and publication. The first IR journal (*Industrial and Labor Relations Review* in the USA) was launched in the late 1940s and over the next four decades further journals were established (sometimes more than one) in the five countries already mentioned as well as several other European countries (like Sweden). The growth of postgraduate research programs entrenched IR's emergence as a distinct academic field and contributed to a steady growth of journal and monograph publications. The primary subject of these publications included collective bargaining, strikes and industrial conflict,

mediation and arbitration (private and public), training/skills, labour markets, unions, management and employer associations and changes to regulation.

Yet, even as IR continued to grow and consolidate in the 1970s the context that had facilitated it begun to come under sustained attack, most notably the abandonment of Keynesianism and its replacement by a neoliberal policy agenda (privatisation, outsourcing, competitive tendering and de-collectivist shifts in labour laws), the re-emergence of pervasive precarious employment, and increasingly aggressive anti-union tactics by elements of capital. A parallel shift took place in academia with the decline of Keynesian and institutional economics and economic history, the rise of business schools and MBA programs espousing an individualised approach to workers, and the emergence of new fields, notably HRM, which focused on how to 'manage' labour within a particular enterprise or workplace. From the 1990s onwards especially, the number of IR subjects, programmes and departments/schools declined, often being re-badged or subsumed into HRM programs and departments/schools of management (or more euphemistic titles like organisation). Advertised posts in IR became rare as did postgraduate research programs explicitly labelled as IR. Journals have continued to publish (though several have changed their name to remove IR from the title) but the nature of authorship, topic and quality has undergone change (see Jarley, Chandler & Faulk, 2001).

That the field of IR faces major challenges, if not a crisis, is hardly a revelation (though seldom placed in the historical context just described). The issue has been the subject of ongoing debate since the 1990s. The purpose of this paper is not re-visit or engage in these debates. Rather, the aim is to point to limitations in current IR research and to argue that a refocusing of attention offers prospects for the discipline to re-assert its importance as a domain of intellectual endeavour and as a contributor to policy development.

Calls to refocus the research agenda in IR are not new. For some time, they have appeared in reviews of the research literature undertaken by leading IR scholars. For example, Kochan (1980) pointed to several gaps requiring attention, including occupational health and safety (OHS) and quality of working life, although his analysis was largely framed within the context of collective negotiations. For much of its history, the bulk of IR research has concerned collective negotiation and associated legislative frameworks, union and employer characteristics and behaviour, and various manifestations of collective action (Purcell, 1993; Strauss & Feuille, 1978).

It is important to acknowledge that the subject of published IR research has changed over time. Over the past decade, there has been renewed interest in minimum labour standards (see Bennett, 1994; Weil, 2005; 2011; Adams, 2011; Goodwin & Maconachie, 2007; Gellatly et al., 2011; Cockfield, Buttigieg, Jerrard & Rainnie, 2011; Quinlan & Sheldon, 2011), both those that are essentially procedural (such as the right to organise and bargain) and those that concern substantive working conditions (such as minimum wages, maximum hours, job security and OHS). This interest was stimulated by the evident consequences of changes in labour management practices and work arrangements plus changes to IR laws (and manipulation of business law via the corporate veil to sidestep statutory entitlements) and neo-liberal policies promoting 'market-driven' de-regulation and competition at the national and international level.

Researchers in labour law and IR have identified formal gaps (such as the lack of minimum wage or maximum hour standards for subcontractors) and inconsistencies (such as the protection accorded workers doing identical tasks) in existing labour, OHS and workers' compensation laws, as well as problems in compliance and enforcement (Befort, 2003; Burgess & Baird, 2003; Finkin & Jacoby, 2001; Johnstone, Mayhew & Quinlan, 2001; Rodriguez-Pinero Royo, 2001; Vigneau, 2001). Other researchers have investigated the implications of downsizing and job insecurity and the growth of contingent work for union representation, collective bargaining, labour regulation, management practices and substantive working conditions (Hayakawa & Simard, 2001; Hipple, 2001; Houseman, 2001; Kunda, Barkley & Evan, 2002; Lautsch, 2003; Stone, 2004; Sverke, 2003; Underhill & Kelly, 1993). A few studies provide detailed accounts of how specific changes have affected working conditions in particular industries, such as Belzer's (2000) examination of deregulation in the US trucking industry and studies of engineered standards in the US and Australian warehousing industries by Wright and Lund (1996; 1998).

However, as the next section will demonstrate, notwithstanding these trends, comparatively little attention is still being paid to substantive working conditions, including actual wage rates/earnings, working hours, job security, work intensity, OHS risks, and minimum labour standards or their enforcement.

The question can be asked as to why, even if this is the case, this is a matter for concern? The answer to this question is that substantive working conditions provide a basis for measuring the consequences of the substantial changes to work organisation and institutional arrangements that have occurred over the past three decades – the very changes that have arguably underpinned the challenge to IR as a field. They can provide a measure of why collectivist mechanisms provide for better social outcomes and are, therefore, worth defending or reinstituting.

Indeed, there is already a large body of evidence pertaining to impact of changes to work organisation on one substantive working condition, namely occupational health and safety (OHS). Over the past 20 years, literally hundreds of studies have examined the OHS effects of downsizing/job insecurity, outsourcing/subcontracting and the growth of temporary (including seasonal) work arrangements in a large number of countries. A series of meta and narrative reviews of this research (Virtanen et al., 2005; Cheng & Chan, 2008; Quinlan, Mayhew & Bohle, 2001; Quinlan & Bohle, 2008; 2009) have concluded that there is overwhelming evidence these changes to work organisation are associated with a significant deterioration in OHS outcomes (including injury rates, exposure to hazardous substances, disease, mental health and work/family balance). Only a miniscule fraction of this research has been published in or even referred to within IR journals. The value of greater engagement with this research, and the broader implications of giving more attention to substantive working conditions for IR as a field will be discussed in a later section. Before doing this, it is important to establish that there is a gap in this regard. The next section tries to do this by analysing the publications in eight leading IR journals over a five and half year period.

A content analysis of IR journal publications and substantive working conditions

By substantive conditions, we are referring to those conditions of work like wages/earnings, workload/intensity, hours of work, health and safety that directly affect their material conditions of work and life (and that of their families), as distinct from those that are procedural in nature (such as the right to bargain collectively or take industrial action). Both types of conditions are important and, indeed, they interact. However, substantive conditions afford a more readily measurable indicator of inequality at work and its consequences.

To reinforce these broad observations, and to take a closer look at the current focus of IR research, articles published between 2002 and May 2008 in eight leading IR journals were examined. While journals are not the only publication outlet for IR research (other outlets included authored and edited books and monographs) they are arguably primary outlet for most IR researchers (and increasingly so given the emphasis on journal publication in research performance measurement).

The journals included the longest established in the field, with four based in Europe, three in North America and one in Australia. They were reviewed to identify the primary subject matter of each article and to decide whether substantive working conditions were a focal point of analysis. The journals selected were the *British Journal of Industrial Relations*, *Economic and Industrial Democracy*; *European Journal of Industrial Relations*; *Industrial and Labor Relations Review*; *Industrial Relations*; *Industrial Relations Journal*; *Journal of Industrial Relations*; and *Relations Industrielles*. In total, 1349 articles were reviewed and allocated to single subject headings according to the dominant focus of the paper. This was judged a sufficiently representative number of journals, articles and period of coverage for the particular purpose of this paper.

Articles in each of the journals were analysed to identify the primary subject matter and also to decide whether substantive working conditions were a focal point of analysis. In terms of deciding whether an article met the criteria, a relatively low benchmark was set, namely, did 25 percent or more of the paper deal with empirical evidence of substantive working conditions. While this benchmark may seem arbitrary (as many benchmarks are) it was set at a point where articles with any significant degree of attention to substantive conditions would meet the criteria and where it could not be claimed the benchmark had been set so high as to exclude many papers where substantive working conditions were examined.

In short, to ensure a balanced analysis, two measures of substantive working conditions were used, namely the subject matter of the paper and the actual content in terms of empirical data on working conditions (i.e subject and actual content matter) provided a more accurate indication of the extent to which substantive working conditions were being addressed.

	<i>Employer organisation strategies</i>	<i>Union organisation and strategies</i>	<i>Other forms of worker involvement</i>	<i>IR frameworks theories and methods</i>	<i>IR history</i>	<i>Collective negotiation and action</i>	<i>Politics, laws, tribunals and enforcement</i>	<i>Economics, labour markets and work organisation</i>	<i>Gender, foreign workers, minority groups and discrimination</i>	<i>Wages, pay systems and pension packages</i>	<i>Hours, work- time and leave arrangement</i>	<i>Work health and safety and work comp</i>	<i>Job insecurity</i>	<i>Quality of work, work/ non work balance (eg childcare)</i>	<i>Job satisfaction, commitment and work intensity</i>
British J of IR	37 19%	37 19%	12 6%	21 11%	0	9 5%	23 12%	10 5%	15 8%	9 5%	5 3%	1 1%	0	6 3%	7 4%
Economic & Industrial Democracy	24 18%	21 16%	30 22%	10 8%	0	5 4%	8 6%	9 7%	6 5%	2 2%	0	5 4%	6 5%	6 5%	2 2%
European J of IR	12 12%)	18 18%	6 6%	10 10%	0	7 7%	29 29%	1 1%	7 7%	4 4%	0	0	6 6%	1 1%	0
Ind. & Labor Relations Review	17 10%	8 5%	3 2%	7 4%	1 1%	4 2%	27 15%	19 11%	21 12%	47 26%	2 1.	10 6%	8 5%	2 1%	3 2%
Industrial Relation	30 14%	29 14%	15 7%	8 4%	1 1%	15 7%	23 11%	16 8%	34 16%	29 14%	1 1%	4 2%	2 1%	6 3%	2 1%
Industrial Relations J	28 14%	35 18%	11 6%	25 13%	0	16 8%	29 15%	13 7%	23 12%	6 3%	3 2%	3 2%	0	3 2%	4 2%
J of IR	29 14%	35 17%	8 4%	19 10%	7 4%	5 3%	41 20%	21 11%	8 4%	8 4%	1 1%	6 3%	3 2%	5 3%	7 4%
Relations Industrielles	25 19%	25 19%	4 3%	3 2%	0	8 6%	17 13%	20 15%	8 6%	3 2%	0	21 16%	1 1%	4 3%	3 2%
Total	202	208	89	103	8	69	197	109	122	108	12	50	26	35	26
Percentage	15%	15%	7%	8%	1%	5%	15%	8%	9%	8%	1%	4%	2%	3%	2%
Substantive studies	12	6	0	1	0	3	32	10	51	84	7	30	21	27	22
Percentage	6%	3%	0	1%	0	4%	16%	9%	43%	78%	58%	60%	81%	82%	79%

Table 1: Frequency (per cent) of articles published in eight key IR journals by main subject and substantive working conditions content 2002-2008

Table 1 presents the results of this review. At one level, the review highlights differences in the focus of particular journals that seem to reflect a combination of editorial policy and location. For example, *other forms of worker organisation* (such as works councils) are a more prominent topic in *Economic and Industrial Democracy* and, to a lesser extent, other journals based in Europe. On the other hand, *wages* are a far more frequent subject in the two US-based journals. At another level, there are also some clear patterns shared by most, if not all, journals. Not surprisingly, studies concerned with the organisation and strategy of employers or unions make up almost a third of all articles. *Politics, laws, tribunals and enforcement* is the next most common subject area (15 percent of articles). When combined, these three categories account for almost 45 percent of the total. Articles focusing on collective negotiation and action account for just over 5 percent of articles representing almost certainly a decline over the last 30 years. Articles on gender, immigrants and minority groups (the vast majority of which deal with gender) account for over 9 percent – undoubtedly an increase over earlier periods. Even including several historical pieces on IR theories and frameworks (usually confined to the last 20-30 years), the number of studies of IR history was very low – suggesting both a lack of long-term historical reflection and a preference for a current policy focus.

Turning to those subject areas that might be deemed to deal with substantive working conditions (the last six columns of Table 1), it can be noted that, in total, they were the focus of only 20 percent of the articles. By far the most popular subject was wages, although the two US journals account for two thirds of these articles. Hours of work at one percent is conspicuous by its infrequency even though it may be seen as one of the most basic of working conditions. Although OHS is the most popular topic after wages, it accounts for only four percent of all publications and one journal, *Relations Industrielles*, accounts for over 40 percent of this.

Articles focusing on substantive working conditions do not always contain relevant empirical evidence. For example, articles on OHS and gender may largely be concerned with describing policies or legislation. On the other hand, articles focusing on employer organisation or legislation might include a body of empirical evidence on substantive working conditions, but not sufficient to categorise them as primarily concerned with this subject. To address this issue, we reviewed articles to identify whether the content included a substantial component (25 percent or more) on substantive working conditions. With some slight variations, the findings tended to reinforce the ranking based on article title. Of 1349 articles, 306 (23 percent) contained what was deemed to be systematic empirical evidence on substantive working conditions.

The last row in Table 1 expresses the raw count as a proportion of the total number of papers published on that subject. Broken down by subject heading, the proportion of studies with evidence on substantive working conditions was employer organisation (six percent), unions (three percent), other forms of worker involvement (zero), IR (one percent), IR history (zero), collective action (four percent), politics and law (16 percent), labour markets (nine percent), gender and minority groups (43 percent), wages (78 percent), hours (58 percent), OHS (60 percent), job insecurity (81 percent), work-life balance (82 percent) and quality of work (79 percent). In short, the second count reinforced the point that the vast majority of articles where the explicit subject was conditions of work (especially wages, hours, job insecurity, OHS and work life balance) contained empirical evidence of SWC, whereas this was comparatively rare in articles where the subject was unions, collective bargaining, employer organisation, labour markets and worker involvement. This finding suggests those writing on

procedural aspects of IR seldom relate this back to SWC in a detailed fashion. While not surprising, perhaps it does suggest a gap in research in terms of relating procedures/processes to actual working conditions.

In sum, despite the shifts described earlier, IR research has provided a limited analysis of the nature and implications of changes in work arrangements that are central to the experience of workers and should be of more interest to the field. Assessing the wider effects and costs of the growth of insecure and contingent work may contribute to a more informed policy debate and reinvigorate IR research. It could also act as a reality check on the amount of attention devoted to some areas of research and debate, such as the attention given to high performance work systems relative to that given to systems based on externalising and intensifying work arrangements. The next section provides an example of what can be learned from evidence pertaining to one specific change in substantive working conditions. It also highlights the benefits of greater engagement with researchers in other disciplines to the field of IR as well the reciprocal contribution IR can make to their endeavours. The argument that IR has suffered (like other fields) from disciplinary silos is not a new one but rather than make a general argument, the next section tries to provide a specific and detailed case.

Why substantive working conditions matter: Changes to work and OHS

While OHS is only one substantive working condition, like earnings and job insecurity it is arguably a critical one for many workers. In terms of scope and severity, even official data (widely recognised as significantly understating the problem, Quinlan, Bohle & Lamm, 2010) suggests poor OHS is something most workers will experience at some point and many far more frequently. For example, every year more than 2000 Australians will die as a direct result of their work, over 300,000 will suffer a serious injury (Quinlan et al., 2010) and a far greater number will be exposed to hazardous substances, suffer a minor injury, work shifts that result in sleep deprivation, or confront poor psychosocial conditions at the work (including overload, bullying and harassment). Even during the 1970s (when strike activity was greater), Australian workers were far more likely to be injured at work than to take part in a strike or other form of collective action.

Like the field of IR itself, OHS draws on research from an array of disciplines, such as medicine and epidemiology, ergonomics, occupational hygiene and safety engineering, OHS research provides insights into substantive working conditions that should be of interest to IR scholars wishing to understand work experiences. It is also an area to which IR specialists may contribute their knowledge of collective behaviour and institutional mechanisms (Sass, 1989).

Over the past three decades, health researchers have become increasingly interested in how the organisation of work affects health outcomes. Prominent in this regard was the demand/control or job strain model developed by psychologist Robert Karasek (1979) whereby imbalances in task demands and control are posited to have significant health effects. The value of the demand/control model was subsequently confirmed by numerous studies by medical and other health researchers using a range of indices. In particular, the combination of excessive task demands and low job control were linked to a range of poor health outcomes, including elevated stress levels, high blood pressure, coronary heart disease and a reduced probability of return to work after injury mental health (see, for example, Krause et al., 2001). An alternative effort/reward imbalance model was developed by

sociologist Johannes Siegrist (1996) for which there is also a supporting body of research by health researchers. This model argues that health will be adversely affected where effort levels outstrip rewards (intrinsic and extrinsic) at work. Both models capture important links between the social organisation of work and worker health (for overviews of the models, see Bosma, Peter, Siegrist & Marmot, 1998; Schnaul, Belkic, Landsbergis & Baker, 2000).

It might be expected that these influential models would attract the interest of IR scholars. Demand/control and effort/reward imbalances should be readily applicable concepts in IR, given its longstanding interest in effort bargaining, organisational justice and citizenship, and work intensification. Indeed, this research appears to provide additional and persuasive evidence to support greater equality and justice at work, including the application of procedural collective mechanisms through which these might be secured. In this regard, it adds to other OHS research on the positive effects of worker involvement, especially representative forms, including or supported by unions (see Frick & Walters, 1998; Litwin, 2000; Suruda, Philips, Lillquist & Sesak, 2003), some of which has found its way into the industrial relation literature (Robinson, 1991; Eaton & Noccerino, 2000; Harcourt & Harcourt, 2000; James & Walters 2002; Walters & Nichols, 2007). However, the Karasek and Siegrist models, and the evidence they have spawned have received little recognition in the IR literature (for an exception, see Wood, 2008).

One example that highlights the potential contribution that IR scholars can make to our understanding of the health effects of contingent work is research by Lewchuk and colleagues (see Clarke, de Wolff, King & Lewchuk, 2007; Lewchuk, Clarke & de Wolff, 2008; 2011). Noting the narrowness of the concept of job strain and job insecurity used by health researchers that took limited account of the role of institutions, labour market structures and career histories, Lewchuk et al., (2008; 2011) developed the concept of employment strain to capture both the effort needed to find and retain work as well as social support networks that moderated these impacts. Another model of how work organisation affects health developed, in part, by IR researchers is the economic/reward pressure, disorganisation and regulatory failure or PDR model (Quinlan & Bohle, 2008; Underhill & Quinlan, 2011). This model argues that economic/financial pressures on workers (including incentive payment pressures), disorganisation like that arising from subcontracting and union absence, in combination with regulatory failure (like gaps in labour standards applying to self-employed workers) compromises health and safety standards (Quinlan, Hampson & Gregson, 2013). With regard to subcontracting these contentions are consistent with earlier work by IR researchers like Rebitzer (1995).

As noted in the first section of this paper, over the past two decades a significant focus of international OHS research has been to assess the health and safety effects of changes to work organisation, including job insecurity, outsourcing/subcontracting and the increased use of temporary workers (including temporary agency workers). This research was a response to recognition of profound changes in work organisation and labour markets corresponding to the rise of neoliberalism. Studies have been undertaken in over 25 countries (mostly in Europe, North America, Australia and developed parts of Asia like Japan, Korea and Japan), covering a wide array of industries (as well as population-based studies), and using a range of methods (longitudinal, case control, survey and official data) and OHS indices (injury rates, disease and hazard exposures, mental health, occupational violence, compliance with rules/laws and knowledge of and influence on OHS).

Other studies examined how changes to work organisation, such as downsizing or outsourcing impacted on public or client safety in particular industries, especially the healthcare and homecare sectors and transport (see Quinlan et al., 2013). For example, lower hospital staffing levels have been linked to increased error and infection rates (Aiken, Clarke, Sloane, Sochalski & Silber, 2002; Andersen et al., 2002; Stegenga, Bell & Matlow, 2002). Another growing body of research points to how these changes to work arrangements have undermined the regulatory regimes designed to protect workers, especially in the context of anti-collectivist changes to IR laws (Johnstone et al., 2001; 2005; 2012; Quinlan & Johnstone, 2009).

From 2001 onward, a series of reviews were undertaken to assess the growing body of international research on the health effects of changes to work organisation, most notably the growth of precarious employment (see for example Virtanen et al., 2004; Cheng & Chan, 2008; Quinlan et al., 2001; Quinlan & Bohle, 2008; 2009). It is worth noting in passing that in fields, such as health sciences, meta reviews are used regularly to assess the state of knowledge in relation to a particular issue. They provide a basis for analysing a body of findings to establish the overall trends; identify methodological issues (for example, those studies whose findings should be given more weight on the basis of methods, data or indices; draw conclusions about the size of particular effects; identify moderating or confounding factors); identify knowledge gaps and point to new directions for future research. Meta reviews are not confined to a narrow set of phenomena and can focus on those, like job insecurity, which are clearly of interest to IR researchers. Meta reviews can also draw on qualitative studies where the methods are explained and rigorous. Further, some reviews – sometimes called narrative reviews – can draw on the ‘grey literature’ and qualitative studies because this helps to identify gaps in research as well as providing clues as causal pathways that are not apparent from a more confined selection of published research.

Unfortunately, meta reviews of published and peer-reviewed research are rarely undertaken in IR (for exceptions see Doucouliagos & Laroche, 2003; Greenberg, Michalopoulos & Robins, 2003), even though the volume of research and shift to using quantitative research methods (Whitfield & Strauss, 2000) makes this more practical than it would have been 25 years ago. Electronic publication, electronic databases and the internet have clearly facilitated global reviews of research publications. Further, it is now more typical for such reviews to be referred to in reports prepared by governments, tribunals and policy-makers, including industrial tribunal judgements and government reports relevant to IR (see, for example, Fooks, Bergman & Rigby, 2007; *Secure Employment Test Case* (2006) NSWIRComm 38).

Notwithstanding some differences and gaps (for example, there are relatively few studies of the impact of downsizing on injury or of subcontracting on disease), the reviews tended to find a substantial weight of evidence that downsizing/job insecurity, outsourcing/subcontracting and temporary work arrangements were associated with significantly inferior OHS outcomes. For example, in a review of 86 studies of downsizing/job insecurity 85 percent of studies found negative OHS outcomes, eight percent found mixed results and seven percent found nil or positive OHS effects. Similarly, a review of 25 outsourcing/subcontracting and homecare/home-based work studies (Quinlan & Bohle, 2008) revealed that 92 percent found adverse OHS outcomes with the remaining eight percent having mixed results (i.e both positive and negative effects). Reviews of research into temporary employment (both directly employed and agency labour) have also found an association with worse OHS, although the findings are not quite as pronounced as those just mentioned (see Virtanen et al., 2005). A number of studies have found the adverse health

effects are not confined to precarious workers but extend to non-precarious workers engaged alongside them, competing for the same jobs, or surviving repeated rounds of organisational restructuring (Saksvik & Gustafsson, 2004; Mayhew & Quinlan, 2006).

While a considerable body of this research does not seek to explain the connection between precarious work and poor OHS, a significant number of studies have used the job strain or ERI models and a handful have used the employment strain and PDR model. A number of researchers have sought to establish measurable definitions of precariousness that take account of a raft of working conditions or look at changes in institutional and regulatory infrastructure (Louie et al., 2006; Benavides & Benach, 2011). Further, as indicated above, others like Richard Johnstone et al. (2001; 2005; 2012) and David Weil (2009; 2011) have analysed how the growth of precarious work has unravelled OHS laws and labour standards regimes in terms of both the substance/form of law and the capacity of inspectorates to enforce them.

Evidence of the profound OHS consequences of changes to work has exerted little influence on IR research and scholarship, reflecting the neglect of SWC (see Table 1). There are conspicuous exceptions both in terms of individual researchers (like Lewchuk and Weil), articles and journals (most notably, *Relations Industrielles* and to a lesser extent *Economic and Industrial Democracy*) but they remain exceptional.

Ironically perhaps, IR research has lagged behind trends where OHS has become a more central concern for unions, especially as they seek to deal with significant work reorganisation and reverse declining membership levels, and also as public policy-makers try to address the adverse consequences of these same changes. Examples of this include the primacy of OHS (and public safety) in union campaigns (some successful) for regulating subcontracting/supply chains in road, maritime and air transport and with regard to garment/clothing manufacture (Weil, 2009; Rawling & Kaine, 2012). In California (USA) and Victoria (Australia), nurses unions conducted successful campaigns to mandate nurse/patient ratios to counteract the OHS, public health and quality impacts of downsizing in the 1990s (Clark, Clark, Day & Shea, 2001; Gordon, Buchanan & Bretherton, 2008). Equally, the OHS challenges posed by changes to work organisation, including the growing use of supply chains, and the difficulty of regulatory regimes (including inspectorates) in dealing with these challenges has been the subject of a series of reports commissioned in the European Union, Australia, New Zealand and elsewhere (Goudswaard & de Nanteuil, 2000; Goudswaard, 2002; Bohle, Cooke, Jakubauska, Quinlan & Rafferty, 2008; Cardiff University et al., 2011).

Substantive working conditions, inequality and the future of Industrial Relations

The past four decades have witnessed profound changes in labour markets, particularly in the 'old' industrial countries in Western Europe, North America, Australia and New Zealand. The changing world of work has been marked by a growth of temporary (including agency labour) and part-time employment as well as multiple-jobholding and self-employment (facilitated in part by increased subcontracting). In Australia and Canada, for example, around 40 per cent of the workforce holds contingent jobs, either through temporary work or self-employment (Felstead & Jewson, 1999; Robertson, 2006; Vosko, 2006). Further, the

growth of precarious work arrangements in combination with repeated rounds of downsizing/restructuring in the public and private sector has led to widespread job insecurity amongst those holding notionally permanent/ongoing jobs. These changes have brought with them substantial changes in working conditions, and an overall increase in inequality at work (Benach et al., 2007). The previous section provided evidence of the magnitude of these effects with regard to but one dimension of working conditions, namely OHS.

Evidence on the adverse health effects of precarious employment and policy debates surrounding this, as well as linking OHS to other working conditions in this regard, raises a number of questions about fractured academic discourse. It is arguable that disciplinary silos have inhibited a more integrated study of inequality at work, especially its consequences for health. Not surprisingly, perhaps, by far the bulk of research on the health effects of precarious employment has been published in health and medical journals with relatively few studies (including Rebitzer, 1995; Park & Butler, 2001) appearing in industrial relations, HRM, sociology, labour law or management journals. Of the fields just mentioned IR is, in our view, best suited to facilitate a more integrated approach to exploring the health and other dimensions of precarious employment. The reasons for this include its interests in public policy; procedures affecting working conditions and job quality; and (unlike HRM with its more micro focus) institutions, collective interests and regulation of work. Engagement with other fields, such as labour law and psychology (especially research on control of working hour relationships) is essential but IR is especially central.

There is a case for stronger engagement between health and IR researchers in terms of better understanding the impact of inequality at work and devising measures to counteract this. In particular, we can identify five justifications for or benefits of greater engagement.

First, health and safety outcomes – like earnings, hours of work, work/life balance and work intensity – are substantive conditions of work and central to workers' experience of work. Substantive conditions are arguably critical to any assessment of inequality at work and have the advantage of being easier to measure and compare than procedural standards. The use of meta reviews – common in the health sciences but comparatively rare in industrial relations – to bring evidence together on substantive working conditions is worthy to note in this regard. Further, OHS, like other substantive working conditions, are important at a policy level. Minimum labour standards (both global and national) are an attempt to set boundaries as to what is socially acceptable in relation to some substantive working conditions, such as minimum wages, hours and OHS. The ILO's Decent Work Agenda is an effort to both globalise and integrate an array of substantive working conditions into the standard setting debate (see also Bachelet, 2011). Research into substantive working conditions can contribute to more informed standard setting and enforcement practices. At another level, it would seem to be difficult to discuss more ambitious policy objective of 'quality work' without reference to substantive working conditions which not only provide floor labour standards but (as with OHS and work/family balance) can also be used as indicators of superior work arrangements (see below).

Second, while there has been a growth of multi-disciplinary research teams and some industrial relations scholars (like David Walters and Wayne Lewchuk) have also published in health and medical journals (and vice versa) most of those researching on the health effects of precarious employment have been trained in medicine, epidemiology, other health sciences or psychology. In general, despite some notable efforts, these researchers lack knowledge of how institutions (including unions) and regulation shapes labour markets – something more

typically found within the fields of industrial relations and labour law scholarship (if anything labour law has engaged more with this area, see Johnstone et al., 2001; 2005; 2012; Lippel, 2006). In short, IR scholars have something to offer in terms of their knowledge of collective behavior and institutional mechanisms (Sass, 1989; Nichols et al., 2007). Further, as the work of Lewchuk et al. (2008) demonstrates IR researchers can also provide insights into how the reshaping of labour markets and work impacts on other working conditions like earnings, hours of work and work intensity as well as institutional effects relating to union presence.

Of course, inter-disciplinary engagement needs to be a two way process. A growing number of health researchers (including psychologists focusing on health) have recognised the need to understand more about labour market structures, work arrangements, labour regulation and other aspects of IR, including lean production (Aronsson, 1999; Landsbergis, Cahill & Schnall, 1999; Saloniemi, Virtanen & Vahtera, 2004; Berntson, Sverke & Marklund, 2006; Benach et al., 2010). A number, like Aronsson and Virtanen, have published in IR and related journals on work (like *Work, Employment and Society*). Landsbergis et al. (1999) wrote on the link between the employer strategy of lean production and OHS (for an exceptional piece of parallel research on the same theme involving collaboration between an OHS and IR researcher, see Wright & Lund 1996; 1998). In 2001, a leading epidemiological journal published a glossary of terms concerning unemployment, job insecurity and health because the editors believed it was important for its readership to better understand social factors in health and disease (Bartley & Ferrie, 2001). A report on employment conditions and health inequalities prepared for the World Health Organisation (Benach et al., 2007) drew on IR and labour law literatures, especially in the section dealing with policies. Health scientist-dominated research teams have also sought to develop more precise measures of precarious employment (and sub-categories of it) on the basis of labour market characteristics and to link this to broader socio-economic inequalities (see, for example, Louie et al., 2006; Benavides & Benach, 2011). This would seem to provide a useful area for engagement with IR researchers.

One of the critical reasons to build such bridges is that they can facilitate, not simply a better appreciation of the overall effects of workplace change on the health and well-being of workers, but also assist to develop understanding of why and how these effects occur and the interaction with other working conditions such as irregular working hours and earnings (see Aronsson, Dallner, Lindh & Goransson, 2005; Boivin, Tremblay & James, 2007). With its knowledge of institutions and laws regulating work, employer strategies and unions, the field of IR has an important contribution to make here – and some have already pursued this path (see the work of Lewchuk, and Lund and Wright already referred to).

Third, consistent with the last point, we would also suggest industrial relations as a field has something to gain from engaging with health research on work organisation. Notwithstanding some limitations, the job strain and effort/reward imbalance models have provided a substantiated link between work organisation and health outcomes and the notions of job control/demand and effort/reward imbalance would seem to fit neatly within an industrial relations perspective. Siegrist's effort/reward model incorporates both extrinsic and intrinsic rewards and would seem to offer parallels with the notion of effort bargaining familiar to IR scholars. Similarly, serious social debate about worker participation or industrial citizenship has largely evaporated since the 1970s, subsumed by a new authoritarian climate dominated by notions, such as corporate leadership, teamwork, and high-performance work systems. However, the Karasek model provides global evidence that giving workers greater decision-making latitude in their work and moderating the demands made on them (or balancing to

better match the control they exercise) is not simply a desirable social option but a measure that safeguards their health and wellbeing. Further, research into teamwork and high performance work systems is hardly balanced by a similar degree of analysis of the larger number of precarious workers in industries like hospitality or transport, who lack even the most basic decision making latitude in their work. A report on changing work arrangements prepared by the European Agency for Safety and Health at Work observed that there “is a lasting difference in job control: even when we take several other variables into account, workers with a non-permanent contract have less autonomy in their work” (Goudswaard, 2002: 32). Even those who appear to exercise independent control (such as own-account subcontractors), formal legal independence and nominal task control may be insignificant when measured against their limited economic resources and organisational control (Carayon & Zijlstra, 1998).

Fourth, there are policy grounds for a stronger focus on substantive working conditions. Evidence concerning the OHS effects of precarious employment provides further justification for new policy interventions addressing work arrangements. It strengthens criticism of the inequality fostered by these arrangements, in terms of wages for example, emanating from IR research (Bhartia & Katz, 2001). Indeed, it adds a powerful policy leverage point because of the level of concern about health issues in the community. There are also potential policy benefits in using Karasek models etc. to set benchmarks and objectives. For example, decision latitude and demand items could be used to establish exposure benchmarks with regard to psychosocial conditions at work which could, in turn, be used to set minimum labour standards (i.e exposure levels that are not health-damaging) or intervention points for government inspectors as well as tools for identifying superior working conditions. Similarly, measures of financial/economic pressure, disorganisation and regulatory failure could guide interventions or reorganisation of work and associated policies. Consistent with earlier points, the benefits of this approach are likely to extend beyond health. At a broader level, health research pointing to spillover effects between work arrangements and public health, and safety referred to earlier require attention when considering arguments for regulating labour markets or facilitating institutional arrangements, such as collective bargaining that have this effect. Echoing the findings of government inquiries a century ago (Quinlan, 2013a, b) research points to the health damaging effects not only of inequality at the workplace but the location and quality of housing that flow on from this as well as effects on diet and children’s education (see Barling & Mendelson, 1999; Muntaner et al., 2011).

Fifth but not least, health research on precarious employment in particular, and social inequality, more generally, provides both evidence and a focus for IR scholars, who are concerned with addressing adverse shifts to work organisation and institutional relationships. For example, in addition to research on health costs of inequality discussed earlier (see, too, Marmot, 1998 for how the social gradient shapes health inequalities), there is research suggesting more equal societies outperform less equal societies in terms of macro-efficiency (Wilkinson & Pickett, 2009). We would argue that IR as a field has much to gain from a stronger focus on inequality and engaging with scholars in other fields researching inequality at work which, as in the case of health research, is highlighting the profound and cascading effects of precarious employment.

Adverse health is but one outcome of inequality at work. Equally, the rise of precarious employment is only one of number of consequences of neoliberalism that impact on work with others, including declining union density and economic/labour market imbalances. In short, the argument for a greater focus on inequality in the field of IR is both timely, and will

have benefits beyond those identified in this chapter. The need for a shift in IR research/scholarship has been debated for some time, and our argument can be seen to parallel Kelly's (1998) contention that IR needs to focus on injustice at work as a pivotal point for understanding collective mobilisation by workers.

We prefer the concept of inequality to injustice because, in our view, inequality is a wider term and arguably underpins injustice. Indeed, as Grayling (2007: 116-117) observes, inequality has long been a defining characteristic of work illustrated by Aelfric's pre-Norman exchange between a master and a ploughman ("Yes it is hard work, because I am not free") through to William Holderby, the first organiser of agricultural labour against landowners; the emergence of journeymen combinations in the 13th century; the Diggers' call for common ownership of land in the 17th century; revolts by and campaigns against slavery in 17th to 19th centuries, the growth of unions; the sabotage of Luddites and Captain Swing in the early 19th century; Chartism and campaigns against child labour and for shorter working hours in the 19th century and the great social reform mobilisation of the late 19th and first half of the 20th century. As Grayling (2007) also argues, these struggles did not occur in isolation. They interacted with, or drew on, gains made in struggles for religious freedom/individual conscience, independent scientific method and inquiry, human rights/dignity and equality over the past five centuries that made the liberal democracies of the modern West. It is not by coincidence that totalitarian societies like Nazi Germany (1933-1945) or China today refuse to tolerate independent unions of workers. It also remains contested ground within liberal democracies as dominant elites (economic and political) seek to retain and extend their wealth and power.

The emergence of collective organisation amongst workers was a response to inequality associated with changes to work organisation, (notably contractual employment and the division of labour), which were cornerstones of modern capitalist societies. It is also worth recalling that a critical set of issues underpinning labour mobilisation in period 1880-1920 in the UK, Australia, New Zealand and elsewhere were substantive working conditions, notably the combination of low wages with long and irregular hours of work (often referred to as sweating), and its association with workplace hazards and cascading effects the resulting inequality on the community. It was also a struggle against precarious employment and, indeed, this very term was repeatedly used in the press, House of Commons debates and extensive government inquiries into working conditions that documented these impacts, such as the House of Lords inquiry into sweating 1889-1890 and UK Commission into Labour 1892-4 (Quinlan, 2012).

As noted in the introduction to this paper, the consolidation of organised labour in rich countries in the 20th century, including growing political influence and legislative changes (labour standards and the welfare state) in combination with Keynesian macroeconomic policies wrought changes to the regulation of work, including collective bargaining, that became the substance of IR research and teaching. Also noted from the mid-1970s onwards, these institutional arrangements came under sustained attack and the field of IR with it. If IR is to survive and flourish as an academic field and important source of public policy, it must accommodate to this challenge and recognise that, in the broader historical context, inequality at work and the struggle for greater equality is what gave rise to IR and should be its focus. Greater attention to changes in substantive working conditions provide a particularly important (though not the only) focal point for IR scholarship – one of both significance in understanding problems at work, but also public policy debates surrounding this – both those

that occur currently and those that should occur (like the pursuit of greater quality and equality at work).

Finally, the term IR itself remains relevant and worthy of use in preference to other terms currently proffered. The term IR is pluralist, collectivist and inter-organisational in connotation whereas the field of HRM is intra-organisationally focused (as do terms like workplace relations) and connotes an explicit and managerialist commodification of work arrangements. Other terms like employee relations or employment relations are also flawed (not all workers are employees, indeed, an increasing number are not).

In sum, we contend that IR should be concerned with studying the outcomes (in all forms), institutions and processes arising from inequality at work.

Conclusion

This paper has illustrated how an examination of the health and safety consequences of a major shift in work arrangements, the growth of contingent and insecure work, provides compelling evidence of the sort of inequalities, and ill-considered policies, that should occupy a more central place in industrial relations, as an academic field and as a contributor to society. Health constitutes an influential policy lever because of the stark nature of the evidence and the tendency of health issues to stimulate action at both the individual and collective levels. However, OHS is only one aspect of substantive working conditions that warrants more attention from IR researchers. Hours of work (and their consequences for work-life balance) and job insecurity, for example, are other potentially critical areas that receive little attention from IR researchers. Further, as we have sought to show, there are already fruitful bodies of research in other fields, which IR scholars can both draw from and contribute to in this regard.

It needs to be reiterated that the argument being mounted here is not simply that IR should give more attention to OHS. Rather, the argument is that the case of OHS provides one example of what is to be gained from giving more attention to substantive working conditions in IR research. More detailed research is required on other substantive conditions like hours of work, work intensity and earnings/payment systems in particular industries and countries. In some of these areas, too, there is a capacity to collaborate with other fields (for example, psychological and medical research into work hour arrangements). Further, periodic meta and narrative reviews are needed to evaluate the evidence to identify global trends and research gaps that need to be filled. In our view, such research will not only enrich the field but also increase the capacity of IR to contribute to important policy debates, including reinforcing the need for procedural justice and collective decision-making at work.

IR should not abandon its focus on collective, institutional and regulatory aspects of work. Rather, both conceptual development and policy impact would be enhanced by exploring how changes to work organisation affect workers and society more generally. Substantive working conditions provide a basis for this focus. Similarly, IR should not ignore procedural labour standards (such as the right to organise and union rights of entry). However, we suggest that if a parallel is drawn with the major wave of labour mobilisation and legislative reform experienced by developed countries a century ago, it should be recalled that a critical focus of these struggles was on substantive working conditions, notably minimum wages, reduced hours of work, protection of the vulnerable and basic safety protections. We consider

that substantive conditions – the manifest outcomes of inequality – then as now provide a powerful justification for legislative and other interventions to secure industrial citizenship.

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Before and beyond the Great Financial Crisis: Men and education, labour market and well-being trends and issues in New Zealand

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Key Words: Gendered education, educational achievement, labour market participation trends

Abstract

This paper provides an overview of a research area in which there is scant research and limited impact on public policy; namely men and the issues they face concerning their education, participation in the labour market and their well-being and trends in New Zealand. Men have had lower levels of educational achievements compared to women across primary, intermediate and secondary schools for some time and this has become a long-term, embedded pattern. This has subsequently influenced tertiary education where the current dearth of domestic male students has become noticeable in several fields (including some concerning ethnicity patterns). The labour market trends have recorded two rather contradictory patterns: on one hand, some traditional occupational and industry gender patterns have been remarkable slow to change while other gender patterns, particular in service and professional occupations, have recorded a dramatic transformation in recent decades. Finally, men's poor well-being, such as their high rates of suicide, incarceration, (particularly among young men), and work-related deaths and sickness, needs to be a public policy concern.

Introduction

There have been significant changes in gender participation patterns in education and paid employment over several decades, and these changes have had widespread economic, social and well-being effects. While most of the research has focused on women and their situation, this paper will predominantly focus on trends and issues associated with men. The reasons for focusing on men (as opposed to women) are that there have been considerable changes in men's educational attainment and participation in the labour market and these changes will have wide-ranging impacts. Moreover, the education, labour market and well-being issues associated with men have often been bypassed or downplayed in the gender literature.

While some studies take a rather inflammatory or hostile approach to new gender participation patterns, this paper will take a more descriptive approach since there is still – even amongst gender researchers – a considerable lack of understanding of basic trends and issues associated with men. In particular, the paper will focus on New Zealand trends and debates. It will also raise concerns when it comes to the dearth of thinking and research into practical 'solutions' in New Zealand. These concerns are even more alarming when we consider the poor rates of well-being among a growing number of men, particularly groups of boys, and the major implications that these have for our society.

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While this paper focuses on men, it is important to acknowledge that there are still considerable educational, labour market and well-being issues for women (Dye, Rossouw & Pacheco, 2012). The very slow adjustment in gender patterns amongst highly paid jobs and board positions has been a mainstay in recent research and media reports (e.g. Black, 2012; Human Rights Commission, 2012) and it is an indictment of the current New Zealand society. While these powerful and well-paid positions are important, they only represent a fraction of overall jobs and positions, and there are many more women clustered in traditional and/or low paying occupations and in atypical employment arrangements. As with male labour market trends and issues, until recently there has been too little research into the work experiences of these groups of women. Finally, many men and women will be affected by the post-2008 punitive changes to social welfare benefits, statutory minima and employment rights in New Zealand (see *New Zealand Journal of Employment Relations* 36(3), Fletcher, Hanna & Anderson, 2012; Rasmussen & Anderson, 2010).

The paper will first address the educational gender patterns which show that, although both sexes have increased their level of educational participation, the educational achievements of women have leaped that of men. Although this is not the case across all forms of education, there are many forms of education where traditional gender differences have reversed and/or the gender imbalance in favour of women has increased over the last decades. Then, the paper overviews labour market trends which show two rather contradictory patterns: on one hand, some traditional occupational and industry gender patterns have been remarkable slow to change while other gender patterns – particular in service and professional occupations – have recorded a dramatic transformation in recent decades. Finally, the paper presents briefly some well-being trends and issues which show some rather disturbing gender patterns in terms of suicide, incarceration and work-related deaths and sickness.

Educational gender patterns

It is important to note that female students have been doing better across primary, intermediate and secondary schools for the past three decades and continue to do so. The increasing number of female students excelling at school was already well established trend in the 1980s, although Baker (2006) argues that there was a small gender gap of around 2.3 percent as early as 1970, with girls leading in 12 School Certificate subjects and boys in nine subjects. While it took some time to become an established trend, there was already a significant gender gap of 6.1 percent in 1993. At that time, boys were ahead in only four of 21 School Certificate subjects (Baker, 2006).

Why is it important to highlight the fact that there has been a gender gap in school achievements *for a considerable time*? The answer is because it puts the current debate and its inability to foster practical interventions into perspective. It also shows that there has been an inexplicable reluctance to react to the growing gender gap, and there are, even today, very few suggestions of how to deal with the growing gender gap in school achievements. There have been a considerable bias for several decades and it is only recently that this gender imbalance favouring women has become a focus for research amongst a selected, limited band of researchers. This considerable time-lag and the continuous lack of focus on countering gender imbalances and opening of educational and labour market opportunities appear driven by an embedded research bias which highlights areas where a gender imbalance favours men but overlook areas where a gender imbalance favours women. It is also necessary to acknowledge a well-established research bias in favour of focusing on well-paid, high level jobs amongst professionals and managers (McLaughlin, 2000).

Not only has there been a significant gender gap among school children, but there has also been a fundamental shift in gender patterns amongst teachers and that this shift has been remarkably swift. While teaching has attracted women for a long time, it was traditionally a male-dominated profession (especially when it came to senior positions). Most observers appear to have forgotten that men constituted 42 percent of all primary school teachers in 1956. These days, the picture is totally different. In some primary schools, boys will seldom or not at all be taught by male teachers. This trend will be compounded in the future by the low proportion of new primary school teachers joining the profession in the new millennium. With just around 10 percent of new primary school teachers being male and with a considerable number of new teachers leaving the profession, it is expected that male primary school teachers will become a rarity in most primary schools in the coming decades.

Similar trends can be found amongst secondary school teachers. In 1971, nearly two-thirds (59 percent) of secondary school teachers were male. In recent years, the percentage is around 40 percent and, as older male teachers start to retire, there will be a strong decline in the proportion of male secondary school teachers. This could be very problematic as recent studies show that secondary schooling has become less attractive to teenage boys and they are now leaving secondary schools in droves. Many of these boys are not participating in other form of education or vocational training and thus become part of the NEET (Not in Education, Employment or Training) statistics. The 'young NEET people' have become a key focus for the government's employment and social welfare policies with an emphasis on 'encouraging' them into either education or (often low-paid) employment (Fletcher et al., 2012).¹ There are, however, still a significant number of teenage boys leaving secondary school who are going on to gain some form of vocational training in male dominate industries, such as construction, etc., (see below).

Whether the gender of school teachers really matters in the development of boys and girls has now become a key question. Many gender researchers, however, have previously been concerned (and some still are) about the lack of suitable role models for women. It has also been suggested that how we construct classes and subjects and, in particular, how subjects are taught and assessed will have a strong impact on student interest. Currently, the wider impact and acceptability of the new assessment system, NCEA (National Certificate of Educational Achievement), are heavily debated. Several schools have decided to either run with two assessment systems (giving students a choice of which assessment system they prefer) or offer another standard assessment approach (e.g. the Cambridge International Examination). Leaving these wider considerations aside, it has been argued that the NCEA system is better suited to how female students prefer to learn and be assessed.² Thus, the NCEA system has been associated with the further increase in gender imbalance in favour of girls. Whether this is really the case is far from certain and this debate is still unfolding. What is certain is that the gender imbalance has not narrowed since the introduction of the NCEA system.

When it comes to overall gender patterns in tertiary educational achievements the picture is fairly similar to educational achievement in schools. There has been a gender imbalance for a long time and it has continued to grow over the years, and the gender imbalance gap favouring women will continue to grow, based on gender patterns in NCEA results. There were already 75,000 more women than men graduating in 2004. Interestingly, there was a fall in the sheer number of male students enrolled in bachelor degrees during 2006-2008 while female students increased their enrolments. While there is no doubt that women generally have higher enrolments, higher average pass rates and obtain more degrees than men, there are considerable differences when one considers particular degrees, subject areas as well as under-graduate versus post-graduate studies. There are still three areas – engineering, information technology, architecture and building – where men constitute the majority of students. In many of the other traditionally male-dominated professions – medicine, law, accounting and management – women have higher enrolments than men. In some areas, men have become a very small minority – for example, education and human resource

management – and their overall numbers will probably decline further as NCEA results start to influence future enrolments.

In terms of gender patterns amongst tertiary education staff, there has been a predominance of men in most fields until recently. In that light, what is of considerable interest for current and future trends, is the age distribution of male and female faculty staff and what type of positions and employment arrangements male and female staff are working under.

Given that men have dominated trades occupations for a long time, these jobs are of particular interest for the future of male labour market participation. There have been attempts to make trades education more attractive to women but the participation levels are still very low. Not only are trades education critical for New Zealand industries, it is also an area in which men have succeeded. However, in 1992, the National Government introduced a new approach to vocational training – the Industry Training Act 1992 – as the previous approach was considered unsuitable for the post-industrial society and it provided insufficient flexibility, portability and continuous upskilling (for an overview, see Rasmussen, 2009: 250-254). Since its introduction, there have been some worrying signs, such as considerable skill shortages (which have also been influenced by volatile economic trends and insufficient investments in skills), indicating that the current approach is not working.

There are several factors that have influenced negatively on young people's training and job opportunities and, in particular, there are at least three types of systematic problems with the current training approach. First, the underfunding of technical schools has been conflated by these schools sometimes taken rather short-term and financially driven decisions which have not favoured 'expensive' vocational programmes. This was definitely the case during the late 1980s and throughout the 1990s but it is also a current concern. Second, most vocational programmes rely on an apprenticeship type of training and this relies again on employers providing a 'public good' type of service where they develop low skill employees into high skill trades people. To make these employer driven schemes function well in a volatile, open economy can be difficult (Rasmussen & Foster, 2011) and, while it is attuned to prevailing business conditions, it can lead to considerable skill shortages and timing issues. Third, time-lag issues have been and are currently rampant in vocational education and training. At the moment, New Zealand is faced with massive pent-up building demands as the fall-out from the Christchurch earthquake, leaking building syndrome (affecting thousands of buildings) and insufficient housing development start to influence future job opportunities. However, the investment in vocational programmes is still flat and young people have great difficulty in finding apprenticeships and training places. This has clearly been bad news for a cohort of young men who were interested or could have been made interested in vocational education and training. It also indicates that it is time to reconsider how we manage the flow and ebb of vocational opportunities and investments.

The above discussion leaves us with one important question: what is being done about this long-term, well-embedded gender gap in educational achievements? The general answer is: not a great deal.

The attempts to reconsider traditional policies and practices must be applauded. The blanket support of female students is no longer in place in most New Zealand universities, Victoria University (Wellington) has quietly dropped its general policy preference favouring female staff, and there are questions being raised about areas where the gender imbalance favouring women has become very large. However, in the latter areas, there needs to be some new thinking since there has been limited long-term success associated with traditional interventions in male-dominated areas. For example, targeted attempts to shift the gender balance in the engineering programmes at the University of Auckland did lead to higher number of female students but they still stayed below 30 percent of all

engineering students. One can only wonder what it would take to shift the low male enrolments in, for example, tertiary programmes in education with the current gender bias in educational achievements in schools.

There also seems to be a lack of willingness to debate the issues and trends. The problem appears to be that the underlying thinking seems to be biased in two ways. There has been limited debate, generally, of the gender imbalances in educational achievements and/or there are attempts to fit issues and trends with the classical notion of female disadvantage. An interesting example can be found in the various reports on equal opportunities from the Human Rights Commission (HRC) where the focus tends to be firmly on female disadvantages. As Callister, Leather and Holt (2008: 31) point out:

A 14 percent difference in pay, in favour of men, is seen as a 'wide' gap by the HRC, but the same 14 percent gap in tertiary participation, in favour of women, is seen by the HRC as a 'slight' gap. This suggests that the perceptions of the observer rather than the actual data are often important.

Similarly, the HRC has also defended women-only scholarships when it was questioned whether such scholarships were discriminatory (see Callister, Leather & Holt 2008: 31-32). While there is an overhang amongst older women (50+ years in the latest 2006 Census) where education and skills are below average, this is no longer the case across the working population and, as shown above, the gender imbalance favouring women in educational achievements is gaining traction and the gap is widening amongst younger cohorts. If one was concerned about female disadvantages then it would probably be more fruitful to focus on the educational choices of females and whether their choices are aligned with high-paying job opportunities. This could, for example, also be aligned with targeted encouragements in areas such as engineering and IT (despite the associated issues/failures mentioned above). However, as discussed below, having high-paying job opportunities are not enough; there needs to be wider career considerations.

In short, overall, there have been few attempts to tackle the gender gap in educational achievements in a comprehensive fashion in primary, intermediate and secondary schools, the gender gap continues to widen, the gender bias in tertiary education is also growing, and the large gender imbalance found amongst school teachers continues to grow. There appears to be very strong forces at play which keep these trends and issues off the political agenda, and we have personally been surprised at the unwillingness of professional and union associations to discuss these issues and to present comprehensive, viable plans.

It is telling that when the 2006 figures of graduates were published, Massey University's Pro Vice Chancellor in Education, Professor James Chapman pointed to the long-term consequences for education of having fewer male teachers but he also commented on the disappointing response by Ministry of Education officials when these concerns were raised. While other countries are considering ways of evening up the gender imbalances, there have been hardly any suggestions of how this growing gender imbalance is going to be tackled in New Zealand (Rasmussen, 2009: 230).

Labour market gender patterns

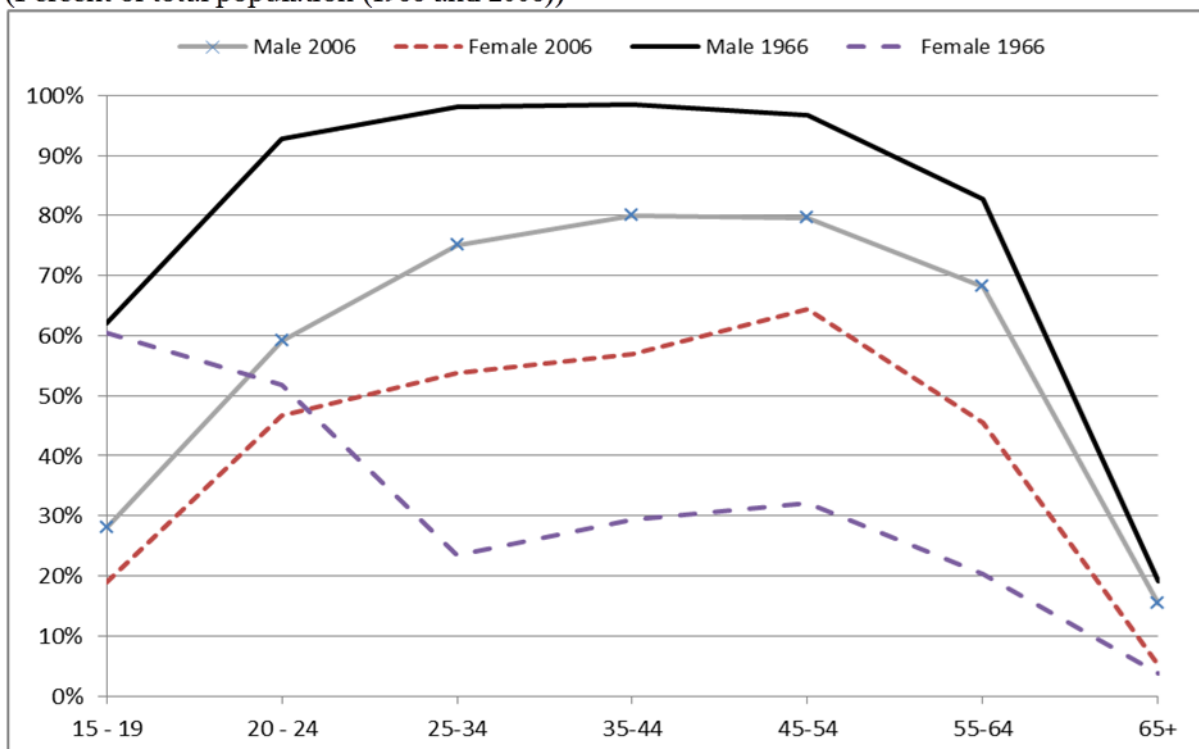
With regard to gender patterns in the labour market, there are several important issues which require further discussion. *First*, the labour market participation rates have changed considerably since the

1960s where paid employment amongst women started to become more of a norm. This has probably been the most important change in terms of modern labour markets. What has happened with men's labour market participation is highlighted in figure 10, presented in Dye et al. (2012: 284). There are probably three outstanding trends illustrated by Figure 10. There has been a dramatic drop in male participation rates over the measured period. The rise in female participation rates is very strong, particularly in the age cohorts beyond 25 years of age. There is still a difference between male and female participation rates and this is marked in the crucial 'career years' from the mid-20s to the mid-40s. The latter point needs to be investigated further.

Second, while labour market participation and working time patterns have changed considerably in recent decades, it is still possible to observe distinct gender patterns. For example, traditional job patterns still dominate and that means that there are gender imbalances across a number of occupations and job types. Thus, men are still dominating in trades, engineering, and manual labour while women can be found in nursing, education, retail, hospitality and cleaning. Part-time employment is still predominantly taken up by women and women's labour market participation and working time patterns continue to be influenced by child-rearing.³

Third, there has been considerable change within professional and service sector jobs where the increase in female educational achievements has had significant influence. In short, there is a noticeable decline in the number of young male doctors, lawyers and accountants graduating. This indicates that the dominance of men in these professions is now becoming a thing of the past. In New Zealand, there are also clear ethnicity patterns and this has meant that fewer young male professionals are of European decent.

Figure 10: Labour Force Participation in Employment (20hours+) by Sex and Age Groups (Percent of total population (1966 and 2006))



Data sourced from Census (Statistics NZ). Author's compilation.

Note: All figures are for the census usually resident population.

Source: Dye et al. 2012: 284.

Fourth, the notion of ‘mancession’ has become popular in the USA media debates (Laurence, 2011). This implies that this and future recessions will mainly affect men as they are employed in industries and job roles which are recession ‘sensitive’. Whether this argument really applies in the USA as well as in other OECD countries is yet to be determined, but it fits with the decline in blue-collar and low skilled manual jobs. It also fits with the rise of women becoming the main ‘breadwinner’ in many USA households. There are some indications that the New Zealand labour market has experienced something of a ‘mancession’ during the current global financial crisis:

Between the December 2007 and September 2009 quarters the economy shed 34,000 jobs; 80 percent of these jobs were held by men. Since the December 2007 quarter, women’s employment has declined by 0.7% compared to a 2.3% fall for men. As a result, there has been a larger increase in men’s unemployment rate compared with women (DoL, 2010).

One has to be careful not to over-estimate the short-term changes as recent research has indicated that the severe downturn in construction post-2008 has also influenced negatively the manufacturing sector (Fallow, 2012). These two sectors have lost a lot of jobs and most of these jobs were occupied by men.⁴ It is clear that the upturn in construction will favour men and the associated effects could be even more beneficial for male employment.

Fifth, there have been some interesting changes in working time gender patterns. The Time Use surveys have indicated that there is generally little difference in the amount of work that both sexes do, but there is a stark difference between the amount of paid and unpaid work done by men and women. Men put in a considerable number of paid working hours. In fact, New Zealand men score very high, compared with men in most other OECD countries. This has prompted concerns about long working hours and, while this concern is mainly directed at males, this is another area where women may be ‘catching up’. In fact, Rasmussen, Lind & Visser (2005) suggested that there was a convergence of male and female long working hours; this is still to be analysed in-depth. The growing number of women employed in professions is seen as part of this growth in females working long hours. As Callister (2005) has pointed out, many well-educated women marry well-educated men and this tends to lead to ‘working rich’ households. Callister found that many couples with children were working (in total) more than 100 hours per week.

Sixth, the debate about women’s access to senior jobs and particularly the low level of female board directors has featured strongly in the recent New Zealand media stories (as it has in many other OECD countries). The annual reports from the HRC have focused on the very, very slow progression of women into executive and board positions. This has now become part of a long-running media campaign which has prompted some firms to take more proactive steps to lift the number of women in senior positions. These proactive steps are still very timid, and there needs to be wider considerations of organisational and career approaches. Moreover, given that these senior positions only constitute a fraction of the labour market, the current vigorous debate and media attention are perhaps a little out of proportion. However, the HRC has also started to look at female-dominated occupations in low paid sectors such as age-care, which is a positive initiative.

Well-being gender patterns

A recent article by Dye et al. (2012) has shown that there are number of concerning well-being trends amongst women (for example, high level of self-mutilation, depression and domestic violence). It becomes an even more depressing picture when we consider the men’s well-being trends/levels for most of the classical well-being indicators. It is well-known that men tend to have a much shorter average life span than women and it also appears that, generally, women keep fitter for

much longer. Being in the workforce, working long hours in paid work and having unhealthy lifestyles are all ingredients in the shortening of the life of many males. What is of grave concern is the continuously high rates of male, youth suicides, compared to female suicide rates. This is a disturbing trend and it can only be countered if further research is done focusing on the time period before the suicide and the reasons why such a drastic step is taken.

...the rise in the suicide rates for males in the late 1980s was driven by a sharp rise in youth (15-24 year olds) suicide deaths. This age group also tends to have the highest suicide rates across the years, compared with older members of the population. It is a worrying fact that, in 2007, male youth had the second highest suicide rate amongst the 13 most comparable OECD countries (Dye et al., 2012: 292).

Men also dominate the prison population (over 90 percent are men) and New Zealand has a relatively high number of men in prisons. There is also a strong ethnic skew and, for example, the high proportion of Maori men being imprisoned is a sad record. This concentration amongst particular male groups creates a number of associated labour market and social issues. While less severe in New Zealand, it does remind us of the USA where the high number of prisoners means that integration and upskilling of ex-prisoners become part of labour market development plans (eg. Fischer & Reiss, 2010: 36-37). Finally, the high rate of work-related deaths and injuries amongst men is currently in the spotlight after the Pike River disaster and the government's attempt to cut accident compensation costs. Again, men constitute more than 90 percent of all workplace deaths as they are often employed in high risk industries such as mining, forestry, agriculture and construction.

Conclusion

This paper has focused on issues and trends associated with men in New Zealand. The overall finding is that many New Zealand men are struggling in terms of education, employment and health and well-being. The prevalence of high suicide rates amongst young men should be a warning sign that there are serious issues confronting many of these young men. It is also clear that there is more research required in this area that links male suicide rates with educational, labour market and social position. Moreover, the widening gender gap (favouring women) in educational achievements signal that something is not working in New Zealand schools when it comes to boys and young men. However, this gender gap has been noticeable for a considerable number of years and appears growing constantly. Furthermore, the underperformance of boys and men has wide implications as well as serious well-being impacts. Therefore, one has to question: *why has it been so difficult to get this issue on the public policy and education agenda and to get researchers interested in the topic in order to develop much needed solutions?*

While the lack of significant progression of women at senior managerial and board levels is a 'hot' media topic, there is still too little research looking into the low paid, and often atypical, employment done by many women and men. The lack of educational achievements has become a burden for many men and the debate of so-called 'missing men' and a limited choice for women has become part of popular media stories. Men also constitute a large proportion of the NEET figures and amongst those who drift in and out of the job market. This has become a serious public policy issue subsequent to the 2008 global financial crisis and the current National-led government is determined to make radical changes in terms of social welfare and employment protection. At the same time, it appears that the underlying reasons for systematic biases and inferior labour market outcomes will not be addressed sufficiently (if at all).

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Notes

¹ Recent controversial changes to legislative minima have curtailed employment protection (personal grievance rights) and allowed for payments below the statutory minimum wage for unemployed young people

² An example of such a position is: "Auckland Grammar headmaster John Morris said the NCEA curriculum had contributed to the gender gap, as the internal assessment system favoured girls. He said boys succeeded better in exam-based schooling" (Davidson, 2009: 2).

³ There are some countries where this traditional gender pattern has started to evaporate, as discussed in Rasmussen, Lind & Visser, 2004; Lind & Rasmussen, 2008.

⁴ This has prompted questions about 'missing men' and 'man drought' as well as a number of popular media articles about the difficulties of finding a 'suitable' man. "In 2005 Australian demographer Bernard Salt coined the term 'man drought'. Based on census data, he described how in Australia there was a shortage of men in the prime labour market and couple forming age groups. But at the time he noted that the man drought was more severe in New Zealand stating the reason for the imbalance being '...32-year-old men are not in New Zealand. They're in Australia, they're in the UK, they're in Europe'" (Callister & Lawton, 2011: 12).

Employee-focused Corporate Social Responsibility in practice: Insights from managers in the New Zealand and Australian financial sector

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Key Words: corporate social responsibility (CSR), employee-focused CSR, managers' opinions, financial sector and Global Financial Crisis (GFC)

Abstract

Corporate Social Responsibility (CSR) is no longer an optional extra. Global competition, demanding customers, and media pressures have refocused organisations on their wider social obligations. However, this increased focus on the importance of CSR theoretically has not brought with it a clear indication of what this actually means for organisations and how it is practically implemented. In addition, the role and inclusion of employees remains unclear and often segmented despite their significance being increasingly acknowledged both within organisations and as a crucial part of the CSR process.

This study aims to fill some of the empirical gaps in the predominantly normative CSR literature by researching how organisations define employee-focused CSR and, in particular, what employee-focused CSR-based activities the organisations participate in and promote. Twenty-eight managers from seven financial organisations across New Zealand and Australia completed a questionnaire to this end as part of a larger doctoral study. The respondents' definitions highlight a conceptual understanding of CSR and a focus on the organisation's relationship with a number of key stakeholders. By identifying the organisation's approach to CSR, a development process for the formulation and integration of an organisation's CSR policies and practices can be illustrated. The findings also suggest specific employee-focused CSR activities have developed with Human Resource Management activities dramatically increasing in focus and importance to the point of becoming embedded in some organisations.

This research, therefore, makes a timely contribution in providing some initial findings and empirical insights amongst financial organisations into the practical application and integration of the dynamic and elusive concept of CSR during the global financial crisis.

Introduction

The role of organisations is changing. Customers are demanding increasingly personalised service, the marketplace is becoming increasingly global and competitive, and expectations of media, international bodies, and society at large have intensified dramatically. Organisations are, therefore, under great pressure to fulfil an increasingly broad range of stakeholder needs (Garavan & McGuire, 2010). While achieving profits has dominated corporate strategies in the past and remains vital to organisational success, organisations are now, through necessity, focusing on their broader social responsibilities as well.

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Corporate social responsibility (CSR) is, therefore, taking a more prominent position on corporate agendas (Smith, 2003), and there is a growing global consensus that CSR not only remains a mainstream business concept (Werther & Chandler, 2006) but increasingly should be “at the heart of business” (Bevan, Isles, Emery & Hoskins, 2004: 35). However, despite an increased focus on its importance, there is still major disagreement as to what CSR actually means and, more specifically, how it is implemented (Garavan & McGuire, 2010).

Significant research has been conducted on the development of CSR (Freeman, 1984; Carroll, 1991; Blowfield & Murray, 2008; Bolton, Kim & O’Gorman, 2011). The research has sought to define CSR (Carroll, 1999; WBCSD, 1998; CEC, 2001; Decker, 2004; Werther & Chandler, 2006; Blowfield & Murray, 2008; Garavan & McGuire, 2010), and there has also been some research addressing CSR standards and what CSR should include of organisational activities (Vuontisjärvi, 2006). This standard setting has been promoted by several non-academic bodies (Bitc, 2007; FTSE, 2007; GRI, 2011). However, little attention has been given to empirical investigations of what organisations think CSR means for them and what they are actually doing. In addition, while environmental and community-based initiatives have dominated media and organisational attention (Pirsch, Gupta & Grau, 2007; Young & Thyil, 2009), employees have, for the most part, been neglected from the discourse. This is in spite of the fact that it is well recognised in the literature that the important asset of a business is its employees (Pfeffer & Veiga, 1999; Young & Thyil, 2009; Bonfiglioli, Moir & Ambrosin, 2006).

The purpose of this study, therefore, is to build on the predominantly normative literature and empirically determine how organisations conceptualise and implement CSR. More specifically, this study aims to provide insight into how employee-focused CSR is defined by financial organisations in New Zealand and Australia and if employee-focused activities are included in their CSR initiatives. The rest of this paper is structured as follows: first, it reviews the literature relevant to defining CSR and employee-focused CSR, as well as identifying activities currently considered part of employee-focused CSR. Then, the research methodology is presented and data analysis methods are explained. Next, the findings are presented and discussed. Finally, implications, limitations, and directions for future research are provided.

Literature Review

Refocusing on CSR

Corporate Social Responsibility (CSR) has had a long and dynamic history of conceptualisation (Carroll, 1999; Smith, 2003; Truscott, Bartlett & Tywoniak, 2009) in both corporate practice and academia. An extensive array of terminology and synonyms associated with the concept has become established in the literature during its development (Bolton et al., 2011). Contemporary research appears to have cemented CSR as a meaningful area of inquiry, with it receiving more attention than ever before (Margolia & Walsh, 2003; De Bakker, Groenewegen & Den Hond, 2005).

Companies and, in particular, large multinationals are increasingly taking, with their influence, power, and economic strength, a dominant position in society (Blowfield & Murray, 2008) and sometimes even beyond the role of government in certain instances and countries (Smith, 2003). Responsible for the delivery of many of the necessities of modern life, including food, housing, and medicine, businesses are promoted and recognised as the “engines of society that propel us towards a better future” (Werther & Chandler, 2006: 5).

However, after a number of international scandals in recent years, including Enron, Paramalat, WorldCom (Silberhorn & Warren, 2007), the gulf of Mexico BP oil spill as well as the more recent banking financial crisis, CSR has again been brought to the forefront of the business agenda (Dunning,

2003; Bolton et al., 2011). Combined with a proliferation of media exposure, legal guidelines, and increased stakeholder expectations (Hill, 2006), companies are being forced to “embrace the notion they exist to do more than just make a big profit” (Glade, 2008: 51) for the sake of maintaining their reputation, brands, and profits.

Besides being prominent on the corporate agenda (Smith, 2003), CSR is also being promoted as a leading topic by many international bodies, including the World Business Council for Sustainable Development (WBCSD, 1999). The World Economic Forum (WEF) has also noted the need for business to focus not only on corporate competitiveness but corporate governance (including increased integrity, accountability and transparency), as well as corporate citizenship (beyond compliance and philanthropy) as their integration will “play a crucial role in shaping the agenda for business leaders in the coming decades” (WEF, 2003: 2).

In response to these pressures, businesses are “working harder than ever to display that they are responsible corporate citizens” (Bolton et al., 2011: 62) and this requires “effective management of the company’s wider impacts on and contributions to society (namely CSR), making appropriate use of stakeholder engagement” (WEF, 2003: 2).

I think many people assume, wrongly, that a company exists simply to make money. While this is an important result of a company’s existence, we have to go deeper and find the real reasons for our being...[companies] is to make a contribution to society, a phrase which sounds trite, but is fundamental (Dave Packard, a co-founder of Hewlett-Packard, as cited in Handy, 2002: 54)

CSR activities aren’t optional anymore. The evidence is clear. We know that unless we place such activities at the heart of our business strategies, we won’t deliver the performance benefits clearly available. CSR is no longer about buffing up one’s corporate reputation. It’s about doing good business (Paul Bateman, HR and Operations Director, Boots Group, as cited in Anonymous, 2004).

As a result, not embracing CSR activities is often viewed as more costly than engaging in them and has become less and less of a viable option for organisations (Pirsch et al., 2007). Instead, organisations are expected to take on roles beyond a single bottom-line (profit) philosophy and realign themselves to focus on the individual needs of all their stakeholders (Garavan & McGuire, 2010). This perspective was developed a while ago in Freeman’s (1984) Stakeholder Theory, which states that:

organisational survival and success is contingent upon satisfying both its economic (e.g. profit maximisation) and non-economic (e.g. corporate social performance) objectives, by meeting the needs of the company’s various stakeholders (Pirsch et al., 2007:127).

This has, unfortunately, also made CSR more difficult to implement. With customers, employees, investors, suppliers, government, trade unions, and environmental groups (Clarkson, 1995; Donaldson & Preston, 1995; Whitehouse, 2006) all possible stakeholders to be considered, it is understandable that meeting all of their distinct and often contradictory needs can be problematic and raises issues of stakeholder salience (Mitchell, Agle & Wood, 1997; Seitanidi, 2009).

CSR defined?

Although there is agreement about its importance (Blowfield & Murray, 2008), there is still major disagreement as to what CSR means and, more specifically, how it is to be implemented (Garavan & McGuire, 2010). Having increased in scope, it is apparent the concept incorporates a number of different elements, ranging from “values and philosophies, to societal and environmental issues, business strategies, and the relationship between business and society” (Decker, 2004: 714). Therefore, according to the literature, a meaningful definition needs to be dynamic and focus on the management of

businesses, their stakeholders, financial legitimacy, and community and environmental impacts (Decker, 2004).

CSR is an eclectic field with loose boundaries, multiple membership, and different training/perspective; multidisciplinary. It draws on a wide range of literature; interdisciplinary (Carroll, 1994: 14).

Corporate social responsibility means something, but not always the same thing to everyone. To some it conveys the idea of legal responsibility or liability. To others it means socially responsible behaviour in the ethical sense. To still others, the meaning transmitted is that of 'responsible for', in a causal mode. Many simply equate it with a charitable contribution. Some take it to mean socially conscious. Many of those who embrace it most fervently see it as a mere synonym for legitimacy in the context of being proper or valid, while a few see a sort of fiduciary duty imposing higher standards of behaviour of businessmen than on citizens at large (Garriga & Melé, 2004: 52).

The lack of a widely agreed definition contributes to misunderstanding and cynicism towards the concept itself. If CSR means different things to different people then debate on its importance in business strategy formulation and stakeholder management becomes confused, if not impossible (Decker, 2004: 714)

As the above quotations illustrate, not having a clear definition is problematic and adds to the difficulty of practical implementation (Godfrey & Hatch, 2006; Garavan & McGuire, 2010). This lack of consensus does hinder the theoretical development of CSR (Silberhorn & Warren, 2007). Thus, CSR is still considered to be in a "continuing state of emergence" (Locket, Moon & Visser, 2006: 117), with "highly permeable boundaries" (Busentiz et al., 2003: 285), meaning it is constantly changing and being influenced and incorporated into other disciplines.

On the other hand, the dominating themes and areas of focus within CSR definitions are very similar and they focus mainly on:

- understanding and managing stakeholder relationships (Werther & Chandler, 2006), in balance with profit maximisation (Blowfield & Murray, 2008).
- the desirability and effectiveness of market-based solutions to societal and environmental challenges (Blowfield & Murray, 2008).
- contributions to social good (Husted & Allen, 2007)
- moving beyond mere compliance by implementing voluntary and self-regulated CSR policies and practices (Blowfield & Murray, 2008).

In an attempt to provide a comprehensive and all-encompassing definition, the World Bank (2003) defines CSR as:

the commitment of business to contribute to sustainable economic development, working with employees, their families, the local communities and society at large to improve their quality of life, in ways that are both good for business and for [international] development.
(as cited in Petkoski & Twose, 2003: 1)

While this definition provides a comprehensive overview, some, including Blowfield and Murray (2008), prefer to describe CSR in terms of company values and codes of practice, including fairness, integrity, and honesty. In addition, the size, wealth, power, and sphere of influence of a company are believed by some to impact on or affect the responsibilities of an organisation. For example, a multinational's CSR responsibilities and activities will be considerably different from those of a small to medium-sized enterprise (SME) (Windsor, 2001).

Werther and Chandler add to this view by distinguishing the responsibility differences across industries and conclude that, with so many variables to consider, it is “impossible to prescribe what mix of responsibilities a company faces” (2006: 7). Subsequently, instead of focusing on a non-existent universal definition, companies should build their CSR strategies around their particular stakeholders and the strategic priorities of the firm (Werther & Chandler, 2006; Blowfield & Murray, 2008).

CSR, therefore, requires a “mental shift in communicating (internally and externally) and being transparent as a company, towards employees, clients and other stakeholders” (Cramer, Jonker & van der Heijden, 2004: 216). It should work towards building lasting and cooperative relationships that, while recognising and understanding the international context, focus on the specific strategies and priorities of its business and its stakeholders (Preuss, Haunschild & Matten, 2009).

Despite this increased focus within the literature, many companies still find integrating their core business with CSR awkward and difficult (Anonymous, 2008; Crane, McWilliams, Matten, Moon & Siegel, 2008; Truscott et al., 2009). In addition, the possibility of meeting public demand, while positively impacting on the bottom line at the same time, becomes unlikely and improbable (Henderson, 2001). Unfortunately, the continued confusion and debate around the definition and meaning of CSR (Truscott et al., 2009) has been echoed in the haphazard and dispersed literature on CSR *practices* (Campbell, 2007; Matten & Moon, 2004).

Focused predominantly on standardised systems (Truscott et al., 2009), limited attention has been given to a more focused and organisational specific approach that links with corporate strategy to provide clear and practical CSR guidelines (Bolton et al., 2011; Porter & Kramer, 2006). This is probably not overly surprising, given that the majority of literature in this area is normatively based and includes limited empirical data on actual organisational practices.

Employee-focused CSR

CSR literature tends to be focused on external pressures and outcomes (Bolton et al., 2011) with a particular strong environmental and/or society angle, and a large part of the literature neglects employees and their potential role. Despite employees or ‘human resources’ being increasingly acknowledged as the most important asset of a business (Pfeffer & Veiga, 1999; Young & Thyil, 2009) and providing vital input into the creation and implementation of the CSR process as a key stakeholder (Bolton et al., 2011), employees are generally treated as a separate labour issue and not a central and integrated component of CSR. In the literature, employees are for the most part seen as:

... something of a by-product of CSR activity rather than an integral part of the process. The actual engagement of employees with and the role they play in the creation of the CSR brand is barely acknowledged (Bolton et al., 2011: 64).

However, in order to deliver flawless service, as well as keeping up to date with rapid technological advances and developing core competencies, organisations, according to Bonfiglioli et al. (2006), need skilled and motivated employees. Organisations are dependent on these skilled employees for knowledge and know-how, as well as improvements in customer service and, ultimately, business performance (Bevan et al., 2004). Therefore, understanding, engaging, and developing employees is of vital importance to all organisations (Bonfiglioli et al., 2006).

The relationship between a business and its employees can be regarded as a precondition for CSR: if a company does not assume a high level of responsibility for its employees, how can it be responsible to its customers or to the social or natural environment in which it operates (Vuontisjärvi, 2006: 333).

In terms of focusing on employees, organisations are called to include philanthropic activities on their CSR agendas (Carroll, 1991) or, taking this one step further, become corporate citizens (WEF, 2003; Bolton et al., 2011). Yet, there remains very limited explanation as to what any specific activities might be, other than being told that being philanthropic should include “issues within a corporation’s discretion to improve the quality of the life of employees, local communities, and ultimately society in general (donations, sponsorship, etc.)” (Mattila, 2009: 541), and activities should add stakeholder value (Peloza & Shang, 2011), and involve stakeholder engagement (Bolton et al, 2011).

Looking beyond mainstream academic literature, a growing number of global standards and initiatives have been developed to assist organisations with their CSR reporting. These standards, which include environmental, economic and social classifications, provide greater insight into specific CSR-related activities. Employee and/or workplace related activities will be focused on for the purpose of this research. The following table provides a summary of the employee-focused performance indicators of some of the better known global bodies.

Table 1: Employee-focused performance indicators

	Global Reporting Initiative (GRI)	Business in the Community (Bitc)	FTSE4GOOD	Dow Jones Sustainability Index (DJSI)	EU and its Green Paper (CEC)
Employee-focused indices	employment relations, benefits, collective bargaining, health and safety, training and development, diversity GRI (2000-2011)	training and career development, diversity, culture, supportive working environment, health and safety, flexibility and work-life balance Bitc (2007)	diversity, flexible working, benefits, health and safety, training and development, employment relations, collective bargaining, charitable donations FTSE (2007)	training and development, remuneration, performance management, benefits, diversity, freedom of association SAM Indexes GmbH (2006)	lifelong learning, empowerment, communication, work-life balance, diversity, remuneration and benefits, health and safety, diversity, anti-discrimination European Commission (2001)

The above criteria were made more specific by Vuontisjärvi who, based on an analysis of the annual reports of Finland’s 205 largest companies, identified and compiled a list of the most commonly included employee-focused policies and practices. These include, in order of importance at the time:

- training and staff development
- pay and benefits
- participation and staff involvement
- values and principles
- employee health and wellbeing
- measurement of policies
- employment policy
- security in employment
- equal opportunities (diversity)
- work-life balance

(2006: 337).

Building on Vuontisjärvi's (2006) criteria, as well as drawing on the other well-known global reporting indicators from the table above, the following set of employee-focused CSR criteria was established (Raubenheimer, 2008: 95). In no particular order, these include:

- training and career development: life-long learning emphasis and spending per employee
- diversity: organisational demographics, anti-discrimination, equal opportunity promotion, minority and disability group inclusion, women in management programmes, age-neutral policies, and cultural inclusion
- supportive working environment: work-life balance, part-time and flexible working options, employee participation and involvement, two-way communication channels, and family support, including childcare facilities and maternity and paternity leave policies
- health and safety: employee wellbeing, education, counselling, and workplace policies and practises
- remuneration and benefits: share plans, employee appraisals, performance standards, and bonus schemes
- employee engagement and satisfaction: surveys and employee empowerment
- employment relations (ER): union relationships, collective bargaining, and freedom of association
- organisational values: codes of ethics, mission statements, value, and business principles
- employment policy: layoffs, restructuring policies, turnover, retirement, recruitment and selection policies, and job creation initiatives.

With the above activities in mind, it is also important to note that an organisation's CSR purpose is influenced by a number of factors, including in which country a company operates, the consumers a company serves, the industry in which a company operates, the international institutional standards a company must meet, and the local and international trends a company faces (Blowfield & Murray, 2008). As a result, as the mix of these issues will evolve over time and vary from company to company, it is impossible to prescribe the exact combination of issues included in a company's CSR purpose at any particular time (Whether & Chandler, 2006).

However, with limited empirical studies available, it remains to be seen whether practical implementation reinforces or contradicts the literature's positive assessment of CSR and its benefits.

Research Questions

The above discussion highlights the positive but normative nature of the current literature and illustrates the absence of a clear definition and lack of certainty around CSR activities. The present study, therefore, aims to fill some of these gaps in the literature by exploring and answering the following questions:

- How do organisations define and conceptualise CSR?
- Are, and if so, how are employees included in this understanding?
- What employee-focused CSR activities do organisations participate in and promote?

The following sections will explain, therefore, how this research set about trying to answer these questions empirically and what it uncovered.

Methodology

Sample

Organisations within the financial sector in New Zealand and Australia were chosen as the area of focus for this research. Ten organisations (five pairs) were approached because of the potential for comparative

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analysis between their Australian and New Zealand based operations. Unfortunately, only seven organisations agreed to participate. All five New Zealand organisations are involved but only two of the five Australian organisations agreed to participate.

As well as the potential for comparison, all organisations were chosen because they publically state, via their websites and annual CSR reports, that they are actively engaged in CSR-related activities. Thus, the sample selection cannot be considered random and is not intended to be representative of the financial sector in either country but rather to provide some initial new empirical insights about employee-focused CSR.

While basic financial services are seen as “important in creating a cohesive society” (Decker, 2004: 716), the financial sector also provides a service sector and multinational enterprise perspective of large economically powerful companies, with organisations based across national boundaries. This allows for a comparative analysis, which was a key reason for targeting pairs of organisations in Australia and New Zealand.

Secondly, as discussed by Welford (2005) and Pedrini (2007), large corporations are more likely to have specialised HRM departments, with more developed and specialised policies and processes that link in with the organisations’ strategies than would their smaller counterparts. Thirdly, large organisations tend to be more transparent (Guthrie, Petty & Ricceri, 2006) in respect of their internal systems and tend to be under greater public scrutiny (Paveline & Porter, 2008). Therefore, their CSR compliance and reporting are often promoted and reports are more readily made publically available.

Given the recent financial crisis, financial organisations have come under greater scrutiny. Both the public and media have been very critical of organisational practices and strategic choices, particularly with regard to issues of ethics. Transparency has subsequently become even more important. The financial sector and banks in particular have had to refocus on regaining the trust of their customers. Dependent on their intangible services (Decker, 2004), this has meant an increased focus on employees as a means to meet these more discerning and demanding consumer needs (Bevan et al., 2004).

Focused on better understanding an organisation’s relationship with its employees, this study centres on managers within each organisation who hold roles or are closely associated with Human Resources, Corporate Social Responsibility, or Employer Branding focused departments. This research reports on 28 managers from these areas across the seven organisations. They ranged in age from 18 to 50 years with 19 women and nine men participating. Respondents ranged from three to six per organisation.

Research design

This paper draws on some initial results from a larger Doctoral thesis project (see Raubenheimer, 2012). Given the limited and predominantly normative literature, as well as the research questions under investigation, this study is based on a constructivist epistemology (Denzin & Lincoln, 1994; Creswell & Plano Clark, 2007), with an interpretist paradigm (Hussey & Hussey, 1997; Grant & Giddings, 2002), and draws on phenomenological methodology (Goulding, 2005; Conklin, 2007). As a result, qualitative research methods (Leedy & Ormrod, 2010) were used for data collection.

Data collection and analysis

The larger doctoral study included a two-tiered data collection approach in the form of qualitative background questionnaires, which, subsequent to their completion, were followed by a semi-structured interview. However, the questionnaires will form the primary focus of empirical data for this article. In addition, for the purpose of this article and to investigate the research questions above, the data analysis focusses on answers about definition and activities to the following two questionnaire questions:

- How would you define employee-focused CSR?
- What employee-focused CSR activities are a focus for your organisation?

Thematic content analysis (Creswell, 2009) was adopted as the best method to analyse the answers provided to the above questions. Although traditionally considered a quantitative method, it is increasingly being used in organisational studies (Doriau, Reger & Pfarrer, 2007), as well as being helpful when dealing with open-ended interpretist data (Hussey & Hussey, 1997).

In addition, an inductive approach (Gibbs, 2009; Saldana, 2010) was adopted when looking at answers about definitions. This approach, although accepting of the fact that not all preliminary ideas and preconceptions can be completely excluded, aims to “as far as possible, try to pull out from the data what is happening and not impose interpretations based on pre-existing theory” (Gibbs, 2009: 46). For the activity-focused question, a combination of both an inductive and deductive approach was adopted. A deductive concept driven approach draws on frameworks or concepts established in the literature or previous research (Gibbs, 2009), which for this research includes a list of employee-focused activities compiled from the literature. Thus, the data was analysed in terms of the recurring themes that presented themselves around the definition of CSR. Activities were analysed in terms of the incidence of frequency that they were included and were grouped according to the list of activities outlined above.

Findings

How is employee-focused CSR defined?

In line with the theoretically focused discussion above, the definitions provided by the respondents ranged considerably although some common themes were identified.

Conceptualising CSR

In providing a definition, three distinct categories were noted around the conceptualisation of CSR. Explored more comprehensively below, these include:

- employee-focused CSR as the main definition focus
- CSR holistically defined
- employee-focused CSR defined as a subset of CSR.

The large majority of participants, as illustrated below, focused only on providing an explanation of their understanding of employee-focused CSR (just as the question asked).

CSR related activities that connect with and drive engagement with your employees. 3A

Investing in the skills and capabilities of our employees. 4E

When the organisation partakes in activities that proactively supports its employees in a responsible way either in their role, their community or with their families. 4D

Policies and procedures to ensure employees are valued and respected. 7A

However, a number of respondents, when providing a definition, focused more holistically on CSR as a broader social concept. They noted that:

CSR is going beyond the business requirements (financial) and looking at how the organisation can help others and society in general. 1F

CSR (to me) is an organisation ensuring a positive impact through its activities on the environment, clients, employees and society; playing their role in ensuring a sustainable and prosperous society. 2B

The remaining respondents chose to differentiate between CSR and employee-focused CSR when providing a definition. By doing so, they consciously or unconsciously presented employee-focused CSR as a subset of CSR.

Corporate social responsibility focusses on corporate led/related activities and the impact on any stakeholder connected with or impacted by its actions. Employee focused CSR would look specifically on how corporate actions impact employees directly. 2D

To me CSR is about sustainability and corporate collaboration in the community. Employee focused is the engagement of employees in that process and those outcomes. 6A

The following table provides a summary view of how the respondents' definitions were classified according to the three categories. As illustrated below, there is limited consistency both between and within organisations, with only three of the seven organisations focused on similar conceptualisations. However, all organisations were able to provide some explanation as to what and how employees were included in their conceptualisation of CSR.

Table 2: Classifying employee-focused CSR definitions

Classification	Org 1 (NZ)	Org 2 (AUS)	Org 3 (AUS)	Org 4 (NZ)	Org 5 (NZ)	Org 6 (NZ)	Org 7 (NZ)	Total (28)
Employee-focused CSR	4		2	5	2		3	16
Holistic CSR	2	2	2					6
Differentiated		2			1	3		6

Note: Organisation 1 to 4 includes the two pair of participating companies.

Stakeholder relationship

Despite the variation when defining CSR, all respondents included a focus on people/stakeholders in conjunction with a locational context. These can be grouped broadly into two main categories, namely:

- interaction with employee within an internal/organisation setting
- interaction with multiple stakeholders including employees both within and outside the organisation.

None of the respondents took a purely external focus, highlighting the fact that CSR is relationally based and relies on the interaction of the organisation, as a given, with a range of stakeholders. Employees were, therefore, found to be always, in some way, part of this process.

Given the question is employee focused, it was expected that participants would mainly refer to their employees and the internal environment or workplace and a number of them did:

Our business is only as good as the people who work for us. The success of both are interdependent. Ensuring people are safe, rewarded and connected. 4A

Policies and procedures to ensure employees are valued and respected. Could be in the form of flexibility, support, training and development, and an appreciation of social and cultural diversity. 7A

Taking into account employees' values, personal circumstances and ambitions. Work/life balance initiatives. Equal opportunities – integrity, collaboration, respect, accountability, excellence. 5B

Several respondents, mainly from organisation four, also stated that a focus on employees should be personalised and can and should extend beyond their time at work, extending the locational setting externally.

Employment practices that recognise and support needs of employees beyond just the work place. 4B

Having a responsibility for the care and wellbeing of staff that extends beyond the workplace. Caring about staff as individuals. 4C

When the organisation partakes in activities that proactively supports its employees in a responsible way either in their role, their community or with their families. 4D

Taking into account employee's values, personal circumstances and ambitions. 5B

Building on this external organisational focus, the other half of the respondents included multiple stakeholders (internal and external to the organisation) in their definitions.

It is where an organisation provides employees with the opportunity to do non-paid work and help charities, as well as ensuring the employees are cared for in a responsible way and their interests are looked after. Finally, CSR is about a company looking after the environment and being ethically responsible. 2A

Our purpose guides us in our decision making and in every aspect of our engagement with our colleagues, our customers, and our key stakeholders including community, government, consumer groups and the media. 3D

CSR (to me) is an organisation ensuring a positive impact through its activities on the environment, clients, employees and society. 2B

For us it is about our purpose in action every day by our employees: doing the right thing, helping our customers and communities, belief in potential. It is at the core of our business. 3B

When looking closer at these stakeholder relationships, a distinction can be seen regarding an organisation's focused intention. Employees were either seen as one of the stakeholders to whom the organisation was responsible, or they were seen as part of the process and a means by which to deliver these responsibilities to external stakeholders.

In line with the above, while some referred to the organisations taking a lead in driving and taking responsibility for its CSR initiatives, others placed responsibility upon their employees to take the lead and be accountable. This distinction is illustrated below.

Employee – the focus

Employee focused CSR would look specifically at how corporate actions impact employees directly. 2D

CSR related activities that connect with and drive engagement with your employees. 3C

Employee focused CSR is about treating employees well eg, working conditions, development opportunities, meaningful work as well as being explicit with employees about the company's CSR agenda. 5A

CSR can focus on a number of areas, employees being one. 6B

Employees – part of the process

Employee focused Corporate Social Responsibility is making sure your employees are taking responsibility for socially responsible activities. 5C

It is about enabling employees to understand what their organisation does for CSR, allows them to get involved via feedback, ideas or hands on participation. 1D

Employees taking responsibility for caring for environment/community eg, involvement in community projects. 7C

Again, when looking at how organisations compared, there was considerable inconsistency within and between them. When comparing these results, with the previous classification, other than minor variations, for the most part the results reinforce one another in terms of areas of focus.

Table 3: Stakeholder relationship focus

Stakeholders	Org 1 (NZ)	Org 2 (AUS)	Org 3 (AUS)	Org 4 (NZ)	Org 5 (NZ)	Org 6 (NZ)	Org 7 (NZ)	Total (28)
Employees/ Internal	3		2	5	2		2	14
Multiple stakeholders	3	4	2		1	3	1	14

Organisational approach to employee-focused CSR

In the same way that organisations hold a view on the role their employees can and should play within the context of CSR, they also held distinct beliefs on what their role was and how CSR was positioned within their organisation. In comparing the definitions, the following four continuums were identified to broadly describe how these respondents characterised CSR within their organisations. These continuums include:

- proactive to reactive approaches
- voluntary to mandatory approaches
- intrinsic to segmented from strategy approaches
- ideological to activity orientated approaches.

As an exploratory investigation, it was valuable to consider both ends of the spectrum. However, as the below examples illustrate, not all the definitions displayed each criterion while others included a variety.

CSR (to me) is an organisation ensuring a positive impact through its activities on the environment, clients, employees and society. Playing their role in ensuring a sustainable and prosperous society. 2B

This definition describes CSR as something the organisation is committed to as a given for them (*mandatory*), with set associated activities. It is, however, more *ideological* in its description of these activities and does not list any specifics. It also highlights the need for the organisation's actions to have a positive impact on their stakeholders (*proactive*), instead of having to react to any negative outcomes.

CSR is a way for companies to self-regulate; to ensure the workplace meets legal, ethical standards and internal/social norms. 1E

In comparison to the above, this respondent discusses CSR in terms of compliance and adhering to a set of standards highlighting their CSR to be more *reactive* and box ticking.

It is about enabling employees to understand what their organisation does for CSR, allows them to get involved via feedback, ideas or hands on participation. 1D

For the employees of this organisation there is a *voluntary* element to them ‘understanding’ and having the opportunity if they chose, through multiple options, to get involved with CSR. In contrast, however, for the organisation, “what their organisation does for CSR”, as with the first example, assumes a more *mandatory* or expected element for the organisation’s responsibilities.

Investing in the skills and capabilities of our employees, ie. OHS and wellbeing, learning and development, talent management, performance and reward, industrial relations, diversity of inclusion, flexible working and our organisation culture. 4E

While *proactive* with its focus on ‘investing’, this definition focusses on very specific *activities* when explaining how employees’ skills and capabilities can be enhanced. Although the use of ‘investing’ again carried with it a strategic connotation, other than this there is very little connection to its organisation’s overall strategic direction (*segmented*).

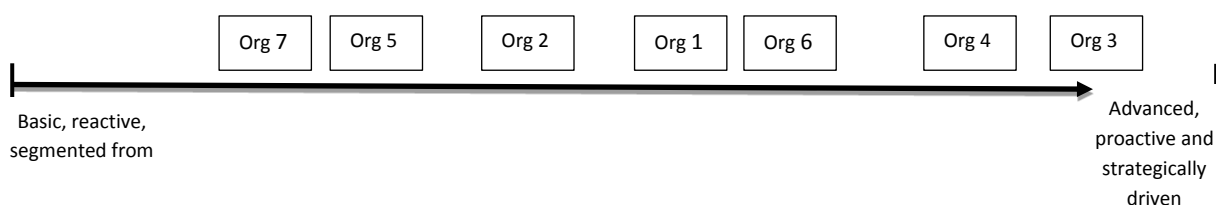
In contrast to the previous definition, the following outlines its specific stakeholders, but its CSR is described in more general and *ideological* terms and as a core and strategically aligned (*intrinsic*) part of their organisation.

Corporate Responsibility (CR) is how we do things. It is intrinsically linked to our enduring purpose – to do the right thing. Our purpose guides us in our decision making and in every aspect of our engagement with our colleagues, our customers, and our key stakeholders including community, government, consumer groups and the media. 3D

When looking at the above approaches and taking into consideration the categorisations and stakeholder relationships, it would appear that there is little consistency within and between organisations’ approaches to CSR. Alternatively, these could also be viewed as more of process, with stages of development.

Overall, a continuum can be drawn from what could be considered a basic and more add-on compliance approach to CSR to those organisations who take a more holistic, integrated, strategic, and proactive approach to CSR. From the information provided, the organisations can be approximately ordered along this continuum as follows.

Figure 1: Continuum of CSR development



Employee-focused CSR activities

All activities noted as part of employee-focused CSR were listed as the questionnaires were systematically analysed. These were then grouped according to the frequency or replication of their reference and then again grouped according to the list compiled from the literature.

The following table outlines the frequency of recurring activities, as well some initial observations.

Table 4: Comparison of employee-focused CSR activities

Original list (roughly according to Vuontisjärvi's order)	New list: Order of importance/ additions		Areas of interest
	Activity	Number of reoccurrences	
	Community involvement	26	Addition to original list. Volunteer days a focus
Training and career development	Supportive working environment	23	Work-life balance a focus
Remuneration and benefits	Health and safety	22	Increasingly focused on wellbeing
Supportive working environment	Training and development	14	Talent and leadership a big focus. Additional to original list
Employee engagement and satisfaction	Diversity	13	Culture and women a focus
Organisational values	Organisational values	9	Value and purpose of focus
Health and Safety	Employee engagement and satisfaction	6	Focuses on empowerment
Employment Relations (ER)	Remuneration and benefits	5	Not a big focus
Employment policy	Employment policy	2	Mentioned only once
Diversity	(Employment relations)	0	Not mentioned at all

While the original order has shifted, there has also been a new addition. Not only was community involvement (including employee volunteer days and employee fundraising), not included previously, it is also now the most frequently noted employee-focused activity.

In addition, employment relations were not mentioned at all and employment policy was only mentioned twice. it is interesting to observe that according to this group of respondents those activities that have moved towards the top of the list include more HRM-based and focused activities.

Discussion

This study aimed to explore how employee-focused CSR was practically defined and used by financial institutions. With such a diverse and fragmented body of normative literature on the topic, it was hoped an empirically focused study could help provide some insight into actual understandings and practices.

Consistent with the literature that views CSR as a broad, poorly defined, and loosely focused concept (Decker, 2004; Garriga & Mele, 2004; Godfrey & Hatch, 2006; Garavan & McGuire, 2010), the

definitions provided by the individual respondents varied considerably when assessed according to categorisation, stakeholder relationships and characteristics of approach. All respondents were able, however, to articulate their understanding of CSR and what activities their organisation engaged in within the employee-focused CSR space. Although some were employee-focused and others more holistic in their application, this highlights that CSR is still evident within organisations, reinforcing the view that CSR has become a prominent focus for corporates (Smith, 2003).

In addition, in line with Werther and Chandler (2006), and Blowfield and Murray (2008), all respondents (whether implicitly, or more explicitly) focused on stakeholder relationships when discussing CSR. Not only were organisations seen as central and inherent to this process when discussing these relationships within the CSR context, but, by definition, these included the organisation's interaction with and responsibility to different groups of people, be they employees, customers, or the community. Subsequently, CSR can be seen to be intrinsically focused on people and, therefore, dynamic and individualistic to each organisation.

Despite the literature conceptualising employees as more of a separate labour issue or by-product of CSR (Bolton et al., 2011), it was clear that employees were viewed and described by most respondents as much more central and critical to CSR. The respondents either focused specifically on employees or, in line with the literature and reporting bodies (Decker, 2004; Bitc, 2007; GRI, 2011), chose to provide a more holistic definition. Including economic, environmental, and social elements, the holistic definitions merely differentiated employee-focused CSR as a sub-set of a more broadly focused CSR field.

In considering an organisation's relationship with its employees, organisations emphasised how they viewed their employees' responsibilities, as well as their own responsibilities to employees in the CSR process. These perspectives differed widely between organisations. Inconsistent with the literature's assessment that employees are excluded from and not acknowledged in the CSR process (Bolton et al., 2011), a number of respondents described employees as very much part of the CSR process and the means by which their organisation's CSR initiatives are delivered to their external stakeholders.

On the opposite side of the spectrum, some respondents, in support of Bonfiglioli et al. (2006) and Vuontisjärvi (2006), believe employees should not only be part of the CSR process but should be recognised as a key stakeholder. Organisations should, therefore, be responsible to their employees as well. The definitions from a number of respondents subsequently focused on enhancing employee skills (Bevan et al., 2004), employee engagement (WEF, 2003; Bolton et al., 2011), and an organisation's impact on its employees.

Solely focusing on employees within the internal setting of the workplace was a key area for half of the respondents when providing a stakeholder relationship context for their CSR definitions. As discussed above, based on relational interactions, stakeholders (Freeman, 1984) and stakeholder relationships (Whether & Chandler, 2006) are also acknowledged in the literature as a key focus for CSR, as well as a way to build more tailored and organisationally appropriate CSR strategies (Blowfield & Murray, 2008).

Interestingly, a number of respondents, in line with the World Bank (2003, as cited in Petkoski & Twose, 2003) and the WBCSD (2000), looked not only at their impact on employees within the context of CSR but also beyond their immediate work environment to their employees and their families. This is in line with Vuontisjärvi's (2006) view that an organisation's relationship with its employees should be a precondition for all other CSR activities.

The other half of the participants' definitions focus on a multiple stakeholder approach. This view is consistent with a more holistic conceptualisation of CSR (Decker, 2004; Bitc, 2007; GRI, 2011) and a focus on meeting the needs of all of an organisation's stakeholders (WBSCD, 1998; Whitehouse, 2006; Whether & Chandler, 2006; Decker, 2004; Pirsch et al., 2007). Employees and the internal environment

were still recognised, in addition to external stakeholders, including customers, the community as well as the natural environment.

Finally, when defining CSR, respondents outlined their view of their organisation's role within the CSR process and the characteristics these approaches included. These characteristics provided significant insight into the degree of CSR integration within each organisation.

The WEF (2003) called for corporate citizens who operate beyond compliance, and Blowfield and Murray (2008) called for voluntary and self-regulated approaches. The use of language is important here. Many organisations, without alluding to mandatory directives, described their action and responsibilities around CSR as a given or self-imposed mandate. In line with public and global pressures (Glade, 2008; Bolton et al., 2011), it would appear that either organisations are voluntarily imposing mandatory responsibilities or the push to become good corporate citizens (WEF, 2003; Bolton et al., 2011) is evoking an active response.

In contrast, when looking at the way respondents described their employees' CSR participation, this was described as being much more voluntary in nature.

When assessing the degree of integration within an organisation's strategic direction, or, as described by Paul Bateman (Anonymous, 2004), ensuring CSR is at the heart of the business strategy, a range of perspectives were provided by the respondents. One organisation in particular, with several other respondents from other organisations alluding to it, took this intrinsic, ideological, and more holistic view of CSR. This highlighted a level of development and maturity in their CSR processes and practices that were integrated throughout the organisation and supported its strategic objectives. It also reinforced Werther and Chandler's (2006) appeal for CSR to be specific to an organisation and its strategic priorities.

The remaining respondents provided a range of variations from the above emphasis, with some including or alluding to a strategic element to others who provided no link to any core strategy and instead took a more tactical approach and discussed specific activities they considered to be part of employee-focused CSR. It is important to note that it is hard to determine, as no further information was able to be collected, whether this is a true reflection of their organisation's CSR programme or merely a segment, in line with the question asked. The literature in this area is very sparse (Matten & Moon, 2004; Campbell, 2007) on any specifics. Therefore, drawing on Vuontisjärvi's (2006) list as well as those activities outlined by the global reporting bodies, a comparison was done between the two to establish a list to compare to the respondents' provided definitions.

The order of importance of specific activities has changed considerably. Training and career development dropped from first to fourth, and remuneration and benefits dropped dramatically from second to eighth. In contrast, health and safety, a supportive working environment, and diversity all moved up some places.

Work-life balance and flexibility, both part of a supportive working environment, were heavily discussed, in support of the increasingly flexible organisational structures organisations are adopting currently. Likewise talent development, part of the training and development category, was also a big focus for many respondents as such development was seen as important for ensuring sustained organisational success (Bonfiglioli et al., 2006; Young & Thyil, 2009). The focus within health and safety has also changed with wellbeing dominating most references to it.

All these areas that have advanced up the list have a strong HRM association and focus. Interestingly, while not previously included, community involvement was the most frequently discussed activity for employees. This increased frequency of reference could, therefore, be because the respondents, for the

most part, hold positions within or closely aligned to the HRM space. These particular areas are probably most relevant to them and their points of organisational reference in the CSR space. Alternatively, workforce developments and social changes may have affected their increased attention, with the aim for them to be developed further.

The drop in importance of other activities down the list could be described as more 'hygiene' or administrative functions. This could be because these activities are no longer an issue and taken more as given; for example, in the case of employment relations, which was not mentioned at all.

These changes to the list of activities and their subsequent degree of focused importance all support Locket et al.'s (2006) view that CSR is constantly changing and continues to develop. These results also illustrate that the size of an organisation (Blowfield & Murray, 2008), as well as the country and industry (Werther & Chandler, 2006) within which it operates, could potentially affect how organisations prioritise their CSR-related practices. It could also confirm that, in line with developing understandings of CSR and international events relating to CSR, approaches can vary considerably over time.

In answering the research questions, it would appear that organisations, like the literature, are still developing their definitions and understanding of how to implement employee-focused CSR. It may be that agreeing upon a universal definition is an unlikely actuality due to the numerous influencing variables. Perhaps a universal definition would need to be significantly more encompassing and fundamentally based than current propositions.

Based on respondents' answers, some organisations may not appear to be prioritising their CSR policies and others are starting to progress to a more meaningful approach. The latter organisations have already actively engaged in linking their organisationally specific activities with their key stakeholders and overall purpose and strategy. The findings not only provides a range of approaches to consider but also a potential process for development and improvement.

What is clear is that CSR and specifically employee-focused CSR is a dynamic and context specific concept that is not only relationally based and action orientated but can become an integral part of an organisation's strategy. What now remains to be seen is how this conceptualisation and integration of employee-focused CSR affects each organisation's success, not only in the employee space, but in its strategic orientation and competitive advantage.

Conclusion: implications, limitations, and future research

While CSR is increasingly becoming an important organisational consideration (Smith, 2003) with organisations acknowledging and embracing their role in this process (Handy, 2002; Anonymous, 2004), what that means and specifically what it involves remains unclear at best. This is in part due to the limited empirical data available. As a result, it is hoped that these initial findings will not only provide a clearer understanding of the ways organisations conceptualise CSR but also an update on the specifics they are focusing on at present.

Employees are now definitely part of the CSR discussion. While it appears that each organisation is at a different stage of CSR integration, practitioners can determine where they fit into this continuum and then draw on those ahead of them on their CSR journey for further insights and development opportunities. Although location, industry, and organisational size will affect the degree of relevance, some key lessons about how organisations conceptualise and approach CSR can be noted.

Limitations of this study relate to the means of data collection and the included participants. While only a preliminary review, the use of questionnaires limited the ability for the researcher to seek further

elaboration, provide contextualisation, and ask additional questions dependent on the respondent's initial responses. In hindsight, it would have been beneficial to first ask participants to define CSR and then employee-focused CSR. Future research should, therefore, adopt a more interactive qualitative method, such as in-depth interviews to draw more complete results. Secondly, while the research looks at employee-focused CSR, the organisational perspective came across very strongly through the opinions of the respondents. It would have been very beneficial to have been able to include employees' perspectives. This clearly constitutes an opportunity for further research.

Although sufficient for a qualitative study, the sample size is still rather small and the differentiation in participant opinions between and within organisations could account for some of the variations noted and conclusions drawn. An increased number of respondents would have provided further insight and allowed for a more detailed analysis. Limited access also hindered a more comprehensive comparative analysis, as well as a more complete view of the industry. Gaining access proved especially difficult and, although the financial sector is of particular interest, alternative industries or locations could be explored.

The next stage will, therefore, include further analysis of the questionnaires as well as the semi-structured interviews. This will not only provide further insight into the context of each respondent's understanding of employee-focused CSR within their organisation but also provide a more comprehensive interpretation of the practical application and integration of the dynamic and elusive concept of CSR.

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The Right to Strike: Commentary

PAUL MACKAY*

Introduction

In its 2012 General Survey Report “*Giving Globalization a Human Face*” (the 2012 General Survey), the International Labour Organisation’s Committee of Experts on the Application of Conventions and Recommendations (the CEACR) argued that ILO Convention 87 on Freedom of Association and Protection of the Right to Organise 1948 (C87) is the source of workers’ right to strike on workplace, economic and social issues. This is despite the fact that C87 contains no reference to strikes, and makes no provision whatsoever for a right to strike.

This article examines the source of the right to strike, and the nature of strikes, and concludes that the right to strike is not supported by C87. Instead, it finds strong support for the idea that the right to strike currently is an issue for individual countries to regulate. It also argues that if an international reference point for the right to strike were to be established, it would be more appropriately aligned to conventions governing collective bargaining than to C87. Finally, it discusses whether or not there is an urgent (or any) need for a global labour standard on the right to strike, and concludes that there is not.

Source of the Right to Strike

The CEACR started by opining that the absence of specific provisions establishing a right to strike did not prevent such a right from being read into C87. It stated that:

the absence of a concrete provision is not dispositive, as the terms of the Convention must be interpreted in light of its object and purpose. While the Committee considers that preparatory work is an important supplementary interpretative sourceit may yield to the other interpretative factors, in particular, in this specific case to the subsequent practice over a period of 52 years (see articles 31 and 32 of the Vienna Convention on the Law of Treaties).¹

Then it said:

the right to strike was indeed first asserted² as a basic principle of freedom of association by the tripartite Committee on Freedom of Association in 1952...Moreover, the 1959 General Survey, in which the Committee first raised its consideration in respect of the right to strike in relation to the Convention, was fully

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¹ Paragraph 118 of the 2012 General Survey.

² In fact, despite being “asserted”, the right to strike was deliberately not recognised in Convention 87 (or 98) because during the Cold War of the late 40s, 50s and 60s, western governments viewed it as a socio-economic right (the forte of communist countries) while unions feared that entrenching the right would have meant setting limitations on it. The issue was deliberately left “at large” to the great relief of both sides.

*discussed by the Conference Committee on the Application of Standards without any objection from any of the constituents.*³

The CEACR

*...highlights that the right to strike is broadly referred to in the legislation of the great majority of countries and by a significant number of constitutions, as well as by several international and regional instruments*⁴, *which justifies the Committee's interventions on the issue*⁵ [emphasis added].

This last statement is something of a *non sequitur* in the context of the preceding two. The fact that many, if not most, countries have enshrined a right to strike, together with restrictions on that right, is not determinative of the proposition that C87 is the source of that right. To the contrary, it is far more supportive of a view that countries have rightly found it necessary to regulate this important issue in the face of a lack of clear and explicit guidance from a globally authoritative source, e.g. C87. Furthermore, it is illogical to cite national practice as a basis for interpreting an international document as providing an otherwise unstated right.

The CEACR then went on to say “*...the affirmation of the right to strike by the supervisory bodies lies within the broader framework of the recognition of this right at the international level,*”⁶ which appears to conflict with the CEACR’s opening statement⁷ that it was “*mainly on the basis of Article 3 of the Convention which sets out the right of workers to organise their activities and to formulate their programmes, and Article 10..., that a number of principles relating to the right to strike were progressively developed.*”

In making these remarks, the CEACR gives apparently contradictory primacy both to C87 and to international practice.

Convention 87 on Freedom of Association and Protection of the Right to Organise

Certainly, it is hard to see how Articles 3 and 10 of C87 support the CEACR’s views.

Article 3 states:

1. Workers’ and employers’ organisations [emphasis added] shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 10 states:

In this Convention the term *organisation* means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

³ Paragraph 118 of the 2012 General Survey.

⁴ Paragraph 35 of the 2012 General Survey

⁵ Paragraph 119 of the 2012 General Survey

⁶ Paragraph 120 of the 2012 General Survey

⁷ Paragraph 117 of the 2012 General Survey

Article 3(1) relates unequivocally to the right of workers *and employers* to set up *organisations* and for those organisations to be able to plan and organise their programmes and activities free from official interference. This is quite different from the CEACR's proposition that C87 Article 3 "...sets out the right of workers [emphasis added] to organise their activities and to formulate their programmes..."⁸ At face value, Article 3 does not extend to individual workers and employers because the rights are conferred upon the relevant organisation. Article 10 emphasises Article 3's focus on "organisations" by defining that term. This is important because workers' organisations *per se* cannot go on strike; only workers employed by employers can, even if those workers are also members of a workers' organisation. Likewise, employers' organisations cannot lock out workers but individual employers can.

The injunction in Article 3(2) that the public authorities "*refrain from interference which would restrict this right or impede the lawful exercise thereof*" qualifies the right in Article 3(1) to establish workers' and employers' organisations but does not expand it.

Clearly, there are no explicit grounds on which the rights conferred by Article 3, permitting workers' *and employers'* organisations to form and operate, can underpin a right to strike by workers, whether or not they are members of workers' organisations. A right to strike can only be drawn from Article 3 by the use of a wider interpretation.

However, wider interpretation is made difficult by the fact that Article 3 relates equally to employers, to whom the right to strike does not apply. Here, it is notable that the CEACR's analysis of Article 3 does not address the right of employers to lock out (the corollary of the right to strike). Indeed, the CEACR made no reference to employers when it stated that it was

*...mainly on the basis of Article 3 of the Convention which sets out the right of workers to organise their activities and to formulate their programmes, and Article 10..., that a number of principles relating to the right to strike were progressively developed [emphasis added].*⁹

The lack of any mention of employers' right to lock out is discussed in more detail later in this article but it is immediately apparent that, however Article 3 is interpreted, it must apply equally to both employers' and workers' organisations and their activities; and nothing in Article 3 indicates that the right of worker and employer *organisations* to "organise their activities" or "formulate their programmes" can be extrapolated to create any form of right to strike, let alone for workers to undertake the broadest forms of strike contemplated by the CEACR (e.g. strikes on economic and social grounds).

For its part, Article 10 confers no jurisdiction whatsoever; it merely defines the meaning of the term "organisation", from which extrapolation of a right to strike is unsustainable in any interpretative context.

Consequently, there are weak, if not unsupportable, grounds for relying on Articles 3 and 10 of C87 to support the importation of *any* right to strike into Convention 87.

⁸ Paragraph 117 of the 2012 General Survey

⁹ Paragraph 117 of the 2012 General Survey

The International Covenant on Economic Social and Cultural Rights of the United Nations

Notwithstanding its citation of C87 Articles 3 and 10 as at least partly authoritative, the CEACR relied more strongly on external indicators and custom and practice as its sources of authority to interpret a right to strike into C87. It said

*...the affirmation of the right to strike ... lies within a broader framework of the recognition of this right at the international level, particularly in the International Covenant on Economic, Social and Cultural Rights of the United Nations (Article 8, paragraph 1(d))*¹⁰

Inconveniently for this proposition, Covenant Article 8(1)(d) requires the exercise of the right to strike to be in conformity with member states' laws and regulations. The only constraint on the restrictions countries may place on strikes in their national laws is imposed by Covenant Article 8(3)¹¹ prohibiting nations that have ratified C87 from establishing laws that contravene C87's guarantees.

However, Covenant Article 8(3) was not cited by the CEACR in the 2012 General Survey, possibly because C87 does not mention the word strike, let alone provide an express guarantee of any right to strike. Nor did the CEACR cite Article 8 of C87¹², which is couched in exactly the same terms as Covenant Article 8, i.e. that the exercise of the rights in C87 is subject to national laws which, in turn, must protect the convention's guarantees.

A "guarantee" is a "*promise or assurance, especially one in writing, that something is of specified quality, content, benefit, etc*"¹³ Since C87 does not provide any promises or assurances of a right to strike, and since all other international instruments that do provide a right to strike¹⁴ require that right to conform to national laws and practices, there is arguably no legal capacity to find national restrictions on the right to strike to be in breach of C87. This being so, the CEACR could only fall back on custom and practice and/or surrounding circumstance arguments to make its case.

The Vienna Convention on the Law of Treaties

The apparent heart of the CEACR's interpretation of C87 as providing a right to strike is that "*subsequent practice over a period of 52 years*"¹⁵ justifies such an interpretation. Supporting

¹⁰ 8(1) - The States Parties to the present Covenant undertake to ensure:(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

¹¹ International Covenant on Economic, Social and Cultural Rights of the United Nations Covenant Article 8(3) - Nothing in this article shall authorise States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

¹² C87 Article 8(1) In exercising the rights provided for in this Convention, workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land. (2) The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

¹³ [www.http://Dictionary.com](http://Dictionary.com)

¹⁴ Paragraph 35 of the 2013 General Survey

¹⁵ Paragraph 118 of the 2012 General Survey

this argument, the CEACR cited Articles 31 and 32 of the Vienna Convention on the Law of Treaties (the Vienna Convention), which provide:

Article 31 – General rule of interpretation

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.
2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:
 - a. any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty;
 - b. any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.
3. There shall be taken into account, together with the context:
 - a. any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;
 - b. any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;
 - c. any relevant rules of international law applicable in the relations between the parties.
4. A special meaning shall be given to a term if it is established that the parties so intended.

Article 32 – Supplementary means of interpretation

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

- a. leaves the meaning ambiguous or obscure; or
- b. leads to a result which is manifestly absurd or unreasonable.

Custom and practice

Article 31 of the Vienna Convention is couched in terms familiar to most common and Roman law jurisdictions. In simple terms, it says that proper interpretation is based in the first instance on the plain and ordinary meaning of the words in the treaty. Only if the meaning is unclear is it permissible to look beyond the document to ascertain a complete interpretation.

Article 31 permits changes to interpretation to occur over time, for instance through custom and practice becoming more of a reality than the original words of the treaty would otherwise suggest. Article 31 provides that a departure from the plain meaning of the words of the treaty is possible, inter alia, because of “...*any subsequent practice in the application of the treaty which establishes the agreement [emphasis added] of the parties regarding its interpretation.*”

The CEACR argued that the ILO Committee on the Application of Standards (CAS)¹⁶ discussion of the 1959 General Survey covered the issue of the right to strike “...without any objection from any of the constituents,” inferring that the five decades on from this one event offered a sound basis for establishing a custom and practice interpretation under Article 31. However, there is strong evidence that there has been no agreement on the issue since the right to strike was first discussed in 1948. Before 1959 and since, employers have objected strenuously to the view that C87 provides a right to strike, objections all recorded in the proceedings of successive International Labour Conferences. Furthermore, the CEACR devoted an entire page of the 2012 General Survey to recalling employers’ objections to the notion that a right to strike could be read into C87.¹⁷

Surrounding circumstances and intent of the parties

Without support from C87 Articles 3 and 10, the International Covenant on Economic, Social and Cultural Rights or Article 31 of the Vienna Convention the CEACR was left with only Article 32 of the Vienna Convention to justify implying a right to strike into C87. Article 32 is available in circumstances where an interpretation based on Article 31 remains unclear; whereas Article 31 permits interpretations based on custom and practice, Article 32 permits the use of extraneous information to validate the prevailing circumstances and the parties’ intent leading up to the establishment of the convention.

However Article 32 does not aid a view that a right to strike can be implied into C87. The preparatory work and records of the discussion that led to the adoption of C87 both support the view that the omission of a right to strike was deliberate. During the Cold War period (late 1940s to late 80s) western governments viewed it as a socio-economic right (the forte of communist countries) while unions feared that entrenching the right would have meant setting limitations on it. The issue was deliberately left “at large”, to the great relief of both sides.

What is a strike?

Having discussed its justification for implying a right to strike into C87, the CEACR examined the scope of that right, stating that “*the Committee considers that strikes relating to the Government’s economic and social policies, including general strikes, are legitimate and therefore should not be regarded as purely political strikes, which are not covered by the Convention.*”¹⁸

In asserting that political strikes are not covered by C87, the CEACR distinguished political strikes from other strikes, thereby concluding that all non-political strikes are legal strikes (notwithstanding the fact that C87 is silent on *any* form of strikes).

¹⁶ One of the standing committees of the annual International Labour Conference, the CAS is the tripartite body responsible for monitoring and supervising international labour standards. This is the body that calls countries to account for failing to meet the standards they have committed themselves to through their ratification of ILO Conventions. However, issues of interpretation of conventions are outside the mandate of the committee; this power is vested via Article 37 of the ILO Constitution in the International Court of Justice (ICJ), or in an internal tribunal established specifically for the purpose.

¹⁷ Page 47 of the 2012 General Survey.

¹⁸ Paragraph 120 of the 2012 General Survey

Put another way, the CEACR's view that strikes over economic and social issues are not political placed such strikes within the ambit of the CEACR's interpretation of C87 as embodying a general right to strike. This is less a matter of law than of "social engineering", in part because, historically, the majority of general strikes have occurred over political or politically sourced issues. In any event, the CEACR is on shaky ground in interpreting a document silent on the right to strike on any ground as permitting strike action on specified grounds.

At the broadest level, the CEACR saw strikes as a basic right "*which must be enjoyed by workers*".¹⁹ However, to put this view in context, it is necessary to understand how basic rights manifest themselves. It is a truism that basic or fundamental human rights (the right to liberty, free speech, freedom of association and so on) are themselves recognition of basic or fundamental human needs (food, water, shelter, clothing, warmth, a sense of community, self-respect and dignity²⁰). However, these core human rights have real meaning only when considered in the context in which real events and situations give life to the wider right. If the right to strike is indeed a fundamental or basic right, it is at the practical level that it must be examined.

The practical level

The CEACR, in distinguishing between political (unlawful) and other (lawful) strikes in an international *labour* standard, implicitly recognised the truism that strikes involve a withdrawal of labour. By extension, since withdrawal of labour requires a workplace from which to withdraw, it can be inferred that strikes are workplace issues covered by international labour standards, whereas political strikes and, arguably, strikes over economic and social policies are not.

While workers join together for the general purposes of protecting and advancing their collective employment interests, they typically join a particular union or workers' association because that organisation covers their work, i.e. the nature of their work is the common denominator between workers who associate with each other for the general purpose of collective protection.

Without the worker's work as the context, any discussion of freedom of association can relate only to the general democratic right of citizens to associate with one another. It follows that it is the worker's work that creates the practical context of freedom of association for any given worker.

Thus, if the right to strike is a corollary of the right to freedom of association²¹ and the worker's work is the practical context for the worker's right to freedom of association, then the worker's work must also be the practical context for the right to strike. It can, therefore, readily be concluded that as strikes are inextricably linked to the work the worker does, they are also linked by extension to where the worker works. This proposition is important because it clearly undermines the CEACR's ability to broaden its interpretation of the right to strike beyond the workplace (e.g., sympathy strikes and strikes on economic or social grounds).

¹⁹ Paragraph 122 of the 2012 General Survey

²⁰ c.f. Maslow's Hierarchy of Needs

²¹ This the basic premise on which the CEACR has articulated its views.

Furthermore, the CEACR's view that C87 is also the source of a right to strike on economic and social grounds is inconsistent with the facts that Article 3 of C87 gives equal rights to workers' and employers' *organisations* (but not to workers and employers per se), and that an employer can only exercise the right to lock out (the corollary of the right to strike) in the workplace context²².

Overall, none of the grounds cited by the CEACR as underpinning its belief that a right to strike can be implied into C87 has any real merit.

Wherein really lies the right to strike?

Freedom of association, in the context of C87 (particularly Article 3), is the right of workers and employers to associate, *each with their own kind*, together in organisations, federations or confederations for purposes including solidarity and mutual protection. Freedom of association carries with it the corollary right *not* to associate with one's own kind. A person or organisation should be free not to associate in the first place or, having associated, to disassociate.

However, since a strike is a withdrawal of labour from the workplace and, as discussed earlier, neither international custom and practice nor the provisions of C87 Articles 3 and 10 support the view that C87 provides for a right to strike, the CEACR's assertion that the right to strike is derived from the principle of freedom of association (which transcends workplaces) is open to question.

The vast majority of workplace strikes are, in fact, caused by the refusal of an employer to agree to worker demands for improved conditions of work, in turn most commonly linked to collective bargaining. Arguably, the CEACR's views on the right to strike are more consistent with the principles of the Right to Organise and Collective Bargaining Convention 1949 (No 98) than they are with C87.

Strike or protest?

Taking all the above into account, the CEACR seems to have confused the right to *strike* with the general right to *protest*, one of the most precious rights in any democracy. Indeed, the CEACR stated that

*...trade unions and employers' organisations responsible for defending socio-economic and occupational interests should be able to use, respectively [emphasis added], strike action or protest action to support their position in the search for solutions to problems posed by major social and economic policy trends which have a direct impact on their members.*²³

As mentioned earlier, the corollary of the right to strike is employers' ability to lock employees out. Protests per se are not part of an employer's armoury in terms of bringing

²² Employers cannot lock their workers out of a public street or their homes, only from the workplace. Similarly, an employer cannot lock out employees because the employer feels strongly about economic and social issues created by governments.

²³ Paragraph 124 of the 2012 General Survey

pressure to bear on employees even though they may be part of the employer's social ability to bring pressure to bear on government. That said, it is unheard of, nor is there supporting logic, for employers to protest government actions or policies by locking out their employees. This contrasts starkly with the CEACR's belief (stated in the preceding paragraph) that employees should be able to abandon their employers as part of a protest against government actions or policies.

As discussed earlier, socio-economic issues transcend workplaces and may indeed have nothing to do with conditions of work. Protest is the democratically available response to such issues whereas strikes, by definition, connote the withdrawal of labour from a workplace. The CEACR, however, used these terms apparently interchangeably and, in so doing, seemingly adopted an ideological socialist perspective of workers' rights rather than objectively examining the right to strike in the context of the world of work and the *labour* standards that govern it.

Support for this view comes from the CEACR's statement that systems in which "*...agreements are seen as a social peace treaty of fixed duration during which strikes and lockouts are prohibited... are compatible with the Convention.*"²⁴ In other words, the CEACR was promoting collective bargaining as a means of achieving negotiated periods of peace in an otherwise permanent state of class warfare. While a possibly interesting insight into the political perspectives of the CEACR, this statement further strengthens the view that the right to strike is aligned more closely to the practice of collective bargaining than to the concept of freedom of association.²⁵

Sympathy strikes

Having espoused the right to the broadest form of protest for workers (general strikes), the CEACR, paradoxically, also supported the notion of sympathy strikes.²⁶

*With regard to so-called "sympathy" strikes, the Committee considers that a general prohibition of this form of strike action could lead to abuse, particularly in the context of globalization characterized by increasing interdependence and the internationalization of production, and that workers should be able to take such action, provided that the initial strike they are supporting is itself lawful.*²⁷

The CEACR's support is paradoxical because, in espousing sympathy strikes, the committee has tacitly supported the workplace context of strikes (i.e. workers leaving their workplaces) rather than the broader civil right to protest exercised outside the workplace context.

²⁴ Paragraph 142 of the 2012 General Survey

²⁵ In the author's view the global source of any right to strike, should one ever be developed, would most appropriately be located inside instruments dealing with collective bargaining, e.g. the Right to Organise and Collectively Bargain Convention, 1949 (No. 98) and the Collective Bargaining Convention, 1981 (No. 154)

²⁶ Sympathy strikes may be defined as the withdrawal of labour by workers at a workplace or workplaces not involved in the dispute causing the strike, in solidarity with the striking workers at the workplace(s) directly affected by the dispute.

²⁷ Paragraph 125 of the 2012 General Survey

Restrictions and guarantees around the right to strike

The argument that a general right to strike can be derived from C87 is further weakened by the CEACR's discussion of permitted restrictions and compensatory guarantees.²⁸

Having implied a right to strike into C87 in the most general terms, the CEACR then recognised that the right to strike may be constrained; e.g., *"the right to strike is not absolute and may be restricted in exceptional circumstances"*²⁹ and, *"the Committee of Experts and the Committee on Freedom of Association consider that States may restrict or prohibit the right to strike of public servants 'exercising authority in the name of the state.'"*³⁰

However, with respect to public servants, the CEACR failed to mention in the 2012 General Survey that the ability to restrict public servants' right to strike is derived directly from the Right to Organise and Collective Bargaining Convention 1949 (C98). This permits states to exclude *"members of the public services engaged in the administration of the state"* from the right to bargain collectively, because C98 does not cover them.³¹ The absence of a right to strike for affected public servants is derived directly from the absence of their right to bargain collectively, not from any restriction on freedom of association. Once again, there is an explicit link between the right to strike and the right to bargain collectively, rather than the more general right to protest seemingly supported by the CEACR. There is also a corollary link to the idea that exercise of the right to strike is a matter for national regulation as C98 clearly leaves it to countries to determine which, if any, of their public servants will be excluded from the right to bargain collectively.

Outside the public service, the CEACR had equally explicit views, viz;

*The second acceptable restriction on strikes concerns essential services. The Committee considers that essential services, for the purposes of restricting or prohibiting the right to strike, are only those 'the interruption of which would endanger the life, personal safety or health of the whole of [sic] part of the population'. This concept is not absolute...*³²

Having opined that the right to restrict strikes exists for, at least some, essential services, the CEACR noted that

*in practice the manner in which strikes are viewed at the national level varies widely: several states continue to define essential services too broadly... others allow strikes to be prohibited on the basis of their potential economic consequences...or prohibit strikes on the basis of the potential detriment to public order or to the general or national interest. Such provisions' are not compatible with the principles relating to the right to strike [emphasis added].*³³

²⁸ Paragraphs 127 - 142 of the 2012 General Survey

²⁹ Paragraph 127 of the 2012 General Survey

³⁰ Paragraph 129 of the 2012 General Survey

³¹ C98 Article 6 - "This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way."

³² Paragraph 131 of the 2012 General Survey

³³ Paragraph 132 of the 2012 General Survey

Here, the CEACR has effectively said that, while states may impose restrictions, these cannot be incompatible with the principles that the committee has implied into C87, in stark contrast to the provisions of C87 itself. These require national practices to be compatible with “*the guarantees provided for in this Convention*,”³⁴ putting member states in a nearly impossible position. Almost all restrictions applied to the right to strike are likely to fall outside the broad application of the principles the CEACR has espoused, even if there is no conflict with the non-existent guarantees in C87.

Is there a need for global labour standard on the right to strike?

Whether or not a global standard on the right to strike is needed has been the source of debate for many decades, at least as far back as the creation of the League of Nations in 1919. The right to strike is important for any democracy, as is the right to protest. In this regard, while there is disagreement on whether or not there is already (via C87), or needs to be, a global authority for the right to strike, most countries recognise that it is a right and that it needs to be regulated.

However, at least since 1948³⁵, countries have explicitly regulated the right to strike themselves. They have not needed the sort of guidance a globally applicable labour standard would provide. Moreover, any attempt to create an explicit global authority risks placing countries that have enacted their own laws and regulations outside the new authority’s ambit. As much as anything, this is because the reasons why it was not possible to agree on the nature of the right to strike in 1948 were much the same as they are today. The inherent conflict between workers who traditionally favour a right to strike on the broadest possible grounds and employers who prefer strikes to be confined to the workplace is still in play. The negotiations necessary for resolving this conflict risk a compromise that pleases no one and leads to the conclusion that it may be better to let sleeping dogs lie. Exactly the same conclusion was reached in 1948.

Conclusion

Overall, the fact that many, if not most, states have adopted restrictive practices that do not meet with the CEACR’s approval suggests that, realistically, the notion of the right to strike can *only* be manifest in the context of workplaces subject to national jurisdiction. To be otherwise, international instruments should be explicit both about the existence of a right to strike and the parameters within which it can be exercised.

It is telling that no globally applicable international instrument is explicit about the existence and nature of a right to strike and even more telling that all international instruments establishing a right to strike explicitly restrict its exercise by means of national laws and regulations.

This article argues that the CEACR was wrong to imply a right to strike into C87 by improperly applying long-established legal principles of interpretation. It argues that the

³⁴ C87 Article 8(1)

³⁵ The year in which C87 was adopted, and the discussion for which included the possible introduction of a right to strike.

CEACR, and by extension the ILO, need to revisit their position on the right to strike. In so doing, it has identified four main areas in which it may be argued that the CEACR, and potentially the ILO, have departed from established principles.

First, employers as a rule accept that strikes are a legitimate tool in dispute management. Lockouts, the corollary of strikes, are equally legitimate. However, these are workplace tools; they are tools to be used by workers and employers on each other as means of last resort, and are not to be used on the wider, uninvolved, population and economy. Contrary to all the evidence that says strikes are a workplace issue, the right to strike as interpreted by the CEACR allows strikes over which employers have no control, because they cannot “settle” a dispute with those who are not their employees.

Second, the grounds on which the CEACR justified its importation of the right to strike into a Convention silent on the matter are arguably indefensible. Inconsistencies exist in the CEACR’s cited sources of authority and its application of international standards of interpretation appears to be flawed. Furthermore, explicit references to a right to strike in other, later, international instruments support an argument that the absence of any mention of that right in C87 is deliberate.

Third, there are considerable inconsistencies between the assertions of a general right to strike couched in the most general terms and the CEACR’s pronouncements on the scope and parameters of strikes and on the restrictions placed upon them.

Last, widely varied practice in ILO member states, and the general disapproval of the CEACR of much of that practice, suggest no determinative international instrument espouses a general right to strike. Notwithstanding attempts to hold C87 up in that regard, it is probable that individual nations have recognised they need to manage their own affairs; certainly, they have been reminded by conditional mentions in numerous international documents of the necessity of regulating this issue. Moreover, the fact that most countries have indeed regulated this issue themselves also suggests that the need for a global labour standard on the right to strike has passed.

An objective consideration of the circumstances surrounding the creation and operation of C87, as well as most countries’ current reality, suggests that the concept of the right to strike was intended to be defined in practice by individual nations based on national circumstances. This, in turn, suggests that the right to strike is not a corollary of the universal principle of freedom of association but instead is a workplace issue linked to collective bargaining and should be confined to the workplace where the motivating dispute exists.

Appendix 1

Excerpts from cited³⁶ international instruments containing the right to strike

International Covenant on Economic Social and Cultural Rights of the United Nations Article 8 (1) – The States Parties to the present Covenant undertake to ensure:(d) The right to strike, *provided that it is exercised in conformity with the laws of the particular country*. [emphasis added] ... 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Charter of the Organisation of American States Article 45 – The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:... c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defence and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, *all in accordance with applicable laws* [emphasis added];

Charter of Fundamental Rights of the European Union Article 28 – Right of collective bargaining and action - Workers and employers, or their respective organisations, have, *in accordance with Community law and national laws and practices* [emphasis added], the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Inter-American Charter of Social Guarantees Article 27 – Workers have the right to strike. *The law shall regulate the conditions and exercise of that right* [emphasis added].

European Social Charter and European Social Charter (Revised) Article 6 – The right to bargain collectively - With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake: ...3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes; and recognise: 4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, *subject to obligations that might arise out of collective agreements previously entered into* [emphasis added].

Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights Article 8 - Trade Union Rights – 1. The States Parties shall ensure: ...b. The right to strike. 2. The exercise of the rights set forth above may be *subject only to restrictions established by law, provided that such restrictions are characteristic of a democratic society and necessary for safeguarding public order or for protecting public health or morals or the rights and freedoms of others. Members of the armed forces and the police and of other essential public services shall be subject to limitations and restrictions established by law* [emphasis added].

Arab Charter on Human Rights Article 35 – 3. Each State Party shall ensure the right to strike *provided that it is exercised in conformity with its laws* [emphasis added].

³⁶ Paragraph 35 of the 2012 General Survey