

Is Non-Standard Work Becoming Standard? Trends and Issues

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Abstract

There is some evidence to suggest that the standardised employment patterns of post-war industrial capitalism might have constituted a period of exceptionalism and that non-standard work will increasingly dominate in service economies that seek to minimise or transfer labour costs and enhance various forms of flexible labour. Statistical evidence for New Zealand suggests contradictory trends: in recent decades, the numbers of employed in standard work have grown, but there has also been a considerable expansion in non-standard work options and numbers. Employment relations are now much more diverse. Given that much of the current labour policy framework in New Zealand is derived from a period when standardised employment conditions prevailed, the adequacy of that framework needs to be brought into question. This paper explores some of the growing issues and tensions arising from the conditional nature of non-standard employment and the adequacy of legislative and policy frameworks.

Introduction

In most advanced economies, with the rate of non-traditional employment forms growing faster than the rate of full-time work (see duRivage, 1992: 89), working arrangements have undergone a fundamental transformation. Employment, and the role of work as a critical factor in economic security and social cohesion, are changing (International Labour Review, 2002; see also OECD, 2004). As a result, it is important to engage in an ongoing process of reflection on the way in which society and labour markets are changing, whether policies and legislation adequately reflect these changes and whether they benefit all those involved. "Well managed change is an essential element of equitable development" (ILO, 2002:34), none more so than in relation to the nature of employment and the equitable distribution of a fundamental private and public good: paid work that is fulfilling and sustainable.

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Given the significance of the transformation of working relationships, there is an increasing debate about the actual nature of these relationships. What might be described as standard employment has been the benchmark of labour relations and policy formulation during the twentieth century, and especially since World War II in New Zealand. Consequently, a policy framework which is built around notions of standard employment struggles to meet the needs of a significantly differentiated workforce and more diverse employment relations (Lowe, 2002:93). Several authors (duRivage, Carre, Tilly, 1998) argue, for example, that US labour law is becoming increasingly out of date because of its inability to serve the needs of temporary, conditional workers as most law is premised on the assumption that the primary and most dominant constituency are those in permanent, full-time employment. Furthermore, there is a growing polarisation between permanent and temporary workers (Fudge and Vosko, 2001). As a result, it is argued that the focus for labour policy must be the workplace “where relationships among co-workers and between workers and management can either hinder or enable the achievement of major social and economic goals” (Lowe, 2002:93). Careers no longer depend on traditional notions of advancement within one hierarchical organisation (Stone, 2001: 554; see also Inkson, 2004) and stable employment associated with waged/salaried permanent work for a single employer is no longer the norm in many OECD labour markets. Yet labour legislation in New Zealand, and elsewhere, is still largely predicated on the notion of permanent employment and a strong attachment between worker and company is assumed without taking into account the growing number of conditional forms of employment.

Of all non-standard work forms, casual/temporary employment has become the most dominant (Owens, 2001) and the fastest growing (Lowe, 2002). In fact, Owens suggests that in some centres in Australia, casual work has accounted for almost all employment growth in the decade of the 1990s. The Australian Bureau of Statistics (ABS) (AusStats: Casual Employment, July 1999) showed that casual employees alone account for 26 percent of all workers in Australia – an increase from 13 percent in 1982. (As will be discussed shortly, trends in New Zealand are similar). Furthermore, Campbell (1999) notes that net employment growth in the 1990s in Australia has been in casual jobs. Yet he suggests that if casuals were being used solely to meet the demands of short-term irregular work, they would only comprise about two percent of the workforce.

Temporary employment has grown in most OECD countries in the last 20 years and concerns have been raised that temporary jobs “may be crowding out more stable forms of employment, becoming an additional source of insecurity for workers and increasing labour market dualism” (OECD, 2002: 127; see also OECD, 2004) between those who are able to access permanent employment and those who do not. However, the employment does vary considerably, in part due to the nature of labour market reform (if any) and the nature of employment protection and labour market regulatory regimes. For instance, the incidence of temporary jobs differs considerably across the OECD

countries. For example, changes in the share of part-time workers varies in the OECD from a growth of almost 3 percent (Norway, Sweden) to a decline of 5 percent or more (Ireland, Netherlands) in the 1990 to 2002 period (OECD, 2004: Table 1.6). The effect has been to see significant changes in the 40-hour work week and a diversification of work schedules (OECD, 2004:38).

In the New Zealand context, the participation of particular groups in non-standard work varies. Women continue to dominate some forms of temporary and part-time work, while Maori and Pacific peoples are disproportionately located in temporary work in some of the primary and services industries. Furthermore, immigrants and young workers are found in various forms of non-standard work as a typical entry point to the labour market. Whilst this way of working suits some people (e.g. women with domestic commitments might prefer the flexibility of non-standard work while still allowing them to stay connected to the labour force – see Spoonley, de Bruin and Firkin, 2002; McLaren et al, 2004), there is evidence to suggest that this location in temporary work, especially if it is involuntary, might have a negative impact on future employment prospects (OECD, 2004) and contribute to scarring in terms of labour market options and trajectory. Temporary work tends to channel workers into lower skilled work with few opportunities to become better skilled, full-time or to invest in training and education. This has implications for life-time options and earnings and provides challenges to the conventional understanding of employment relationships and legislative frameworks. The origins of this model are firmly rooted in the “campaigns of male industrial and white collar unions” (Cameron and Brosnan, 1998) dating from a period in the twentieth century when employment involved a concentration of workers in mass production, typically in manufacturing, in economies which were subjected to national systems of regulation and worker/employer representation. Cameron and Brosnan (1998) go further to suggest that the standard working model is specifically a male model that has never really fitted with the working patterns of women. It could be added that it has not encompassed those in many forms of primary production and labour (now extended to service sectors), nor significant numbers of Maori and more recently, Pacific peoples.

The empirical question is the extent to which the standardised mass employment of the twentieth century, supplemented by the universal systems of social support of the welfare state, has now been replaced by non-standardised work and workfare. Was the mid-twentieth century a period of exceptionalism marked by very high participation rates amongst male breadwinners in secure employment during regular hours and for an indefinite period?

Trends in Employment in New Zealand

The National Government (1975-1984) adopted both a very conservative and a highly interventionist approach to economic management, including the labour market. The status quo, from an orthodoxy concerning male breadwinners to the cultural control of

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industrial relations, from the protection of local producers, both primary and manufacturing, to extensive controls on currency, was a key focus for government policy. It was left to a reforming Labour Government (1984-1990) and some extreme neo-liberals in the early years of the subsequent National Government (1990-1999) to alter the labour market contracts and policies of mid-twentieth century New Zealand.

The Labour Government altered the role of the state as a key employer in the local labour market via processes of privatisation and corporatisation, plus opened New Zealand to international competition and ownership, opening the way for expectations from some employers and industries for labour to become more flexible and to cost less. The National Government introduced a radical recasting of employment law and relations with the Employment Contracts Act 1991 (see Cameron and Brosnan, 1998). The effects have been to contribute to the way people engage in work, and to reshape the New Zealand labour market in terms of employment relations. The New Zealand labour market has always included a standard core with a periphery that was characterised by a mixture of low pay, poor working conditions, employment insecurity and non-regular hours/seasons. This split, between a highly attached core and a periphery that experiences varying levels of attachment and security (Klare, 2002:17) has become exacerbated by recent changes to the nature of working. The twentieth century distinction between standard workers, most of whom would be classified as being part of the core, and the periphery of part-time/seasonal/low paid workers, often Maori and women, has tended to become more complicated. It might be more appropriate to describe employment as a continuum with some core workers now choosing to become non-standard workers because of the benefits (flexibility, income) it conveys, while the size and range of non-standard work options have increased to range from highly insecure/low income employment to well-paid, high status, attractive income forms of non-standard work. To portray these complex and varied options in terms of a core-periphery or primary-secondary labour market might be too simplistic.

In relation to employment status, both paid and unpaid, Table 1 indicates the trends since 1981. The percentage changes are provided for the period 1991-2001 because the category "Employment Status Unavailable" is so large in 1981 and is a distorting influence for the 1981 to 1991 decade. Several trends deserve attention. The first is that there has been an absolute as well as a percentage growth in the category full-time waged and salaried workers between 1991 and 2001, although there is a decline between 1981 and 2001 (a drop of 22,410 or 2.2 percent). The effects of reform in the 1980s impacted negatively on this category, followed by growth of almost 10 percent in the 1990s (an increase of 97,503) so that this category represented 42.2 percent of all those in employment (paid and unpaid) in 2001. Not all of those in this category would be classed as core workers, especially given the churn that occurs in some sectors as a flexible labour market operates, combined with the low pay for some waged/salaried employment (New Zealand employment costs grew by a mere 0.7 percent between 1991-2001 compared with average growth for the OECD of 2.3 percent; OECD, 2004:

Table 1.4). But alongside the numbers involved in full-time salaried/waged work, various non-standard categories grew by substantial numbers in the same decade, notably for unpaid family workers, part-time employees and employers, and self-employed.

What should be noted is the growth of full-time salary and wage earners as a proportion of the total employed, from 35.7 percent in 1991 to 42.2 percent in 2001, and an absolute increase in this category of 97,503. However, given an overall increase in those in work of 19 percent, the percentage growth of full-time wage and salaried workers of 9.8 percent is modest. In contrast, the percentage increase of various non-standard workers in the same decade, especially in terms of unpaid family workers, part-time employees and employers and self-employed was significant. If all part-time categories are aggregated, then 22 percent of those in work are in part-time work. Almost 10 percent are self-employed (both full-time and part-time). The changes in some of these non-standard categories deserves further discussion.

Table 1: Changes in Size of Employment Status Categories, 1981-2001

	1981	1986	1991	1996	2001	1991-2001 % Increase/ Decrease
FT Wage Salaries	1019877	1035402	899964	939105	997467	+9.8
FT Employer	75636	101232	98757	108183	115644	+14.6
FT Self-Employed (no employees)	87183	125097	128301	142389	162810	+21.2
FT Unpaid Family Worker	4689	10731	11793	23799	19038	+38.0
PT Wage Salaries	69225	182076	196026	273750	299565	+34.6
PT Employer	2625	8130	9633	14013	14064	+31.5
PT Self-Employed (no employees)	6006	22581	31065	42930	50397	+38.3
PT Unpaid Family Worker	1692	7353	8610	30231	20112	+57.2
Employment Status unavailable	120084	6855	16278	56046	48366	+66.3
Grand Total	1,387,017	1,499,457	1,400,427	1,630,446	1,727,463	+18.9

Source: Labour Market Dynamics Research Programme, unpublished Census statistics provided by J. Newell.

Part-Time Employment

Part-time work has increased since 1945 and almost a quarter of those in the labour market work on a part-time basis (21.1 percent excluding unpaid family workers). This is a typical form of employment for many New Zealanders. But in addition, that part-time work is dominated by female labour, although there are some signs that male workers

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might be beginning to accept part-time work in greater numbers (see Bosworth, Dawkins and Stromback, 1996:399). An interesting issue is whether the importance of part-time work and the involvement of females in this form of employment reflects the flexibility of the labour market and its ability to adjust to changes or whether it reflects the low cost wage requirements of a service economy and the need for a reserve army of labour (Bosworth, Dawkins and Stromback, 1996:399). Table 3 (see below) indicates that the growth of service employment represents an important growth in demand for part-time workers but in terms of employment preferences, the question is whether part-time work is the preferred option. It is undoubtedly for some.

Hours of Work

The standard hours of working – 8.00am to 5.00pm, Monday to Friday – has given way to more diverse working arrangements in relation to when work is carried out.

The decoupling of hours from capital operating time, including weekend working, compressed work weeks, [and] standby contracts...With the growth of both shift working and “flexibilisation” ...weekends [have become] a more integral part of the “normal” working week (Bosworth, Dawkins and Stromback, 1996:399).

This “extensification” of work means that working “unsocial” hours has become much more common, especially (but not exclusively) in service employment which operates through unsocial periods to meet demand (hospitality industries, emergency medical services) and to increase productivity (a “long hours culture”; see OECD, 2004). The effect can be seen in taking work home in order to manage workloads, being on short-notice call, making complex and time-consuming domestic arrangements and working in split-shifts and the reduction of time for non-paid activities (issues of work-life balance) (see OECD, 2004). The extensification of work hours has been accompanied by the intensification of work, or increased work intensity. The EU has developed a “Working Time Directive” in recognition of trends in extending and intensifying work hours while the OECD (2004: 40-44) has raised questions about the desirability of non-standard and variable work hours.

Non-standard work hours refer to work schedules that involve being at work at times outside of the standard daily work schedule. These working-time arrangements offer increased flexibility to employers to match staffing with production requirements. When freely chosen, they also offer workers greater flexibility to reconcile time spent at work with other activities. However, “unsocial” work hours can also be a potential source of conflict between job requirements and family life and whether this variability is predictable or is at the discretion of the worker (OECD, 2004 : 40,43). New Zealand is one of those countries where the proportion of males working more than 45 hours per week or less than 20 hours have both increased in the 1992-2002 period. For women, those working more than 45 hours per week has increased but there has been a modest decline in

women working less than 20 hours per week (OECD, 2004: Chart 1.7).

Casual Employment

Casual workers are those workers who are not eligible for the benefits of the standard worker because their employment has no certainty of on-going employment. For example, the casual nature of their employment means that there is no expectation of permanent employment and each period of employment is subject to a separate contract with an employer. It is not clear how many casual workers there are in New Zealand because statistics are not collected. In Australia, the Bureau of Statistics defines casual employment as those who do not receive paid sick or holiday leave. Those who fell into this category provided 69 percent of net growth in employees in the 1988-1998 period in Australia (AusStats, 1999), with the bulk being males (+115 percent) compared with females (+43 percent). This reinforces another trend in recent decades: males are losing full-time employment to be replaced by unemployment or underemployment, in this case as casual employees. (This is borne out by the statistics on men working part-time, especially over the age of 50, although there is generally delayed entry to the labour market as both males and females invest in post-compulsory education and training). Research (Mangan, 2000) suggests that similar trends are occurring in New Zealand, and that there has been a significant shift from permanent to casual employment, with males being particularly affected.

Fixed Term Employment

Fixed term employment refers to those contracts which have a definite end-point so that once they have completed a certain period or a certain task, the employment contract ends. This type of work has expanded recently, especially with the arrival and use of temporary help agencies and contract companies. Here, employment is arranged by an intermediary such as a temporary hire company (Cahoney, 1996:31). This company contracts with another company to provide appropriate workers for a particular activity or for a specific period. Such temporary labour via intermediaries has become an important part of the personnel strategies of firms (Kalleberg, 2000) and it has increasingly included skilled and professional occupations. Again, the extent of this form of employment is not known in New Zealand because national statistics are not available. However, the OECD (2004: 75-76) identifies New Zealand as an exemplar of a country that has moved, through the Employment Relations Act (2000), to tighten the regulation of temporary employment. Austria and New Zealand are seen as extended employment protection legislation (EPL) to encompass temporary employment situations as opposed to countries such as Portugal and Spain which have gone in the other direction.

Own Account Self-Employment

Self-employment has always been an important part of working in New Zealand, but it has grown in importance as firms have reduced workforces and more people have seen self-employment as a necessary or preferred option. Own account self-employed refers to those who are self-employed but who do not have employees. In the 1991 to 2001 period, the numbers have grown (from 158,700 people to 225,800) and this type of employment has become a more important factor with 64 percent of the self-employed falling into this particular category (ie not having any employees). Bururu (1998:63) suggests that regulations which make it difficult to hire and fire workers encourage employers to contract out services to the self-employed (among others) to minimise labour transaction costs. Non-wage labour costs such as ACC levies, pay roll taxes and health and safety compliance costs may encourage contracting and self-employment arrangements.

Multiple Job Holders

Sometimes referred to as portfolio workers, these are workers who hold two or more paid jobs. It is assumed that a reason for multiple jobs has been to generate adequate levels of income for households, and that work is able to be accommodated around domestic responsibilities. The proportion of multiple job holders to those in other forms of employment has not changed much in the last ten years in New Zealand, although the absolute numbers have increased from 64,900 in 1991 to 73,400 in 2001. However, because of the way in which the statistics are collected, multiple job holders might be under-represented. Some research (see Baines, Newell and Taylor, 2002; Taylor, Baines and Newell, 2004) suggests that the actual figure is more likely to be almost double the official national figure (9.7 percent versus 4.7 percent).

In summary, standard employment (full-time, wages or salaried employees working 30-50 hours per week) declined in the 1980s but grew again in the 1990s and still constitutes more than 40 percent of those of any employment status (or 59 percent of those who are in paid employment). But this has been accompanied by a significant percentage growth in non-standard forms of work in the decade 1991-2001, especially among part-time, self-employed own account and multiple job holders. The lack of available statistics for fixed term task, contract and third-party employment makes it difficult to know what the growth has been in these other forms of non-standard work. There is also the impact of the intensification of work (growing expectations of work performance) and the extensification of hours which has impacted on the nature of both standard and non-standard work (see OECD, 2004:25-26, 37, 42). New Zealand has experienced significant employment growth in the labour market, but two fundamental questions are raised by the nature of this growth: has the distribution of paid employment been equitable and reflected employee choice; and how well has the labour market regulatory and policy framework adjusted to these diverse employment relations and pathways? The next section raises some issues in relation to the second of these questions.

Non-Standard Work and Policy Challenges

(a) *Defining an Employee*

Defining who or what is an “employee” has become more problematic given the changing nature of employment (Benjamin, 2002). An increasing number of employees, especially those in non-standard work, engage with paid work in ways that are not necessarily well-defined or encompassed in labour market policy and law. For example, when the ERA (2000) was introduced, there was a lot of debate and confusion around the classification of an “employee” as this was redefined in the Act (see Llewellyn, 2000; Greene, 2000; Management, 2000). One key issue is the basis on which the courts and industrial tribunals distinguish between employees and the self-employed, and the ability of existing job classifications to accommodate non-standard arrangements (Mangan, 2000). In turn, such definitional issues have implications for contractual rights and obligations, including the right to refuse work, the obligations on a company to provide work, and co-employment liabilities. In the USA, the Commission on the Future of Worker-Management Relations has recommended that a more appropriate definition of employees should be adopted, and one that ensures that those who are hired through intermediaries are covered (Houseman, 1999:5).

In terms of employment relations law in New Zealand (<http://www.ers.dol.govt.nz/act/employers.html>), an employee is defined as “anyone who has agreed to be employed, under a contract of service, to work for some form of payment”. This can include wages, salary, commission, and piece rate and covers:

- Homeworkers;
- People who have been offered and accepted a job;
- Fixed-term and seasonal workers;
- Casual and part-time employees; and
- Probationary and trial employees.

The challenge is in defining and describing temporary employment (Firkin et al., 2002; 2003; Pranschke, 1996). The United Kingdom National Minimum Wage Act 1998 and the Regulations of the Working Time Directive have used the broader term “worker” in preference to the more restrictive one of “employee” (Mangan, 2000:147). This includes all those who do not necessarily have a contract of employment but are in some sort of work relationship. Greene (2000: 15), on the other hand, refers to “flexible” forms of labour such as casual, temporary and fixed-term employees, agency and leased employees, home-workers, outworkers, contractors, subcontractors and the self-employed. In this way, non-standard workers are included alongside those who are defined as being in “standard” relationships.

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These debates around definitions are ongoing and affect industrial tribunals, courts, statisticians and the development of adequate policy frameworks. In New Zealand, there is no definition of casual/temporary employment although the OECD (2004) has seen the ERA (2000) as extending EPL to temporary employment, a move which is unusual in the broader OECD context. This indicates a somewhat confused situation whereby one aspect of labour regulation does apply to some forms of temporary work but in the absence of an encompassing definition and recognition in labour market policy generally. It might be useful to define this as “work that has no explicit or implicit promise of continuity” (Stone, 2001:542) or any expectation of a continuing relationship between worker and employer (Buultjens, 2001). This is the opposite of long-term, stable and permanent employment (standard work) and includes temporary help agency workers, casual and temporary employees and those on a fixed-term contract. “Conditional” (duRivage et al., 1998), “precarious” (Tucker, 2002) and “transient” (Carre, 1998: 10) also describe this way of working.

(b) Qualifying for Social Protection

One of the most important issues related to the area of legislation and temporary employment is the traditional arrangement for distributing employee-related benefits based on continuous service with one employer (Fudge and Vosko, 2001). Yet, assuming that employment-related benefits should be based on standard forms of employment has a negative impact on, for example, multiple job-holders, temporary workers and own account self-employed working for a number of different companies. This is particularly relevant in New Zealand with the introduction of the Paid Parental Leave Scheme. To be eligible for this, an employee is required to be in paid employment with a single employer for 10 or more hours per week for a year before the due birth or adoption date. Following a review of the scheme last year, the Bill is before a select committee to extend eligibility to employees who have worked for the same employer for six months (<http://www.beehive.govt.nz>). This option still clearly discriminates against some 70,000 self-employed women and their partners who will not qualify (Ross, 2002), as well as all those working in contingent jobs on a casual basis for multiple employers (see also McLaren et al, 2004).

With the growth in new employment relations and the erosion of the industrial model of mass standard employment, risk is being shifted from employers to employees and they are required to become more entrepreneurial in terms of protecting their security and increasing labour market options (Klare, 2002:16). Consequently, employees need to make greater investments in human capital as employer-provided benefits are reduced. This is especially true for various forms of knowledge workers, but it is also an issue for contingent and involuntary non-standard workers. The failure to adequately invest in human capital development constitutes one of the greatest barriers to labour mobility and choice (OECD, 2004). Moreover, as insecure jobs grow and underemployment increases, temporary workers do not have the same protection from labour law. Employers are

combining a “highly” attached core workforce with a growing number of peripheral, low-attachment employees (Klare, 2002:17). In the accommodation industry, Whatman et al. (1999) found that increasingly staff were employed casually and that contract provisions were sometimes “bent or ignored”.

Quite often, of course, this sort of work, and the people who are involved in it, are treated as a separate population of employees, with different jobs, different pay structures, little overlap and no chance of promotion (Wiley, 1990 in Mangan, 2000).

In these conditions, the role of social protection and who qualifies for it becomes problematic. Employment protection (see OECD, 2004) still encompasses some forms of non-standard work (for example, coverage of part-time and casual employees), but it is rather more complicated for other categories such as homeworkers or independent contractors (Rossiter and McMorran, 2003). However, access to social protection such as unemployment benefit tends to present difficulties for the low-income temporary/part-time work force as they struggle to meet minimum requirements to qualify for various social benefits.

(c) *Intermediaries in Employment Relations*

As the use of temporary agency and contract-company workers increases, the issues around co-employment are becoming more problematic. For employers there are many benefits to using temporary help agencies for staffing needs. This system allows for a consistent supply of workers. Employers are not responsible for paying wages and benefits and the hiring and firing of employees is simplified. Workers are selected, tested and placed by the agency and their subsequent welfare is either a responsibility of the temporary help agency or is unclear. In Canada, for example, at a regulatory level, the triangular relationship between the agency, worker and contracted employer, can be unclear because of the absence of policy and labour laws in this area. Moreover, temporary workers earn lower wages and receive fewer benefits because of the agency charges and the low levels of social protection (Fudge and Vosko, 2001). Various countries in Europe have developed policies to regulate temporary help work (Germany, France, Spain, Norway, Finland are some examples). Worker protection is mandated and the responsibility for workers is allocated to the agency and client firm (Fudge and Vosko, 2001).

In New Zealand, when employees are employed by a labour hire company, they are technically de facto employees of the company that benefits from their work (Anderson, 2001). In many instances, the employer is not the one making the employment decisions, thus leaving loopholes “for employer avoidance of good faith obligations” (Anderson, 2001:3). In co-employment situations, employees might have no direct relations with the client companies. Workers are employed almost like permanent employees but should the client company end the relationship with the contracting company, employment can be

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terminated without redundancy. This does suggest that those employed by intermediaries are, or can be, in a somewhat ambiguous employment situation, with complicated lines of responsibility.

(d) *Statistics on Non-Standard Work*

“Perhaps the most compelling policy concern regarding temporary employment is the need for a systematic and sustained data series...” (Carre, 1992:76). Very little is known about the incidence of some forms of non-standard work arrangements in New Zealand. This omission makes it difficult to determine the extent of these forms of non-standard work (fixed term/task, contractor or third party employment). Furthermore, information is required on the extent to which workers choose these employment arrangements as opposed to those for whom it is a forced or involuntary engagement and the least preferred employment option. Is Tilly (1996) correct in suggesting that unemployment is masked by growing under-employment, especially in terms of temporary arrangements? Much of the literature on non-standard work refers to the need for improved data collection (for example, Carre, 1992; Carroll, 1999; Firkin et al., 2003; McLaren et al, 2004; Tucker, 2002).

When the ECA was introduced in 1991, many commentators predicted that the Act would have a different impact on different sectors of the population with the outcome of growing inequality. Women, Maori, Pacific peoples and the young would become increasingly marginalized in low paid and casualised occupations (McLaughlin and Rasmussen, 1998). Yet one of the problems in evaluating the impact of the ECA (or the ERA subsequently) is the lack of information about the effects that legislation has had on employees, especially given the limited evidence that there has been on various forms of non-standard work.

(e) *Health and Safety*

Ross Wilson, President of the New Zealand Council of Trade Unions (2002) sees the growth of precarious employment, together with the increase in working hours and the intensity of work for some sections of the workforce, as creating a division in the labour market between “work rich” and “work poor”. One of the markers between the “work rich” and “work poor” is the coverage and care in terms of employment health and safety requirements. In a recent review of 93 research studies covering 11 countries, the growth of non-standard work arrangements have had adverse effects on health and safety. Of the 93 studies, 70 found that precarious employment was associated with this deterioration (Wilson, 2002). Experiences in New Zealand are similar to these broad findings. Furthermore, the Occupational Safety and Health (OSH) regulatory framework is designed to deal predominantly with permanent employees (Wilson, 2002).

One example is when casual employees have worked for several companies in one week, the record of employment becomes problematic for ACC payouts in terms of calculating what constitutes 80 percent of wages. Findings from the study into workers

employed by temporary agencies (Alach and Inkson, 2003; Inkson and Alach, 2004) also suggests that there are concerns around health and safety issues for temporary agency workers. The question of whether or not temporary workers are more likely to put their health at risk by being unwilling to take sick days or go on doctor's visits for fear of being perceived as "unreliable" and denied access to future work. Policy makers may need to consider how to best address the health and safety needs of temporary workers who may be employed by several recruitment agencies over time and across a range of different work-sites.

(f) Wage Inequality

"If the goal is to reduce, rather than exacerbate labour market dualism based upon an exclusive, rather than an inclusive, model of employment, the principal of parity is crucial in determining access to work-related benefits" (Herzenberg et al., 1998 in Fudge et al., 2001). Consequently, it is essential to evaluate the appropriateness and adequacy of labour law, legislation and policy in relation to employment outcomes and situations, and to how equitable these are (Fudge et al., 2001: 347). Attention needs to be paid to the plurality of employment relationships and equal pay for work of equal value for those temporary workers engaged in the same work as full-time permanent workers.

According to the OECD Employment Outlook (2002), the aggregate evidence in European countries suggests that the average wage of temporary workers lags behind their permanent counterparts – by between 17 percent in Germany and 47 percent in Spain. To avoid such discrepancies, the USA House of Representatives has introduced the "Part-Time and Temporary Worker Protection Act" to make non-mandated benefits available to flexible employees with the effect that core worker benefits should be offered to contingent workers on a pro-rata basis (O'Brien Hylton, 1996). However, there is evidence of growing disparities, especially for "workless households" (Gregg and Wadsworth, 2003) and the "work-poor" and those at minimum wage levels and sectors. During the period of reform, the level of wage inequality grew substantially in New Zealand. It was one of a group of countries which experienced a significant increase in the levels of inequality (90-10 percent wage gap). Between 1984 and 1994, some countries (eg Australia) saw modest increases in the levels of wage inequality for male workers (174.6 to 194.5, an increase of 19.9) while others saw a decline (Canada, 301.5 to 278.1, Germany 138.7 to 124.8). New Zealand saw the level of inequality rise from 171.8 to 215.8 (+44.0) along with the UK (177.3 to 222.3, +44.9) and the USA (266.9 to 326.3, +59.4 – see Borjas, 2005: 301).

In Australia, it has recently been suggested that a four-tier employment hierarchy has emerged, involving :

1. A growing minority of highly skilled workers with secure full-time jobs (who are likely to sustain employment even if they change jobs frequently or are engaged

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- on a temporary basis);
2. A slender, and diminishing, majority of workers with middle-order skills in full-time jobs (for example trades and advanced clerical workers), whose jobs are vulnerable in economic down-turns;
 3. A growing minority of low-skilled workers (the majority of whom are women or young people) who are increasingly segregated into more precarious or part-time jobs, and face the prospect of frequent bouts of unemployment;
 4. People who rely mainly on social security payments for their income for prolonged periods (who are mainly drawn from the above group of low-skilled workers, and often have limited experience in secure full-time employment) (Australian Council of Social Services, 2003: 113).

Given evidence of growing wage inequality (Borjas, 2005) and low levels of wage growth returns (OECD, 2004) for New Zealand, wage inequality and the returns on labour constitute important policy issues, especially if broader social policy goals such as sustainable employment, social cohesion and education/training investments are considered. The fragmented labour market experiences identified by the Australian Council for Social Services for that country represent significant labour market (and broad social policy) challenges that are just as likely to be relevant for this side of the Tasman, with important ethnic and gender dimensions.

(g) Working Time Flexibility

The growth in various forms of non-standard work reflects the importance of new flexible work relations, both for employers and for some employees. Accordingly, the OECD (2004) identifies New Zealand as one of a small group of countries (others include Japan, Korea, Australia and Canada; see OECD, 2004:25-26) where the number of hours worked per capita are high, and where they have risen in the last decade. New Zealand is one of the few countries where the usual weekly hours worked per employee has gone up (see Table 1.6, OECD, 2004: 37). There has been with a growth between 1992 and 2002 of men who worked more than 45 hours per week (nearly 40 percent in 2002) with a smaller increase for women (OECD, 2004: 42). Inevitably, these developments have raised questions about work-life balance and whether a “long hours work culture” is developing in New Zealand.

One complication for assessing policy choices is that longer and more flexible working hours may be a mixed blessing from the perspective of the well-being of workers and their families. The flip-side of the growth advantage associated with an increase of per capita hours of work is the “time crunch” faced by working parents and the possibility that a “long hours” culture is undermining the work-life balance of workers in certain professions. Similarly, working hours flexibility may be detrimental to family life to the extent that it takes the form of non-standard work schedules dictated by the just-in-time staffing for the “24/7” economy, rather than an increased choice for workers to select the

work schedule that best reconciles their work with their family (OECD, 2004:25).

(h) Job Tenure

Although most temporary workers remain in their jobs for less than a year, it is becoming increasingly possible for temporary workers to be employed on longer contracts or accrue several contract renewals, thus occupying temporary jobs lasting for years but without the benefits they might have received had they been permanently employed. Evidence in Europe indicates that the majority of the temporary workers have considerable continuity of employment (OECD, 2002). In Australia, Wooden (1999, cited in Watts, 2001) estimates that the average job tenure for casual (adult) employees is almost 4 years. This was borne out by an interview locally with the Waterfront Union where several of their members have been working in this precarious way for many years (McLaren et al, 2004).

Other industries employ people both directly and indirectly through temporary help agencies. They are generally employed for a fixed-term period and contracts are repeatedly renewed. To bypass employing these workers permanently, they are laid off for a few days before being re-employed. Many temporary workers are employed almost continually but are never offered permanent positions. However, certain countries legislate against unlimited renewals of the temporary employment contract. For example, in France, temporary contracts are limited to 18 months duration with only one renewal permitted and in Hungary, the total duration of contracts cannot exceed 5 years (OECD, 2002: 176).

The issue of ongoing “long-term” casual employment is part of the debate into temporary employment in Australia and casuals are distinguished (roughly) in terms of tenure and hours into “short-term” casuals and those casuals who resemble permanent employees and can be termed “long-term” casuals or “permanent”, regular or ongoing casuals (Campbell and Burgess, 2001:89). In the accommodation, winemaking and brewing industries in New Zealand, researchers (Whatman et al., 1999) encountered definitions of casual workers as “casual-casuals”, “regular-casuals” and “permanent-casuals”. This indicates that not only is there an issue in terms of defining tenure and casualisation but also that these definitional problems have implications for labour law and policy.

Conclusion

Standard work became the norm during the twentieth century, both because of its dominance in labour markets in countries such as New Zealand and because it was the basis of state-managed welfare and labour market policy frameworks. Self-employment declined throughout the century, there was a migration from primary sectors to the mass employment of the industrial sector and because of the growth of state-funded service sectors such as health and education, the state came to be a major employer (McCartin

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and Schellenberg, 1999:3) along with large corporations:

...the model of “standard core” employment has served as the primary reference point for our understanding of paid work, through much of the post-war period and has characterized employment in many industries (McCartin and Schellenberg, 1999:2).

According to Kalleberg (2000), the efficiencies associated with work in standard, hierarchical employment relations and the nature of internal labour markets in the post-World War II period may have been an historical irregularity, to be altered by the non-standard employment relations which are now beginning to prevail. The growth of non-standard work, along with other contemporary social and economic changes, has given rise to some interesting questions about the significance in the shift of employment in particular and society in general. The ESRC “Future of Work” programme has asked the following :

Are the claims of paradigmatic shifts in work organisations and social practices securely grounded or not?

The author then goes on to suggest that:

...contemporary debate has been excessively influenced by the work and employment patterns which became prevalent in the specific conditions of the post-war period, but which historically may come to be seen as exceptional. Is the growth of contingent labour indicative of structural change?

The challenge for policy makers and employers in New Zealand is how best to reconsider employment policies in order to reflect the changing profile and nature of employment arrangements. “How to balance the advantages of flexibility with the desire for certainty is part of the ongoing dynamic of managing capitalism so that it works, as best as possible, for all” (ABL, 2001:84). What the myriad of temporary contracts of employment demonstrates is that there can be a shortfall in rights, benefits and forms of protection given that these tend to be predicated on addressing the needs of those involved in standard forms of employment.

Perhaps it is time that the “paradigm for the employment relationship” (Marshall, 1992: 2) should no longer be so focussed on the standard employment contract but rather encompass, more adequately, the diverse employment relationships that exist today. It is no longer possible to identify the numerous relationships as being homogenous, and labelled as “standard”, “non-standard” or “atypical”. This diversity should be given more prominence in any employment- related legislation. Whereas, in the past, “non-standard” work was generally reserved for genuine “non-standard” needs, this is increasingly not the case with conditional employment being a permanent state, rather than the exception, for many.

The issues to be considered and preserved are flexibility, equity, representation and equal opportunities. Flexibility need not preclude so called “decent” work (see Spoonley, de Bruin and Firkin, 2002). In considering policy, groups should not be privileged or singled out (see Tucker, 2002). Instead, policy should reflect the changing nature of society and the world of work. Where non-standard work might present some workers with certain freedoms, it certainly exposes others to greater risk. Tucker (2002) suggests that because some part-time and self-employed individuals choose this way of working, that is not in itself a cause for policy concerns. In the extensive research carried out by the Labour Market Dynamics Research Programme with individuals in many forms of non-standard work, we have found that the growth of conditional working arrangements require innovative and more inclusive policy responses. Furthermore, it is necessary to develop more flexibility for other workers (Firkin et al., 2002, Alach et al., 2003, Firkin et al., 2003, Perera, 2003; McLaren et al, 2004).

If policy-makers are to adequately address these developments, they will require more nuanced images of how people experience contingent work and how contingent labour markets are actually structured (Kunda et al., 2002:258).

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Appendix One: Definitions of Temporary Employment

	<i>Temporary Employment</i>	<i>Data Source</i>
Australia	Workers with a fixed-term contract; employed by temporary agencies; seasonal workers.	<i>Forms of Employment Survey, 1998 (data relate to 1997)</i>
Austria	Employees with a fixed-term contract; interim work through a temporary agency; apprentices and trainees; probationary period; contract for a specific task and daily workers.	<i>Austrian Labour Force Survey</i>
Belgium Denmark France Germany Greece Ireland Luxembourg Netherlands Portugal Spain United Kingdom	In the majority of European Union countries most jobs are based on written work contracts. A job may be regarded as temporary if it is understood by both employers and the employee that the termination of the job is determined by objective conditions such as reaching a certain date, completion of an assignment or return of another employee who has been temporarily replaced. In the case of a work contract of limited duration, the condition for its termination is generally mentioned in the contract. To be included in these groups are also: seasonal workers; employees of temporary agencies or businesses and hired out to a third party (unless there is a work contract of unlimited duration with the employment agency or business) and people with specific training contracts.	<i>Eurostat, European Labour Force Survey</i>
Canada	A temporary job has a pre-determined end date or will end as soon as project is completed (including seasonal jobs).	<i>Canadian Labour Force Survey</i>
Czech Republic	Workers with a fixed-term contract; employed through a temporary work agency; apprentices and trainees; on probationary period; occasional, casual or seasonal workers; individuals carrying out community work as unemployed; workers with a contract for a specific task.	<i>Czech Labour Force Survey</i>
Finland	Workers whose main job is with a fixed-term contract; trainees; workers on probationary period; other jobs that are considered temporary by respondents.	<i>Finnish Labour Force Survey</i>
Hungary	Workers whose main job is with a fixed-term contract; apprentices and trainees; workers on probationary period; individuals doing occasional, casual or seasonal work; individuals carrying out community work as unemployed; workers with a contract for a specific task; individuals employed on jobs lasting less than 12 months; daily workers and others.	<i>Hungarian Labour Force Survey</i>
Iceland	Workers whose main job is with a fixed-term contract; doing interim work through a temporary work agency; apprentices and trainees; workers on probationary period; occasional, casual or seasonal work.	<i>Iceland Labour Force Survey</i>
Japan	Workers whose main job is with a fixed-term contract lasting not more than one year; doing occasional, casual or seasonal work; working on a job lasting less than 12 months.	<i>Japanese Labour Force Survey</i>
KOREA	Workers whose main job is with a fixed-term contract; temporary agency workers; on-call workers; seasonal workers; workers who do not expect their job to last for involuntary, non-economic reason.	<i>Summer 2001 Supplement to the Korean Labour Force Survey</i>
Mexico	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; workers with a contract for a specific task; individuals with a job lasting less than 12 months.	<i>Mexican Labour Force Survey</i>
Norway	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; interim work through a temporary work agency; apprentices and trainees; workers on probationary period; workers with a contract for a specific task; individuals with a job lasting less than 12 months; daily workers.	<i>Norwegian Labour Force Survey</i>
Poland	Workers whose main job lasts less than 12 months.	<i>Polish Labour Force Survey</i>

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Sweden	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; apprentices and trainees; workers on probationary period; individuals carrying out community work as unemployed; those with a contract for a specific task; daily workers.	<i>Swedish Labour Force Survey</i>
Switzerland	Workers whose main job is with a fixed-term contract; occasional, casual or seasonal work; interim work through a temporary work agency; apprentices and trainees; individuals carrying out community work as unemployed; individuals with a contract for a specific task; a job lasting less than 12 months; daily workers. These data do not include foreign workers without permit residency.	<i>Swiss Labour Force Survey</i>
Turkey	Workers whose main job is occasional, casual or seasonal work; daily workers or persons who depend only on an employer and do not work regularly and for unlimited duration; seasonal or temporary workers on-call workers.	<i>Turkish Labour Force Survey</i>
United States	Dependent workers, temporary help and contract company workers who do not expect their job to last.	<i>Contingent and Alternative Work Arrangements Supplements to the Current Population Survey, 1995 and 2001</i>

Source: OECD Employment Outlook, July 2002: 172-173