

New Zealand's minor parties and ER policy after 2017

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Abstract

Since New Zealand adopted a proportional representation electoral system in 1996, neither of the major parties have been able to form a government without the support of one or more of the minor parties. As such, understanding the likely trajectory of employment relations (ER) policy after this year's election requires an understanding of the policy positions, the political priorities, and the potential power of the minor parties. In this article, we provide an overview of the positions of six minor parties contesting this year's election who have a realistic chance of achieving seats in parliament. September 23 is shaping up to be the most interesting and unpredictable election night for many years. Leading the polls since 2006, and comfortably ahead of Labour just two months out from the election, many expected the National Party to be the largest party after the 2017 election. The question, at that stage, was whether National could form a government with their existing minor party partners, or whether they would need to rely on New Zealand First to gain a majority. Instead, Labour has been resurgent following a change of leader on August 1, just seven weeks from election day. Labour's resurgence has closed the gap with National – some polls putting Labour ahead – and led to a corresponding drop in poll ratings for the two largest minor parties, the Greens and New Zealand First. We explore the opportunities and challenges that this uncertain and dynamic environment generates for the minor parties.

Introduction

In our earlier review of minor parties' employment relations positions (Skilling & Molineaux, 2011; Molineaux & Skilling, 2014), we noted that predictions of policy change tend (understandably) to focus on the positions of the major parties. In practice, however, the Mixed Member Proportional (MMP) electoral system constrains major parties to work together with a range of partners, and legislation is not crafted at the sole discretion of the largest party, even when one party holds a substantial lead over all others. In 2017, it remains the case that no party has been able to govern alone since New Zealand began using a proportional representation electoral system in 1996. This article, then, proceeds from the contention that a proper analysis of the prospects for ER policy after this year's election needs to take seriously the policy positions, power and priorities of the minor parties. Taking minor parties seriously, of course, does not imply that any particular minor party holds unlimited influence. Governing parties have proved adept at crafting flexible arrangements with multiple partners to advance different parts of their agenda. Further, smaller parties – sensitive to the accusation that they are the tail wagging the dog – have tended to use their influence sparingly, focusing on their areas of priority (Skilling & Molineaux, 2011).

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The 2017 election (scheduled for September 23) may well prove a particularly interesting one for the minor parties. After dominating the polls for over a decade, the incumbent National Party has been falling in the polls since the start of the year, has lost one of its support partners (United Future's Peter Dunne), and could not form a government with its remaining support partners ACT and the Māori Party.¹ On the other side of the aisle, Labour's dismal ratings through July led to a change of leader on the August 1, with Jacinda Ardern replacing Andrew Little. The change had an immediate effect, as Labour's popularity increased from 24 per cent to just over 40 per cent. While much of this increase appeared to come at the expense of the Green Party, whose support fell from 13.4 per cent to around five per cent, the gap between National and the Labour-Green bloc reversed, with the Labour-Green bloc ahead in early September (James, 2017a). But the Māori Party and (more especially) the Greens are in a precarious position: polling around the five per cent threshold, the Greens have historically fared worse on election night than their pre-election polling numbers and run the risk of not returning to parliament. New Zealand First's poll support has also dropped since Ardern became Labour leader but, along with the Māori Party – should they return to Parliament – New Zealand First are still in a potential king-maker role for after the election. While nothing is certain in politics, it appears almost certain that some of New Zealand's minor parties will play an important policy-making role after this year's election, just as they have since 1996.

In this article, we analyse the ER positions of those minor parties contesting this year's election that have a realistic chance of gaining representation in parliament. We conduct this exploration by analysing their ER-relevant public statements and (where possible) their voting records during the last parliamentary term. Beyond summarising policy positions, we discuss the relative power that each party might yield after the election, we assess the extent to which ER policy is likely to be a high priority for them, and we note – where appropriate – any issues of personality or history that might be relevant as they attempt to exercise influence over the policy-making process.

Political Context

The 2017 election takes place in the shadow of surprising results in elections in other English-speaking democracies. Donald Trump's populist nationalism, built around promises to put America first, won the 2016 presidential election in the United States, against the predictions of most pundits. Earlier in that election cycle, Bernie Sanders, self-identifying as a democratic socialist, performed much better than expected in the Democratic primary race eventually won by Hilary Clinton. In the United Kingdom, the historic Brexit vote in 2016 was followed by a snap election in June 2017 intended to strengthen the majority and the mandate of Theresa May's Conservative Party. As events transpired, however, the Conservatives lost both their substantial lead in the polls and their outright majority in the House of Commons. While this poor result can be attributed in part to May's own performance, it was also a result of a surge in support for Labour leader Jeremy Corbyn, who many (including many within his own party) had believed unelectable for his socialist commitments.

There is no necessary reason to expect major upheavals of this sort in New Zealand in 2017. Many of the underlying performance measures of the New Zealand economy (such as unemployment and job growth) appear positive (Statistics New Zealand, 2017). Opinion polls

¹ We discuss the fate of 2008-2017 support partner United Future later in the article.

from mid-August (see James, 2017b; c) suggest that more New Zealanders believe the country to be ‘on the right track’ (59 per cent) than believe it to be on the ‘wrong track’ (33 per cent). Significantly, however, this 59-33 result represents a *less* positive outlook than in December 2016 (65-24). In terms of galvanising political figures, while the country has no obvious analogue on a policy level for Trump, Sanders or Corbyn, Labour’s remarkable resurgence in the polls is clearly associated with the ‘Jacinda effect’ (James, 2017b). Further, New Zealand’s proportional representation MMP electoral system provides a ready mechanism through which voters can express dissatisfaction with the status quo. A combination of New Zealand’s electoral system, extreme volatility in recent polls, and overseas examples of surprising “change elections”, may offer minor parties a degree of optimism.

The 2017 election sees National attempting to secure a fourth term that would be unprecedented in the MMP-era. They are contesting the election, however, without former leader John Key, who is considered by many to have been the party’s most potent electoral weapon, but who resigned unexpectedly in late 2016. National’s remarkable (and remarkably consistent) popularity since gaining office in 2008 has rested, in part on its ability to position itself as moderate and centrist. Indeed, some have argued that National’s (and Key’s) consistently high popularity was achieved by the simple expedient of refusing to do anything potentially unpopular (No Right Turn, 2016; Godfrey, 2017): that is to say, National’s policy agenda may have been shaped more by a keen sense of what is politically acceptable in key constituencies than by any rigorous vision of what is right or necessary. In a 2015 speech, Bill English (then Finance Minister, now leader) indicated that National has, since 2008, deliberately adopted a moderate approach (which he dubs “incremental radicalism”) in response to lessons learnt from the “crash or crash through” approach of the 1990-1999 National Government, which “failed to build broader constituencies for [extensive and sometimes unexpected] changes”. The party’s preferred *modus operandi* since 2008 has been to build “popular support for our changes so they will stick” (English, 2015).

In the field of ER regulation, National has, thus, not overseen rapid or radical regulatory reform. At the policy level, there has been no full-blown return to the Employment Contracts Act era. Indeed, National has introduced certain provisions (extensions to paid parental leave, continued increases to the statutory minimum wage) that have favoured (some) workers. Opinions differ, however, as to whether National’s ER record can accurately be portrayed as centrist and moderate, or whether they have simply sought to construct a centrist-moderate image to deflect attention and criticism away from a continued, gradual erosion of workers’ rights and union power. On this latter view, National’s self-presentation as moderate and incrementalist is nothing more than a cynical attempt to obscure the significant changes they have overseen. Certainly, both interpretations could be given to English’s words above. It is beyond the scope of this paper to engage in this debate, let alone to adjudicate between the two positions; the salient point here is that all parties contesting this year’s election need to contend with the *fact* of National’s high approval rating, and with the *perception* that National has remained moderate and centrist.

The minor party landscape

The 51st Parliament, elected in September 2014, has had 121 seats – 120 plus a one seat overhang as a result of Peter Dunne winning the Ōhāriu electorate but not being entitled to any seats under the party vote. National was, by some distance, the largest party after the 2014

election. Its party vote of 47 per cent translated into 60 seats in the 121-seat parliament (Electoral Commission, 2014). With 61 votes required to pass legislation, National's support deals with ACT (1 MP), the Māori Party (2 MPs) and United Future (1 MP) provided several possible combinations of votes to pass legislation (see Harman, 2017, for an example of how that flexibility has been used.) This was similar to its governing arrangements in the 2008-2014 period, although the number of ACT and Māori Party MPs has decreased throughout this period (Electoral Commission, 2008; 2011; 2014; Skilling & Molineaux, 2011). In 2015, however, the resignation of National MP, Mike Sabin, led to a by-election in the safe National seat of Northland. This by-election was won by New Zealand First leader, Winston Peters, changing the make-up of parliament. National was left with only 59 seats, and needing either the Māori Party or both ACT and United Future to pass legislation.

Two parties discussed in our 2014 survey, the Conservative Party and the Internet/MANA grouping, failed to win seats in 2014. One new party (The Opportunities Party) has been added to our survey this year. As expected, the Conservative Party did not win an electorate in 2014 and, despite being well-funded, it gained only 3.97 per cent of the party vote, below the five per cent threshold for representation in parliament. The Internet/MANA umbrella party, also well-funded, fared worse on 1.42 per cent of the party vote. With Mana leader, Hone Harawira, failing to retain the Te Tai Tokerau seat – lost to Labour's Kelvin Davis – neither party (Internet or Mana) made it to Parliament. Since 2014, both the Conservative Party and the Internet Party have struggled to attract public attention or poll ratings. In the expectation that they will not be influential during or after the election campaign, they are not covered in this survey.

Also not covered in this survey is the United Future party, following the abrupt resignation from parliament in late August of its leader and sole MP Peter Dunne. For a short period of time United Future was a significant minor party – winning eight seats in 2002 off the back of a collapsed vote for National – but by 2008 it reverted to its historic norm of one seat. At each of the previous three elections, United Future has received less than one per cent of the party vote; in 2014, its share was 0.22 per cent. Dunne was, therefore, an overhang MP, creating an extra seat in Parliament and a reliable vote for National's ER programme. Following polling that indicated he was likely to lose his Ōhāriu seat to Labour's Greg O'Connor (Radio New Zealand, 2017a), Dunne announced his retirement on August 21.

Disruption to the balance of power may come from the seven Māori electorates, where the Māori and Mana parties have formed an alliance to take on Labour. While the party vote is usually the most important vote in that it determines the overall balance of seats in parliament, for small parties that hold electorates, the outcomes in their electorate seats are vital to their survival. The Mana Party is running under its own branding, free from the Internet Party, with Hone Harawira once again contesting the Te Tai Tokerau electorate. He has formed an electoral accommodation with the Māori Party, who will not contest the seat. In turn, Mana will not stand candidates in the other Māori electorates (Fisher, 2017). With one exception, Labour's candidates for the Māori seats, meanwhile, will not be standing on the party list – they have to win electorates to get back into parliament.² This raises the stakes for voters on the Māori roll: you will either get a Labour MP or a Mana/Māori MP, not both. Previously, it was possible to

² The exception to this rule is the late inclusion of Kelvin Davis at number two on the list after he was named Deputy Leader on 1 August 2017. We consider the implications of this move for Hone Harawira and the Mana Party later.

gain a Mana or Māori Party MP for the electorate, while the Labour candidate for the same electorate was returned via the party list.

ER policy change since 2014

Before turning to each of the minor parties in turn, we present a schematic overview of their basic orientations towards ER policy. Table 1 shows the position of each party on the major pieces of ER legislation introduced since 2014. In some cases, there are nuances that the table glosses over. Some pieces of legislation were omnibus bills, and many parties supported some aspects of the bill while opposing others.

Table One: Summary of ER Positions of the Minor Parties

	ER policy closest to which major party*	Current Number of MPs	ERA Amendment Act 2014	Health and Safety at Work Act 2015	Employment Standards Legislation Act 2016
ACT Party	National	1	Support	Support	Support
Green Party	Labour	14	Oppose	Oppose	Oppose
Maori	Labour	2	Oppose	Support	Oppose
NZ First	Labour	12	Oppose	Oppose	Oppose
United Future	National	1	Support	Support	Support
Mana Party**	Labour	-	Oppose	Oppose	Oppose
TOP	unclear	-			

* See also additional comments and caveats in the text.

** The Mana Party did not exist in parliament at the time of these bills. Its position is presumed on the basis its voting record and public statements.

National was unable to garner enough votes to pass the 2014 Employment Relations Amendment Bill into law before the 2014 election, due to Māori Party opposition and the forced resignation of ACT leader, John Banks, just prior to the election (see Molineaux & Skilling, 2014). The centre-right majority, re-established at the 2014 election, passed the Bill, which was opposed by all parties except for National, ACT and United Future. It contained a series of measures designed to enhance employer flexibility. Among other provisions, the Bill removed the good-faith duty to conclude collective bargaining, allowed employers to opt out of multi-employer agreement bargaining, and changed the requirements around meal and refreshment breaks, strike notices, and pay reduction for partial strikes. While National presented the Bill as offering “a flexible and fair employment relations framework”, the response of the various parties, and the language of Government Minister Sam Lotu-I’iga (“this bill is about ensuring employers have the confidence to compete and expand” ... [the] bill increases choice and flexibility ... reduces ineffective bargaining, and ... prevent[s]

unnecessary and protracted collective bargaining”) indicate that it was weighted towards the interests of employers (Lotu-I’iga as cited in NZPD, 2014).

The 2015 Health and Safety at Work Act (HSWA) was the government’s response to the widespread acceptance that New Zealand’s workplace safety regime needed significant strengthening in the wake of the deadly explosion at the Pike River coal mine. The Pike River disaster led to its own Royal Commission, and the Health and Safety at Work Bill was also informed by the recommendations of the Independent Task Force on Workplace Health and Safety that reported in 2013. Beginning with cross-party and widespread industry support, the Bill ended up heavily opposed by Labour, the Greens, and New Zealand First, who criticised it for weakening safety provisions (Sissons, 2016). Major points of contention included the restricted provisions for worker participation, and controversial definitions of high-risk and low-risk industries. Critics held that the original focus on worker safety had been replaced by National MP’s desire to placate certain industries (ibid.). The HSWB was an omnibus Bill, resulting in dozens of votes on various clauses and SOPs. While Labour and the Greens voted against the government on almost all occasions, the opposition of New Zealand First and the Māori Party, while substantial, was not as total, and all parties voted with the government on some occasions (see NZPD, 2015).

The Employment Standards Legislation Bill (ESLB) was another omnibus bill that introduced a range of changes that included extension to paid parental leave (PPL), and clarification around the requirements surrounding so-called “zero-hour contracts.” There was general enthusiasm around provisions for an increase in PPL to 18 weeks in Part One of the Bill: New Zealand First’s Clayton Mitchell noted “the solidarity that I thought that all parties had with regard to ... paid parental leave”; Denise Roche described this as “a step in the right direction” towards the Green’s policy of 18 months PPL (see NZPD, 2016a). There was far less agreement, as we shall see, on Part Two’s response to the practice of zero hour contracts: National presented the Bill as one that “eliminates zero-hour contracts”; Labour and the Greens held, on the other hand, that the Bill actually ‘entrenches’ such contracts in law (Lees-Galloway as cited in NZPD, 2016a).

The ACT Party

ACT’s policy positions (including its position on ER) are informed by its classical liberal position, expressed in a commitment to ‘personal responsibility’ (ACT, n.d.a) and to “removing petty regulation, reducing tax burdens, fostering entrepreneurship and a culture of aspiration” (ibid.) The party posits a “trickle-down” economics, where “less tax leads to a more productive economy with high growth and low unemployment” (ACT, n.d.b). Support for “more jobs and higher incomes” (ACT, n.d.a) is secured in this vision not through regulation and government *diktat* but through “more efficient government spending with lower flatter taxes and no new taxes” (ACT, n.d.b). On almost every occasion since 2008, ACT has voted in support of National’s ER agenda. It has, at times, expressed frustration that National has not moved further and faster towards a deregulated labour market: witness ACT’s argument that “National and Labour’s overly cautious economic tinkering has delivered very modest economic performance. National, in particular, campaigns from the right just as surely as it governs from the left” (ACT, n.d.b). Acknowledging its limited influence, the Party has consistently voted in support of what it sees as National’s tentative moves in the right direction.

In terms of policy priorities, ACT's influence and resources are limited by having only one MP, and it has needed to make strategic decisions on where to devote its energy and attention. Since 2014, ACT has focused on partnership (or 'charter') schools and 'regulatory reform', with Seymour being Under-Secretary to Ministers in both areas. Seymour has framed ACT's charter school initiative – in part – as an ER issue, by presenting teacher unions as a sectoral interest group seeking to preserve their own interests rather than as a professional body committed to improving outcomes for students (Sunday Star Times, 2016). Beyond this, ER policy is not prominent on ACT's website or in its press releases. While it is not dealt with explicitly, it is easy enough to infer the sort of ER settings that ACT would endorse from its stated values.

ACT's position does not always lead to less support for workers. During the changes to PPL provisions in the ELSB (2016), Seymour supported additional entitlement for parents of babies "born earlier than the expected 36 weeks". While Seymour opposed the "relentless extension of paid parental leave, which amounts to a massive wealth transfer" on the grounds that "for the overwhelming majority of us, having children is not an unexpected outcome", he also argued that "having a baby born pre-term... is an unexpected outcome" and that the state has an "extremely important" role in "offering insurance against unexpected outcomes" (NZPD, 2016b). Regardless of one's opinion on Seymour's position, it is refreshing to see a philosophical principle (that the distinction between chosen and unchosen disadvantage is relevant in determining where compensation should be provided) coherently expressed in the debating chamber.

Given past polling in Epsom and Prime Minister Bill English's explicit endorsement of David Seymour's electorate campaign in 2017 (Patterson, 2017), Seymour is likely to hold his Epsom seat. But polling stubbornly around or below one per cent since 2014, ACT's party vote may not be enough to bring additional MPs into parliament. As such, ACT matters in two ways. It offers National, firstly and most obviously, (at least) one additional, reliable vote in parliament. Secondly, the party's influence derives from its ability to persuade the public and other parties of the desirability of its position. ACT works to encourage National further towards the right, and to extend the spectrum of perspectives articulated in the political sphere. From National's perspective, there is arguably a further contribution that ACT makes, where its criticisms of National serve – paradoxically – a useful purpose, reassuring more centrist voters that National is a moderate party, far from the extremes.

The Green Party

Besides its emphasis on environmental issues, the Green Party in New Zealand has always had a social justice focus. Its critique of the existing labour market is predicated on its understanding of the social world as marked by conflict, exploitation and power inequalities. This understanding continues to be expressed in the Party's policy documents and parliamentary speeches, which insist that the role of government is to protect workers left vulnerable within inherently unequal employment relationships. It was also expressed, as will be discussed below, in decisions in 2017 that led to the resignation of three Green MPs – including that of co-leader Metiria Turei – and a collapse in public support. ER-relevant statements continue to express commitment to "full employment with dignity and a living income", to significant increases to wages at the bottom of the distribution (Green Party, 2011; 2017a) and to improving "workplace democracy and ... working peoples' union representation and participation in the future of their work" (ibid).

In the parliamentary debate around zero hour contracts, meanwhile, Denise Roche (as cited in NZPD, 2016, 3 March) stated that:

Our caucus maintains a strong and unwavering opposition to legislation that enables the exploitation of ordinary working New Zealanders ... The Greens believe that we should be making laws that support the most vulnerable in our society. In this case, those who are vulnerable are those with no guarantee of basic working hours, who are desperate for paid work, and who are on the losing side of the power imbalance inherent in the employment relationship.

Roche insists on the point that workers' possession of legal rights is different, in reality, from their ability to exercise those rights: "an individual, waiting at the end of the phone for a call for some hours of work – it is not likely you are going to stand up for [your rights]". Returning to the underlying theme of the power inequalities, Catherine Delahunty (as cited in NZPD, 2015) notes the aversion in parliament to the very words 'worker' and 'power'. 'Power', she said, is "the word that no one wants to talk about", even though "you cannot achieve [mutual responsibility] with power inequality". Speaking on the issue of health and safety at work, Delahunty states that "safety comes from making sure that power is balanced ... This is about balancing power, and then we will get safety".

In important ways, then, the Greens' stance on ER remains unchanged from previous elections. At the same time, ER policy has not been given a particularly high priority in high-level messaging. At the time of writing (mid-July 2017, two months out from the election), the 'Policy' section of the Party's website featured 30 priorities: the only policy that was explicitly concerned with ER ('Equal Pay Amendment Bill) was near the bottom, at number 28 (Green Party, 2017b). On the website's homepage, moreover, emphasis was placed not on a standard leftist critique of capitalism but on an aspirational vision of a flourishing future: "great water... great families ... trustworthy and inclusive government" (Green Party, 2017c). In a key environmental policy document, the Party stressed the long-term economic opportunities of a future that is "cleaner, fairer, and more prosperous" (Green Party, 2015: 4, 7, 26). Social and economic objectives, on this logic, are not necessarily opposed to the logic of capitalism. Rather, an inclusive society and a sustainable economy can work for the benefit of people, planet and profit, in a "win-win for people and the planet, now and into the future" (ibid: 28).

Such statements, and the Greens' acceptance (with Labour) of 'Budget Responsibility Rules' (BRR) that would constrain the two parties' capacity for public spending were interpreted as the Party is seeking to present itself, for the purposes of electoral success, as "pragmatic" and "realistic", rather than as "dogmatic", and "out of touch with reality". The most biting criticism came from former Green MP, Sue Bradford, who argued that the BRR showed the Party "nailing their colours to the mast of neoliberal capitalism" before concluding: "this is the death knell for the Greens as a left party in any way, shape or form. They are a party of capitalism. They're a party that Business New Zealand now loves" (Manhire, 2017; see also Mitchell, 2017).

Criticism that the Greens were becoming a centrist, business-friendly party would not have predicted the events of July and August 2017. Co-leader Metiria Turei made a speech on July 16 stating that she had committed welfare fraud in the early 1990s. Pointedly, she refused to apologise for the acknowledged fraud, insisting that she wanted to use her experience to start a conversation about poverty in New Zealand, and the challenges and stigma faced by welfare recipients (Hickey, 2017; New Zealand Herald, 2017). In the face of public criticism, two

senior MPs resigned from the Party list and – on August 9 – Turei herself resigned, saying that she could not subject her family to continued public scrutiny (Hurley, 2017). The Greens' poll ratings essentially halved over the course of a month (James, 2017a; b) and one poll placed their support at 4.3 per cent (TVNZ, 2017). Subsequently polling uncomfortably close to the five per cent threshold, there is the danger of voters electing not to cast their vote for a party who may not return to parliament.

If the Greens are returned to parliament, their influence in a Labour-led government will be much less than if their vote share had been much closer to Labour's. Their close accommodation with Labour (which included a memorandum of understanding signed in late 2016 formalising their intention to work together to change the government (Labour and Green Parties, 2016) and a shared State of the Nation event in January 2017 (see Small, 2017) will look very different if the Greens are a minor partner in a coalition that includes a more dominant Labour Party and New Zealand First. The Greens and New Zealand First have historically had a testy public relationship: in 2005, New Zealand First leader Winston Peters only agreed to a coalition deal with Labour on condition that the Greens did not have any Cabinet posts. In 2017, despite trading insults, both parties say they remain open to working with each other (Heron, 2017).

The Māori Party

The Māori Party was formed as a breakaway from the Labour Party in 2004, in protest at the Foreshore and Seabed Act (also 2004). It has competed with some success in the Māori electorates, although Labour has gradually won back all but one seat. The Party has not cracked five per cent in the party vote; party vote totals have ranged from a high of 2.4 per cent in 2008 to a low of 1.3 per cent in 2014. Founding leaders Tariana Turia and Pita Sharples resigned at the 2014 election; new co-leaders Te Ururoa Flavell and Marama Fox were elected to Parliament as the party's only MPs, representing the Waiariki electorate, and from the party list, respectively.

The Māori Party has been in a confidence and supply agreement with the National-led government since 2008 but other than confidence and supply matters, has voted against much government legislation, including some ER initiatives. The Māori Party has been described as delivering Labour votes to National (James, 2015) and Labour Māori campaign manager, Willie Jackson, is running the line that a vote for the Māori Party in the Māori electorates is a vote for National (Newshub, 2017a). In contrast, leader Te Ururoa Flavell defends their arrangement, saying you have to be at the top table to advance your agenda (Flavell, 2015), suggesting they would also be open to working with a government led by the Labour Party. Māori Party President Tukuroirangi Morgan has revealed that party members prefer an alliance with Labour over National (Radio New Zealand, 2017b)

The Party has not used its leverage to advance ER policies, focusing its attention on other areas. It does not have an MP on the Transport and Industrial Relations Select Committee. Generally, the Māori Party's ER stance is closer to Labour than National. On the Employment Relations Amendment Bill, co-leader Marama Fox (as cited in NZPD, 2014) outlined the Party's principles:

The concept that we in the Māori Party have always believed in is that innovation in the economy should be built upon a foundation of workers' rights and terms. It should not be a case of either/or ... We can create future prospects of economic growth, while at the same time adhering to conditions of employment that are socially and economically fair.

The Party, therefore, does not seek an overthrow of the established order so much as a fairer balancing of power within the existing system. As Fox (*ibid.*) continues, "our greatest capacity for influence is not only through speaking out and against; it can come even more persuasively when we work together, speaking up to unite". Still, Fox's description of the labour market is similar to the Greens' in its emphasis on power inequalities and systematic vulnerability. Speaking against Section 6A of the ERAB (concerning workers' rights when their employer "loses a contract to a rival bidder"), Fox notes that "it is women, Māori, and ethnic minorities who make up the majority of those [vulnerable] workers" who, having "limited bargaining strength in the labour market ... are most likely to be disadvantaged by these changes that strengthen employers' rights and power". Fox concludes that "greater protection is needed for these workers, not less" (*ibid.*).

Despite low polling and its small caucus, the Māori Party may be important to the National Party's chances of forming a new government after September 23. If National is able to increase its vote into the high 40 per cent range, and if the Māori Party has 2 or 3 MPs, National may be able to form a government with its existing support partners. Under this scenario, the Māori Party would continue to exercise some influence over policy-making. This scenario, however, seems increasingly unlikely. If National does not achieve a vote share in the high 40s (i.e. materially above its current polling level), National will need New Zealand First to form a government, and the Māori Party's influence will diminish.

The Māori Party co-leader Te Ururoa Flavell is facing high profile Labour candidate Tamati Coffey in his Waiariki seat; and the most recent polls place Flavell comfortably ahead (Newshub, 2017b). If Flavell retains the seat, any party votes above (approximately) 1.2 per cent will contribute towards extra MPs. The Māori Party is heading into the 2017 election with the goals of winning six Māori electorate seats and seven per cent of the party vote, and to hold the balance of power after the election (Māori Party, 2017). The head-on battle with Labour in the Māori electorates is yet to play out. While both parties will fight for votes in these electorates, the relationship between them has thawed following the Labour Party leadership change with Māori Party President Tuku Morgan describing Labour deputy leader Kelvin Davis as, "someone who we can talk to, who we have some trust and confidence, that in the end whakapapa/genealogical ties, kinship ties mean something" (Morgan, 2017).

The MANA Movement

The Mana Movement was formed in 2011 as a breakaway from the Māori Party, over the latter's support for the National-led government's Marine and Coastal Area (Takutai Moana) Act 2011, and conflicts over the Party's insider-outsider status more generally (Flavell, 2015). Its sole MP, Hone Harawira, lost his Te Tai Tokerau seat to Labour's Kelvin Davies in the 2014 general election, following a coordinated campaign by opponents to unseat him, and Mana's doomed deal with the Internet Party.

Harawira has announced that he will stand again in 2017 and has an accord with the Māori Party, which will see the two Parties team up to defeat Labour in the Māori electorates: The Māori Party will not stand a candidate in Te Tai Tokerau; Mana will not stand candidates in the other Māori electorates. With no Māori Party candidate to lose votes to, Harawira has a better chance of regaining the electorate. The initial decision of Labour's Māori electorate MPs to not stand on the Party list gave Te Tai Tokerau electors a stark choice: Hone Harawira or Kelvin Davis but not both. As noted above, however, Davis' ascendancy to the Deputy Leadership meant – under Labour Party rules – that he takes the second place on the list. As such, Harawira immediately began arguing that by voting for him in the electorate, Te Tai Tokerau voters could “get two MPs for the price of one”. As Harawira said, “it's an opportunity to ensure that we don't just have two Tai Tokerau MPs in the House, but two Tai Tokerau MPs on the front bench... It's a win-win for Tai Tokerau” (Radio New Zealand, 2017c). Both candidates are likely to have appeal within the electorate: Harawira has deep ties in the North, and is present at events and on marae. Davis, meanwhile, has been a high profile MP for the Labour Party.

Mana barely registers on party vote polls, and they rely on Harawira winning Te Tai Tokerau to re-enter parliament. Even if he does, the party is unlikely to win extra seats via the party vote. Potentially, then, the best prospect for Mana will be a one-MP party. Mana's deal with the Māori Party ends at the election, and if the Māori Party, again, go into coalition with National, Mana will stay outside it. Harawira's influence will be one of ideas, and of encouraging the Māori Party to represent the interests of working people, both Māori and non-Māori. Mana was founded as a movement to, “bring the voice of the poor, the powerless and the dispossessed into Parliament” (Mana Movement, n.d.a.). The Party has policies designed to reduce the power of corporations and increase taxes on the rich. It supports full employment, “so that everyone can give back to their communities in a meaningful way with dignity” (ibid). On ER policy, Mana says the party wants to:

...ensure that all workers are well supported at work with good conditions and that all are paid at least a living wage. For the last 30 years, workers' real wages have gone down while the cost of living has gone up, making many people much worse off than ever before and requiring workers to work many additional hours to make up the difference.

It is important that all workers are able to join and participate in unions to represent their collective interests and negotiate for decent wages and conditions of work (Mana Movement, n.d.b.).

If elected, Harawira can be expected to be vocal in support of the poor, including the working poor, standing against inequality, promoting higher wages and better working conditions. He will represent one vote in the House and is unlikely to go into any formal governing arrangement.

New Zealand First

Formed in 1993, New Zealand First's electoral fortunes have fluctuated throughout the MMP-era. Led by former National MP, Winston Peters, the Party has been in parliament since 1993, except for the 2008-2011 period. In 2014, New Zealand First gained 8.7 per cent of the party

vote, giving the Party 11 MPs. Subsequently, Winston Peters contested and won the 2015 Northland by-election, winning the seat off National. This increased the Party's total MP count to 12 and reduced National's by a crucial one vote. In both 2011 and 2014, New Zealand First's election night results were a significant improvement on poll results from earlier in those years. In both instances, the Party had been polling under the five per cent threshold before the election campaign started. It is significant, then, that polls in early September put the party on eight per cent, although even this figure represents a decline from 13 per cent support in July (Electoral Commission, 2011; Skilling & Molineaux, 2011; James, 2017a). As noted above, the Party has a very real chance of holding the balance of power: it may well find itself in a position where it can decide which major party is able to form a workable government. Labour's recent leadership change may smooth relationships between the two parties, with new Labour deputy leader Kelvin Davis related to, and on good terms with, New Zealand First's Winston Peters and Shane Jones (Moir, 2017).

We reported in 2014 that ER policy was not a top priority for New Zealand First. Since 2014, however, the Party's increased representation in parliament has allowed it to have a voice in parliament on ER issues: Clayton Mitchell has been a member of the Transport and Industrial Relations Select Committee, and the Party has had the right to speak on ER legislation as it is debated in the house. Expressing this heightened emphasis, 'Labour and Employment' is the second-listed policy area on the 'Policies' section of the party's website (for comparison, 'Immigration' is listed much further down the page) (New Zealand First, 2017a). Other explicitly stated policies include raising "the minimum wage to \$20 per hour" (New Zealand First, 2017b); changing "laws that allow individuals to be employed on a permanent 'casual' basis"; and abolishing "the 'starting out wage' for young people" (New Zealand First, 2017c). Peters has been a vocal champion of the Pike River families, advocating an exemption to health and safety laws to enable the coal mine to be re-entered in a bid to recover bodies and look for evidence for a prosecution against the mine owners (New Zealand Herald, 2016). Mine re-entry is a bottom line of confidence and supply or coalition deal (Satherley, 2017).

New Zealand First's promise to put New Zealand interests first is expressed in a stated commitment to protect New Zealand workers and for there to be a dramatic drop in immigration. It promises to "train New Zealanders in areas of skill shortages, instead of actively recruiting offshore", to "ensure that hiring New Zealanders is a priority" and to "incentivise skilled New Zealanders to stay and work in New Zealand". More generally, New Zealand First rejects a hands-off approach to the labour market, favouring instead a planned management of the national economy and society. For example, New Zealand First (2017c) would "ensure enough workers are being trained in the area of aged care to cope with New Zealand's ageing population".

New Zealand First's immigration policy intersects with their employment relations and training policies: funding the tertiary sector better so there is less reliance on international students; ending student work visa rorts; ensure priority is given to upskilling and hiring New Zealanders for jobs; and encourage skilled New Zealanders to remain in New Zealand, partly by offering a bonding system for new graduates, which include student loan debt write-offs.

The Party has consistently voted against government moves to reduce employee and union power (e.g. ERAA 2014), and supported higher minimum wages and longer paid parental leave. They have argued for a 19 per cent pay loading for casual workers, a return to pre-ECA situation whereby casual workers are compensated for lost sick leave, public holidays, bereavement leave, health and safety representative training, jury duty, and so forth. Speaking

in parliament, MP Darroch Ball (as cited in NZPD, 2016b) noted that, “casual workers also have no access to personal grievance protections for unfair dismissal, and, effectively, these are cost transfers from the employer to the worker”. The purpose of the loading was to incentivise “the employer to move the employee on to a part-time or full-time contract”, correcting what Ball sees as an existing “systemic bias towards the employment of casual workers”.

Peters has consistently refused to indicate whether he is more likely to support National or Labour after the election. Commentators have listed reasons why he might prefer to go with one party or the other, but it is unwise to offer firm predictions. New Zealand First’s ER statements and policies align more logically with Labour and the Green Party than with National and ACT. Indeed, since 2011 (including since 2014, as seen in Table 1), New Zealand First has consistently voted against National’s proposed ER amendments. It is unclear however, how important the Party’s ER position will be in coalition negotiations: disagreement with National’s ER position, in other words, may not be a “deal-breaker”.

Further, New Zealand First’s apparent convergence with a left bloc is not straightforward. As well as clear differences in other policy areas, there remains a degree of distrust and personal antipathy between Peters and the Green Party. In July, the Greens embarked on a deliberate strategy of criticising New Zealand First, with Metiria Turei repeatedly describing some of their policies as ‘racist’ (Trevett, 2017). Such criticisms appeared intended to stake out a distinct position for the Green Party as a way of maximising their vote. The antagonising effect of such statements may, however, have lessened with Turei’s resignation.

The Opportunities Party

The Opportunities Party, or TOP, was founded by millionaire businessman, philanthropist and public commentator Gareth Morgan. The Party promotes a number of policies previously advocated by The Morgan Foundation, a charitable trust that furthers policies and actions that reduce “the wealth disparities between people” (Morgan Foundation, 2016) and is concerned with conservation and environmental enhancement. The Party gained registration in March 2017 and will stand list and electorate candidates in the 2017 general election. Chief of Staff and former Morgan Foundation economist Geoff Simmons ran for TOP in the Mt Albert by-election (a safe Labour seat) in February 2017, where he gained 4.56 per cent of the vote (Electoral Commission, 2017). He is standing as the Wellington Central candidate in the general election.

TOP’s purpose is to promote a radical shake-up of policies and Morgan has stated the party would be happy operating from the cross-benches, or outside Parliament. The key aim is to influence policy (The Opportunities Party, n.d.a.). The Party says it is neither left nor right, and is interested in evaluating evidence before coming to a policy position.

TOP policy is framed with the concept of fairness. It believes that government needs to ensure people have opportunities and that, at present, too many do not because New Zealand society has become increasingly unequal. The Party has no specific ER policies, but a number of its policies would impact on the standards of living of working people. Their policy shake-ups include tax reform that shifts the burden of tax away from labour and onto capital, and a staged introduction of an unconditional basic income (UBI), which would give low income workers

more bargaining power with employers. TOP's immigration policy is to encourage more New Zealanders to be trained and hired for jobs, reduce low skilled immigration which is enabling the suppression of wages and conditions, and cracking down on the exploitation of migrant workers, including providing the exploited migrant an opportunity to remain in New Zealand whilst securing other work (The Opportunities Party, n.d.b.). The Party supports the current minimum wage regime rather than the living wage concept, with an underlying UBI and tax reform providing the further assistance the lowest paid need to thrive (personal communication). In education, TOP advocates following more of a Finnish model than a US or UK one; this includes no performance pay for teachers, and a more trust-based model than at present (The Opportunities Party).

On the training front, the Party's UBI forms part of a lifelong learning strategy, along with support for more innovation in the occupational skills and training space. There is an acceptance that new technology will disrupt existing work patterns and the best response is not to fight these changes but to ensure people are well-placed to adapt (personal communication). TOP has not followed ER legislation debates closely and would use the concept of fairness and a level playing field for bargaining when deciding how to vote on issues such as zero hours contracts, rights of workers to organise, union access to workplaces and so forth. For example, on zero hours contracts, they see the issue as one whereby employers have an obligation to guarantee work if they expect workers to make themselves available. The Party accepts that employment relationships are not equal, with employers usually having more power (personal communication).

Since the introduction of MMP, no new party that has not been a breakaway from an existing party has been able to breach the five per cent threshold. TOP has policy depth in a number of areas (The Opportunities Party, n.d.b.), funding for policy development and dissemination, key people who regularly front the mainstream media and social media, and attracts crowds to community events. But it faces a tough challenge to achieve its aim of policy disruption. They are currently polling below the margin of error – but above the other minnows of ACT, the Māori Party, Mana and United Future. Without the lifeline of an electorate seat, though, TOP may head the way of other recent new political parties founded by millionaires intent on policy influence: the Internet Party and the Conservative Party.

Conclusion

The fate of the different minor parties will be important in determining the makeup of the next government. If ACT continues polling close to zero but David Seymour wins Epsom, his seat will be an overhang, meaning the winning coalition needs to find an extra seat to reach a majority for any legislative support. Polls in August and September have been marked by extreme volatility, and government formation may depend on whether the Green Party and the Māori Party make it back into Parliament. The other potentially influential minor party result is whether election 2017 will see New Zealand First as 'kingmaker' (Young, 2017). The Party refuses to state, pre-election, a preferred major party partner. While New Zealand First has ER policy similarities with Labour, it is questionable how central policies in this field will be in coalition negotiations or in government. In this scenario, the policy position of the major party – National or Labour – leading the next government will be the main determinant of ER changes or status quo.

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