

Vulnerability in New Zealand dairy farming: the case of Filipino migrants

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Abstract

In New Zealand, the dairy industry contributes significantly to the economy. It is responsible for 26 per cent of total merchandise exports. Propelled by the recent world commodity boom, the dairy industry has expanded rapidly, but that expansion has been constrained by problems with recruitment and retention of labour. From 2006 these problems have been overcome by the employment of short term migrants, nearly half of whom originate from the Philippines. This paper explores the inflow of these migrants using Sargeant and Tucker's (2009) framework to document the working, health and safety experiences of Filipino dairy workers in Mid Canterbury, located in the South Island of New Zealand. It explores how they came together and established an association to promote much needed social contact and then advocacy for the many members experiencing employment or immigration difficulties.

Keywords:

advocacy group, dairy farming, employment, Filipino migrants, New Zealand.

Introduction

At the end of 2010, the dairy industry accounted for 2.8 per cent of New Zealand's Gross Domestic Product (GDP), over a third of the GDP share of the whole primary sector (dairy and meat farming, processing, horticulture, fishing, forestry and mining) and provided 26 per cent of New Zealand's total goods exports (Schilling, et al 2010). Although the average size of a New Zealand farm is only 536 acres (215 hectares) and most are classified as a small business, substantial growth of this sector has provided an increasing number of employment opportunities, and generated wealth that has rippled throughout New Zealand.

New Zealand's agricultural sector (including dairy) however, has one of the highest rates of work-related injury and illness, accounting for the largest amount of workers' compensation claims for the 2010 year, despite representing only 7 per cent of New Zealand's labour force (Statistics New Zealand, 2011). Furthermore, there is a

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disproportionate number of people in agriculture and dairying, working long hours (defined as 50 + hours per week). Eleven per cent of all those identified in the 2006 Census worked long hours, but that equated to only 5.6 per cent of total workers (Fursman, 2008). New Zealand dairy farm workers expect to work more than the standard 40 hour working week⁵. Eighty eight per cent of dairy farm workers surveyed by Searle (2002) expected to work more than 50 hours per week and during the spring over half of respondents expected to work more than 60 hours per week. The working day on a dairy farm is long and time between rostered time off is lengthy. Ninety per cent of all dairy workers surveyed were working for at least seven consecutive days and 75 per cent worked more than ten consecutive days before having time off (Tipples & Greenhalgh, 2011).

The New Zealand dairy industry now faces a severe labour shortage, driven by the expansion of the dairy industry, an aging workforce and prevalence of long working hours and hazardous working conditions. Despite high national levels of youth unemployment (13.4 per cent) and general unemployment (7.3 per cent) for the September 2012 quarter (Statistics New Zealand, 2012), dairy farmers cannot find an adequate supply of suitably skilled farm workers to meet the current and projected labour needs. Federated Farmers and recruitment agencies estimate there is a shortage of at least 2,000 skilled dairy workers. With the dairy industry growing fast, labour shortages are likely to compound, particularly in the South Island where expansion is concentrated (Tipples, et al, 2010). This has resulted in an exponential growth in employing migrant labour to offset the labour shortage.

While migrants working as dairy workers come from a wide range of countries, there has been a notable increase in the number of temporary work visas issued to Filipino workers. Kelly describes the Filipino migratory phenomenon:

“By the late 1980s, for many countries around the world, the Philippines had become a major supplier of subordinate working-class labour...expatriate Filipinos have come to occupy the least secure, least remunerative and least desirable places in the global labour market.”
(Kelly, 2010: 159)

Table 1 illustrates the significant influx of Filipino dairy workers since 2003/04. In the 2008/09 dairy season, 898 temporary work visas were approved for Filipinos, of which 831 were issued to men (Callister & Tipples R, 2010). There is a stark contrast with other streams of Filipino migration to New Zealand, for example nurses and caregivers, who are overwhelmingly dominated by females working in urban locations compared to dairy men in rural ones (Baskar, et al, 2009). Currently the Philippines labour force is described by Castles (2000: 5): as a “...labour exporter par excellence...with nearly one-tenth of its people overseas (also see Castles & Millar, 2003). The Philippines has a population of 98 million and of this population in 2010 there were 4.42 million permanent Filipino migrants, 4.32 million temporary migrants and 704,000 irregular migrants, living in 217 different countries (Ministry of Foreign Affairs and Trade, 2011).

Table 1: Number of Filipinos granted temporary work permits for dairy farming 2003 to 2011

Season/Years	Number	% of all permits granted for dairy farming
2003/04	16	3
2004/05	40	6
2005/06	74	12
2006/07	278	32
2007/08	806	46
2008/09	898	46
2009/10	861	48
2010/11	866	51

Source: Rawlinson, Tipples, Greenhalgh, Trafford (2012)

If one considers New Zealand and the Philippines to be unequally situated in the global economic order, New Zealand benefits from the use of labour from the Philippines to renew its workforce and sustain its international dairy competitiveness. As part of that process the Philippines bears the cost of social reproduction and export of labour in return for remittance income, while New Zealand continues to get its cows milked and dairy products exported (Tipples & Trafford, 2011). The Philippines actively markets its people as "...a flexible, hard working, malleable workforce for the global economy and fosters a training infrastructure to create such workers", (Kelly, 2010: 173). Philippines' public policy to encourage and control emigration for national benefit might be perceived as part of a national 'sustainable livelihoods strategy', using remittances from its human capability exports to sustain the Philippines' economy, communities and families (Chambers & Conway, 1992).

In this paper, the following definition of a migrant worker is adopted (Sargeant & Tucker, 2009: 52):

...workers who have migrated to another country to take up work but who currently do not have a permanent status in the receiving country...The migrant category... includes both workers who have obtained a legal right to enter and work, as well as those who have entered and are working without legal authorisation. It also includes temporary foreign workers (TFWS) whose right to work is time-limited from the outset, as well as foreign workers who have a more open-ended right to remain but have not yet obtained permanent status

Migrant labour is commonly found in industries with non-standard practices, such as irregular working hours and at-will or casual employment. Much of it is precarious, unregulated, contingent employment (Boocock, et al., 2011). Finding out the degree of work-related injury and illness amongst migrant workers has not been part of the current discourse and little research has been completed. The research that has occurred has been concentrated on textiles/clothing, manufacturing, retail and call centres, all of which have a

reputation for exploitation and vulnerable workers. Limited statistical databases of accidents/injuries, occupational disease, and workers' compensation make such research even more difficult. Research is also needed to establish causality and study migrants' wellbeing (Boocock, et al., 2011).

This paper explores the inflow of migrants into New Zealand dairy farming since 2006, with the focus on Filipino dairy workers located in the Mid-Canterbury town of Ashburton, using Sargeant and Tuckers (2009) framework in order to document the working and OSH experience of Filipino workers. Finally, the paper examines the way in which these workers reacted to their less than satisfactory working conditions and reports on the creation of a Filipino Dairy Workers' Association in response to the exploitative practices of some New Zealand employers.

Research Method

In 2010-11, Tipples and Greenhalgh (2011) carried out a study for DairyNZ exploring a baseline for measuring employees' experiences of people management practices in New Zealand dairy farming. The study was based on a representative sample of AgITO trainees taking dairy courses in early 2011, as there is no sampling frame for dairy farm workers. AgITO is one of New Zealand's largest agricultural training organisations. A total of 483 dairy workers completed the AgITO survey (Tipples & Greenhalgh, 2011). Data were extracted from that to give a comparison of New Zealand (n=326) and Filipino workers (n=34), which was then compared with a visiting group of Irish dairy farm students (n=24) (Greenhalgh, 2011). Table 2 provides an analysis of differing characteristics between New Zealand, Filipino and Irish dairy workers in New Zealand. As a total population, 38 per cent had rosters of 11 days on, 3 days off; 26.5 per cent had 6 to 8 days on and 2 or 3 off (Greenhalgh, 2011).

Table 2: Comparison of age, herd size and daily working hours between New Zealand, Filipino and Irish dairy employees

Characteristics of the Dairy Industry			
	Filipino	New Zealand	Irish
Average age	36	27	21
Average herd size	862	874	927
Working daily hours	11.2	10.5	10.2

Source: Tipples and Greenhalgh (2011); Greenhalgh, (2011).

This exploratory study is based on informal participant observation by the second author of Filipino activities and working alongside them in the dairy shed. A total of 20 qualitative interviews were conducted with both a New Zealand born dairy farmer (n=1) and the leader of FDWNZ and 15 Filipinos dairy workers (n=16), community based workers (n=2) and a dairy recruitment specialist (n=1). This particular piece of research was commissioned by

the first author as a resource for a major research project on fatigue and work-related stress, which is part of the DairyNZ Farmer Wellness and Wellbeing programme (2010-2017). In this paper, participants are referred to in text using generic titles such as a 'Farm Manager' or a 'Community Advocate'. This has been done to protect the anonymity of participants in the study.

Recruiting migrant dairy workers for New Zealand

Driven by the prosperity of the global commodity boom, an increasing number of New Zealand farmers have converted their properties to dairy farming (Rawlinson, 2011). Sourcing labour for these new conversions is an issue for dairy farmers, who have found New Zealand born workers lacking the skills, experience and capabilities they required for positions advertised (Cropp, 2010; Rawlinson, et al. 2012a). As a result, dairy farmers have turned to migrant workers to meet the labour demands in the dairy industry. A significant proportion of these migrant workers are recruited from the Philippines, a nation famed for its policies surrounding external migration of its people (Alayon, 2009).

With 10 per cent of its population working outside the Philippines, the Philippines government has two government departments established to facilitate and regulate Overseas Filipino Workers (OFWs) and promote job opportunities overseas (Alvin, 2003). These OFWs are then encouraged to send their income back to the Philippines to support their families and to improve living conditions, household incomes and provide family members with a better education (Alvin, 2003; Rawlinson & Tipples, 2012; Rawlinson, et al., 2012b).

For New Zealand dairy farmers, the most common way of getting a migrant worker was through a recruitment agency (Rawlinson, et al., 2012b; Rawlinson & Tipples, 2012). These recruitment agencies can be based in New Zealand or the Philippines. New Zealand based recruitment agencies are now highly regulated, but this may not be the case in the Philippines (Rawlinson & Tipples, 2012). For example, participants in the study of paid recruitment companies \$NZ1,000 for migrant employees (Rawlinson and Tipples, 2012). However, the ease of employing a migrant worker is then dictated by the rules and policies of Immigration New Zealand (INZ) and these are subject to constant change.

When their study was conducted, Rawlinson and Tipples (2012) found there were different ways a migrant could be employed in the New Zealand dairy industry. If migrants come to New Zealand to fill a vacancy on the Immediate Skilled Shortage List (ISSL) there is no onus on an employer to prove there are no other New Zealanders to fill the position. The Assistant Farm Manager position was on the ISSL and to qualify for the position, migrants had to have two years working experience in dairying and an equivalent qualification to the National Certificate of Agriculture (Level 3 on the New Zealand Qualifications Framework (Immigration New Zealand, 2011a). Migrant workers who come to New Zealand to fill a vacancy on the ISSL are in New Zealand on a temporary basis, as one 'Dairy Recruitment Specialist' explained: "we need you now. Tomorrow we might not need you [and] you can go home".

Alternatively, if a dairy farmer wishes to hire a migrant worker for a position that is not on the ISSL, they have to prove there are no other New Zealanders available to work in the position required (Rawlinson & Tipples, 2012). Immigration New Zealand and Work and Income New Zealand (WINZ) must be satisfied that genuine attempts to find New Zealanders to fill the position have been made. They take into consideration the advertising undertaken, the location of the job and the labour market in the area (Immigration New Zealand 2011b). WINZ have had New Zealanders who they felt were suitable for the position. However, 'Farm Manager' after interviewing two found they were less than desirable and neither was employed. This provided 'Farm Manager' with the impression that WINZ was interested in pushing up the numbers in employment rather than presenting suitable candidates for each vacancy.

Once a dairy farmer has selected a migrant worker and the temporary work visa application is submitted and approved, they can commence working in New Zealand. Temporary work visa lengths vary from one year to three years. Those migrants who wish to remain in New Zealand after their temporary work visas expire must initiate the process of renewal 90 days prior to expiry. Employers decide if they wish to re-employ the migrant and if they do, must re-advertise the migrant's position (to make sure no New Zealanders can fill the position). With 60 days remaining, INZ is informed that there are no suitable New Zealanders and that the dairy farmer wants to re-hire the migrant. INZ will then make a decision to renew or decline the temporary work visa (Immigration New Zealand, 2011c).

The murky underworld of migrant dairy worker recruitment

The process for recruiting and employing a migrant worker (outlined above) appears to be transparent. However, during fieldwork it was apparent that the recruitment of migrant workers was anything but transparent (Rawlinson & Tipples, 2012). Recruitment agencies and dairy farm employers have been responsible for exploiting the naivety and vulnerability of migrant workers. Filipino dairy workers initially encountered problems when they first applied for employment at recruitment agencies in their country of origin, where fees were charged for such things as: applying for a position advertised, having a phone interview and for documents freely available on INZ's website. Before arriving in New Zealand, a migrant dairy worker might have spent US\$10,000. Fees continue once they arrive in New Zealand. Participants reported paying fees to New Zealand recruitment agencies for finding the employment and processing work visas. Some recruitment agencies forced migrants (sometimes straight off the plane) to sign documents authorising the deduction of a percentage of the workers' salaries:

Some of them are still in the airport [and] they have to sign some documents ... they are so tired and they have been travelling that long and all they want to do is sleep. They will just sign on the dotted line and some of them won't even read what is really written there. That such and such per cent of my income comes to me every week. (Filipino worker, December 2011).

Participants also cited examples of second contracts, between a migrant and recruitment agency, providing them with the impression that they are bound to the recruitment agency:

It's like you are a slave of [recruitment agency] you don't have any rights to go to other [employers] you are buying people (Filipino Worker, December 2011).

On top of this, recruitment agencies also withheld important documents belonging to migrants, including passports and qualifications. Migrants have found it difficult to get these documents returned:

The guy that had his passport withheld and they had been trying to get it. Immigration came down here, the compliance officer knew, I don't want to say if it was or wasn't, we just talked about the company. She rung the number and asked for the guy by his name, none of us mentioned the name, she just knew. She was talking to him, you will courier the passport down. It was down at 9.30 am (Community Advocate, February 2012).

In addition to these examples of second contracts and withholding important documents, Cropp (2010:14) cited examples of pay disparities between workers completing the same job:

New Ashburton migrants told of employment contracts that included a clause expressly forbidding workers from discussing their employment conditions with other staff, and once Bruzo's group started comparing pay rates they discovered members earning up to \$5,000 less than others doing the same job.

In an attempt to counter some of these issues, INZ has developed an information sheet for migrant dairy workers, detailing salaries and job descriptions of each position in the dairy industry. The figures in Table 3 are based on an annual Federated Farmers survey of dairy farm employers and their rates of pay that dairy farmers have to pay their migrant workers (Federated Farmers of New Zealand, 2012).

Table 3: Salary level by position in the New Zealand dairy industry

Position	Hourly Rate	Salary
Dairy farm worker	\$15.78	\$36,000-\$43,000
Assistant herd manager	\$16.70	\$38,000-\$45,000
Dairy herd manager	\$19.01	\$48,000

Source: Immigration New Zealand 2011b.

Participants in this study were happy to discuss the (seemingly) endless examples of exploitation and poor employment practices carried out by recruitment agencies and dairy farm employers, but gaining physical evidence of these allegations is difficult. This finding is not limited to this study (Rawlinson & Tipples, 2012). Community agencies have attempted to encourage migrants to come forward in Canterbury with evidence to help prosecute the recruitment agencies. So far, migrant workers have been unwilling to produce

the evidence, for fear their work visa will be cancelled or future work opportunities in New Zealand will be jeopardised:

There was a lot of recruiting agencies that were withholding passports, withholding qualifications ... we have had some Fraud squad [members] come down from Auckland [and] they needed hard evidence to back it up and make a charge in court. The migrant workers and I don't blame them they are scared if they come forward they feel like they are going to lose their jobs. So it's a catch-22 ... we were wanting to see contracts that they had signed in their home countries and then see what they had signed here, but quite often they would give in and the contracts would be given with vital details missing [or] blacked out (Community Advocate, February 2012).

There have been some successful prosecutions against recruitment agencies in the dairy industry. Two South Canterbury companies were recruiting Filipinos into New Zealand en-masse and frustrated with the delays in processing temporary work visas, the company directors decided to forge the signatures of prospective employers in order to speed up the process (Clarkson, 2010). Some migrant dairy workers then found they were employed on a different farm to where they thought they were to be working (Cropp, 2010). The company directors were convicted of representative forgery and fined \$650 and \$2,500 (Clarkson, 2010).

Incidence of accidents and deaths among dairy workers

There is no data available on specific injuries or illness experienced by Filipino workers (Tipples & Greenhalgh, 2010). Over the period from 2007 to 2010 accident claims for dairy farming to New Zealand's Accident Compensation Corporation (ACC) increased as the dairy industry expanded. ACC data indicated that 44 per cent of migrant worker fatalities were as a result of a vehicle accident, compared to 54 per cent for New Zealanders. However, 33 per cent of migrant workers killed were involved in farm vehicle accidents, double the percentage of New Zealanders. The figures are too small to test for significance, but there is the possibility that migrant workers' lack of experience with New Zealand farm vehicles means they are more prone to serious accidents with them (Tipples & Greenhalgh, 2011).

The reasons for the increase in claims as the dairy industry has grown cannot be determined from the data. Possible explanations include the growth of larger farms. Higher staffing levels show a correlation with a higher number of fatalities, an increase in the migrant workforce and a change in the availability of health and safety training (Tipples & Greenhalgh, 2011). The rising number of migrant workers in the dairy industry could also be a contributing factor (Tipples, 2011). Most new migrants do not have previous experience with the type of dairying system in New Zealand, such as working with large numbers of cows, riding all terrain vehicles (ATVs) or quad bikes, working with farm machinery, for example, large tractors and chainsaws, or moving irrigation systems. Appropriate training may not be able to be accessed in a suitable timeframe or may not be

offered to these workers. ACC does not have reliable data on the country of origin of claimants. However, fieldwork in April 2012 suggested that farmers were very wary of allowing migrants to drive expensive farm machinery because of the expense of even trivial accidents. Consequently they do not get experience with such equipment, which perpetuates the problem (Rawlinson, et al., 2012a). Employer motivations seemed to be more financially driven than by health and safety factors. Moreover, migrant dairy workers may be unaccustomed to the requirement to work long hours. In addition, some migrant dairy workers struggle with communication and understanding New Zealand English. These factors contribute to both fatigue and stress, which can affect judgement and lead to accidents.

The Filipino Dairy Migrant Experience

Sargeant and Tucker (2009)¹ have constructed their model to include micro, macro and meso-level factors, which bring together the political, economic and institutional influences on the OSH risks faced by migrant workers. What makes the model useful is that it provides a comparative framework in order to better understand the salience of risk and compare the situation of at-risk workers. Using the model to compare migrant labour in Canada and the United Kingdom, Sargeant and Tucker (2009) made multi-level comparisons between different groups of migrants in the same country, thus allowing a more detailed account of OSH vulnerabilities of the different groups. Other work on OHS of migrant workers located in small businesses provides a further layer namely *Layer 4: Migrant OHS factors*, which is added to Sargeant and Tucker’s (2009)¹ model. Gravel et al (2009) preliminary findings indicate migrant workers face a number of barriers in terms of raising health and safety issues and accessing workers’ compensation, including a fear of reprisal (dismissal or loss of income); communication problems (translation and comprehension of OHS instructions and measures); and difficulty adapting to management structures (such as OHS joint committees), as outlined in the Table below (Gravel et al., 2009; Sargeant and Tucker, 2009). More importantly their work highlights the fact that “... the processes for improving and developing culturally appropriate health and safety activities seem to miss the essence of preventive health and safety work: joint action and mutual, democratic commitment by employers and employees” (Gravel et al., 2009).

Table 4: Levels of Vulnerability

	Layer 1 – Features of the receiving county
a	Socio-economic conditions: World trading conditions for dairy products have been extremely good since about 2005, with a dip in the markets in 2007/8 and 2011/2012. Rabobank is predicting a significant shortage of milk in the medium term in the Chinese market and continued very positive trading conditions for NZ farmers (Rae, 2012). Continued expansion of the dairy industry is consequently likely. In the absence of any radical change in farming systems there will continue to be a need for migrant workers to help milk the cows (Tipples & Trafford, 2011).
b	<i>Sectors of employment:</i> Dairy farming is only one sector of Filipino migrant employment in New Zealand. Another prominent one is the ‘eldercare’ industry (Baskar, Callister Didham, 2009).

c	<i>Access to/strength of collective representation:</i> At present there are no registered trade unions operating in agriculture in any significant capacity. Dairy farming has been vehemently opposed to any form of unionism, or union preference in deducting membership fees from workers' pay, for a hundred years (Angove, 1994; Tipples, 1987). Growing Filipino communities have begun to form their own 'societies' to promote community interests (such as FDWNZ Inc.), which have involved supporting mistreated and disadvantaged migrant dairy workers.
d	<i>Access to/strength of regulatory protections:</i> Regulatory protection of worker conditions in New Zealand is quite good by international standards, but probably not as good as in Australia or parts of Western Europe. The weaknesses arise in the enforcement of regulatory conditions. There are only about 150 Department of Labour Inspectors for 500,000 businesses, who are concentrated in urban centres where most employees are to be found. Government cost cutting makes it unlikely that more will be appointed. The inadequacy of the inspectorate has been highlighted in 2010/2011 by the Pike River Mine disaster (Lamm, 2012; Lloyd, 2012)
e	<i>Social exclusion/inclusion:</i> Filipino migrants suffer from exclusion as a result of the dairy lifestyle and working patterns, with very long and non-standard working hours which are not conducive to easy social intercourse. Limited skills in English, particularly among migrants' wives and living in small, rural and predominately European communities also accentuate the feeling of exclusion. Moreover, limited access to public and private transport compounds the feeling of isolation.
f	<i>Living in the employer's workplace:</i> This requirement of employing farmers exaggerates social exclusion by removing Filipino families from the urban community lifestyle in which they have been used to living.
g	<i>Urban/rural location:</i> The distance of many farms from the nearest township has also been a problem for access to shops, schools, and community services.
h	<i>Role of collective/civil society supportive groups:</i> Settlement assistance is being provided to support such workers and their families, but distance and the 'emptiness' of the countryside are hard to overcome. Language and other forms of assistance are provided, but not always in the most useful form for migrants. FDWNZ Inc. is a good example of a self-help organization.
	Layer 2 – Migration features
a	<i>Migration security (legal status, visa status) & whether tied to employment:</i> Given that New Zealand is an isolated, island nation, it has been easier to prevent access to illegal migrants compared to land-locked nations. Historically the major problem has been migrants overstaying their visas. So far this does not seem to have been an issue in dairy farming. A migrant worker on a temporary work visa has a specified position and employer/location of employment, and they have to work within those conditions. However, if they want a change of employer a new visa application must be made before moving job. No one is allowed to threaten a migrant in such a case, or to hold their passport or personal documents. In practice changing jobs does not seem to be particularly difficult. Cases where unacceptable bad language by the employer has led to a move and where family connections have been the key driver have been reported (Christie, 2012).
b	<i>Duration:</i> Temporary work visas are available in the first instance for up to three years but can be renewed to five.
c	<i>Conditions of right to remain:</i> A permanent resident permit can be obtained but only 30-40 permits have been granted per annum since 2007/8. Under the permanent resident permit, a Level 4 or equivalent agricultural qualification is required and the applicant must have a

	minimum of three years relevant experience. Field work during 2012 suggests that many Filipinos do want to stay in New Zealand and want to make a long-term career in the dairy industry (Rawlinson, et al, 2012a)
d	<i>Role of migration agents/employers in process of migration.</i> In recent case studies by Christie (2012), the findings show that Filipino migrants tended to use migration agents to assist their coming to New Zealand even when those services had been extortionately expensive. Some employer groups have been working closely with Immigration New Zealand to make it easier and less expensive for migrants to find dairy work in New Zealand. New Zealand based agents guaranteed a job and often helped the migrant get to it. If there were problems they facilitated changing jobs.
e	<i>Treatment of migrants:</i> Is highly variable from those who make a special effort to house and integrate their staff to those who apparently could not care and want to use the cheapest way to get their farm work done. There is still room for considerable improvement in practice.
	Level 3 – Migrant features
a	<i>Reasons for migrating – push/pull factors:</i> Filipinos experience both push and pull factors as potential migrants. The push comes from an oversupplied labour market in the Philippines and the desire to earn overseas foreign exchange. Filipino workers can earn in one hour in the NZ dairy industry what they could earn in one day in the Philippines. Such migrants achieve national hero status. From the NZ end, the primary pull factors have been the rapid expansion of dairy farming over the last ten years and the reluctance of younger New Zealanders to take up dairy farm work. Filipino dairy workers have largely filled that gap.
b	<i>Need to provide remittances:</i> Most migrants interviewed paid remittances to family and community as stated. Remittances are a substantial portion of the Philippines’ economy and account for nearly ten percent of Gross Domestic Product.
c	<i>Level of education/language:</i> Many Filipino dairy workers are graduates in agriculturally related subjects, such as animal or veterinary science, so they are bright and relatively well educated. In terms of language they may have learnt American English but lack New Zealand idioms and farming vernacular. With a reasonable technical context these problems can be overcome. Their children also not only learn English at school but quickly pick up the local vernacular. The wives, however, have more difficulty in communicating in English given that they often have limited social contact outside the family.
d	<i>Skill level:</i> In order to obtain a temporary work visa on the Immediate Skill Shortage List as an Assistant Herd Manager and bypass the more rigorous Labour Market Check, many Filipino dairy workers work at least two years for Almarai, the Saudi Arabian dairy giant, prior to coming to NZ. Many of the interviewees noted that dairy work in New Zealand was far better compared to working in Saudi Arabia.
e	<i>Availability and access of/to decent work:</i> For migrant Filipino workers one of the main reasons for working in New Zealand is availability and access of/to decent work for fair wages. However, it is clear from the interview and observational data that access to decent work was not always the case in New Zealand.
	Layer 4 – Migrant OHS factors
a	<i>Hazard Identification and Control:</i> For many of the Filipino dairy workers identifying hazards is problematic given that they may have little or no knowledge of the hazards in their new working environment. The recruitment of workers from non-English speaking backgrounds also raises important issues about the adequacy of pre-departure OHS information for migrant workers, welfare services and capacities in the workplace (e.g. the ability of workers to understand information or instructions on OHS).
b	<i>Exposure to hazards:</i> Chemical exposure, machinery and manual and repetitive work are just some of the many hazards. New Zealand’s primary sector also has the dubious

	reputation of being the highest user per capita of dioxins in the world, ranging from phenoxy herbicide 2,4,5-T to pentachlorophenol (PCP) timber treatments, all of which have been linked to numerous diseases (Purnell, et al. 2005).
c	<i>Stress and Fatigue:</i> Under the Health and Safety in Employment Amendment Act, 2002, stress and fatigue are now recognised hazards and as such must be identified and controlled. However, working excessive, non-standard hours over a long period of time is normal practice within the dairy industry and as such it is difficult to eliminate both stress and fatigue altogether. The Filipino dairy workers interviewed stated that they worked on average over 11 hours per day during the summer period. However, introducing measures such as milking once a day instead of twice a day and employing extra staff can help to reduce the long hours worked, but probably at the expense of reduced migrant earnings and thus income to repatriate as remittances.
d	<i>Workers' Compensation:</i> One of the issues facing many migrant workers including Filipino dairy workers is access to fair workers' compensation if injured at work. Once migrant workers leave New Zealand Accident Compensation payments cease and any new claims for injuries sustained in New Zealand are not accepted if the injured worker is domiciled in another country.

Formation of Filipino Dairy Workers in New Zealand

For migrant workers, their working and OHS experiences outlined above are often overwhelming. It has been difficult for the newly arrived Filipino dairy workers to receive any government help or support. There have been substantial budgetary cuts to the New Zealand public sector, including the enforcement and advisory functions of the Department of Labour and the health and safety representative training sponsored by ACC. In light of these difficulties, Filipinos in the Ashburton area mobilised to form their own advocacy association in response to these issues. The following section will outline the formation of Filipino Dairy Workers in New Zealand (FDWNZ) Inc.

Filipino Sam Bruzo arrived in New Zealand to work in the dairy industry in 2006 and the cold weather, work-related hazards, monotony of dairy farm work and the social isolation almost consumed him (Rawlinson & Tipples, 2012). Bruzo felt lonely away from his friends, family and support networks. The consuming nature of calving meant Bruzo had no time to generate friendships with colleagues or local New Zealanders or Filipinos (Rawlinson & Tipples, 2012). Feeling socially isolated, Bruzo collected the phone numbers of Filipinos he met in Ashburton and invited them to his birthday party thus unintentionally laying the foundation for the development of FDWNZ:

[I thought] we cannot survive in this kind of environment. We need to have social interaction otherwise we will go crazy ... so I started calling the [Filipino] people every time I met people in Ashburton [and] get their contact number and I ask them to gather at my house ... we started with only ten people ... The next people having a birthday and they call us and circulate, and every time they meet people and every time we have gathering we contact each other, it spread like fire [and] we become 50 people (Rawlinson & Tipples, 2012).

Initially the purpose of these regular gatherings was to socialise with other Filipinos, but Bruzo heard complaints from other Filipinos in relation to working conditions and mistreatment of Filipino workers by employers and recruitment agencies. There was one case in particular where migrant workers were told they needed their recruitment agencies permission to bring their children to New Zealand that sparked Bruzo's activism for Filipinos in Ashburton:

They said I have problems with [recruitment agency and] I have problems with this one. I don't use agency to come here, so I don't understand that. So I ask them well what is your problem? Oh [recruitment agency] charged me this one [fee] at that time if you want to get your family you have to ask a letter from [recruitment agency and] get approval from them. I asked well why do you need to get a letter from them? Well they are the one who bring me here and then how much they charge? They charged \$380! I don't know if it was legal or illegal. I said it's very costly and then one time I went to Immigration in Christchurch and I asked is this okay [you know] if we will bring our family is there any charges from like this? They said you don't need a letter from your agency, just a support letter from your employer and your contracts and something like that (Sam Bruzo, January 2012).

This finding changed the purpose of FDWNZ, from a socialisation group to an advocacy group. To legitimise the position of FDWNZ in New Zealand the group became an incorporated society in 2007 (Filipino Dairy Workers New Zealand Inc., 2007). By becoming an incorporated society, New Zealanders were shown that the large and regular Filipino gatherings were not part of any terrorist organisation or terror plot (Rawlinson & Tipples, 2012). FDWNZ became the first successful collective farm worker group since the Farm Workers Association, which operated from 1974 until it was dissolved in 1987 (Tipples, 2011).

FDWNZ's application to incorporate as a society outlines a number of formal purposes of the group, related to the problems first faced by members (Filipino Dairy Workers New Zealand Inc., 2007). The overall objective of the group is to prevent exploitation of members by recruitment agencies and dairy farm employers (Rawlinson & Tipples, 2012). They aimed to achieve this by educating members about their rights in New Zealand employment law and the requirements placed on dairy farm employers for their employees (for example, having to provide a contract, formal resignation procedures, supplying gumboots and wet weather gear).

FDWNZ also wished to educate members on New Zealand agriculture and encouraged members to attend AgITO classes. When Bruzo first arrived few Filipinos attended AgITO classes as they were unable to understand what was being taught, so Bruzo taught everything he learned in class to interested FDWNZ members on a Saturday morning. Other purposes of FDWNZ include:

- To improve English proficiency of members, spouses and children
- To improve the skills of spouses or partners

- To provide legal assistance
- To connect with other Filipinos in New Zealand
- To fundraise for the betterment of FDWNZ
- To purchase communal equipment (Filipino Dairy Workers New Zealand Inc., 2007).

Official membership of FDWNZ has increased from the 15 founding members in 2007 to over 400 in 2012 (this does not include spouses or children). FDWNZ has embraced Facebook, communicating important news, events or other items of interest on the group's page. FDWNZ raised a pool of money, toys and other equipment for Filipinos affected by natural disasters such as the floods in December 2011.

The value of having a formal Filipino network in Mid-Canterbury is best evidenced by the following situation:

Sam was getting groceries by the post office and he walked past and saw someone sitting 'ah this must be the new Filipino'. He went over and introduced himself and surely he was, he had been here for a week. He was placed on a farm and the day before he was told to leave and go home.

He couldn't understand why? ... He can't go home because he had no money, he took a loan to come here as well. What had happened is, that there was to be a buddy system for him on the farm and that person happened to be on holiday at that time. What had happened was the recruitment agency had rung him and said he had to go home. Didn't say why or anything like that ... his employer was really nice and said he could stay. It just needed someone else to act as an interpreter basically.

We actually rung Immigration and they had received a letter from the recruitment agency saying this person had walked off the farm! Luckily he had met up with Sam and a few other people who were able to say that did not happen. It so happened that his boss could see that he wasn't going to be totally suitable for where he was, but gave him a place where he could, he acted as reference. The recruiting agency had told Immigration that he had walked off the property, which was false (Community Advocate, February 2012).

This perceived power exhibited by dairy farm employers and recruitment agencies has been reduced through the formation of FDWNZ. Filipino employees now know of their rights in relation to employment law and Immigration New Zealand now has strict rules in place in relation to wages and qualifications required of migrant workers. However, recruitment agencies are still threatened by the continued existence of FDWNZ and one has made a number of personal threats to Sam Bruzo:

I receive threats from these people when I started fighting with them. They told me they are going to deport me, because I ask all the questions, I do these things against them. They tell me 'you are not going to stay long in NZ' I will do something to send you home. I said, if I will be sent home because I am fighting

for these people, let it be. This is what I am. I cannot just stay in the crowd and see that there is problem. I am an activist (Sam Bruzo, January 2012).

Is FDWNZ a union?

In spite of the obvious benefits of FDWNZ, some people in the wider community suggested FDWNZ is a union rather than an advocacy group. Indeed, some Ashburton business leaders have been particularly vocal regarding their impression of FDWNZ, where the 'Community Advocate' was told by a business leader:

Oh I've heard these rumours that FDWNZ is a militant group and farmers won't employ them, we have to put a stop to this (Community Advocate, February 2012).

Leaders in the wider dairy industry also share similar perceptions to the business leader the 'Community Advocate' talked of:

What I am getting from the industry is negative, very negative ... I think it is a good support network for them, for each other. But the way in which they operate sometimes is not good ... they are viewed by many employers as a union and they are using strength in numbers, bully is not the right word, but using strength in numbers to achieve their objectives (Dairy Recruitment Agent, January 2012)

When Sam Bruzo was asked if he thought FDWNZ was a union, he denied the claims made by 'Dairy Recruitment Specialist' and the business leader. Instead he reiterated that FDWNZ is a very strong advocacy group that aims to improve the circumstances and conditions of members:

They feel it is a union because we are strong and we are fighting them as a whole ... we are just an advocacy group. We are fighting for our rights and we don't want these people to exploit us, that is the only thing we want to do. We are not against the good employer, we are only against those people who are taking advantage of the weaknesses of our members (Sam Bruzo, January 2012).

In light of the two arguments, we should consider the various definitions of the terms advocacy group and union and Table 4 outlines the different definitions of each term. The two terms advocacy group and union are very similar and equally descriptive of FDWNZ. The original purpose of FDWNZ was to stimulate Filipino social contacts and then as they started to express discontent over pay and other methods of exploitation, some union tendencies in FDWNZ began to emerge. Although registered under the Incorporated Societies Act 1908 FDWNZ has not become registered as a trade union under the Employment Relations Act 2000, as it was legally entitled to do, if it wished to bargain collectively on behalf of its members (Rudman, 2010). Clearly it has no desire to do so. If recruitment agencies and dairy farm employers had not been guilty of exploitation, then there would have been no need for the development of union tendencies in the group.

Table 4 Definitions of Union and Advocacy Group

Union

A continuous association of wage earners for the purposes of maintaining or improving conditions of their working lives. Webb (1920), (cited in Harbridge & Wilkinson, 2001).

[An] institution through which workers may express discontent over pay and working conditions Freeman (1976), (cited in Harbridge & Wilkinson, 2001).

An association of individuals or groups for a common purpose” (Collins Dictionary)

Advocacy Group

A group of people who work to support an issue and defend a group of people (MacMillan, 2013)

Advocacy means to speak up, to plead the case of another, or to fight for a cause (Johnson, 2012)

FDWNZ with some success against recruitment agencies and dairy farm employers may now revert to its origin, as a group providing social support for Filipino dairy workers in New Zealand. Filipinos have an active voice in Mid Canterbury, other migrant groups do not, and problems may occur or continue for these other migrant groups.

Future Challenges

Going forward, the major challenge for FDWNZ will be to replace Sam Bruzo as chairperson. Since Bruzo and his family obtained residence and moved to Christchurch there is a noticeable gap in the Filipino community. There was no succession plan for replacing Bruzo and those suggested as replacements have lacked the passion and drive Bruzo had for his people and the group. This type of situation is not limited to FDWNZ. Since former leader David Jones vacated the Amuri Dairy Farm Employers Group, the group has struggled to maintain traction. As of November 2012, the ‘Community Advocates’ position has been discontinued. A person who provided an important voice for migrants in Mid-Canterbury:

Our son is a farm consultant and he was reading an article in the paper and he said ‘Mum, be careful, there’s going to be a contract out on you if you keep saying this stuff’. I am extremely passionate about [migrant labour] (Community Advocate, February 2012).

There are also a number of challenges for the dairy industry going forward. The major challenge is ‘Where will the future dairy workers come from?’ Continued dairy growth appears likely in the medium term, but who will milk the cows (Tipples & Trafford, 2011)?

Conclusion

The aims of this article were to explore the inflow of Filipino migrants into New Zealand dairy farming and review their employment, working and OHS experiences. How they responded to difficulties in these areas, and the unaccustomed isolation of rural New Zealand, through the formation of Filipino Dairy Workers in New Zealand (Inc.) completes this account of the development of a new group of temporary migrants moving into Mid-Canterbury. Sargeant and Tucker's 2009 model of layers of vulnerability in OHS for migrant workers was used to facilitate this exploration and helped to identify key issues.

The first conclusion from using Sargeant and Tucker's model in terms of the receiving country was that expansion of the Canterbury dairy industry and associated job opportunities for new migrant workers was likely to continue. Collective representation of such migrants is ethnically based with FDWNZ (Inc.), which is an advocacy organization not a registered trade union. OHS regulation and practice was found to have weaknesses in rural areas resulting from isolation, prevalence of SMEs and constrained government spending on the inspectorate. However, social exclusion is not intentional but largely the result of the dairy lifestyle and also from remoteness from town.

In terms of the features of migration, visas, typically lasting from three to five years, are linked to specific jobs, but can be changed. Permanent residence is only a limited possibility. Migration agents are used extensively, although often very expensive, particularly because at the New Zealand end of the migration process they offer direct access to the specific jobs needed for visa applications.

Features of those migrating included a good basic education, with many animal science and veterinary graduates educated in American English. But they found farming idiom and vernacular difficult to grasp. Wives often had worse problems from isolation and lack of social intercourse. Previous dairy experience had often been obtained by a spell in Saudi Arabia. Better 'decent work' was a reason for taking dairy work in New Zealand, although unfortunately not always the reality. Such migrants experienced both push and pull factors as possible migrants, with much better pay in New Zealand giving a good chance to remit funds to family and community. They could thus confirm their acquired status as 'national heroes' of the Philippines.

In terms of Migrant OHS factors hazard identification and control was problematic with limited equivalent experience and language issues. Exposure to dangerous agricultural chemicals was very possible, especially with casual attitudes in rural areas to their storage and use. Stress and fatigue were also significant issues, recognised by our own DairyNZ funded fatigue research. A striking paradox became apparent – Filipinos want to maximise their earnings for remittances, while less hours or stress might be a lot safer for them. Serious accidents could remove their earning potential totally, with no accident compensation being payable if they were repatriated to the Philippines. Taken together migration to New Zealand for dairy farm work has a lot of attractive features, but still

retains some really negative possibilities. Ideally governments, industry and migrants should be working towards maximising the wins for all parties.

The Filipino dairy workers of Mid-Canterbury have sort to make the best of their circumstances through FDWNZ (Inc.). It's effective use of social media and planned recreational activities have contributed to making dairy work more acceptable, without the need to become strident trade unionists. Thus Filipinos are contributing to their new communities in many ways and yet they continue to be linked to the motherland.

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