

## REVIEWS

**Castles, Francis** *The working class and welfare: reflections on the political development of the welfare state in Australia and New Zealand 1890 - 1980*. Sydney, Allen and Unwin in association with the Port Nicholson Press, 1985. xiv and 109p. Price: \$15.95.

This is a book which tries to trace cause-effect relations between the existence of "working class movements" (Labour parties and trade unions), their political success in forming governments and the growth of the "welfare state". I am putting the terms mentioned in quotation marks because nowhere in the book is there a definition of what is meant by "working class" or what is meant by "welfare state".

However, assuming that Labour parties equal the working class movement (as they might indeed have done in the past) and social benefit expenditure by the state equals the welfare state, Professor Castles gives an interesting contrast between Australia and New Zealand.

In New Zealand there was no Labour party government until 1935. On the other hand the world's first Labour government was formed in Queensland in 1899 and the Australian Labor Party took office in the federal level for the first time in 1904 and again in 1908. In 1910 the ALP formed a majority government. Real long term Labour administrations existed in New Zealand from 1935 to 1949 and in Australia from 1941 to 1949. Yet, Australia hardly possessed a welfare state in 1949. Main spending for 12 western countries on social security was 8 percent in 1949/50, but for Australia it was only 4.7 percent. Only USA and Japan had lower social expenditure. On the other hand New Zealand in 1949 spent 9.7 percent of GNP on welfare schemes.

After 1950, Australia and New Zealand became, what Castles calls "welfare laggards". In the early 1970s Australia's total welfare expenditure was 12.8 percent of GDP, New Zealand's 15.1 percent and the average for some 17 advanced states was 19.3 percent.

Castles gives 2 reasons for this lagging. As far as Australia is concerned federalism is described as a definite hindrance to social reform. The Australian constitution also takes its share of blame. As far as both countries are concerned, Castles puts great emphasis on the predominantly "means-tested" nature of benefits. (Incidentally, the term "means" test is essentially inapplicable to New Zealand, because while income tests apply to most benefits, asset or "means" tests do not. It is the need to divest oneself of assets which is the bemeaning aspect of "means" tests. Not to be able to receive a benefit because one's income exceeds certain minima is not similarly humiliating).

Castles contrasts the income-tested New Zealand and Australian benefits, accompanied by a definite preference for funding through general taxation, with income related benefits based on insurance systems. The latter system is the prevalent system elsewhere in the world. Thus a reason for the "laggard" nature of the "welfare state" in Australia and New Zealand may be the unwillingness of the general taxpayer to pay for a restricted class of "poor" welfare beneficiaries. Conversely, where payment for welfare benefits is universal and income related through special contributions, the vested interest in an expanding welfare state thus created is universal. In this connection, of course, National's 1975 universal superannuation scheme was an election winner, as opposed to the newly introduced, highly "targeted" benefits of the Labour administration in 1985.

The resistance of the welfare state, implied in high taxation payable by the well to do without particular benefits for themselves, has led in New Zealand to the Goods and Services (indirect) Tax proposals which are to replace direct taxation. Whether the welfare state in New Zealand can be saved by such re-organisation of taxation remains to be seen. Unfortunately there is no reference to the most recent changes in the New Zealand system, since the book carries the story only until 1980.

There is a very interesting analysis trying to explore why total welfare expenditure in countries like New Zealand and Australia is so relatively low. Apart from the points already made, the answer is that New Zealand and Australian policies have been, in the past, directed more towards full employment at high minimum wages on the one hand, and towards home ownership on the other. Indeed (with the addition the ever more important Domestic Purposes Benefit for solo parents and ignored by Castles) as long as full or even high levels of

employment prevailed in New Zealand and possibly also in Australia there existed a genuine welfare, and not merely a charity, state.

Employment in Australia is correctly associated by Castles with protection in the early period and, of course, with import controls in New Zealand. With the abandonment of these full employment policies in both countries, they now stand to have an inadequate benefit system combined with the system of insecurity and unemployment prevalent in the other western countries taken as comparative examples.

Castle's search for parallelism between welfare state and political power of the left shows that the welfare states developed in Australasia were pushed on by the demands of the working class movement. But as long as governments could get voting mileage out of improved benefits, both partners in the 2 party see-saw took part in the improvement of the system. When less electoral mileage was available due to the selective nature of the system, it slowed down and Labour parties were unable to stem the receding tide.

The 1985 so-called "Labour" Governments in Australia and New Zealand, which have abandoned policies of fuller employment and are sailing on the uncharted seas of liberalised private enterprise, must be hostile to increased taxation. Any welfare ideology which may still persist in the constituency branches of these Labour parties will find increasing obstacles to fulfilment.

Professor Castle's book gives an interesting political and historical introduction to these contradictions between Labour policy and practice. It is a book well worth studying.

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**Dickens, L, Jones, M, Weekes, B, and Hart, M** *Dismissed* Oxford, Basil Blackwell, 1985, xi and 379p. Price: \$98.00.

This excellent book is yet another in the series of Warwick Studies in Industrial Relations under the general editorship of George Bain, William Brown and Hugh Clegg. In it, the authors examine the operation of the British law relating to protection from unfair dismissal and assess the extent to which that system has lived up to its earlier expectations.

The book commences with a background sketch to the development of the industrial tribunal system. The sheer mass of case law, codes and legislative developments to which the concept of unfair dismissal rapidly gave rise ensured that very soon its origins would be pushed to one side as a subject of study. For this reason, the authors' lucid and perceptive description of the origins and development of the tribunal system is invaluable. Likewise in an area where the wood is increasingly difficult to discern for the trees, the brief account in chapter 1 of the present legal provisions is a useful reminder before coming to grips with the substantive research presented.

After the background material, the book concerns itself with the system through which allegedly unfair dismissals are processed: the potential and actual use of the right to challenge unfair dismissals, the composition of industrial tribunals (1 legally qualified member and 2 industry representatives), the role of their members and the nature of their hearings, the reasons why cases are won and lost and the use of remedies. There is an evaluation of the role of the Advisory Conciliation and Arbitration Service (ACAS) and an examination of arbitration as an alternative mechanism for resolving dismissal disputes. The major data source for the study was interviews conducted with about 1 000 unfair dismissal applicants and their employers. The interviews were based on 4 questionnaires which "provided information on the nature of the parties; what happened to them; their expectations, experience, perceptions and assessments of the industrial tribunal system". Regrettably, the authors were not granted access to case files or to tribunals at the decision-making process, nor were they able to discuss individual cases with conciliation officers or tribunal members. Survey details are published in an Appendix. I am not competent to comment on the sampling methodology although I was surprised to find that the questionnaires used are nowhere reproduced in full.

The book provides a fascinating insight into the workings of the tribunal system as

perceived by its principal actors. In several cases the authors' conclusions bear out what many practitioners already suspected — for example, that the legal member of the tribunal is commonly regarded by the workers' and employers' representatives as *primus inter pares* — but to have the recorded comments of tribunal members on such subjects is intriguing. In studying the "mechanical" aspects of the claims, such as requests for further and better particulars, disclosure of documents and conduct of the claim at the hearing, the authors leave one in no doubt as to the relative disadvantage of the unrepresented applicant *vis-a-vis* the (usually represented) employer. Yet, after the authors' survey of the numerous hurdles faced by those who bring claims (including the unavailability of legal aid for the hearing) it still came as a shock to me to read that less than a third of the cases heard by industrial tribunals result in a finding against the employer. According to the authors the failure rate is not explicable solely by the mechanics of representation:

... the courts' apparent willingness to protect the interest of the individual employee in holding on to his or her job only in so far as it does not undermine the employer's interests, mirrors the ideological perspective of the statute. The concept of fairness in the statute is not a philosophical one but an ideological one, firmly located within a framework which takes for granted the inequality of the employer-employee relationship; which accepts that the employer has the right to dismiss where this is necessary to protect or further his or her business interests.

This inherent inequality is "perpetuated, not ameliorated" by the neutrality of ACAS in conciliation. Given the controversial role of the British Courts in industrial relations over recent years and successive amendments to the legislation by the Conservative Government, designed to ease the lot of employers in dismissal cases, perhaps the failure rate of applications should not have come as a surprise.

I have noted that the book surveys the majority of actors in the system. One notable omission in the surveys was representatives; whether lay representatives from the unions, employer advocates or lawyers. In the climate engendered by the system described by the authors, one is left to speculate how the advocate perceives her or his role. Two examples might illustrate the point. There is often an assumption that legal representation is more advantageous than lay representation. Yet, in my own experience of unfair dismissal cases, many lawyers found great difficulty in coping with the rather elastic concept of "fairness". In this respect the advocate from a small firm of solicitors, perhaps dealing with her or his first case before a tribunal on behalf of a commercial client would often be at a significant disadvantage when compared with a seasoned union advocate or rights centre "paralegal" worker. Secondly, and ironically for an "informal" system, the sheer complexity of the law on unfair dismissal has from the outset given rise to many opportunities for the tactical manoeuvring and exploitation of loopholes in which specialists delight. In such matters, a survey of advocates might have been revealing. This is not to criticise the authors, whose objects clearly lay elsewhere.

The authors conclude by examining an arbitral alternative to the industrial tribunal system which, they argue, could provide a way of overcoming some perceived failings of the tribunals. Underpinning their faith in such a system is their belief that its procedure, its flexibility in decision-making and its personnel would lead to a different exercise of discretion, particularly as regards managerial prerogative and the recognition of collective interests, from that emerging from the industrial tribunals. It may be putting their message too bluntly, but the removal of lawyers from the scene seems to be the general objective. A question left dangling at this point is how one defines a lawyer in this context. Is it a person with legal training? Or simply a person who holds a practising certificate? To exclude only the latter will still enable those who can afford it to hire legally-trained, but unadmitted, advocates. To exclude the former would prove immensely difficult particularly since the juridification of industrial relations and social welfare in the United Kingdom has given rise to an army of "para-legal" experts in these fields.

My immediate reaction to this book was to envy the teachers of law and industrial relations in the United Kingdom who will be able to refer their students to it in rounding off a study of dismissal law. It is difficult to fault the book in terms of lucid exposition and detailed research and for those involved in the day to day running of the tribunal system it must make compelling and thought-provoking reading. Nor do the authors avoid suggesting well-argued solutions to the contentious problems which their research reveals. Many of these problems are reflected in private sector dispute resolution in New Zealand: the respective roles of

"precedent" as against "guidelines" in determining the outcome of cases, the marshalling and channelling of pressures by conciliators (in the United Kingdom, adjudication of disputes by conciliators is the exception rather than the rule), the inherent assumptions as to management's "right to manage", and the impact of delay on the right to reinstatement are simply a few examples. Chapter 7 in particular, which deals with the areas in which unfair dismissal legislation was expected to have an impact, such as strike frequency and voluntary reform of dismissal procedures, raises practical issues which are equally relevant in the markedly different industrial context in New Zealand.

In summary, this book is warmly recommended, if expensive, reading for all those interested in the direction of the law on dismissal, whether in the United Kingdom or New Zealand. The depth of research and resultant insights transcend what might be thought at first sight to be a topic of little intrinsic relevance to New Zealand's industrial relations. This reader was left with regrets that no corresponding "micro" research has been attempted here. Whilst the benefits of anonymity would be harder, if not impossible, to achieve in New Zealand in respect of the "institutional" subjects, should that really deter researchers or (more particularly) those subjects from a long-overdue study of the personal grievance system as it presently functions?

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**Hyman, R and Price, R** *The new working class? White-collar workers and their organisations* London, Macmillan, 1983, xiii and 285p. Price: not stated.

**Prandy, K, Stewart A and Blackburn, R M** *White-collar unionism* London, Macmillan, 1983 ix and 172p. Price: not stated.

These 2 books are both about white-collar workers, they are published by the same publisher, and are ostensibly concerned with the same topic: the class position of white-collar workers. But there the similarity ends. They are quite different in style and content and are directed at different audiences.

The book by Hyman and Price is intended as a student text. It follows an established pattern for academic publishing of taking work already published elsewhere and putting it together under one cover with appropriate introductions and linking pieces. The book is divided into 2 parts. The first deals with the debate on white-collar labour and opens with an introduction by Hyman on white-collar workers and theories of class. Hyman traces some of the debates surrounding the class position of those who perform "mental" or "non-manual" work, their interests and political orientations. The contemporary theoretical debate on white-collar workers continues to be informed by the perspectives offered by earlier writers such as Marx and Weber. Hyman attempts a synopsis of the main themes which the subsequent readings cover, and endeavours to weave them together in a logical fashion. He discusses the relationship between non-manual labour and the middle class, the relationship between class consciousness and collective action, the proletarianisation of the white-collar worker, and so on. The introduction is intended to inform the reader of the place within the overall debate of the contribution of the authors to follow.

Unless one is familiar with the literature, Hyman's introduction is likely to prove confusing. To the uninitiated, several of the authors seem to be saying the same thing, only differently, and in the space available, Hyman cannot always do justice to the nuances of argument and debate which characterise the literature. Many Americans cannot understand the British obsessions with class, and one suggested to me that the debate over the class position of white-collar workers was a bit like discussing how many angels could fit on the head of a pin — all very interesting, but of little practical value. I am not convinced that many of the writings included in Part 1 sit happily side by side, and Hyman's attempt to squeeze them into some sort of framework does not really come off.

Following this introduction come the extracts of previously published works, several

authors, appearing more than once. Authors include: Bain and Price; Klingender; Lockwood; Mills; Galbraith; Mallet; Gorz, Mandel; Mann; Braverman; Giddens; Urry; the Ehrenreichs; Poulantzas; Carchedi; Johnson; Wright; and Crompton and Gubbay. Since many of the originals from which extracts are drawn are books, justice is not always done to the authors, nor adequate space given to the presentation of their arguments. The serious reader would do better to consult the originals, but a student, looking for a name to drop, or a quotable quote, might find these short extracts save a trip to the library.

The second part of the book follows the theme of the development and character of white-collar unionism. It has an introduction by Price in which he explores 2 streams of inquiry: the growth of white-collar unions and the character of white-collar organisations and their impact upon the character of unionism more generally. Price's introduction is a useful overview of the empirical research into white-collar unionism, extracts of which follow in the form of readings by Lockwood; Roberts, Loveridge and Gennard; Strauss; Allen; Blackburn and Prandy; Bain, Coates and Ellis; Crompton; Reynaud; Mercer and Weir; Roberts, Cook, Clark and Semeonoff; and Carter. These works will be familiar to anyone who has studied the field, and once again, the originals are best studied if one wishes more than a sketchy outline of the material.

It is difficult to know how to evaluate the book given the likely audiences. Academics may buy it as a useful (if partial) anthology of material on white-collar workers. Students probably will not buy it unless undertaking specialised sociology or industrial relations courses. It is probably a useful library book from which to select material for student reading lists.

The second book with the white-collar theme is that by Prandy, Stewart and Blackburn. It reports findings from a continuing research project being carried out by the Department of Applied Economics at the University of Cambridge, England. The purpose of the study is to locate unionism in a broader theoretical context of class and social stratification. The book should read in conjunction with the other books produced by the same research group (of which there are 3), since appreciation of the arguments presented in their previous work is often necessary to get the most out of this book. Once again, this is a book for the specialist, and is unlikely to be read by more than a handful of people, certainly not by most industrial relations practitioners. Broadly the authors follow a Weberian approach to the study of class. Apart from the introductory chapter and the conclusions, most of the book is taken up with the presentation and discussion of questionnaire results. Like all reports of this type, it makes for very dry reading: table after table with questionnaire responses and statistical analysis. As with much social science research which attempts to quantify its findings, the results are largely inconclusive. The authors attempt to draw together the threads of their findings in support of a theoretical framework to which they were committed at the outset, and many of the arguments are unconvincing if one relies upon the data for support. This is not to decry the attempts by social science researchers to provide hard evidence for many of their contentions, but the nature of this field of enquiry makes it extremely difficult.

To summarise, both books may be seen as attempts to further academic interest in the study of class and white-collar workers, by using the study of unionisation amongst those workers as a guide to their motives and class position. This interest is largely a European one, and a British obsession in particular. The white-collar union specialist may find something in both, the industrial relations specialist probably not a great deal.

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**Hazledine, T** *Full employment without inflation : Manifesto for a governed economy*  
London, Macmillan 1984, x and 264p. Price: \$33.50.

The author of this book, Tim Hazledine, is a New Zealander currently living in Canada. He uses this book to argue that it is certainly possible to reduce unemployment in most economies, and without inflation. Having grown up in New Zealand in the 1950s and 1960s, Hazledine knows that such a thing is possible. The trick is to make it happen in other countries or, for that matter, once again in New Zealand. The basic problem is, as he states in

the first sentence of the book, that "Economists have lost their nerve" and "the economics profession is, almost *en bloc*, scurrying back to the caves of its traditional *laissez faire* fatalism (p. 1).

Hazledine believes the issues of inflation and unemployment need a complete rethink. This he provides. He presents his view as to what is wrong followed by prescriptions which, if adopted, would drastically change government's approach to the economy. The strategy he argues for is not a radical one in the sense that it would change the power structures of society. Nonetheless, within the liberal-pluralist framework that he adopts, it is certainly unorthodox.

Several years ago, Hazledine, wrote a piece for the *Listener* where he cautioned against the National Government's 'Think Big' strategy. He predicted, amongst other things, that the projects would experience considerable cost over-runs and produce lower than projected rates of return. Subsequent events have shown him to be correct about that, so we should take seriously the proposals he presents on this issue. The book is nicely laid out and humourously written but its message is serious. Western governments cannot go on as they are doing and the economics profession is largely to blame.

Full employment without inflation is a very attractive proposition but it is not something which the current generation of policy makers have been able to prove. In fact, quite the opposite. We are reminded in Chapter 2 of this stimulating book that fluctuations in both unemployment and inflation have been becoming greater, since 1967, and the trend is to higher levels of both. More than that, the belief in a Phillips Curve — the idea that inflation and unemployment can be traded one for the other — has lost credibility as governments create higher and higher levels of unemployment in a bid to halt inflation. The reason according to Hazledine is that advanced capitalist economies are desperately short of what economists call elasticity — the capacity of the economy to respond to changing circumstances. As a result of this, what he calls "the big numbers" are failing to add up. That is, the numbers and characteristics of jobs do not match the labour force; the supply of goods does not equal demand with stable prices; imports do not match exports and government expenditure does not match government revenue. The response of economists, retreating into an imaginary world where *laissez faire* is the leading policy, misses the point: that economies have become too inflexible for *laissez faire* policies to help the adding up problem. Likewise, traditional Keynesian policies are ineffective due to the inelastic economy.

The major factor contributing to this loss of elasticity is the attempts by various economic agents (companies, unions, government departments) to insulate themselves from the market. The effect of this is what Hazledine calls a planning paradox. The more successful each agent is at increasing plannability for itself, the less plannability there is for everyone else. And these groups have become more expert at insulating themselves over the years, hence the growth of the inelastic economy. A further aspect of the problem is that governments attempt to *manage* the economy even though they are inherently incompetent at doing so. Whether a government should attempt to *manage* our economic affairs depends, according to the author, on 3 things: whether it has sufficient knowledge of how the system works; whether it has the power to influence the economy; and whether it is proper for it to do so. Hazledine argues that the orthodox "managed" economy fails each of these tests. Policy makers do not have the detailed knowledge of how the economy works to predict the total outcome of policy intervention. More than that, the loss of elasticity which has afflicted modern economies makes it difficult to design effective policies. Besides, Hazledine believes, it is improper for government to interfere directly in the affairs of citizens.

Well, what is to be done? Hazledine's prescription consists of essentially 2 treatments. First make the economy more flexible and, secondly, rather than have the government attempt to manage the economy, as it does at present, require that it *govern* the economy. If this sounds like the antediluvian policies being promoted by Treasury and implemented by the fourth Labour Government, rest assured, it is not. Those policies reflect the "laissez faire totalism" which Hazledine is at pains to criticise. In complete contrast to the current line of policies, the detailed requirements for Hazledine's call for, among other things, import licensing and permanent price controls. But don't think that Hazledine would want to endorse Muldoonist *ad hoc* interventionism. On the contrary, his proposal for a governed economy has as its essence that the government should lay down basic laws relating to the economy and then leave it alone.

The appropriate policies are thus of 2 kinds, policies to increase elasticity and to ensure that what Hazledine calls "the big numbers" adds up. The former consists of anti-monopoly measures, the deregulation of markets, including labour markets, and attempts to reduce

hierarchies in income and power by a variety of measures. Getting the big numbers to add up is the job of the "governers" of the economy. In this proposal a binding economic constitution would require that imports equal exports (via a system of auctioned non-specific import licenses), that government's expenditure should be restricted, and that retail-level commodity price controls be imposed.

The proposals are very much a complementary package. Policies which increase elasticity would not be sufficient to produce full employment nor remove inflation. Conversely, getting the big numbers to add up may not remove unemployment unless elasticity is increased. However, with the whole package implemented, they should interact to produce full employment. With more elasticity, fixed prices, a slight government deficit and no external constraints, the economy could be expanded to achieve close to full employment thus reducing or eliminating the government deficit, boosting company profits, and stimulating investment, making full employment possible again.

Some might say that Hazledine leaves some important details to be worked out. For example, his proposal for a retail-level commodity price control would work in the short run but it might be more difficult than he thinks to determine appropriate prices for new products. This, however, begs the major question: Would Hazledine's proposals be better than the mish-mash of Keynesian and monetarist policies in the so-called managed economy which we have had inflicted on us up to now. The answer to that question is: of course they would be better. However, there are powerful vested interests that benefit from the existing system and I would be surprised to see a government with the courage to implement Hazledine's proposals.

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**Burge, Warren** (Editor), *Labour relations: a student handbook*, Christchurch Polytechnic, 1985, 200 p. Price: \$15.00.

This handbook is a follow-up to Burge's earlier *Labour relations resources* (Christchurch Polytechnic, December 1982) and is aimed particularly at students studying Labour Relations in technical institutes in this country.

As a collection of data on the actors (the State, employer organisations and trade unions) and their relationships within our industrial relations system, the handbook represents extremely good value for money. The editor has pulled together a large amount of material which is well suited to provide illustration of and support for our basic texts.

Some 30 percent bigger, and lacking the colour coded pages of its predecessor, this handbook can be a little overwhelming at first sight. Although now billed as a handbook, it remains essentially a collection of resource material and would be most useful as a complement to a standard text.

The handbook follows the same general approach to subject matter as its predecessor looking at conflict, procedures and the 3 parties, but with considerable revision and addition. In particular the subject area 'procedures' has now become the topics: workplace decision making, wage-fixing, contracts of employment, awards and related problems, and workplace discipline.

A broad collection of data is included. This ranges from information provided by the Labour and Statistics Departments to listings of the causes of workplace conflict, gleaned from Management students at Christchurch Polytechnic and from reprinted articles, to diagrammatic representations of disputes procedures. This variety adds to the colour and usefulness of the publication for those who know what they're looking for, but could be somewhat daunting for those going into the handbook "cold".

As is made clear in the introduction, the handbook assumes the interests of worker and employer are in conflict and provides resource material for those wishing to study how that conflict is managed. As such the handbook has an inevitable concentration on the formal and legal aspects of the relationship between workers and employers. However, as the editor acknowledges, "to study just the legal stuff is to study what should happen", and the empirical data which has been included provides the opportunity for a broader view to be considered.

*Labour relations: a student handbook* is a most useful resource document for those teaching

or studying industrial relations within and beyond our technical institutes. Its contents, style and mode of presentation in many ways make one think of a workshop manual for a motor vehicle. It is very down to earth, immediate and practical, chock full of facts and figures and intensely interesting to an enthusiast. This is at once both its strength and its weakness and in the end it will be of most value to teachers, and to students who have a teacher who can guide them through it.

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**Szakats, Alexander and Mulgan, Margaret A, *Dismissal and redundancy procedures*, Wellington, Butterworths, 1985, xxxi and 264 p. Price: not stated.**

For over a decade increasing attention has been paid, by workers and employers alike, to the security of the employment relationship. This increase in attention has 2 focal points: firstly, the enactment of the Industrial Relations Act 1973, which embodies the personal grievance procedures and secondly, the labour market situation, which has tended toward widespread unemployment leading inevitably to redundancies.

This book sets out to deal with these 2 complex and inter-related matters using the style of a text, or handbook, the aim of which is to provide an "objective guide" for individual employers and employees, as well as for unions, to the law and procedure in respect of dismissals.

After briefly discussing the position of common law the book considers the matter of dismissal under 4 headings dealing with:

- dismissal and remedies under the Industrial Relations Act 1973,
- dismissal in specific industries and under special statutes,
- redundancy dismissals, and
- dismissal in the state services.

The section dealing with the law and procedure in respect of dismissals under the personal grievance (Section 117) and victimisation (Section 150) provisions of the Industrial Relations Act 1973 is very comprehensive. The material in this section considers the topics of award coverage and union membership, constructive dismissals, procedural fairness, justification and burden of proof. It goes on to discuss the victimisation provisions and the crucial question of whether or not these provisions should be used in preference to the grievance procedures. Remedies for both grievance and victimisation actions are discussed, and there are paragraphs concerning proceedings from the grievance committee through to appeals against judgements.

In the main, each topic is dealt with by the consideration of the Arbitration Court decisions which illustrate the essence of the particular issue. The collation of decisions in this manner makes the text a very useful reference for the practitioner who is to represent either party to a personal grievance. (However, it was disappointing to find, even in such a well-researched work, that the finding in one of the decisions was incorrectly recorded and, as a consequence, misleading.)

While this style of presentation may succeed in providing all parties to a dismissal, whether imminent or already affected, with an excellent guideline as to the likely outcome of their actions in respect of that dismissal, this reviewer feels that the text lacks fuller consideration of the earlier procedural steps. It is most significant that, of the personal grievances chaired by officers of the Industrial Conciliation and Mediation Service in 1983 and 1984, only 20 percent were recorded as unsettled, and a count of the decisions recorded in the New Zealand Arbitration Court Book of Judgements for those years indicates that only 6 percent of personal grievance actions initiated made their way to the court for determination.

As already stated, the text does assist those parties to a grievance with its comprehensive review of case law, but in view of the statistics it is felt that fuller discussion of the procedural steps which should be followed up to and including the grievance committee hearing should have been included for the sake of completeness. Points for consideration could have included a number of issues which experience in the field shows have been raised at these

levels in the procedure, such as when the employer is entitled to a written statement of grievance.

The substantial section on dismissals under the Industrial Relations Act is followed by a brief consideration of the corresponding machinery for settling personal grievances in the freezing and waterfront industries and under the Agricultural Workers Act 1977 and the Aircrew Tribunal Act 1971. This section deals with the effects of the Maternity Leave and Employment Protection Act 1980 on dismissals occurring during pregnancy and maternity leave. There is discussion of the combined effect of the Human Rights Commission Act 1977 and the Race Relations Act 1971 which made discriminatory dismissal unlawful.

Once again the completeness of the text is marred by the absence of any mention of the Volunteers Employment Protection Act 1973, which protects the employment of volunteers to Her Majesty's Armed Forces, operating in much the same way as the Maternity Leave and Employment Protection Act.

The second most substantial section of this text is that dealing with redundancy dismissals. Unlike other aspects of the employment contract and the termination thereof, there is no body of statute law expressly dealing with the question of redundancy, and consequently the discussions in this section are not limited (as in the earlier sections) to what is, in effect, a discussion of the case law.

Here the authors venture into unexplored territory as far as the New Zealand industrial scene is concerned by discussing the concept and definition of redundancy, and the sources of redundancy law in New Zealand. The chapters relating to concept and definitions are extremely informative and will be helpful to both employers and unions who must deal with dismissals as a result of redundancy situations. The question of whether redundancy means the job or the worker; plus industrial matters and managerial prerogative; alternative work; transfers and relocations are all considered.

While there is no general legislative framework in New Zealand applicable to employees made redundant there are areas of the existing legislation which do effect the termination of the employment contract for reason of redundancy. This text divides the sources of redundancy law into 2 chapters. The first deals mainly with the effects of the Industrial Relations Act, and in particular with the personal grievance and victimisation provisions, on a redundancy dismissal. The other considers the law as it arises from negotiated awards and redundancy agreements and includes discussion regarding the status and enforcement of redundancy agreements and their interpretation.

Unlike the earlier sections of the book, where the material covered is mostly available (albeit in a different style) in the industrial relations practitioner's inseparable companion *Mazengarb's industrial relations and industrial law in New Zealand*, the section fills a conspicuous gap in the literature. For this reason, and because the discussion of a difficult and complex concept is easily followed and interesting, this reviewer found the section on redundancy by far the most absorbing.

The final chapters of the book consider the dismissal procedures covering the large group of employees in the public sector. This section includes a chapter dealing with the general statutory framework governing the employment of public servants. Then follow specific chapters covering dismissals and disciplinary proceedings in the Education and Health Services and a chapter containing paragraphs briefly mentioning dismissal and disciplinary proceedings in the Post Office, the Fire Service, the Police and the New Zealand Railways.

The legislative framework consists of a complex statutory code including the State Services Act 1962 and the State Services Conditions of Employment Act 1977. These codes are combined with a specific Act, e.g. the Education Act 1964 or the Health Services Personnel Act 1983, which in turn is supplemented in most services by a set of statutory regulations as well as a manual of procedure authorised by the regulations. Out of this complex framework emerge the dismissal and disciplinary proceedings, and it is little wonder that the text can do no more than provide an outline of the procedures and some basic guidance for those involved.

Generally these chapters describe the complex codes governing these proceedings in each of the services mentioned. The descriptions are superimposed upon a discussion of the common law background with the emphasis on the principles of natural justice. The points made are supported by extensive quotations from decisions of the various judicial authorities.

On the whole this book must be praised for its readability. As one who is not overly fond of reading what at first appears to be a textbook, this reviewer was pleasantly surprised to find the going easy, enjoyable and informative. This readability aspect of the work is important for it is clearly directed at the ordinary person affected in some way by the dismissal; whether carrying

it out, being dismissed or representing either party. For this reason it is certainly a valuable addition to the industrial relations literature in New Zealand.

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**Bean, R** *Comparative industrial relations: an introduction to cross/national perspectives*. London, Croom Helm, 1985, 201 p. Price: \$81.00 (cloth), \$45.00 (paperback).

This study begins with an important series of caveats as to the ways in which the comparative study of industrial relations should be approached. In that sense it also charts the decline of scholarly optimism, that during the 1960s saw industrial man practising infinite variations on the theme of collective bargaining. In stressing that heterogeneity is no longer the name of the game, the author does the cause of comparative studies a service of which politicians should take note, given their enthusiasms for import-export models of industrial relations practice.

The importance of comparative studies, according to Bean, lies in the possibility that the analysis of both similarities and differences in cross-sectional contexts will assist, in the final outcome, the further development of a theory of industrial relations. Thus, in a very real sense, the study finds its lineal descent from those who continue to seek global theories of industrial relations. These matters are dealt with within the context of the opening chapter, and the balance of the study is then devoted to a series of cross sectional analyses within the institutional framework of industrial relations theories.

The overall feeling after reading the book is one of limitations imposed on the arguments by the size of the venture. The question has to be asked: is it possible to survey the theoretical field of industrial relations, in the comparative sense, within the context of 201 pages?

One is left with a real sense that the compression imposed by space in this volume tends to truncate argument, often reducing findings to the banal. Thus on page 68, the reader is advised that... "in sum employers are highly significant as actors in their own right, and their activities are a highly critical and important variable affecting the direction and development of industrial relations." Hardly the kind of conclusion to arouse the interest of even the average student one would have thought.

The tendency to try to "get it all in", also traps the author into blanket assertions, that in the cited national example tends to distort his conclusion. Australasia is awarded 2 and a half pages of discussion, and of these approximately 2 paragraphs deal with New Zealand. The result is that analysis does not get past 1900, and the reader is advised that... "the predominance of small scale industries and scattered isolated communities was hardly conducive to strong well organised unions". The implication is then drawn that after being thoroughly bashed by the employers, the trade union movement took up politics, "end of New Zealand, next topic". The bibliographical sources for these conclusions were Hare's 1946 report, and Roth's chapter in Howells, Woods and Young. Apart from the fact that Roth's more comprehensive study of trade unions is patently ignored, one is left with the uneasy feeling that the same treatment was given to other New Zealand studies over the last 10 years.

The sense that the author found himself bestride 2 horses not quite heading in the same direction is reinforced in the closing paragraph of the book, when he looks at the role of research. At this point he addresses the central problem that has always haunted comparative studies, that of "exceptions to the rule". We are advised that research in this area has importance for the production of... "systematic studies which produce similar findings in different settings"... and as a consequence studies that... "further the generalisability of such findings, even if they cannot be considered as universally applicable" are valuable. The ultimate beneficiary of studies that have a degree of generalisability, but no universal application, is that old port in a storm, the industrial relations discipline. Unfortunately, the book ends there, and what should have been the bridging paragraph for a final chapter on the theoretical contribution of comparative studies simply dangles in space.

While the work has considerable limitations one suspects that the terms of the publisher's brief might have had much to do with these problems. The study retains value as a

bibliographic source, and would be recommended to students as an initial essay on the problems of a general theory of comparative industrial relations.

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**Kolb, Deborah** *The mediators* MIT Press, 1983, x and 230p. Price: not stated.

This book is both informative and interesting. It is well written and, within the limits that the author sets, meets her objectives. The book suffers, however, from the narrow frame of reference which Kolb chooses to employ. It seems to me that to choose to study mediators in the industrial relations system without any reference to, or understanding of, the motives and forces which perforce move the other actors in that system, is to deny at least a major determining force in the outcome of bargain making. That Kolb sets out to demystify and debunk the procedures that surround industrial mediation conciliation is clear from the start, and that she successfully achieves this objective added to my enjoyment of her work.

Kolb studied a total of 16 mediations, 10 from the state system and 6 from the federal system, and observed all that occurs from beginning to end. She sticks like glue to the mediator through joint meetings, single party meetings and off the record meetings and records faithfully what occurs. She then attempts to rationalise and categorise the different strategies used by the mediators. She divides the 2 major strategies into "deal making" and "orchestrating". I found her analysis of mistakes that the mediators made particularly interesting and perceptive. Miss Kolb states, however, that she never made clear throughout her research to anybody in the field that, in fact, her major areas of study was organisational behaviour, not industrial relations. I suppose if you are a sociologist then this book may be of considerable use. If you take the view point of someone wishing to learn about mediation in general the book is still of considerable use. Practitioners of industrial relations however may still find that, while the book is of interest, it is limited because of the author's failure to understand the working of industrial relations systems, or to note how the particular attitudes of the parties effect outcomes. She might just as well have studied mediators who work in family court settings or race relations.

I am sure that the processes she identifies would be present and that the limited art of mediation or deal making, as she explores it, could be demonstrated. Kolb says that "a certain aura of mystery surrounds the practice of labour mediation. Practitioners claim that mediation is an art with as many theories, philosophies and approaches as there are mediators". Kolb believes that this attitude is wrong and that if a series of rules could be devised then mediation is a process which could be taught to the practitioners. To explode these myths Kolb studied both state and federal mediation services in the USA. In New Zealand the same process of bargaining over interest claims would be classified here as conciliation and can be equated pretty closely to what Kolb calls mediation.

What was missing from this work was any clear understanding of the industrial relations system and of the power relationships of the various parties. The relationships were touched on only in passing, often reported as the mediator's perception, and then without any explanation of those relationships and the effect that they might have. In the end, however, I was left at least with a very clear understanding of how the state and federal mediation service works and the constraints placed on the bargaining process. I dare say, too, that the attitudes which Kolb described are present in our own mediation/conciliation service, which probably goes to prove that whatever framework an industrial relations system imposes, the outcome in attitudes will be similar. This book may have a limited readership in industrial relations circles, but could usefully be studied by those with a wider interest in sociology.

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