

Introduction

The second New Zealand Labour Law Conference was hosted by AUT on 22 November 2013. The theme of the conference was *Regulating for Decent Work*. The purpose of the conference was to enable contributors to analyse and reflect on the theory and practice of the concept of decent work both internationally and domestically. The advent of a neo-liberal labour relations regulatory framework has placed, at risk, the notion of a decent work agenda. The conference provided an opportunity for debate and discussion on the issues that have become evident under the current regulatory arrangements.

The conference attracted 21 papers from academics and practitioners and, consistent with the practice after the first conference, 15 of these are being published in special labour law issues of the NZJER. The after dinner speech of Chief Judge Colgan who introduced participants to the notion of 'legal creep' that has been developing in employment law is also published. These two special NZJER issues include papers from both academics and practitioners and are intended to provide a record of current issues facing labour law today.

The paper covered a variety of topics, with the conference opening with presentations from Professor Ewing and Professor Margaret Wilson that were intended to provide an overview of decent law internationally and domestically. Professor Ewing analysed regulating for decent work within the context of the ILO Declaration on Social Justice for a Fair Globalisation and the Decent Work Agenda that has been adopted by the ILO as a means of implementing decent work into domestic jurisdictions. Professor Wilson's paper focussed on the increasing prevalence of insecure/precious work in New Zealand that undermines the notion of decent work. Professor Ewing also identifies the increasing number of zero contracts and forms of insecure work in the United Kingdom and the problems of regulation in this area.

The whole issue of decent work was examined in its historical context by Melanie Nolan who identified that decent work was a myth for many workers under the IC and A system. She also notes that the various current campaigns for decent work, such as Forestry Safety, Living Wage, Fairness at Work and Campaign of Insecure Work reflect similar to issues raised in the 1890s and early 20th century. The challenge of effectively implementing decent work was explored in Susan Robson's paper that presents empirical research on dispute institutions 1990-2010. The importance of understanding the statutory dispute resolution procedure of facilitation is analysed in Judith Scott's paper.

Other papers identify various employment practices and regulation that influence the reality of decent work in New Zealand. Yvonne Oldfield provides a detailed analysis of health and safety regulation and argues that health and safety is a human rights issue, while Anne-Marie McNally pursues this topic with an argument for legal recognition of the offence of corporate manslaughter after the tragedy at Pike River. The argument that labour rights are human rights is also the subject of Edward Miller and Jeff Sissons' paper on the barriers to collective bargaining. Simon Mitchell's paper, also on collective bargaining, provides the perspective of a practitioner advising union clients.

The value of a practitioner's perspective is seen in Peter Cranney's analysis of the law relating to redundancy that highlights the need for legal certainty in an area that directly affects the rights of employees. Phillipa Wells provides an Australian perspective on the law relating to redundancy. The need for greater legal certainty is also identified in Anthony Drake's paper on the complex issues raised when interpreting the provisions of Part 6A of the ERA. Greg Lloyd, in his paper, identified the uncertainty surrounding conflicts of interest when lawyers represent employers in health and safety issues that affect the interests of workers who have no independent legal representation.

A gender analysis is applied to the provisions of flexible work by Annick Masselot in a comprehensive analysis of statutory provisions relating to leave related to the caring role of women. Finally, Ross Wilson shares his experience of implementing the decent work agenda in Burma. Although several other presentations were delivered at the conference, the papers were not available for publication in the NZJER but may appear in other publications.

The first eight papers discussed above are to be found in this issue of the *Journal* 39(2). The balance of the papers and the Chief Judge's speech will appear in the subsequent issue 39(3).

Overall, the conference fulfilled its objective of contributing to greater understanding of the theory and practice underlying labour law today in New Zealand. The New Zealand Labour Law Society organisers were delighted at the level of support for the conference from the whole spectrum of the community associated with the practice of labour law and would like to acknowledge support from AUT Law School and the NZ Work Research Institute.

Guest editors

Margaret Wilson, Professor of Law and Public Policy,
Faculty of Law, University of Waikato

Pam Nuttall, Senior Lecturer, AUT Law School