

The Minor Parties: Policies, Priorities and Power

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Abstract

Since New Zealand's first election under the mixed-member proportional electoral system, neither National nor Labour has been able to govern without the support of one or more minor parties. Predicting Employment Relations (ER) policy in New Zealand after the 2014 general election should thus take account of the positions of the minor parties. In this article, we survey the ER policies of the smaller parties that may gain parliamentary representation after this year's election. We consider the factors that will determine the likely influence (if any) that these parties might have on eventual policy development, including their bargaining power, their policy priorities, and any wildcard factors that might shape their ability to work with other parties.

Introduction: Minor Parties and Policy Change

In predicting how Employment Relations (hereafter ER) policy might develop after an election, it is tempting and natural to focus on the policy platforms of the major parties contesting that election (see Rasmussen, Fletcher & Hannam, 2014, in this issue). Minor parties – almost by definition – are assumed to carry less influence over the eventual shape of policy. Since 1996, however, when New Zealand adopted the proportional MMP voting system, neither National nor Labour has been able to govern without the support of one or more minor parties. While it certainly remains possible that National might be able to govern alone after this year's general election, we focus, in this article, on the policy positions of the minor parties contesting this year's general election. We explore each party's position on ER policy, the priority that they give to ER, and the amount of power they might wield in governing arrangements after the election.

The policy influence of a party is not reducible to its numerical representation in parliament. If a major party is reliant on a minor party in order to enact its policy programme, then that minor party may wield more influence than its vote share suggest. On the other hand, minor parties are sensitive to any public perception that they are the “tail wagging the dog” and have historically used their veto power very selectively, if at all. As we noted in 2011, minor parties', “values and ideologies are often in tension with pragmatic considerations of what they can and should demand of larger parties.” There is, therefore, “every possibility that a minor party will compromise in one policy area for the sake of influence in another” (Skilling & Molineaux, 2011: 10).

Entering into a governing arrangement with a larger party carries definite dangers for the long-term prospects of a small party. There are times where achieving political office and

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policy influence in the short-term comes at the cost of longer-term viability and popularity (Muller & Strom, 1999). The Māori Party, for example, is currently contemplating the double-edged sword of its participation in governing arrangements since 2008. While the Party defends its relationship with National as the best way to exercise influence and secure “gains for our people” (Pita Sharples, as cited in Trevett, 2009), it has come at a high price. Being formally aligned with a larger party includes undertaking to support that party on matters of supply and confidence, which involves voting for the major party’s budget. The budget process is intertwined with policy programmes, as these typically require money; thus the minor party may find itself tacitly supporting policies that it opposes (see Sharples, 2011). The Māori Party has faced criticism from those who see it as enabling, through their annual support for the government’s budget, a right-wing policy agenda that contradicts its stated commitment to greater equality (Godfery, 2010), even when the Māori Party votes against specific bills – as has been the case with most of National’s ER bills since 2008.

The influence of minor parties on policy-making, then, is neither straightforward nor easily predictable. We suggest that it is dependent on (at least) the following factors:

1. The *nature of the electoral system*: what avenues exist for minor parties to gain votes and achieve office (and thus at least *potential* influence)?
2. The *bargaining power* of minor parties: how reliant will the major party be on the minor party to advance its agenda? What other options are available to the respective parties?
3. The *policy priorities* of minor parties: how important is it to a given minor party to influence ER policy? How important is ER policy to the party’s voters and activists?
4. *Wildcard factors*, including the personal histories and relationships of key actors. Lingering distrust and animosity between party leaders may derail what appear to be sensible arrangements.

In this article, we begin by sketching the political context within which minor parties will contest this year’s election (the first factor listed above), before discussing, in turn, each of the minor parties contesting the election (in terms of factors two, three and four).

The Current Landscape for Minor Parties in New Zealand

The largest party after the 2011 election was National, with a party vote of 47.3 per cent (Electoral Commission, 2011). This translated into 59 seats in the 121-seat parliament. Sixty-one votes were required to pass legislation; National’s support deals with ACT (one MP), the Māori Party (three MPs); United Future (one MP) provided several possible combinations of votes to pass legislation. This was similar to its governing arrangements in the 2008-2011 period, but with fewer ACT MPs (five in 2008) and fewer Māori Party MPs (five in 2008) (Electoral Commission, 2008; 2011; Skilling & Molineaux, 2011).

The make-up of the next government is uncertain. While opinion polls show the National Party holding a commanding lead over its nearest rival, Labour, the centre-right bloc currently holds a much smaller lead over the centre-left bloc (Pundit, 2014). Further, there are uncertainties over which minor parties will end up represented in parliament: several minor parties, being below the five per cent threshold, will not enter parliament unless they win an electorate seat, and (in many cases) success in those crucial electorates may rely on more-or-less explicit accommodations with a larger party. Further, voting preferences can be volatile

with many voters making their decision close to Election Day (Vowles, 2003), and support for incumbent governments often decreases during the course of an election year (Levine & Roberts, 2003). National's vote of 47.3 per cent at the 2011 election, for example, came after it had polled above 50 per cent earlier in the year, and even during the campaign period (Pundit, 2014). Despite the current dominance of the National Party in the polls, history suggests that whichever party is in a position to form a government after the election will rely on one or more support parties if they are to pursue their policy agenda.

There are currently five minor parties in parliament that will be contesting the 2014 general election: the Green Party, the Mana Party (but see below), the Māori Party, the New Zealand First Party and the United Future Party. We survey each of these below, along with ACT New Zealand (which was represented in parliament by John Banks until he resigned in June 2014) and the Conservative Party. We allow for the fact that Mana has established a formal arrangement with the fledgling Internet Party (the Internet Mana Party) for the purposes of this election.

Our survey is primarily a descriptive piece. We set out the parties' positions on ER as objectively as possible, indicate the extent to which ER policy is likely to be a priority for each party, speculate as to how much influence each party may end up with, and identify any likely "wildcard" factors that might influence the decisions that each party is likely to make after the election. We present our discussion in alphabetical order to avoid the possibility of suggesting priority. It is based on a range of documentary data: publicly available statements taken from the parties' websites, public speeches made by members of the parties, and parliamentary records of debates of relevant issues. A set of questions was sent directly to the Conservative Party which – having not been in parliament – has little in the way of a voting record or an archive of public statements on ER policy. At the time of publication they have not responded.

To orient readers to the broad themes that we develop in more detail throughout this article, Table 1 summarises the position of the minor parties surveyed below, based on their voting record in parliament and – where possible – their public announcements and policy statements.

Table 1: Voting records on ER legislation, 2011-2014

	ER policy closest to which major party	Current number of MPs	ER (Secret Ballot for Strikes) Amendment Bill	Minimum Wage (Starting-out Wage) Amendment Bill	ER (Continuity of Labour) Amendment Bill - to select Cmte stage	ER Amendment Bill 2013	Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Bill 2013	Parental Leave and Employment Protection (Six Months' Paid Leave) Amendment Bill	Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill 2012
Type of Bill			Member's Bill: Tau Henare (National)	Govt. Bill	Member's Bill: Jamie-Lee Ross (National)	Govt. Bill	Member's Bill: David Clark (Labour)	Member's Bill: Sue Moroney (Labour)	Govt. Bill
ACT Party	National	0 (was 1)	Support	Support	Support	Support	Oppose	Oppose	Support
Conservatives		-						Support (support for gradual increase to 12 months)*	
Green Party	Labour	14	Oppose	Oppose	Oppose	Oppose	Support	Support (support for 13 months)	Support (with some amendments requested)
Independent (Brendan Horan, formerly NZ First)		1	-	Oppose	Oppose	Oppose	Support	Support	
Mana	Labour	1	Oppose	Oppose	Oppose	Oppose	Support	Support (support for gradual extension to 12 months)**	Support at first reading; doesn't go far enough.
Māori Party	Labour	3	Oppose	Oppose	Oppose	Oppose	Support	Support	Opposed as may harm iwi fishing companies; wants exemption for them.
NZ First	Labour	7 (was 8)	Oppose	Oppose	Oppose	Oppose	Support	Support	Support
United Party	National (mostly)	1	Support	Support	Oppose	Support	Support	Support (support for 13 months shared between parents)***	Support

Sources: New Zealand Parliamentary Debates, except:

*Bruce (2014).

**Mana Movement (2014).

***3 News (2014).

ACT New Zealand

Positioned to the right of National on the political spectrum, ACT New Zealand is a classical liberal party formed to promote smaller government and individual liberty (ACT New Zealand, n.d.a). Following the 2008 and 2011 elections, ACT entered into confidence and supply arrangements with National in exchange for some policy wins and a ministerial post outside of Cabinet (ACT New Zealand, 2011). ACT contested the 2011 election under the leadership of Don Brash but did not fare well; John Banks held the Epsom electorate for ACT with a reduced majority, and with a Party vote of only 1.07 per cent, no additional MPs joined Banks in parliament (Electoral Commission, 2011). In 2014, ACT elected Jamie Whyte as their new leader and selected David Seymour to run as candidate in the Epsom electorate, a seat ACT has held since the 2005 election. The change of leadership initially saw a small boost in the polls for ACT, but it has returned to sub one per cent ratings (Pundit, 2014). ACT's only chance of returning to parliament is Epsom voters supporting Seymour. Even if they do, it is unlikely on current ratings that Whyte will join Seymour in parliament.

Since 2011, ACT has been dogged by scandal; news media coverage of the Party has been dominated by ignominy and personnel changes instead of policy. Banks faced allegations he filed a false election return during his 2010 campaign to be Auckland Mayor. In May 2014, after more than two years of negative publicity on the matter, he was found guilty of electoral fraud, and having earlier resigned as ACT party leader, resigned from parliament; because of the proximity to the general election, a by-election has not been held, leaving the seat vacant. Banks' resignation reduced the government's majority by one vote; consequently National cannot pass legislation unless it has the support of the Māori Party. This reduced majority has seen the government shelve plans to pass the Employment Relations Amendment Bill (ERAB) 2013, which was supported by ACT but not the Māori Party.

ACT has announced education as its top policy priority in any coalition negotiations (Whyte, 2014a) This policy will extend the current partnership school programme to all schools; retaining state funding of schooling, but removing compulsory state control of schools. Funding will follow pupils in the form of a voucher and schools will compete for voluntary parental patronage (ACT New Zealand, n.d.b). Should this policy be enacted, it will likely have a significant impact on teachers' pay and conditions, and the future of collective employment agreements. While ACT negotiated a partnership school policy (charter schools) trial as part of its 2011 coalition agreement with National, convincing National to support a more radical redesign of schooling will depend on ACT's post-election bargaining power; such a policy may undermine National's flagship expert teachers and principals initiative (Investing in Educational Success).

ACT supported the ERAB 2013 and other National ER initiatives during the 2011-2014 term. If returned to parliament in September, ACT will support any ER legislation that moves in a more-market direction. ACT sees the employment relationship as a contract between equal parties and wishes to replace the current Employment Relations Act – which it describes as “a burden that stifles growth, productivity and wages” – with contract law and elements of common law (Whyte 2014b). “The goal is to reduce regulation, while at the same time protecting people from clearly abusive behaviour. Employment law must give freedom to employers and employees to come to arrangements that suit them both” (Whyte, *ibid*). Whyte has described the market as a “disciplining mechanism” that would ensure workplace safety if employers could be sued for negligence (Whyte 2014a).

Conservative Party

The Conservative Party was founded in 2011 by businessman Colin Craig, who continues to provide significant funding for the party (Vance, 2013; Electoral Commission, 2014). Craig's foray into politics was inspired by a change to the law around the physical discipline of children, colloquially known as the "anti-smacking law". 117 out of 122 MPs voted for the law change, despite vocal public opposition, which included a march organised by Craig, and a referendum in which 87 per cent of participants voted against the measure.

Convinced that politicians are not responsive to the public, the Conservative Party's policy priority – and bottom line for providing confidence and supply – is binding referenda (Davison, 2014a). Craig has clarified this demand to specify that any financial implications of a referenda must be part of the voting options (Television New Zealand, 2014a). As its name suggests, the Party stands for conservative moral values. Unsurprisingly, given its origins, newness, and size, the Party does not have a detailed set of economic policies and no specific ER policies. They have responded to survey questions indicating support for a gradual increase in paid parental leave to 12 months, and against the adoption of a "living wage" to replace the minimum wage (Bruce, 2014). Craig recognises that some families are struggling financially, and his Party's solution is a \$20,000 income tax-free threshold followed by a low flat tax, reasoning:

...we take this approach instead of a minimum wage increase [because] increasing the minimum wage will result in extra costs to business owners and therefore job losses. We do not support job losses. We are a party that wants everyone to be engaged in constructive work that is rewarding and can meet each family's needs" (Conservative Party, n.d.).

Craig has criticised Working for Families' perverse incentives (Campbell, 2013), and Craig, an employer of 25, says he supports paying people on their contribution rather than implementing pay equity (University of Otago, 2014a). Craig says that, while his party supports freedom of association and the role of unions, employment contracts are, "between an employer and an employee. While either or both may seek assistance, the primary parties need to have a good faith working arrangement between them" (Television New Zealand, 2014b).

In 2011 the newly-formed Conservative Party stood candidates in 52 electorates and compiled a party list of 30. The Party did not win any electorates but managed to garner 2.65 per cent of the party vote (Electoral Commission, 2011). They are polling between three and four per cent in the lead-up to the 2014 election (James, 2014) and are unlikely to win an electorate. Parties that do not meet either of the criteria for parliamentary representation (five per cent of the party vote or one electorate) have their votes reallocated proportionately to those parties that do win representation (Electoral Commission, 2013a). If the Conservatives fail to win an electorate and fail to make the five per cent party vote threshold, their party votes would be reallocated to all parties in parliament including those the Conservatives oppose, such as Mana and the Greens. In a tight election race, such a reallocation could be the difference between a National-led and a Labour-led government.

The Conservatives have said that if elected to parliament they will provide stability by supporting the highest polling party in confidence votes (Keall, 2014). This is likely to be National. Their insistence on binding referenda as a condition for a coalition agreement will complicate negotiations. Irrespective of the Party's bargaining power, this policy is considered extremely difficult to enact within the New Zealand constitutional framework (Geddis, 2014a). If not part of

a government, the Conservatives will vote for issues on a case by case basis; their support for individual National Party initiatives, including the ERAB are, at this stage, uncertain.

Green Party

Since its formation in 1990, the Green Party has always included a social justice element alongside its environmentalist agenda (Green Party, n.d. a). It understands society in general – and the world of work especially – as a realm of unequal power relations, and it has consistently sought to rectify these power inequalities through the regulation of employment relations.

The Green Party is currently represented in parliament by 14 MPs. As we noted three years ago, the Electoral Commission recognises the Party's unique place in New Zealand politics, with its voter support over an extended period of time distinguishing it from the other minor parties (Skilling & Molineaux, 2011). The Party's electoral success – relative to the other minor parties surveyed here – has allowed it to develop and promote its position on a wide range of policy fronts. The Party has also had a representative – currently Denise Roche – on the Transport and Industrial Relations Select Committee that considers proposed amendments to ER policy.

In parliament and in its other public statements, the Green Party has argued and voted against the National-led government's ER policy amendments. In their basic logic and structure, the arguments of the Green Party are not notably different from Labour's, revolving around the same key points: that the field of ER is inherently conflicted and unequal (and that National's proposed changes exacerbate this inequality); that the actual ER problem is low wages (rather than, as National would suggest, a lack of efficiency and productivity); that collective bargaining is the most important vehicle for improving wages, conditions, and health and safety outcomes; and that an approach to ER focussed on reducing costs and wages is not consistent with best management practice.

According to National (Mike Sabin as cited in House of Representatives, 2014a), its ERAB 2013 was premised on the "reciprocal relationship between the employer and the employee" and on the need for both parties to "work in a collaborative and respectful manner in a fashion that improves productivity" since – so National claimed – "when productivity is improved, everyone is actually a winner." The Green Party fundamentally rejects this vision of reciprocity and mutual benefit. Invoking the ERA's acknowledgment of "the inherent inequality of power in employment relationships", Denise Roche claimed (House of Representatives, 2013) that the Bill "tilts what was never a level playing field in the [ER] power relationship ... heavily into the employer's favour". Speaking on another occasion, Roche situated the Bill in the contemporary context of a tight labour market, noting that "there is little power and very little balance in the employment relationship" in a setting of high unemployment. Jan Logie (House of Representatives, 2014a) rejected Sabin's claim of the widely-shared benefits of productivity gains by noting that such gains in recent years "have been channelled into profits and chief executive officer pay packets rather than being shared with the whole team, who actually generated this increased productivity."

The Greens have articulated their stance on ER with a broader concern with inequality and the spectre of the 'working poor', or those subsisting on 'poverty wages.' Indeed, the Party insisted on the right of all workers to "a decent living wage to enable them to fully participate in our society" even before the concept of the living wage gained much prominence in New Zealand political discourse (Green Party, 2011: 2). They explicitly linked their opposition to the ERAB (2013) with

the Bill's likely effects on economic inequality, arguing that "this legislation cements inequality" and condemns "another generation of workers ... to low wages and poor conditions" (Roche as cited in House of Representatives, 2014a). Expanding on Andrew Little's (House of Representatives, 2013) claim that "if the average wage in this country had actually matched productivity improvements ... [it] would be between \$7 and \$8 a hour better than it is now", Denise Roche (House of Representatives, 2014a) argued that "the costs of ... low pay are externalised". Through spending on social problems, and through schemes like Working for Families, she stated "the taxpayer pays the social costs that come with poverty wages."

Consistent with its insistence on "workplace democracy and collective organisation" as a response to the "inherent potential for inequality of power" in employment relations (Green Party, 2011: 2), Green Party MPs have argued in parliament that collective bargaining is necessary to improve wages, to ensure safe and healthy workplaces, and to protect vulnerable workers. Roche sees the ERAB (2013) as a direct threat to collective organisation, arguing that "it is a blatant attempt to undermine unions and limit a worker's ability to collectively negotiate decent wages and conditions with their employer". The Bill, she continues, is "a return to the 1991 Employment Contracts Act" (Roche as cited in House of Representatives, 2013). Polling consistently over 10 per cent, the Greens will almost certainly return to parliament. Their ER policy has many points of convergence with Labour's, and so its hopes of seeing a move towards its preferred ER policies after the 2014 Election depend on the formation of a governing arrangement built around Labour, rather than National. While an alliance between the Green and Labour Parties makes sense in policy terms (and especially in ER policy terms), sensitivities exist around public perception, points of policy difference, and the relative electoral strengths of the two parties. Earlier this year, Labour rejected the Green's proposal for the two parties to "campaign together, ... brand themselves as a future Labour/Greens Government" and commit to a stipulated post-election division of cabinet positions (Television New Zealand, 2014c). While such an alliance would have formalised an obvious policy congruence, Labour were perhaps wary that it may have alienated some voters, and other prospective coalition partners (Campbell, 2014).

Internet-Mana

One of the more noteworthy developments on the minor party landscape in 2014 has been the formation of Internet-Mana, a strategic alliance between the Mana Party (see Skilling & Molineaux 2011) and the Internet Party.¹ The two constituent parties will continue to exist in their own right, and Internet-Mana will be "an umbrella organisation, registered as a party in its own right with the Electoral Commission" (Geddis, 2014b). This arrangement is designed to "take advantage of the electorate lifeboat rule in s.191(4)(b)(ii) of the Electoral Act" which states that the umbrella party "doesn't have to reach the 5% threshold to get party list seats", if one of the component parties manages to secure an electorate seat (ibid). In this case, if Mana MP Hone Harawira is successful in retaining his Te Tai Tokerau seat, then Internet-Mana will be entitled to MPs in proportion to its combined party vote. During August and September, Internet-Mana polling was consistently between two and three per cent (James, 2014). A vote of, say, 2.5 per cent on election night would see three MPs elected from the joint party list, which has Mana leader Harawira ranked first, Internet Party leader Laila Harré second, and Mana candidates Annette Sykes and John Minto third and fourth respectively (Geddis, 2014b).

¹ The Memorandum of Understanding between the two parties will be reviewed no later than five weeks after the general election (Internet Mana, 2014).

Political scientist Grant Duncan (2014) notes that this alliance runs the risk of tarnishing the brands of both parties, and of confusing “voters about what [each party] actually stand for politically.” Indeed, Internet-Mana has been accused of incoherence, with critics seeing little ideological congruence between the avowedly left-wing Mana Party and Kim Dotcom, the billionaire businessman founder of the Internet Party. As we noted in 2011, Mana is strongly committed to action that would strengthen worker rights. In setting out its ER policy priorities, Mana lists increasing the minimum wage, strengthening collective bargaining provisions (and, more generally, the power of workers and unions vis-a-vis employers), introducing industry pay scales, increasing worker protections and rights and, more generally, endorsing greater state involvement in creating meaningful and useful jobs (Mana Movement, 2014; Skilling & Molineaux, 2011). Hone Harawira, as Mana’s sole MP, has consistently voted against National’s ER legislation in parliament. The Internet Party, meanwhile, which was announced and launched in early 2014, does not even include ER among the six policy priorities (modern schools, environment, independence, privacy and internet freedom, cheaper universal internet, and copyright) listed on its website (Internet Party, 2014a).²

On the other hand, the selection in May of Laila Harré (a former unionist, Alliance MP, ILO representative in the South Pacific, and Green Party ‘Issues Director’) as the leader of the Internet Party weakens the charge of policy incoherence. Harré’s political life has been dedicated to left-wing causes, especially in the field of ER. It is difficult to imagine Harré voting with National (or against established Mana policy) on ER matters. There are further moments of policy alignment. Harawira has consistently spoken (and voted) against moves to increase the surveillance powers of the State and to restrict the internet freedoms of individuals (Mana Movement, 2013a, b). Further, both parties are motivated by a strong desire to see John Key and the National Party voted out of government. The purpose of the Internet-Mana alliance is to ensure that any ‘anti-government’ votes cast for either party are not wasted under the rules of the electoral system. To this end, the alliance allows the Internet Party to benefit from Mana’s expected electorate success in Te Tai Tokerau; and it allows Mana to benefit from the Internet Party’s (and Kim Dotcom’s) profile, online campaigning skills, and campaign finance. Kim Dotcom has donated more than \$3 million to the Internet Party’s campaign fund (Electoral Commission, 2014), a figure comparable to the amount spent in 2011 by the National Party (Walters & Watkins, 2014).

Based on stated policy and voting record (in the case of Mana) and potential MPs in parliament (Laila Harré, in the case of the Internet Party), both component parties of Internet-Mana are much more closely aligned with Labour than with National. Labour leader David Cunliffe initially indicated a willingness to speak with Internet-Mana after the election (New Zealand Herald, 2014), stating that “Labour would work with anyone who wanted to change the Government”, but later confirmed he would not include the Party in his governing arrangements (Radio New Zealand, 2014). His preferred partners in a potential coalition would be the Greens and New Zealand First (Trevett, 2014). This cautious level of openness is more, however, than that shown by then-leader Phil Goff towards Mana in 2011 (Skilling & Molineaux, 2011).

² The Internet Party’s Independence Policy does argue that New Zealand’s sovereign authority to determine its own laws (including labour laws) is eroded by international agreements such as the prospective TPPA (Internet Party, 2014b).

Māori Party

Formed in 2004 to oppose the Foreshore and Seabed Act (2004), and to promote Māori self-determination, the Māori Party are not easily placed on the left-right political spectrum. Despite many voters in the Māori electorates giving their party vote to Labour, the Party has been in a confidence and supply arrangement with the National-led government since 2008. Retiring leaders Tariana Turia and Pita Sharples, and new leader Te Ururoa Flavell, defend their alliance with National in terms of policy gains. They say the Māori Party was not formed to sit in opposition, but to progress a Māori worldview on policy decisions (Flavell, 2014a, b; Sharples, 2014). ‘Wins’ in the 2011-2014 period include a Māori economic development strategy, inclusion of Treaty of Waitangi clauses into legislation (such as the Public Finance (Mixed Ownership Model) Amendment Act 2012), substantial ongoing tobacco tax increases, and the Party’s flagship Whānau Ora policy (Māori Party, 2014).

Until the recent resignation of ACT MP John Banks from parliament, National has not required Māori Party support to pass legislation, operating a ‘surplus majority coalition’ (Boston, 2011). This arrangement – having confidence and supply agreements with more minor parties than necessary – has reduced the bargaining power of each minor party in governing arrangements.

As we previously noted (Skilling & Molineaux, 2011), while the Māori Party has not given policy priority to ER, it has nonetheless opposed National’s ER direction. The Party are campaigning on an increase in trades training and a minimum wage of \$18.80 per hour (Fox, 2013). Flavell (2013) says:

the Government should focus on reducing wage inequality by targeting high wages of excessively high income earners. ... The Maori Party sees the increase in income inequality over the last 25 years as a major threat to our economic well-being and social cohesion.

They have continued to vote against most of National’s ER legislation, which has often passed with United Future and ACT party support (See Table 1).

This parliamentary term saw the government respond to publicity about poor conditions and low pay for workers on foreign-owned and operated vessels fishing in New Zealand territorial waters. An inquiry led to legislation, the Fisheries (Foreign Charter Vessels and Other Matters) Amendment Bill 2012. This Bill requires the boats to be re-flagged as New Zealand boats, so New Zealand law, including employment law, must be followed. The Māori Party, representing the views of an Iwi Leaders’ Group (Inns, 2014), lobbied for these provisions to be gradually phased in for iwi quota holders, saying the measures would “disproportionately affect iwi owners of settlement quota who lack the scale, capital and flexibility of other quota owners to make other arrangements for catching their annual catch entitlement” (Flavell as cited in House of Representatives, 2014b). The government declined an exemption for iwi quota holders, saying “the Crown’s right to develop policy in respond to contemporary issues” did not breach Treaty settlements or Maori fisheries claims (Goodhew as cited House of Representatives, 2014b). The legislation did not have its final reading before parliament rose for the 2014 general election; given support from both Labour and National, it is likely to resurface after the election.

Despite having a moderating effect on the National-led government, and some clear policy gains, the Māori Party battles a perception that they have sold out to National. During the 2014 election

campaign, Flavell has been at pains to distance the Māori Party from National (Flavell, 2014c). Electoral support for the Party is heavily concentrated among low-wage earners and beneficiaries, and former co-leader Pita Sharples has acknowledged that his party lost a number of arguments that were important to Māori. Crucially, in 2011 only 48 per cent of the Party's voters believed that Māori had benefitted from the Party's association with National (Miller & Curtin, 2011). While the retirement of founders and leaders Tariana Turia and Pita Sharples adds to uncertainty over the future of the Party in parliament, Turia's departure opens up the possibility of smoother relationships with her former party, Labour. New leader Te Ururoa Flavell has stressed the Māori Party is a potential coalition partner for both Labour and National. While the Māori Party is unlikely to prioritise ER policy in coalition negotiations, their voting record demonstrates a willingness to support a more left-wing policy agenda on the issue, irrespective of the government's stance.

New Zealand First

Formed in 1993, New Zealand First has proved to be the most enduring minor party under MMP. From a high-point of 17 MPs after the 1996 Election, New Zealand First's support declined to the point of disappearing from parliament in 2008. The party returned to parliament in 2011, securing 6.6 per cent of the overall vote, which translated to 8 MPs³ even though polling that year consistently placed them well below the five per cent threshold (Electoral Results, 2011; Skilling & Molineaux, 2011). Polling in the 2014 campaign mostly rates the Party's support above the five per cent threshold (Pundit, 2014). New Zealand First faces some electoral competition from the Conservative Party, who have policy overlap and are targeting a similar range of voters; New Zealand First leader Winston Peters went as far as accusing Colin Craig of plagiarising his policies (Davison, 2014b). If New Zealand First is returned to parliament in 2014, it has a very real chance of holding the balance of power, and many commentators are already addressing the vexed question of which bloc New Zealand First is more likely to align itself with (Watkins, 2014; National Business Review, 2013).

New Zealand First's founding principles include an appeal to economic nationalism (Miller, 2003), and its key policy priorities lie in the retention of state-owned assets in public control, restrictions on the foreign control of the local economy and property, and the protection of local industries and jobs (New Zealand First, 2014a). ER policy is not a top priority for New Zealand First: ER is not among the 20 policy areas listed on the 'Policies' section of the party's website (New Zealand First, 2014b). Still, its policies listed above – as well as its consistent support for increasing the minimum wage (Peters, 2013) – align New Zealand First more logically with Labour and the Green Party than with National and ACT. Indeed, since 2011, New Zealand First has voted against National's proposed ER amendments as well as strongly opposing its privatisation programme. The Party's spokesperson on industrial relations, Barbara Stewart, described the 2012 ERAB as “an affront to the rights of workers” that was part of a pattern of “the slow erosion of workers' rights as anti-worker legislation is pursued” (House of Representatives, 2013). Stewart, a non-voting member of the Transport and Industrial Relations Select Committee that considered the Bill, echoed the position of Labour and the Greens that the “employment relationship is not a level playing field” (Transport and Industrial Relations Select Committee,

³ This tally dropped to seven MPs after the expulsion of Brendan Horan in December 2012. Horan has remained in parliament as an independent MP (Small, Watkins & Vance, 2012).

2013: 19), and accused National, through the Bill of “pandering to its extreme-right minority at the expense of the more moderate majority” (House of Representatives, 2013).

New Zealand First emphasises the need for balance in ER. “There is a really fine balance”, Stewart argues, “between assuring and affirming the rights of workers, on one hand, and allowing enough worker flexibility so as not to hinder any business’s production or productivity.” The party consciously positions itself as centrist and pragmatic, rejecting what it sees as the ideological fixities of Labour, National and their allies. “Unlike other political parties”, Peters claims, “we see the government’s role as the impartial umpire or referee. Where the industrial relations goal posts are put in the right place and stay in the right place.” There is a plea here for a bipartisan consensus that would ensure stability and certainty to all parties. New Zealand First’s claims that National has “distorted” the ER system (Peters, 2013) and eroded workers’ rights (Stewart as cited in House of Representatives, 2013) sit within its broader emphasis on protecting “ordinary New Zealanders” from predatory elites. Its apparent convergence with a left bloc is not straightforward, however. As well as clear differences in other policy areas, there remains a degree of distrust and personal antipathy between Peters and the Green Party. At the same time, John Key – who ruled out working with New Zealand First in 2011, has refused thus far to do so in 2014 (Davison, 2014c). If New Zealand First reach the five per cent threshold this year, they may well hold the balance of power in governing arrangements. Their voting record on ER may not safely predict how they will deal with this situation, given that ER policy does not appear to be a high priority for the Party.

United Future

The United Future Party is represented in parliament by sole MP and leader, Peter Dunne. Dunne has held the Ōhāriu electorate since 1984, which he first won representing the Labour Party. United Future (formerly the United Party) was formed in 1995 to provide a centrist coalition option for Labour and National, acting as a check on extremism (Dunne, 2013a). With the exception of the 2002 election, United Future have performed poorly in the Party vote, but Dunne has consistently held his electorate seat, enabling a continuity in parliament and access to parliamentary resources. Dunne has been a Minister in both Labour-led and National-led governments (Skilling & Molineaux, 2011).

The 2011 general election saw Dunne return as Ōhāriu electorate MP; at just 0.6 per cent, the Party vote was too low for a second United Future MP. Once again, Dunne negotiated a supply and confidence agreement with National and became a Minister outside of Cabinet with the Revenue, Associate Health and Associate Conservation portfolios.

Employment relations are not a high priority policy area for United Future and it does not have detailed policy in the area (Skilling & Molineaux, 2011). Dunne’s policy priorities for 2014 include more flexible superannuation payments and retirement ages, and higher priority for recreational fishing bag limits (University of Otago, 2014b). Dunne has supported popular opposition legislation, such as the Mondayising of Waitangi Day and ANZAC day public holidays that fall on weekends, and the extension of paid parental leave to 26 weeks, calling it “a step in the right direction”. United Future’s paid parental leave policy fits within its broader emphasis on supporting families, viewing it as an investment that will provide long-term benefits for social development (3 News, 2012; 2014).

Dunne opposed Jamie-Lee Ross' private member's Bill, The Employment Relations (Continuity of Labour) Amendment Bill, commenting that he saw potential for its misuse:

I think that the right to strike, whether one agrees with strikes or not, is an important part of our industrial law framework and I think that what this bill potentially does is make it very easy for employers to ditch striking staff very quickly (Chapman, 2013).

On the whole, however, Dunne has been supportive of National's ER policies and direction, voting to support the Employment Relations (Secret Ballot for Strikes) Amendment Bill, the Minimum Wage (Starting-out Wage) Amendment Bill and the stalled ERAB Bill 2013.

Dunne has been open about favouring a National-led government after the 2014 election, over a Labour-led government (Dunne, 2014; Satherly, 2014). At the time of writing, no polls have been conducted in the Ōhāriu electorate. Dunne's likely success in his electorate is hard to predict due to boundary changes, the retirement of his main electoral competitor, former Labour MP, Charles Chauval (Raue, 2014), and uncertain reputational damage following a series of controversies that dogged Dunne and United Future in 2013. These include the brief de-registration of United Future for failing to maintain 500 members (Electoral Commission, 2013b), the resignation of Dunne as a Minister following unsubstantiated allegations that he leaked highly sensitive information to a journalist (Trevett, 2013), and Dunne's shepherding through parliament 'game-changing' legislation around the control of psychoactive substances (Dunne, 2013b). Dunne was reinstated as a Minister in early 2014 and his Psychoactive Substances Amendment Act was amended following a public outcry (Psychoactive Substances Amendment Bill).

If re-elected Dunne will not bring any other MPs into parliament for United Future; if the Party vote continues to track close to zero, his seat effectively becomes overhang. While his preference is to support a National-led government, it is not easy knowing how Dunne would react to a Labour-led government. Dunne's penchant for incremental policy gains and experience working with Labour may incline him to negotiate some key United Future policy wins with a Labour-led government, in return for confidence and supply, but – given his stated antipathy towards Labour's other potential coalition partners of the Greens, Mana, and New Zealand First (see for example, Dunne, 2013a) on NZ First, and Fox, 2013 on the Greens) – it is possible he may stay out of governing arrangements altogether and vote for legislation on a case by case basis.

Conclusion

The make-up of the government that is formed after this year's general election will almost certainly be important for ER policies and laws: this is one policy area where the major parties markedly differ. Since 1996, minor parties in New Zealand have exercised a degree of influence over how ER policy has developed. The stalling of the ERAB (2013) this term once John Banks resigned from parliament illustrates the potential importance of minor parties to the policy process. In this article, we have argued that the exact degree of influence enjoyed by a given minor party is a function of its bargaining *power* (determined by the minor party's number of votes, the other options available to it, and – crucially – the options open to the major party) and by the extent to which the minor party sees ER – as a policy *priority*.

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