

Industrial Relations in the Context of Workfare: Comparing Australia and New Zealand

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Abstract

The objective of this paper is to assess the implications of workfare for the comparative analysis of Australian and New Zealand industrial relations since the 1980s. It argues that examining the relationship between industrial relations and social protection, and in particular their fusion in the domain of “workfare”, helps to account for the recent re-convergence between the two regimes since the mid 1990s. Yet beneath the overarching re-convergence, a workfare comparison illustrates that Australia is now more marketised than New Zealand. This is internationally significant as workfare allows governments to *appear* to cater more for social protection than they do.

Introduction

The institutional and political processes which determine workers’ social safety-nets have been in focus throughout the history of industrial relations scholarship. Yet labour market protections exist within the context of broader “social protection” regimes, where social protection represents the summation of all policies and institutions which shield citizens from the potential insecurities of life in a market economy. With noteworthy exceptions the broader protection context has not been prominent in studies of Australian and New Zealand industrial relations, whether comparative or national in orientation.

In light of the intellectual challenge presented by incremental transformations in work and welfare over the last three decades (Sarfati & Bonoli, 2002), it is timely for scholarship to take greater account of the relationship between industrial relations and social protection, particularly given the fusing of the two spheres in the lives of many as they combine work with receipt of social security benefits. The primary objective of the current article is to contribute to the analysis of this phenomenon by assessing the implications of workfare for the comparative analysis of Australian and New Zealand industrial relations since the 1980s. The intermeshing between work and welfare is considered in the context of increasing recourse to “workfare”, the phenomenon of jobseekers and other welfare beneficiaries having to engage in work or work-like activities in return for receipt of their social security benefits and services.

The central argument of the paper is that examining workfare helps to account for the greater similarity between the industrial relations frameworks of New Zealand and Australia since the mid 1990s. However, considering workfare reveals a greater

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marketisation in Australia. The drift of the reform agendas of both regimes toward workfare forms part of a broader international movement calling for an industrial relations analysis of the debate on workfare and the examination of work as a complex policy domain. This debate is significant for comparative industrial relations scholars in that it has allowed some governments to *appear* to cater more genuinely for social protection than indeed they do. The paper explains the further marketisation of Australia, and the similarities between the two regimes, by reference to the comparative literature on industrial relations and social policy change.

Integrative Frameworks and the Role of Workfare

The workfare phenomenon draws its inspiration from productivity enhancement principles in industrial relations, labour economics and labour law (Carney, Ramia and Chapman, 2006; Ramia, Chapman and Michelotti, 2005). Yet, as discussed below, workfare programmes are implemented within the institutional realm of social policy. Accordingly, an analysis of Australian and New Zealand industrial relations which incorporates workfare draws simultaneously on frameworks covering the relationship between industrial relations and labour markets on the one hand, and social policy and social protection on the other.

As discussed in previous studies (Ramia and Wailes, 2006), more of these integrative frameworks have emanated from the latter literature than from the former. Over time social policy scholarship has progressively come to consider labour market protections as well as those of the social security and broader welfare systems. Indeed, from its beginnings the field of social policy was virtually inseparable from industrial relations, the latter being the body of scholarship which most closely scrutinised labour market minimum standards and other protections (Webb and Webb, 1897). Yet, as is well known to social policy analysts and welfare historians but not their industrial relations counterparts, the Webbs as academic parents of the field were also key to the birth of the contemporary field of social policy (Webb and Webb, 1911).

The tradition set by the Webbs in the two fields suffered a long hiatus after World War II (Ramia, 1998: 19-24). Subsequently, in the post-War period, given the three-decades long economic boom, industrial relations became a somewhat secluded field under Dunlop's (1958) "systems" tradition, and social policy did much the same as part of Titmuss's "social division of welfare" (Titmuss, 1958). For its part, as is well documented, industrial relations has retreated further into isolation from broader social concerns by moving closer to human resource management and management studies generally as worker protections are studied increasingly in organisation-based analyses of the employment relationship. From the other side, several strands of social policy literature since the 1960s have combined to help in the process of fusing social problems with industrial relations phenomena. This includes: the "rediscovery of poverty" in the mid-to-late 1960s (Townsend, 1962; 1979); analyses in the 1970s and 1980s on the so-called "fiscal crisis" of the welfare state (O'Connor, 1973; Mishra, 1984); and feminist scholarship on the work-welfare-household interface (Wilson, 1977).

Social policy research in the comparative arena has been equally important, spawned as it was mainly by the need to assess the differential welfare effects of labour

markets and social policies in different nations and regions (Esping-Andersen, 1990). Nations deal with “public/private interplay in social protection” in different ways (Sarfati & Bonoli, 2002). For industrial relations, the most important and most prominent arena of public/private fusion is that of workfare. The concept of workfare refers to the phenomenon of jobseekers and other welfare beneficiaries engaging in work or work-like activities in return for the right to receive social security benefits and services. As discussed further in the final sections, Australia’s Work-for-the-Dole scheme typifies workfare in a strong, compulsory form.

Though it has various institutional and policy characteristics in different countries and regions (Peck, 2001; Lodemel and Trickey, 2000), as a basis for contemporary regimes of unemployment compensation it originated in the US (Wiseman, 2000). Despite its American origins, however, its international significance is underpinned by its application across most developed and many developing states. China is a significant example of the latter, with unemployment only relatively recently having been officially recognised by policy authorities (Leung, 2003). Whereas traditional social policy is increasingly deemed “passive”, workfare has at its core, “activity” in return for a jobseeker’s social security benefits and training and placement services. Given that it involves reciprocal obligations for jobseeker and government, workfare represents a shift “from [rights-based] citizenship to [commercial] contract” (Carney and Ramia, 1999) in employment policy.

Inherent to workfare are industrial relations productivity principles, though these are channelled principally through the system of jobseeker compensation rather than through labour regulation (Carney, Ramia and Chapman, 2005). Invoking the principle that the unemployed should make a moral contribution in return for the taxation revenues they draw upon, versions of workfare range markedly: from relatively progressive, high-choice and capacity-building models in parts of Northern Europe, to punitive, comparatively ungenerous and highly privatised models as in the United States and Australia (Lodemel and Trickey, 2000; Ramia and Carney, 2001).

Comparing New Zealand and Australia

Understanding industrial relations in the social protection and workfare context first requires consideration of the relationship between industrial relations and social policy. Historically this relationship in New Zealand and Australia conformed largely to one model rather than two. Francis Castles’ concept of the wage-earners’ welfare state (WEWS) captured the interplay (Castles, 1985), his work being most influential among those seeking to understand the evolution of arbitration within Australasia’s overall social protection pattern (Ramia and Wailes, 2006). In explicating the WEWS model Castles argues that the policy pattern which characterised the two countries’ social protection regimes for much of the twentieth century was built on four interdependent policy planks; two of which engaged mainstream industrial relations and social policy institutions.

First, industrial relations was central, Australia and New Zealand having established the world’s only nationally applicable *compulsory arbitration* systems. These were the institutional mechanisms for providing worker protection through minimum wages and working conditions. Second, *industry protection* gave employers strong economic

incentives to adhere to the labour minima. Third, *selective immigration* policies were used as means to exclude migrant workers entering from countries which had lower than Australasian-standard wages and conditions. By design, as well as being motivated by racial discrimination, selectivity in immigration was a tool to avoid downward pressure on labour remuneration. Fourth, a comparatively early but minimalist and *residual state welfare* system was developed in both countries, relying first on a combination of the market and the family and second on a last-resort safety-net in the form of state-provided welfare benefits and services.

Progressively from the 1970s, the WEWS arrangements were reconceived. The reconception sowed the seeds of what later became workfare programmes; which have come to dominate the social protection landscape in many countries. Policy change has had its international context in widespread debate stemming from the OECD's agenda of making welfare receipt more active and less passive. This has driven restructuring of traditional methods of service and benefit delivery (OECD, 1988; 1990), which as outlined below has occurred with significant fervour, though with different timing in different nations. From the labour market side workplaces have been restructured so as to be more "flexible", again an OECD agenda (OECD 1986), designed to aid labour markets to adapt to continuing shifts in international demand.

The traditional protective settlement in Australia and New Zealand tied together arbitration, immigration, industry protection and residual welfare. On the other hand, the new relationship has evolved into one principally containing the industrial relations and social policy agendas and invoking workfare as part of the restructuring of social protection. As argued in the next section, the increasing integration of these arenas has not been subject to extensive discussion within the comparative Australasian industrial relations literature.

Industrial relations and social policy change over the last three decades in the two countries is well documented; though in two literatures rather than one (especially, Bray and Haworth, 1993; Castles, Vowles and Gerritsen, 1996; Castles, 1996; Ramia, 1998; Wailes, 2003). The use of immigration as a labour supply instrument was all but abandoned and the industry protection agenda was gradually phased out, though less gradually in New Zealand than in Australia (Bell, 1993 and 1997; Kelsey, 1993; Kelsey, 1995: 94-99). These shifts formed part of a significant break with tradition following the entry of Britain into the European Economic Community in the 1960s, breaking with it the guaranteed trade markets which Britain represented for the Australasian economies.

In the industrial relations arena, by the early 1990s differences between New Zealand and Australia were pronounced; indeed more pronounced than at any previous stage in the two countries' evolution since the end of the 19th century. This new divergence was seen in the regulation of employment conditions (Mitchell and Wilson, 1993), in the unity and relative power-bases of employers and employers' associations (Plowman and Street, 1993), and in trade union and broader labour movement strategy and strength (Sandlant, 1989; Gardner, 1995). By the early 1990s, almost overnight with the enactment of New Zealand's Employment Contracts Act in 1991, compulsory arbitration and collectivism were abandoned and replaced by voluntarism and individualism. A drastic decline in trade union density was effected in the

process, and reliance on statutory minimum labour conditions was increased markedly (Harbridge, 1993).

These statutory minima were largely absent from the Australian labour market, at least at the Federal level. Federal government involvement in the setting of conditions was always Constitutionally limited in Australia, though indirect involvement through the Commonwealth and State arbitration system was always a prominent feature (eg. McCallum, Pittard and Smith, 1990: 348-349). The differences in relation to social policy in this period were similarly marked. New Zealand remained relatively unchanged until the National Party came to power in 1990, replacing the fourth Labour government. By that time, Australia was in the midst of a transformation in the way social security and broader welfare services were provided.

This is explicable in terms of ever-closer interplay between the social policy and industrial relations agendas, and an associated drift toward a workfare approach. The process of intertwining social policy with industrial relations began in 1983 as part of the Prices and Incomes Accord, an agreement between the (then) Labor Government and the peak trade union body, which established a wage-“social wage” trade-off (ALP/ACTU, 1983). Under the Accord, real wages over time would be allowed gradually to decrease, with a greater share of GDP channelled away from labour and toward capital. This was designed to increase aggregate investment and employment, underwritten by a neo-corporatist industrial relations environment based on peak-level labour movement co-ordination and an emphasis on industrial conflict management.

As part of the bargain, the conditions of those who were left behind in the expected GDP growth would be ameliorated by a more substantial social wage, which took the form of “direct income transfers or provision of [social and human] services” (ALP/ACTU, 1983: 4). The wage-social wage tradeoff was substantial, though the benefits to workers and to beneficiaries were diminished over time (Hampson, 1997), with the attention moving to active labour market programmes – evolving into the antecedents of contemporary workfare by the late 1980s; though it is integration or fusion rather than inter-dependence which typifies workfare. Training policy is perhaps the best example of Australia’s nascent workfare agenda; which was important because it developed significantly earlier than its New Zealand counterpart. As part of the Labor Government’s Working Nation package in 1994 (Australia, Prime Minister, 1994), the so-called Job Compact involved an unemployed person being offered either a job or subsidised training in return for the person accepting both the offer and the employer assigned to them. The arrangement thus simultaneously engaged employers (who employed or trained), the social security authorities (who paid the benefit/subsidy) and the job-seeker (who performed the work/training). The job-seeker had a multiple status, therefore: of trainee, of worker and of social security beneficiary, all at the same time (Ramia and Carney, 2001).

Subsequent changes under the current Liberal/National Government have watered down this explicit form of policy interaction. Yet, under the Job Network - the scheme which replaced Working Nation - the general approach is one of “mutuality of obligation” (OECD, 2001; Considine, 2001; Carney and Ramia, 2002). This agenda steps up the emphasis on work-like activity in jobseekers and embeds social policies within the language and ethos of a labour market relationship through workfare. As Walters (1997: 224) argues, the activation of social policy “seeks to make us all

workers”, including those who do not engage formally in paid labour. Thus, the pattern is one of social policy moving closer to the labour market, rather than the labour market moving closer to social policy.

In contrast to the integrationist approach in Australia, New Zealand’s National Government in the early 1990s de-coupled industrial relations from the social policy agenda. This was part of a more hard-line, classical Friedmanite form of neo-liberalism (Ramia, 1998: chps. 8 and 9) characterised by the philosophy of treating labour markets *as markets*, with limited redistribution mechanisms to be channelled only through the state. In this regime, workfare was all but absent. The problem in the New Zealand case was that the distribution occurring through the state was overtly socially regressive. This was best seen in 1991, when – alongside the Employment Contracts Act - radical cuts in the level of benefits and social and human services were introduced. As well as the tightening of eligibility criteria, cuts were made to unemployment, sickness, widow’s and domestic purposes benefits. The most severe reductions were applied to unemployment payments, which in some categories of the target population decreased by 30 percent. In addition, the age of eligibility for superannuation was raised from 60 to 65, and the health, housing and education systems were changed to take on a more user-pays basis (Kelsey, 1995: 120-121, 214-224).

Despite the major divergence during the 1980s and into the early 1990s, however, there has been a re-convergence between Australia and New Zealand since the mid 1990s. This is best seen in the central piece of industrial legislation in each country; with Australia moving closer to New Zealand in some key respects, and New Zealand also edging closer to the Australian model in others. New Zealand’s current Labour Government, first elected in 1999, replaced the Employment Contracts Act with the Employment Relations Act in 2000, instituting the re-introduction of explicit recognition for unions and more generally watering down the more radical aspects of the predecessor Act (Wilkinson, Harbridge and Walsh, 2003). Australia’s Workplace Relations Act of 1996 had earlier brought it somewhat closer to the New Zealand Employment Contracts Act, though it now stands closer still to the current legislation across the Tasman (Wailes, Ramia and Lansbury, 2003). In effect the two are closer to meeting each other in the middle than at any stage since the early 1990s.

The social policy agendas of the two countries have also been drawn closer together, with workfare the primary common characteristic. As outlined above, up to the early 1990s New Zealand was on a path of de-coupling industrial relations from social policy, in pursuit of a model whereby the labour market is separated from the redistributive responsibilities of the state, which were handled almost purely through minimalist, residual, state-instituted social policies (Ramia, 1998: chp. 8). Yet from the mid-1990s, New Zealand has moved closer to the Australian model of active benefits, relying as these do on the ethos of mutual obligations. This includes experimentation with an Australian-style work-for-the-dole scheme, whereby some categories of unemployed must perform certain mandated hours of work in order to be eligible for jobseeker’s allowance (Nevile & Nevile 2003; New Zealand Herald 2004). In 1996, the New Zealand government went as far in connecting unemployment payments with industrial relations language as to replace benefits with a “community wage” (Higgins 1999). Some of the country’s workfare programmes have taken on the contracting-out approach to the delivery of programmes in so-called

quasi-markets (Bartlett, Roberts and Le Grand, 1998). This is the *raison d'être* of the contemporary Australian approach to employment services under the Job Network.

Industrial Relations, Social Protection and Workfare: Issues for Comparativists

Despite the overriding similarities between New Zealand and Australia, it is possible to overstate the re-convergence argument. Yet, when considered in long-term perspective alongside the major divergence between the Australia and New Zealand of the 1980s and early 1990s, the contemporary similarities are more compelling than are the differences. Workfare aids in uncovering the sources of this increased similarity. Within an approach which incorporates workfare, it is a broader and elaborated concept of work which joins traditional meanings of the term. The Australian Job Network has arguably constructed work so as to incorporate the work-like activities of the unemployed alongside the work of formal members of the paid labour-force. When viewed in light of workfare, Australia is a more radical model of marketisation than is New Zealand. Workfare is a key element in the broader international quest to understand two key features of contemporary capitalism: the ever-greater integration of the once more separate worlds of commercial work and public welfare; and the increasingly covert nature of the neo-liberal project. These issues are now discussed in turn.

Comparativists have been largely unable to explain fully how and why Australia and New Zealand have become increasingly similar since the mid 1990s. Wailes, Ramia & Lansbury (2002) argue that this lacuna has its prime source in over-emphasis on institutionalist analysis, which does not effectively streamline with similarities and differences in the political and economic preferences over time among the main industrial relations "interests". Institutionalism, they contend, tends to emphasise difference and underestimate the similarities which national policy regimes often show in the face of common global economic pressures. The current analysis does not take issue with this argument. Rather, it makes the complementary argument that another dimension of the problem of explaining recent similarities between Australian and Zealand industrial relations lies in re-conceiving the *content* of industrial relations change. Part of the change in content has been the re-framing of the role of social protection in and outside the labour market. In their account of "the differing fates of corporatism under the two Labo(u)r Governments", for example, Bray and Walsh (1993) for the most part do not capture the significance of the industrial relations-social protection relation inherent to Australia's wage-social wage trade-off under the Accord; and the failure to adopt such arrangements in New Zealand. More recent work (Bray and Walsh, 1998) has the same characteristic, the result being two-fold: an overemphasis on differences between New Zealand and Australia in relation to the institutions of the industrial relations system; and the promotion of a view of industrial relations as largely exclusive of its social protection context. To be fair, however, particularly in relation to content, Bray and Walsh's analysis applies only to the period prior to the introduction of New Zealand's Employment Relations Act, which as argued earlier was a major development contributing to New Zealand's move towards the Australian model after the mid-1990s.

The importance of the social protection context is seen in particular in the recasting of the traditional division between employment and non-employment. This affects the

concept - and indeed the political influence – of industrial relations explanations for labour market change. As Walters (1997) argued at a relatively early point in the evolution of closer interplay between labour markets and welfare systems, the traditional welfare state was built upon the assumption of a full-time, usually male, workforce. This was in his terms an “exclusive” definition of work, and thus by implication industrial relations was more strongly justified in focusing on the institutions of industrial relations systems in the tradition of Dunlop (1958), as discussed earlier in the paper. Yet, by virtue of the rise of workfare, social policy has borrowed from industrial relations; and this has implications for comparativists in both fields. In social policy, it points up the death of the social citizenship rights of welfare beneficiaries, replacing them with a widespread convergence around workfare (Handler, 2004). In industrial relations, it implies the broadening of the concept of work.

In line with this, industrial relations analysts might bring groups of workers who have been less conspicuous in mainstream research closer to the centre. This is justified by the *employment* focus of social policy scholars. As Bonoli and Sarfati (2002) suggest, social policy over the last two decades has followed an “employment-at-all-costs” approach to the work-welfare relation, which is strongest in the Anglo countries.

If current trends [in the work-welfare nexus] continue, the dividing line between employment and *legitimate* non-employment may start to encompass other social groups which have not traditionally been expected to participate in the labour market. In the United Kingdom, for instance, persons with disabilities are being invited to an interview where their job prospects are evaluated. ... In the United States, in view of current and expected labour shortages, attention is turning increasingly towards older people. ... The risk is that marginal groups will be forced against their will into low quality employment in order to comply with the values of an anti-welfarist and employment-oriented majority (Bonoli and Sarfati, 2002: 473-474).

The contributions of industrial relations scholars such as Standing (1999; 2002) are important for their simultaneous attention to work and welfare as two sides of the same coin, without privileging workfare-type compulsion. These have their broader base in the longstanding work of the ILO on the importance of linking labour-force employability with human dignity and minimum standards of legal social protection; though more recently this has taken “security” as its underpinning (ILO, 2004; Standing, 2002).

Conceivably, problematising the social protection and workfare contexts of labour market regulation is indispensable if industrial relations analysts are to be maximally effective in challenging the inequity of the employment at all costs and anti-welfarist perspectives. Beyond being merely a dimension of the internationally populist agenda of so-called “new progressive” centre-left politics (Giddens, 2003), workfare is arguably a central component of the current incarnation of neo-liberalism. Neo-liberalism today is characterised by the continuation – perhaps a moderation in some countries, though a continuation none the less – of marketisation apparently ameliorated by individual self-help and ongoing work or work-like activities. Australia took on this agenda earlier than New Zealand, and indeed earlier than most other countries. This is seen most clearly in its adoption of several agendas: the OECD’s active society push in the late 1980s; reciprocity of obligations under

Working Nation in the mid 1990s; and finally, the mutuality platform of the Job Network since 1998.

As part of the same continuum, Australia has taken on the excesses of neo-liberalism, albeit in a more covert form than did New Zealand before it. In the early 1990s, the New Zealand National Government's welfare cuts and the Employment Contracts Act signalled a harsh form of the industrial relations-social protection relation, characterised largely by *non*-relation. Australia took a slower approach, which has helped to institutionalise neo-liberalism more strongly for the long haul. The Australia programme, using as it did the politically populist language of assistance for those who help themselves while also providing individualised services, provided other neo-liberal governments with a model of how to appear to cater for the mutual intermeshing of the industrial relations and social protection agendas.

This has gone largely unrecognised in industrial relations debate. Australia is an excellent example of a policy regime which subverts social protection through a concerted push for work or work-like activities. Social policies thus reach out to the labour market concepts of industrial relations, rather than industrial relations shifting to take on more social protection principles. Regardless, politically, integration of *any* kind between the two areas is a particularly potent weapon in the quest to (at least appear to) cater for the growing labour market and demographic groups who must habitually interchange between work and the receipt of welfare benefits, and who often must combine the two simultaneously. This includes the working poor, youth and older workers, and those whose family responsibilities pose especially difficult challenges for their worklives (Sarfati and Bonoli, 2002). Again, Australia has been ahead of New Zealand in imposing the language and implementing the policies of integration. This arguably reflects the fact that the Party in government spearheading the policies for the first decade was Labor, and that the politics of the Accord compelled the Labor Party to take a more time-consuming approach. As argued here, however, marketisation in the workfare form has arguably seen its moment more clearly, and earlier, in Australia.

Conclusion

The concept of work has been transformed by virtue of its context in a workforce with characteristics which challenge traditional industrial relations analysis. Though there is a significant literature exploring the relationship between labour markets and social protection, industrial relations scholars have not played a major role within this. More work is needed to enhance scholarly understanding of the ways in which the institutions which shape employment conditions interact and are interdependent with protective mechanisms inside and outside industrial relations systems. Recognising the blurring boundaries between work and welfare, employment and non-employment, the current analysis has argued that the comparative analysis of New Zealand and Australian industrial relations is aided by considering the wider social protection context. In particular, the concept of workfare was used to discuss the relation between industrial relations protections and the conduct of work or work-like activities for the receipt of social security benefits.

Workfare adds explanatory potential to comparative accounts which seek to account for the greater similarity between Australia and New Zealand since the mid 1990s. In addition, it reveals that Australia is now the more marketised labour market model. While the two industrial relations regimes are more similar than they were during the 1980s and early 1990s, Australia has a more commercialised workfare programme under the Job Network. While New Zealand authorities experimented with a work-for-the-dole scheme and commercialised labour market and training programmes, it is the Australian approach which rests more comfortably in the realm of managerialist employment services. The latter combines a growing work-for-benefit ethos, extensive private sector involvement in the determination of unemployed people's standards of living as they search for work using profit-seeking placement agencies, and increasingly decentralised industrialised relations under the Workplace Relations Act. On one view, that this difference has largely evaded comparativists in industrial relations is testament to the less obvious methods used by contemporary governments to advance their neo-liberal agendas.

Workfare renders it easier to combine the language of self-help, which is politically a winner, with the language of extensive programmes; such that rejection of programmes is often seen to be excessive to an employment-focused and anti-welfarist public. These and other factors place work in a somewhat different context, one which considers new and different categories of workers and workers who have a marginal attachment to the labour market. Even if the worker does not have a formal attachment to the market, their life may well be governed by jobsearch administration principles which mirror the employee's quest to meet the employer's demands. This phenomenon is significant for all scholars studying labour and social protection.

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