



Labour History Project

NEWSLETTER 51 | APRIL 2011

Workplace Health and Safety Laws in New Zealand

The 1890 Strike: Evolving the Mythology of Union Education

Performing Musicians in New Zealand 1911 to 1938

Bob Harrison: Stirrer for the Pommies

My Grandfather, Conrad Bollinger

Colin Hicks, a Man of the Left



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COVER: Wreath from the Pike River Memorial Service,
Omoto Racecourse. Photo by Stewart Nimmo.

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FROM THE SHOP FLOOR

Introduction from guest Editor Paul Maunder

The last few months have been a volatile time. I'd got together a Community Theatre group in Greymouth and we decided to do our first play on the topic of 1080, an issue that people on the Coast feel strongly about. It turned out to be a satiric Commedia del'arte sort of piece, but has become strangely associated with disaster. Our first performances coincided with the Pike River explosion so had to be cancelled, and when we picked it up again more recently, we found ourselves performing in the midst of the Christchurch earthquake. It has been a little like living in a war zone, and at such times, the secondary business of making culture becomes judged by the hands-on primary activity of coping with the physical world. Yet without intellectual labour, the past becomes something of a dream. But certainly that intellectual activity is needful of being relevant rather than decorative or opportunist.

This edition of the LHP newsletter is then centred around Ross Wilson's excellent article on the recent history of Health and Safety in the workplace and the struggle with neo-liberal policy with regard to this issue. Ross has always been a passionate advocate for the right of the worker to return home in one piece after each day's labour and under his stewardship at the NZCTU, considerable gains were made, which must now be built upon in the wake of Pike River.

A recent rereading of Len Richardson's *Coal, Class and Community* reminded me of two things: firstly, the very considerable role that miners have played in union struggles for justice in this country, and that this struggle has always been internationalist. It is a pleasure to read, even if briefly, of the working lives of two activists who have pursued social justice across borders; but also of one who stayed at home.

Lisa Saksen's report on the Industrial Relations Seminar reveals the saga of changing philosophies in the field, with the current CTU President, Helen

Kelly, suggesting an interesting new paradigm from the union point of view. Joce Jesson reviews the 1890 Maritime Strike conference and Mark Derby updates us with regard to the DB ad saga.

In the light of the Hobbit dispute, the story of the early formation of the entertainers' union is made more resonant, and as usual, the book reviews keep us abreast of current publication.

Finally, there is a very necessary tribute to the labour history stalwart, Colin Hicks.

As the National-led government's slow administering of the neo-liberal drug proceeds, and the disasters pile up, it feels we are entering a strange mind space, something akin to that which occurs during a war. At such times, the lessons from the past are increasingly relevant.

It has been a pleasure and an honour to have been asked to edit this edition of the newsletter. May the ground upon which we walk be a little calmer in the coming period.

Paul Maunder is a writer, theatre practitioner and filmmaker who lives in Blackball, where he has been active in establishing the '08 Memorial/Resource Centre.

Mark Derby's Chair's report

Labour history's about much more than the past. The cover and several stories in this issue of our journal deal with historic tragedy just months old. And as I write, public servants in Wisconsin and the UK are making history with their resistance to attacks by the state on labour movements and the low-paid.

In March I sent a message of support on behalf of the LHP to the Wisconsin protestors, via our sister organisation the Wisconsin Labour History Society. The WLHS redistributed it internationally in their email newsletter, alongside another message from the great Polish union movement Solidarity. Its president, Piotr Duba, said, "we cannot and must not agree that austerity measures are synonymous with union-busting practices, the elimination of bargaining rights and the reduction of social benefits and wages."

The executive of the LHP held our regular annual planning meeting in February at the seaside home of long-time LHP stalwart Maureen Birchfield. In spite of the profoundly disturbing events of recent months it was a cheerful, lively and productive session. We welcomed a visitor – our meetings are open to all. We recorded that the LHP is, finally, an incorporated society, a status that should make certain fundraising activities easier. We developed plans for later events such as the Rona Bailey memorial lecture at the end of the year.

We're entering a challenging year in fair shape, both financially and organisationally. This issue of our publication, guest-edited from Blackball, gives a picture of an organisation I'm proud to represent.

— Mark Derby

For Stuart Mudge

Once pristine rugged, bush-clothed ranges
Now forever clothed in mourners' garb
A deathly silence envelopes the underground tomb
Entrapping the earthly remains of vigorous men
Loved individually and within community
Respected, now revered.

A tunnel pierces the heart of hills
Tragedy pierces the heart of families and community
A place of isolated beauty
Transformed by industry to feed a gaping maw
Transformed by tragedy to become
An aching wound.

The time for healing is not yet here
A bleeding sorrow seeps through hills and hearts
Shards of memory pierce the trembling grief
And shattered hearts still beat in fragile breasts
As lives forever changed
Pick careful weary steps along the path of absence.

This deepest, darkest tomb
Will forever hold its secret terrors
A speechless stillness within a mountain's heart
No whispering voices will ever echo forth
Only an enduring, steely silence
That speaks of fleeting spirits and an ancient wound.

— *Teresa O'Connor*

FEATURE ARTICLES

Workplace Health and Safety laws in New Zealand: for whose benefit?

— *Ross Wilson*



LEFT: Fifty-three of the victims of the Brunner mine explosion were buried in the Stillwater cemetery, 33 of them in this single grave. The funeral procession stretched 800 metres.

INTRODUCTION

Historically, New Zealand has followed the British model of workplace health and safety legislation with minimum health and safety standards prescribed by quasi-criminal law and enforced by a Government inspectorate. Union involvement in workplace health and safety was achieved only by agreement with employers. The exception to this was the mining industry where, from the passing of the 1908 Coal Mines Act until 1993, workers had the right to elect their own “check inspectors” who undertook mine inspections.

In the UK, during the 1970s, there was a move away from legal enforcement of more prescriptive standards towards general duty performance standards, but with a joint responsibility system including elected workplace health and safety representatives supported by union organisation. This influence came from the Scandinavian countries through a UK Royal Commission of Inquiry, the Roben’s Commission.

In New Zealand the 1981 Factories and Commercial Premises Act extended the scope of the old Factories Act to include other commercial premises and offices. During the 1980s a voluntary code for workplace health and safety representatives and committees was negotiated and agreed through the Government Advisory Council on Occupational Safety and Health, which also recommended a single Act and Authority for workplace health and safety.

But it wasn’t until 1990 that the Labour Government introduced into Parliament a new OSH Bill providing for a general duty, performance, standards based system to be enforced through the law by an OSH inspectorate, but also providing for elected Health and Safety Representatives to reflect similar legislation in the

UK and Australia.

However, consistent with the prevailing ideology of the time, the National Government, elected in 1990, stripped out the provisions relating to elected health and safety representatives. Its view was that health and safety should be managed by the employer, to the exclusion of employees or their representatives.

THE WEAKNESS OF THE HSE ACT 1992

The Health & Safety in Employment Act 1992 imposed duties on employers, which, we were told, would send them "signals" to pursue accident prevention through risk management techniques. But the Common Law and occupational safety and health legislation had provided those duties, and sanctions, for a hundred years. Why would the new Act suddenly be effective, and why would the Courts take anything other than the indifferent attitude to these quasi-criminal prosecutions that they had generally taken in the past?

The position of the CTU in the early 1990s was strongly supportive of the concept of legally enforced mandatory minimum safety standards but sceptical that there was the political or judicial will to ensure that the Act would be rigorously enforced. In addition, experience in other countries had shown that enforcement of general duties would be more difficult than prescriptive standards.

This concern was heightened when the National Government decided, after the passing of the 1992 Act, not to review and consolidate the numerous pre-existing Acts and Regulations into new regulations and codes of practice under the new Act. However, some new regulations and codes of practice were developed, including the Health and Safety in Employment (Mining – Underground) Regulations 1999.

I strongly believed there was a need for a much more strategic approach to injury prevention at national, industry and workplace level, bringing together a number of strategies:

- Management systems
- Worker and union involvement
- Information
- Setting and enforcement of standards
- Engineering and design solutions
- Training

Workplace health and safety issues in the modern workplace can be complex, and there is a need for government, employers and workers to be actively involved in developing effective injury prevention and health protection measures.

Overall, the Government policy reflected in the Health and Safety in Employment Act 1992 was an almost total rejection of the participatory approach promoted by the CTU, and an almost complete adoption of the Employers' Federation "the employer knows best" agenda.

In effect, our legislation was like a two-legged stool. The employers had a clear general duty, and the inspectorate had a clear enforcement role, but employees and their unions were denied the statutory role which has been such an important

feature of the modern European and Australian models. And the 1992 Act also took away the right, which had existed since 1908, for workers in coal mines to elect their own “check inspectors”.

So, at a time when the labour markets were being de-regulated and union workplace involvement actively discouraged under the Employment Contracts Act 1991, workers and their unions were also being denied any right to be involved in workplace processes and decisions affecting their health and safety.

HEALTH AND SAFETY IN A DE-REGULATED LABOUR MARKET

Although little research evidence is available in New Zealand regarding the impact on workplace health and safety of the neo-liberal experiment of the 1990s, there is a general acknowledgement that it had an adverse effect, particularly as a result of the de-regulation of the labour market and the legislative health and safety framework.

A published study¹ comparing work related fatal injuries in United States, Australia, and New Zealand revealed that New Zealand had the highest average annual rate (4.9/100,000), Australia an intermediate rate (3.8/100,000) and the United States the lowest rate (3.2/100,000) of fatal occupational injury, although some of the difference between countries was accounted for by differences in industry distribution.

Another study² showed that although occupational related fatality rate reductions of between 60%-70% had been achieved over two decades in Sweden, Japan, Germany and the United States, the New Zealand fatality rate reduction over the same period to 1994 had, at best, been 30%.

The 1990s saw a growth in precarious employment; shiftwork and nightwork, self-employment, part-time jobs, multiple job holding, home work, and casual and temporary employment (increasingly through labour-hire companies). At the same time there was an increase in working hours and intensity of work for some sections of the workforce.

The effects of precarious work were illustrated in a qualitative study of the impact of work hours on thirty families commissioned by the New Zealand Council of Trade Unions.³ And a review⁴ of 93 research studies covering 11 countries over a range of industries and employing a number of methodologies found that the growth of these types of work arrangements had adverse effects on workers health and safety. Of the 93 studies, 76 found that precarious employment was associated with a measurable deterioration in occupational safety and health.

The experience in New Zealand accorded with the broad findings common to those studies:

- First, precarious employment is often associated with economic pressures or changes to payment and reward systems that endanger health. These include competitive tendering and consequent “corner-cutting” by subcontractors, the outsourcing of dangerous tasks, payment by results and low pay, work intensification and overload, long hours of work, and the limited resources that small businesses can devote to OHS.
- Second, precarious employment can be associated with dangerous forms

of work disorganisation such as the difficulty of ensuring adequate training of temporary or labour hire workers, especially where the workforce is young and inexperienced or where there is a high level of labour turnover. Outsourcing and labour hire contracting means the introduction of “strangers” to the workplace, disruption of informal flows of safety knowledge and communication, and an increase in complexity and ambiguity in rules and procedures. Downsizing can result in a loss of knowledge due to the laying off of older and more experienced workers, and resulting multi-tasking may produce additional risks if workers are not suitably retrained. Precarious workers are often in a weak position to raise or complain about OHS issues, particularly in a non-union environment.

— Third, the OHS regulatory framework is designed and implemented to predominantly deal with permanent employees in large workplaces. On multi-employer work-sites, such as construction sites, complex webs of legal and management responsibility and control increase risk. To compound this, changes to labour legislation weakened minimum standards and union input, resulting in even unionised workers working excessive hours at low pay rates.

Collective bargaining of workplace conditions of employment was almost halved in the 1990s, enterprise documents and individual employment contracts were almost universal, and union density fell from 35.4% of the labour force in 1991 to 17% by 1999.

The result for occupational safety and health protection in New Zealand was:

- The widespread weakening of employee participation in occupational safety and health;
- A lessening of employee knowledge and awareness of health and safety issues;
- A weakening of union representation and bargaining on health and safety issues;
- An increasing unwillingness of workers to report health & safety problems.

RE-BUILDING WORKER PARTICIPATION

With the election of Labour-led Governments in the decade from 1999 the CTU objective was to achieve a strong, actively enforced, minimum code of legal protections, but with an active social partnership approach to building new and co-operative working relationships between Government, employers and unions at national, industry and workplace level.

This included occupational safety and health.

At the national level there would be a tri-partite process which determines acceptable minimum standards of safety and health protection which should be rigorously enforced by an inspectorate with substantial penalties for breaches.

At industry level the legislation would encourage the development of practices and programmes which aim for best practice in health and safety.

At workplace level there would be legislative recognition of the workers’ right to know about potential hazards they face at work, the right to participate in

decisions affecting their safety and health at work, and the right to refuse dangerous work. While the critical importance of management commitment to health and safety was acknowledged, the involvement of workers is both a valuable contribution to the solution of health and safety problems and an important expression of industrial democracy.

The best prevention strategies involve the people at risk, that is, the employees, being involved in developing and maintaining their own safe systems of work.

Amendments to the 1992 Health & Safety in Employment Act included the right to elect health and safety representatives in the workplace and this was made mandatory for employers with 30 employees or more.

Many employers immediately moved to comply with this new legal requirement and have been active in utilising ACC funded training programmes developed by the CTU and other providers to ensure that the Health and Safety Representatives acquire the necessary skills, knowledge and confidence to undertake their role effectively.

However, it remains a matter of continuing concern that the Government department responsible for the Act, the Department of Labour, has shown little enthusiasm for integrating the health and safety representative system into the work of the inspectorate, ensuring or funding the training of HSRs, or even taking effective steps to enforce Part 2A of the HSE Act. This appears to reflect a traditional reluctance by the inspectorate to recognise the legitimacy, and effectiveness, of a worker representative role. Professor Gunningham⁵ has noted a similar reluctance by inspectors in the mine industry in Australia and has recommended⁶ that inspectors should be directed to engage, as they are in many other jurisdictions. It is a welcome development that the Department of Labour in 2010 issued a Practice Note to Health and Safety Staff⁷ directing that, where Health and Safety Representatives exist, Inspectors will endeavour to talk to at least one rep during any workplace visit.

This failure to maximise the potential effectiveness of health and safety representatives, inevitably undermines their effectiveness, particularly when they are vulnerable to pressure or lack of support from their employer. In the “three stool” system the Government inspectorate, the employer, and the worker representative, each has a potentially important role to play. But recognition, respect and informed interaction are required for the system to work optimally.

It seems therefore that despite the legal requirements of the HSE Act 2002 amendments, the health and safety representative system in New Zealand remains, in practice, a voluntary one. Employers who have embraced it have found it to be effective, but many other workplaces are missing out because their employer chooses not to comply with the law, and the Department of Labour generally demurs.

It is relevant to note that in a 2006 Review of the health and safety framework for underground mining several submitters, including the Engineering Printing and Manufacturing Union representing mine workers (which had lobbied for the review), called for the re-instatement of the worker elected check-inspector system. This was rejected by the Department of Labour, “because the international literature did not confirm it as necessarily the best approach in the New Zealand

context". It also said that the existing Health and Safety in Employment (HSE) Act 1992 employee participation provisions "provide similar rights and functions for trained health and safety representatives".

Following the Pike River Mine Tragedy some mining experts have supported the re-instatement of the check-inspector system as part of any new regime to prevent a repeat of this disaster.⁸ It is hoped that the Royal Commission of Inquiry will make an objective assessment of the value of effective worker participation in the processes and decisions affecting their health and safety.

In pursuit of its term of reference to identify best practice it might also look closely at the "safety case" system which has been applied to major hazard facilities in numerous jurisdictions internationally and is generally regarded as having achieved significant success in addressing the risks of disaster in such facilities. As Professor Gunningham has noted,⁹ "the essence of the safety case regime is an obligation on the operator to demonstrate to the regulator that the operator has the capacity to identify the hazards, assess the risks, implement controls and to manage the controls so they work in practice (i.e. to 'make their safety case'). The safety case approach can only work effectively if there is a technically sophisticated and well resourced regulator with the capacity to oversight the plans and to distinguish between credible safety strategies and mere 'paper systems'".

The Royal Commission's findings have implications not only for the coal industry but for other workplaces in New Zealand.

— *Ros Wilson has been President NZ Council of Trade Unions (1999-2007), member Advisory Council on Occupational Safety & Health (1985-1991), Co-Chair Workplace Health & Safety Council 2005-2007, Deputy Chair ACC (1986-1991) and Chair ACC (2007-2009), co-author of Employment Law published by Thomson Reuter.*

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When men and women go to work

When men and women go to work
They have the right to come home
Safely to their families
Not as a corpse alone

Each of those killed at work
Has been a human being
With a look of singular consciousness
A history of personal seeing

They have children they have partners
Have fallen in and out of love
Joined hands with their fellows
Been through good times and the tough

Their labour is our labour
Their knowledge is our knowledge
Their pain is our pain
Their courage is our courage

Condolences from prime ministers
The pope and the queen
Trusts and collection buckets
Are pebbles in the stream

Health and safety is our concern
We must take back control
We demand responsibility
Give us back our souls

Once again the message is the same
The same old same old story
Our rights have always to be claimed
From the bosses and the Tories

These words are sung with love
These words are sung with grief
The coffin is born away
Like a limpid autumn leaf

When men and women go to work
They have the right to come home
Safely to their families
Not as a corpse alone.

— *A Pike River song. Paul Maunder, West Coast Wobblies.*

Staying safe

— *David Feickert*

The Pike River mine tragedy has brought home to New Zealanders in the sharpest possible way why staying safe is so important. I dedicate this short piece to the memory of the 29 who died at Pike River.

I had my scrapes as a kid, growing up in Whanganui – squashed my big toe in my first bike, broke my arm jumping from a window in a friend's house, cut my leg scrub-cutting, fell off my motorbike... But nothing sticks in my mind like the time I was nearly killed at work, aged 26. I was working in a huge container yard operated by Canadian National Railways in Toronto. A group of us were watching a young colleague struggling with a beast of a new machine for transferring containers horizontally from railway carriages to our trucks. He got into trouble and needed someone to go under the machine to hold up a hydraulic ram. I volunteered, went under, held up the ram until it caught and moved to come out, but my mate had kept his hand on the lever and I was caught, the air being squeezed out of me as the container at my back forced me up against the flatbed of the waiting truck. Within seconds I would have been crushed. I was saved by an older mate, who knocked the kid aside and shoved the lever into reverse. All the other guys went ashen but it didn't hit me until a day later.

From then my course was re-set. I would have to listen to the soft instruction I had received from my father, the Marine Department engineer surveyor for the Whanganui region. He used to take my brother and me around during the holidays and I saw him at work. For us it was play but I remember him dealing calmly, with the law at his shoulder, with saw mill and freezing works managers who wanted to restart production after the statutory inspection. If safety repairs were needed he would just say, 'No. Fix the problem and then you're back in production.' I'm pretty sure he would have failed the machine that nearly killed me and sent it back to the drawing board.

After five years in Canada I went to the UK, not intending to stay. But I did. After a spell working at Ford Dagenham and tanker driving, I went back to university to do a safety engineering degree. My first degree had been in Asian Studies at Victoria, but few in Europe were very interested in China in those days. My university department had close connections with the Mines Research and Development Establishment of the National Coal Board. This thousand strong organisation of engineers and scientists had just received huge amounts of money to rebuild the British coal industry, following the first and then the second oil shocks. From there, after a spell at Bradford University, where we set up a Working Environment Research Unit to work on technical and safety and health issues with trade unions, I went to work for the National Union of Mineworkers (NUM), becoming head of research.

Before the end of my first year the year-long strike had begun. We were a small but very able complement in the national office, as NUM President, Arthur Scargill, had chosen his staff very well. He seemed to know more about us than we knew about ourselves. I had gone as a technology and safety adviser, but now all the pits, apart from non-striking ones in the Midlands, were shut by the strike. There was still more than enough to do, but the greatest difficulty

we had was in getting the union's case across to the public, who were fed a daily TV diet of picket line violence, which did reflect a 'civil war' atmosphere in the country. The critical issue facing the industry was that all the money spent on rebuilding it had created superpits and these were now displacing older, very labour intensive mines. Thousands of jobs were at risk. The market for coal was stagnant and stocks had been piled up as part of the anti-NUM strategy being pursued by Mrs Thatcher. Solving that problem was not easy and Mrs Thatcher had no desire to do so.

Arthur was an inspirational leader but he took defeat very badly and would not allow the union to rebuild after the strike, by bringing those miners who had not joined back in. Tory and Labour governments alike, in the UK, have literally shut down the coal industry and that just before most of the North Sea and oil and gas runs out in 2020.

Part of my brief was safety. I worked with the union's mining engineering department. These were true professionals and also practical men. When the union was powerful, their word was law. They had all been mine managers and chosen this career path, despite being able to progress up the management hierarchy or the Mines Inspectorate. I spent my last few years working with them to stop an attack by the Major government on some of the core safety provisions, and we won the support of Tory dominated select committees. The final coal crisis came in October 1992, with the announcement of 30 mine closures. Within six months, like so many miners before me, I was made redundant.

After those 10 tough years, during which I learned an endless amount, especially how to never give up when faced with defeat, I went to Brussels to work with the European Trades Union Confederation as the UK TUC's representative. The atmosphere in the EU was totally different from 'class war' UK and the mood was to bargain hard for solutions, and to find them. The EU, now with 27 countries, is hard for a Kiwi to imagine and it took me two years to understand how it really worked and how to achieve results. Having patience is one key to success in the EU. Belief in the outcome is another. For example, we now have a nine million euro EU-China safety and health programme for the high risk industries in China. It took eight years to get it, but it will run for seven years, short times really in Chinese and European history. On leaving Brussels in 2003, I had discussed EU solidarity with China on safety and health at work with the European Commission officials I had worked with for 10 years. The project-based programme will now begin late this year.

As part of my China work, I found time to do a part-time MA on Coal Mine Safety in China at my old department at Victoria University, 40 years on. This was a rewarding experience and thanks again to Dr John Singleton, my supervisor. He helped me finish a very useful piece of work, available on the US Mines Rescue Association website usmra.com/repository/category/china_mine_safety/DFThesis_2.pdf

— *David Feickert is an internationally regarded authority on mine safety. He sent this article from Beijing where he is advising the Chinese government*

The 1890 Strike: evolving the mythology of union education

— Joce Jesson



Globalisation and Labour in the Pacific: Re-evaluating the 1890 Maritime Strike

This symposium was held November 4, 2010 at the Copthorne Hotel, Auckland, across the road from the Auckland waterfront, a site of an earlier picket-line in 1989 against the Employment Contracts Bill, as well as that in 1890. The symposium was initiated by the Work and Labour Market Institute of AUT University and the Auckland Labour History Group. It also had support from the Labour History Project and the Australian Society for the Study of Labour History. Importantly, the event was also sponsored by the Maritime Unions of both New Zealand and Australia. The occasion quickly became one in which various members of the labour social movements met up with one another and in business-speak, 'enjoyably networked'.

For me, with a community education background, the way labour history is viewed from opposite sides of the ditch proved extremely interesting. The 1890 strike is linked to the ushering in of labour laws to protect organised labour against the laissez-faire models of labour flexibility, yet its message is different from each side. At the same time the symposium showed the swings of global capitalism and technology change on both occupations and consciousness, looking forward to recent times. The event raised a whole lot of issues for me

around labour history at what I believe to be a very important period in the formation of New Zealand identity.

I wondered how many of the workers in Auckland were Maori – were they the casual gang labour used as strike breakers, in the pictures we see of unloading and loading canoes?

Do we really know any more now about the women in the 1890 strike aside from Bruce Scates' (1991) work?

What role did health and safety concerns have in building organisational solidarity and collectivism?

And what does the 1890 strikes tell us about the symbolism of the past serving as mythology of the future?

The day began with a welcome from Professor Ray Markey of the Work and Labour Market Institute, who set the scene for the discussions. His overview focused on the maritime industry and the formal labour organisations. While he did mention the global changes in technology from sail to steam, he gave a leadership role in the movement of ideas not to educational organisations or newspapers, but to the maritime unions, and in particular to immigrant workers, moving around the Pacific. He noted that the watersiders were overwhelmingly immigrant, and often ex-seamen. However, in the consideration of the 1890 Maritime Strike, Markey implies that the technological status of the maritime industry on both sides of the Tasman was similar. But much of the cross-Tasman and coastal traffic was at that time still sail, not yet steam. However, I am sure that the watersiders of the time could see the future coming and it did not look bright. However compared with Sydney, Auckland was still a jumped-up small provincial town engaged in intense local debate with the province over drains, sewerage, roads and water. As Graeme Bush shows (Bush, 1971) there was even a battle going on between the province, the council and the harbour board over land, roads and responsibility for the wharves. Not much has changed there.

Nevertheless, the development of formal labour organisations and arbitrationism at a state level was confirmed by the symposium to be an outcome of the failure of the 1890 strike. Within months of the strike ending, New Zealand elected the Liberals, a petit-bourgeois and working class alliance, and incidentally halted New Zealand's part in the Australian push for federation. Out of this grew much of New Zealand's own political identity and laws including the important I&C Act (Hamer, 1988). But the 1890 Maritime Strike has evolved in the mythology of union education, as "don't get too far ahead of the people", and "know what the plan B or C is", and "we are building international solidarity".

The opening presentations gave us the workers' experience. The first was from Graeme McKean of the Auckland Watersiders, Local 13 and an executive member of the Maritime Union, MUNZ. He was followed by Fred Krausert, secretary of the Veterans Association of the Maritime Union of Australia.

McKean compared the world of work of the 1890s wharfies, and the world of today, when watersiders are technologically highly skilled people striving for

recognition of their competence and culture in the digital age. The international linkages of the wharfies originated in the new unionism of the 1880s and the New Zealand Maritime Council, which affiliated with the Maritime Council of Australia. Both sought to resist the shipping owners' policies to drive down wage costs. Watersiders became part of much bigger international organisations to gain a sense of control over their work, or in E.P. Thompson's terms, resist the downward pressure of proletarianisation (Thompson, 1968/1980). However the consequence for both sides of the Tasman was that the stevedore companies selling labour became strengthened.

Professor Lucy Taksa, Head of the Faculty of Business and Economics at Macquarie University raised a whole series of questions about the study of labour in Australasia, suggesting that this focus had constrained investigations about Oceania. She provided what seemed to me a very Australian view of the Pacific. While New Zealand may have a similar set of factors, nevertheless the reality of organised labour in New Zealand is still deep in the Pacific. The relationship of Pacific families with work in New Zealand continues to provide impetus to social policy formation and union strategies, albeit in some very different ways. The SFWU and the NDU both have strong Pacific Islands Komiti, and where would the NRL be without Pacific players? However family-based work cultures is something that labour histories have not pursued in much detail.

After the morning tea began the session entitled Labour Politics. Peter Franks delivered his usual well-argued piece on how the 1890 strike influenced the formation of the New Zealand Labour Party. Franks put back into that history the role that Liberal Party politics played in the foundations for a workers' party. This was followed by an Australian version by Bradley Bowden who argued that, contrary to popular belief, the Labour Party in Queensland owes very little to the 1890 Maritime Strike.



ABOVE: Mahuki Manukura (*NZ Observer and Freelance*, 1 November 1890).

They were then followed by a very interesting presentation by Mark Derby on Mahuki Manukura, a King Country chief who, in an unarmed occupation of the general store at Te Kuiti, protested the fact that the storeowners had no title to the land they occupied. The process of his arrest by the police accompanied by the permanent militia shows just how the political question of the time was about matters of land rather than labour. Derby also shows the role that radicals in the labour movement had in relation to Maori causes. In this case it was Arthur Desmond, owner and editor of the *Tribune*, a self-written paper which lasted eight weeks, who agitated for collective ownership rather than exploitation. Desmond, who later moved to Australia, wrote Mahuki's story for the labour movement and also offered him legal support. However the newspaper and the letter offering support were confiscated at the gates of Mt Eden prison. Later the government's solution was to declare Mahuki mad and in 1899 he was transferred to Avondale Mental Hospital. I do hope that Mark's piece is published elsewhere so that this story becomes much more part of the common understandings developed when stories like this are told in schools.

The afternoon sessions of the symposium were along more traditional union history lines. Jo Kowalczyk led off with a comparison of the 1890 disputes with the 1998 Maritime Dispute (aka the Patricks Stevedoring dispute) and the particular role of the Howard Government's 1996 Workplace Relations Act. She saw both as examples of employer pressure to de-collectivise work and

increase labour flexibility. The important difference was the legal context. In the latter case there was flagrant disregard for the law, and the long-term outcomes for work on the wharves continues to be bleak.

Professor Melanie Nolan of ANU provided a very strong contribution considering trans-Tasman consciousness and internationalism in the labour movements. She traced this assiduously cultivated trans-Tasman unionism to a small number of unions such as the seamen, shearers, miners and wharfies. As she concludes, 'proletarian globe-hopping' across the Tasman facilitated trans-Tasman structures but it was not in itself sufficient to ensure solidarity.

Peter Clayworth illustrated how the failure of the 1890 strike reverberated in the development of the Red Federation. Brian Wood focused on the development of the miners' union and particularly the payment system known as Billy Fairplay: outcomes-based pay. This issue caused continual dissension but the solution of co-operatives met with only modest success. The role of the organiser, John Lomas generated some discussion.

Afternoon tea was followed up with Nick Dyrenfurth giving us the benefit of his wanderings through the archives of radical cartoons, tracking the shifts in depiction of workers from the forlorn to the union heroes battling the forces of capital as depicted by Mr Fat Cat. Then James Keating provided a very structured view of the 1890 newspapers' perspectives of the newly developing labour movement. He traced the editorial shifts, over the course of that year, from liberalism to a more critical position, arguing that the strike strengthened most newspapers' actual opposition to organised labour.

The day ended with drinks and dinner in which discussions continued or began: the union-academic divide is not nearly as severe in Auckland as in Wellington. As I suggested earlier, the symposium raised a number of ongoing labour history issues. What we need to do now is more clearly insert labour history into general discussions over work and business, and get labour historians to consider the shifts in the political-economy regimes. History is, above all, educative.

— *Dr Joce Jesson recently retired from her position as Senior Research Fellow, Critical Studies in Education at the University of Auckland. She is a life member of the Tertiary Education Union.*

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Performing musicians in New Zealand 1911 to 1938

— David Verran



People should be familiar with Chris Bourke's recent and marvellous book on New Zealand popular music *Blue Smoke*, which covers the period from 1918 to 1964. He does mention some musician unions in the text, but not in a lot of detail.

By 1911, several long-standing unions such as the miners and watersiders were in process of deserting the Arbitration system and joining the 'Red' Federation of Labour. However, in the same period performing musicians working in the various picture theatres, vaudevilles and so forth were beginning to use the same Arbitration Act to form unions to better their pay and conditions. Performers had long worked for themselves as contractors, along with other paid employment and this continued for many even with the advent of unions in the industry. Nevertheless, award rates were to provide a minimum pay rate for professional musicians for many years.

The first union for performing musicians was registered under the Arbitration Act in April 1911 in Dunedin and by November 1911 members had secured an award covering an area of 20 miles radius from the Dunedin Chief Post Office and two employers: John Fuller's variety and Henry Hayward's motion picture theatres. Vaudeville and variety acts required live music and motion pictures

at the time were silent, requiring much versatility on the part of the performers to capture the action for the audience. Pieces from both classical and popular music were adjusted to suit the actions on the screen above the orchestra pit.

The Dunedin award was also intended to apply to musicians performing in general drama, variety, opera and comedy companies' productions. In 1913 the union secured an additional award for Hayward's and Fuller's theatres in Invercargill and Oamaru, but the Lyceum Hall in Invercargill secured its own in-house agreement with a separate union just for its staff. The latter lasted only a short time.

The Wellington area union was registered in March 1912 and secured an award in July 1912. That award covered an area of 5 miles radius from the Wellington Chief Post Office and covered musicians performing in picture theatres, at racing and trotting clubs, skating rinks, public dances, refreshment rooms, circuses, dramatic and operatic performances, professional orchestras and outdoor engagements at picnics, garden parties, harbour excursions and sporting events. This illustrates the range of events where live music was performed at the time. Regular musicians were to be paid three pounds a week for six performances and a matinee.

Nevertheless, the Wellington negotiations had nearly broken down over extra payment for those working in 'continuous showing' picture theatres. Rather than showing films at set times, the continuous theatres allowed patrons to come and stay as long as they wanted through what was either a continuous run of the same film or a sequence of films. Ideal for patrons who were shift workers, without fixed abode or wanting to sleep off a heavy drinking session. The 1916 Wellington Award secured an additional payment for musicians performing in these theatres.

The Auckland area union had been registered under the Arbitration Act around December 1911, but didn't secure a 15 mile radius award until just after Wellington in July 1912. The Christchurch area 5 mile radius award in November 1912 basically followed the provisions of the Auckland Award. Some awards made provision for travelling companies while others didn't. During the First World War, the Auckland union expressed concern about working with fellow orchestra members who were of German origin (see for example the *Wanganui Chronicle*, 9 February 1915).

By 1919 the district unions were still relatively small, with Auckland having 235 members, 172 for Wellington, 129 for Christchurch and 56 for Dunedin. The 1916 population census located just 189 people who gave their prime occupation as musician, vocalist or music student, while the 1936 population census identified just 105 full time musicians across New Zealand. Obviously most performing musicians had other employment.

In 1921, the four district unions formed the New Zealand Performing Musicians' Association and in 1925 negotiated a national award covering the four districts. There was also a small Gisborne based union from 1923 to 1926 and a Napier based union briefly in 1916. However, from 1929 the advent of the 'talkies' or sound films, drastically affected employment prospects in the picture theatres, and from 1931 the various district unions suffered the full force of the depression and the breakdown of the Arbitration system. The Wellington

union was cancelled in 1934 and when the economic revival came in 1936, there was only the Auckland and a newly reformed Wellington union.

In 1937 musicians formed a new national union covering 1,200 members with district branches. The new national union also broadened its application of its national award to performing musicians in tearooms, cabarets, nightclubs and hotels as well as the standard dance hall bands, theatres, racing and trotting clubs, skating rinks and wrestling matches.

Professional union secretary Jim Collins served as secretary of the Wellington branch from 1936 to his death in 1970 and Tom Skinner was secretary of the Auckland branch from 1943 to 1968 (Skinner's 1980 biography *Man to Man* includes some details on his time with the musicians' union).

While Auckland's first union secretary, J.R. Morley, was shared with the biograph operators' or motion picture projectionists' union from 1913 to 1921, local members then relied on those working in the industry to be their secretary. Music teacher, George Frederick Cater was Auckland secretary from 1920 to his death in 1928 aged just 56, while Frank William Egerton who served from 1928 to his sudden death on 8 June 1940 aged 59 was a practising musician. Egerton's tombstone in Hillsborough cemetery includes a musical note as well as the text. Egerton also helped organise the first Auckland Musicians' Annual Ball in 1930, as a fundraiser for the union benevolent fund. Egerton's successor Charles Alldritt also ran a band.

— *David Verran is an Auckland librarian and labour historian.*

SOURCES

Books of Awards, Hillsborough cemetery records, the 'Working class heroes' series (the author) and Chris Bourke's *Blue smoke; the lost dawn of New Zealand popular music 1918-1964* (Auckland University Press, 2010).

Note that records of the Auckland branch from October 1938, and those of the national union, up to 1990 are held at the University of Auckland Library. From 1992, the musicians' union became part of the Service Workers' Union.

Raise a glass to truth in advertising

— *Mark Derby*

The worlds of labour history and advertising seldom intersect but they have done so recently, and tumultuously.

As reported in the last (November 2010) issue of this journal, Dominion Breweries (which likes to come across as down-home Kiwi but is Singapore-owned) chose to rewrite NZ history in its new advertising campaign for DB Export beer. In a sly and pricey B&W ad for cinema, TV and its website, the company portrayed 1950s brewing magnate Morton Coutts as a hero of the working man and Labour Finance Minister Arnold Nordmeyer as a tax-and-ban



ABOVE: History: the untold story?

Puritan. Nordmeyer's 1958 'Black Budget', the ad alleged, taxed imported beer out of the reach of thirsty workers. Street riots broke out, they claimed, until the noble Coutts invented an improved brewing process to supply top-shelf beer at a public bar price.

The ad agency claimed it spent 16 months researching this ad. Evidently not time well spent since, as our last issue pointed out, almost none of their account was true. Coutts was no champion of the common drinker but an extremely wealthy and hard-nosed businessman. He didn't develop his 'continuous fermentation' brewing process in response to Nordy's budget, but two years earlier. And there were no riots against the beer tax.

To deliver this deeply dishonest and politically loaded message, DB mixed its own dramatised re-enactments with genuine archive footage, especially of the 1951 waterfront lockout. That decision proved to be the Achilles heel of their misinformation campaign. Several people, including Progressive Party MP Jim Anderton, laid complaints about the ad with the Advertising Standards Authority. And in February 2011 the ASA upheld those complaints, saying the ads "went too far and the likely consumer conclusion was that the account portrayed... was an accurate depiction of history, when it was no such thing".

DB had to pull their ads with six weeks of the campaign still to run. Will they appeal the ASA decision? Apparently not. Instead, making the best of a bad job, the company recut the ad without the offending 1951 footage and added a voiceover making it clear that they have rewritten history to suit their commercial ends. In a further blow, DB missed out on a shot at an Axis Award, the Oscar of the ad world. Ads that have complaints upheld against them aren't eligible for this coveted trophy.

Jim Anderton told the LHP: "DB is entitled to depict Arnold Nordmeyer (wrongly, in my view) as a boring old wowser. In fact he was one of the architects of our welfare state and those who knew him say that he had a wicked sense of humour. But they are not entitled to depict situations which are simply untrue and that needs to be emphasised by complaints such as the one I made.

"But beyond that there was another consideration. The advertisements themselves carried the slogan: "How to lose an election". That doesn't seem to me to have much to do with selling beer. But it does make sense in a political context in which the Law Commission has issued a highly critical report on the way we regulate and advertise alcohol in this country.

"This may become both the subject of legislation and an election issue this year. The message from these ads couldn't be clearer. If you tighten up the regulation of the sale of alcohol, then be prepared for political flak paid for by the liquor industry. Members of Parliament should be entitled to make decisions affecting the wellbeing of New Zealanders without fear or favour. They should not be doing so in the shadow of threats by sectional interests with a financial axe to grind. We can do without that sort of advertising in this country."

— *Mark Derby is a Wellington writer who declines to drink DB.*

Banquo's Ghost and the little furry men: industrial relations since the 1970's

— Lisa Sacksen



1970 – 2010 – Industrial Relations in a time of change

A seminar celebrating 40 years of the Industrial Relations Centre, 29 November 2010, Victoria University, Wellington.

This well-attended event, held at the very institution whose anniversary it celebrated, began with an address by Professor Bruce Kaufman of Georgia State University in the US. In a style bordering on that of a revivalist minister, Professor Kaufman eschewed the podium and mounted up to the first and second rows of seats to engage more fully with the audience. He outlined the problems he saw in teaching and researching a subject which travelled between the ideas of Adam Smith and Karl Marx.

Following this enthusiastic presentation, Ken Douglas, Walter Grills and Peter Harris turned their attention to the period of 1970 to 1990. Ken Douglas was Secretary of the Federation of Labour in the 1980s and then President of the New Zealand Council of Trade Unions from 1987 – 1999. Walter Grills became a mediator with the Department of Labour in the late 1970s. Before that he was for ten years an employer's advocate for the Wellington and New Zealand Employers' Association. Peter Harris was the assistant secretary (research and publicity division) of the PSA before moving to the CTU in 1988. He was standing in for our own Colin Hicks, whose untimely demise robbed this seminar of his wealth of experience and understanding.

Walter Grills commented on what he saw as the three types of trade unions existing in New Zealand prior to the restructuring of the 1980s and 1990s. There were trade groups – which were powerful organisations with skilful negotiators taking advantage of the labour shortages, who generally achieved 30% - 40% above award rates; other unions which followed behind the trade groupings; and "real" unions, with well organised, lowly paid memberships, where the members really were in charge of the operation of the union. Walter went on to note that had it not been for the intervention of Ken Douglas he would not have had a job in industrial relations. While negotiating a composite agreement at the Ford motor plant in the Hutt Valley, a representative from Ford USA had instructed him to withdraw from the composite agreement, leaving Walter in a position where he felt he could only refuse the instruction, even though it entailed a threat to his own position. To his relief, Ken Douglas informed the employers that the unions refused to deal with them unless Walter was the employer's advocate.

Following on from this anecdote, Ken Douglas commented that the situation of unions in the 1970s to 1990s arose from the extremely regulated economy which was then subject to a dramatic de-colonisation when Britain entered the European Economic Community. He classed the resulting restructuring as a failure, noting that there needed to have been a managed transition away from regulation which would have led to an independent economic strategy, and that this had not materialised.

He went on to say that most of NZ's early industrial regulation (the Industrial Arbitration and Conciliation Act, the Women's Rate Act and the Factory Act) reflected the needs of a threatened economy which needed to regulate the price of labour in the market in a situation where there was a shortage of labour.

He believes that "profits" need not be a dirty word, but that job security should not be drawn into political disputes, and no amount of legal protection could replace organisation on the job, since what Parliament could give to workers, it could also take away. He noted that all the state housing had been undertaken by contractors and that new employment relationships should be conducted on that same basis of looking at the outcomes rather than a legalistic adherence to awards and hours of work. It was important to concentrate on relationships and initiatives that acknowledged the dignity of work.

Peter Harris, in looking at the state unions during the 1970s and 1980s, said they had been unequivocal supporters of arbitration, while the FOL, in contrast, had been rather more ambivalent, but used the arbitration system as long as it provided advantages to its members. The state unions had expended a lot of energy and time defending the legislative framework of the arbitration system and had been very effective within its structure. During this period it had been difficult for state unions to maintain their members' pay given the high inflation rate, and the economic stabilisation measures undertaken by the Muldoon government were a cause of anxiety to state unions. The wage freeze and the exit from the freeze were devastating and the deregulation of employment legislation led to the termination of a number of state unions.

The next session of the conference looked at the period from 1990 to 2010. The speakers were Ross Wilson, formerly of the Harbour Workers Union and President of the CTU from 1997 to 2000; Max Bradford, the chair of the Labour Select Committee that considered the Employment Contracts Act and Minister of Labour in the National-led Government of the 1990s; and Rose Ryan, a researcher with a long association with the Industrial Relations Centre, who also worked as an advisor to Margaret Wilson, Minister of Labour in the early 2000s.

Ross Wilson noted that human rights came into strong focus for unions besieged by the legislative attack of the National-led government. The Employment Contracts Act (ECA) had an immediate effect upon union membership and effectively abolished collective agreements, replacing them with individualised unions and conditions, in which environment, unions declined. After more than a hundred years of arbitration, unions were particularly vulnerable to the deregulation of employment relations; overnight, employers changed from being co-operative to being hostile. During this period benefits were slashed, long stand-down periods for benefits were introduced and unemployment was high. There was no notion of a social partnership between unions, employers and government. Wilson noted that a key objective of the ECA was to reduce the effectiveness of unions, for unions distrusted the Douglas/ Myers model for the New Zealand economy.

With the election of the Clark government there was no expectation of a return to the old arbitration system of awards. It was understood that no appetite existed for any form of legally embodied tri-partism- the objective was to

build unions, for union membership had become fragmented. Wilson felt that this objective had been made achievable with the Employment Relations Act. He went on to say that the CTU had worked well with Margaret Wilson and the union movement had become more united. It had to be acknowledged that the union movement could not move back to the old arbitration system.

Max Bradford began his presentation by noting that the fourth National government had to contend with a number of factors that came from outside New Zealand, not to mention the effects of the restructuring of the economy carried out by the fourth Labour government, which he noted was barely spoken about by the trade union commentators in the conference. This was true and the effects of Rogernomics played a part not dissimilar to Banquo's ghost; hovering around but not being named. Bradford noted that during the 1970s and 1980s there had been strikes, rampant inflation, and high unemployment and that it was an unsatisfactory time for everyone. Bradford claimed that the industrial disputes had their roots in the industrial relations system then in existence. He also noted that many employers were comfortable with the award system as it decreased uncertainty. However, New Zealand's system of arbitration was becoming more and more irrelevant to the world, and by 1991 it was clear that changes were required. The long-term wage review committee, a tripartite committee established by the fourth Labour government, had put its fingers on the changes that needed to happen.

Bradford made no apologies for the introduction of the Employment Contracts Act. It was very controversial and lots of dire predictions were made about its effects on the trade union movement, but he noted that people changed their practices very quickly. Bradford claimed that unemployment and redundancy could be seen as "liberating" and that workers were afterwards better suited to the world around them, many of them embarking on self-employment. He questioned whether wages did fall, and repeated that change was necessary so that New Zealand could move more effectively into the global economic marketplace.

Rose Ryan's presentation began with her noting that attention had moved from institutions and legislation to employers and employees. Government was moving away from interventionist approaches used by generations of Ministers of Labour, to a more hands-off method of engagement. The publication of the Green Paper on Industrial Relations which led to the 1987 Labour Relations Act was clear evidence of this. Although this piece of legislation undid much of the old arbitration system, there remained a situation where markets had been deregulated but this had not been matched by the deregulation of industrial relations. This was achieved in 1991, with the Employment Contracts Act having the effect of reducing employment costs.

The 1999 Employment Relations Act, which was guided through Parliament by Margaret Wilson, had, as one of its principles, making New Zealand competitive in the global marketplace. But it emphasised the relational side of employer-employee bargaining, and other advances in the workplace, such as paid parental leave, were handled through additional legislation.

Helen Kelly, the current President of the NZCTU, looked to the future of industrial relations. Paul Mackay, the Manager, Employment Relations Policy, for Business NZ, was due to join her but was unable to attend. Helen pointed

out that there was a political role to systems of industrial relations, and that while not often articulated, this role was fundamentally to battle for fairness, voice, decency and social justice, and peace.

She said that the CTU is asking itself the question, “What is labour law for?” She pointed to a very influential thesis from Brian Langille who believes that because labour law is conceptualised within traditional market theory, it will fail to achieve what labour and its representatives see as its essential role. Traditional market theory views labour law as an interference in the market. This thinking leads to the view that increases in the minimum wage will cause job losses, whereas removing rights, as the recent 90-day law has done, will create employment. This sort of thinking made it easy for the government to remove labour rights for workers in the film industry, because these rights were seen as obstacles that would have forced “little furry men” to head off to Czechoslovakia where no such obstacles exist.

According to Helen, Langille argues that labour law needs to be set in a new context which “as with the rest of our law, lies in securing justice in a particularly important aspect of our lives – that is, in our working lives”. Langille quotes Nobel Prize-winning economist, Amrtya Sen, who celebrates what he calls human freedom – understood as “the real capacity to lead lives we have reason to value”.

This perspective has prompted the CTU to look at labour law from a rights basis. Helen said that while the CTU was also raising new ideas about alternative economic and social strategies, the proposals it put forward were not attempting to challenge the fundamentals of social democratic nationhood.

The CTU is proposing an outcomes-based labour law – any worker should be able to walk into a workplace and find a collective agreement in place reflecting genuine bargaining outcomes between unions and employers, with a sustainable form of union membership available to them. This includes the notion of “extension” – if a union is dominant in an industry and negotiating collective agreements with employers in that industry, then the standards identified in those agreements will be extended to other workplaces in the same industry.

Helen urged the audience to move away from the market theory of industrial relations, which fundamentally represents the views of those who wish to abolish unions and collective bargaining but are too canny to actually say that, and pre-empt the debate with this new way of providing workers with a collective organisation. She noted that the threshold for joining a union in New Zealand was very high. To overcome this, the CTU was looking to launch a new union to be run by all the affiliates of the CTU, offering low-threshold membership to new groups of workers, and in particular engaging with the families of current members. Helen looked with hope to the future of industrial relations in New Zealand, even though it presented a number of difficult challenges.

— *Lisa Sacksen is a doctoral student at Victoria University's History Dept, studying communism in New Zealand from the 1960s to the 1990s.*

Bob Harrison: a stirrer for the Pommies

— Mark Derby



“Trade unions have been my life,” says Bob Harrison, a soft-spoken lifelong labour activist now living in retirement with his wife Jean at Karitane, near Dunedin. The couple also spend half the year in the UK, Jean’s homeland and the country where Bob spent much of his impressively dedicated working life.

He first trained as a teacher and worked at Hutt Valley Intermediate School in the mid-1950s. This fast-growing state housing area was a challenging environment for a young teacher and Bob valued the support of outspoken colleagues such as Margaret Brand (later Margaret Long). Both were active members of the PPTA and he recalls that, “teachers badly needed a strong representative body.”

Following a route taken by many young New Zealanders before and since, Bob then left for Britain where he found work in the booming car industry in Birmingham. His workmates in the Rover plant in Solihull were “a very humorous bunch of blokes”, he says, and highly skilled manufacturing workers. They were also staunch members of the strongly leftwing Transport and General Workers Union (TGWU), then the second biggest union in the world with over two million members. It was a considerable tribute to the young New Zealander when his Pommy mates voted to make him their shop steward, or job delegate. “I think it was because they knew I could speak up on their behalf”.

Bob remembers this period (portrayed in the recent movie *Made in Dagenham*) as the most dynamic and successful era of British trade unionism. “The ethos of our union depended on the decisions of the members on the shopfloor. All decisions had to be taken by the members. They were the real core and strength of the TGWU.” If any new employee declined to join the union, his workmates could refuse to work alongside him, thus guaranteeing that they had the combined strength to enforce a fair deal in a lucrative and fast-growing industry. Bob had to handle frequent large strikes as the workforce wrestled with some of the UK’s largest employers on issues of pay, working conditions or unfair disciplinary action. “Workers have to be able to halt production if necessary,” he says, “to maximise their ability to influence management.” After several years at Solihull, Bob left the production line when he was offered a job as the TGWU’s paid district officer in Coventry. From there he was recruited to the union’s head office to London, initially just to fill in for a brief period. “They were having troubles in the section that provided information for officers in the field. I worked there, then the chance came up to apply for the job of national secretary of the food, drink and tobacco industries section.” In taking up this position, Bob represented about 200,000 British workers.

He became friendly with the union’s national secretary, the legendary Jack Jones, a former Liverpool docker who had fought and been wounded in the Spanish Civil War. Jones was a tough and unpretentious leader who declined a peerage and lived in a council flat in London. Late in his life the local council voted to privatise their block of flats and Jones and his wife bought theirs. It was the first house they’d ever owned. “Jack had come up the hard way,”

says Bob, “and he was a quite outstanding general secretary, totally respected by the whole trade union movement. A very dedicated and hugely able bloke – a good ‘un.”

Bob fitted in a degree in economics before retiring at 60, feeling that the TGWU was starting to depart from the highly principled stance established by Jack Jones, his deputy Harry Irwin and other leaders. However he continued to work closely with Jones who led the national campaign to improve the quality of life for British pensioners. Bob’s role meant contact with MPs and the media, helping organise the ‘Pensioners’ Parliaments’, lobbying and addressing meetings. He also worked closely with New Zealand-born MP, Bryan Gould, on the need for full employment.

Bob’s only regret, looking back on his lifelong commitment to the union movement, is that in recent years so many of its gains have been reversed. “The British union movement did considerably reduce the gap between rich and poor – it made really significant improvements. To look at the situation in Britain today is very sad for those of us who were involved in the good years.”

UNION FAMILY

My grandfather, Conrad Bollinger

— *Henrietta Bollinger*



ABOVE: Easter 1962 - Campaign for Nuclear Disarmament march across the Rimutaka range to Wellington. Con Bollinger at left with son Nick. Next to him his Marei carries their daughter Tomasin. At right strolls PSQA general secretary Dan Long.

'Union Family' is an occasional series about a contributor's family member and their involvement with the labour movement. We welcome suggestions for contributors and subjects for this series.

Although I missed him in the traffic of life by 21 years, Con Bollinger has always been part of my life. I recognised him in the photograph on my grandmother’s wall even before I knew the significance of the anti-Vietnam War slogan on the placard he stands behind. I know him from the reminiscences of my father, aunt and uncle, as someone who took the family on walks he dubbed “rambles and scrambles”, read profusely, kept notebooks, was rarely seen without his pipe, and sang to his kids from *The Fireside Book of Folksongs*, the contents of which he appeared to store in his head. As a kid, any definition more complex than ‘grandfather’ meant nothing. I was content to allow this light sketch to be the summation of him.

Now, as a teenager, I want to see what more there is and piece him together for myself. Speaking of piecing together, Conrad Vickers Irvine Bollinger was born in 1929 and given a patchwork name made of four surnames: Conrad, the maiden name of his great grandmother; Vickers and Irvine, the maiden names of his grandmothers on both sides; and lastly that of his father, Max Bollinger.

Con never met his father nor his two uncles. His uncles had been voluntary ANZAC soldiers who fought for New Zealand, despite discrimination against them on account of their German heritage. Both died in action. Con’s father also served but died back in New Zealand just months before Con was born and so he was raised between his mother and aunts, all but one rendered spinsters by the massive death toll of the First World War. Growing up in a household directly and grossly impacted by war, it is not surprising that as a young man he had serious questions about human relations.

While he shared with his predecessors a concern for the ‘fellow man’ and held the best interests of his country at heart, Con began to express these through his keen interest in communism, socialism, pacifism and unionism.

At the risk of sounding as if I have based this writing on the results of a family séance, I’ll say that Con was not as difficult to access as I thought he would be. My grandmother showed me his family-famous notebooks, where ideas he felt strongly about sat crystallised in words. Through the compilations of carefully selected quotes, newspaper clippings and letters, I saw the evolution of his ideas and ideals.

On the initial pages of his first notebook, begun in 1946 when he was 17, the age I am now, he quotes from *The People’s Anthem* (the song of the Chartist movement) and Albert Einstein on the immortality of the soul. He also quotes a message from *Grey Owl* [the name adopted by a British-born advocate of Native American conservation principles – ed.], prepared for British children but banned by the BBC. Ostensibly a condemnation of fox-hunting, it essentially makes a statement against class and privilege. In these passages one can see he had already identified the principles that would concern him throughout his life.

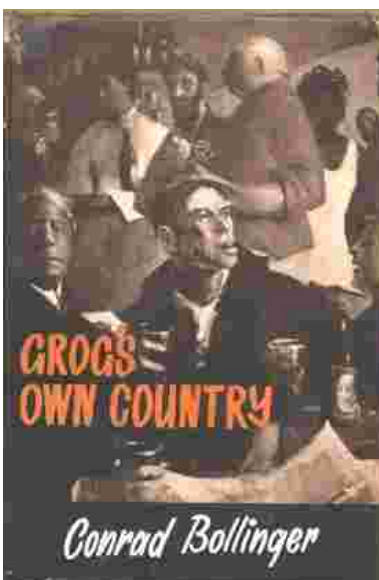
Around the time he began this journal the SIS opened a file on him, after it was reported that he had distributed anti-conscription leaflets. Young, idealistic, and a Communist, he was apparently presenting some form of danger to New Zealand. At 20, he co-wrote his first book. *The Referendum Exposed*, which discussed and opposed conscription as implemented by the Labour Government.

After leaving school he attended Victoria University of Wellington. During holidays he would work on the wharves, which brought him directly into contact with the Seamen’s Union. It is likely that Con’s elder brother, called Max after their father, would have been a key influence. Six years older, Max was already a dedicated unionist, best known for his illustrations of the illegal leaflets during the 1951 Waterfront Strike.

In 1956, after Russia’s invasion of Hungary and increasingly aware of the indefensible actions of Stalin, Con shifted in his sympathies from a Communist to a socialist stance, but the change did not hinder his involvement in working for social justice. He continued to use his writing and other media to facilitate political discussion.

His second book, *Grog’s Own Country*, was first published in 1959. Starting with a vividly disgusting description of the exclusively male public bar (aimed at “the female and infant readers among us”) it proceeded to explore the issues and history of liquor licensing in New Zealand, laying the blame for many of the country’s alcohol-related woes on those who have benefited most from the licensing laws: the breweries, in particular Lion and Dominion, who for many years had held a monopoly. The book was updated ten years later to coincide with the referendum to extend pub closing hours to 10pm.

From 1964-66 he was publicity officer for the Public Service Association and editor of the *Public Service Journal*, writing much of its content under a variety of names. This was also the time of the Vietnam War, in light of which he helped to establish and chair the Committee on Vietnam to show opposition



ABOVE: *Grog’s Own Country*.

to the conflict and New Zealand involvement.

He was also a founding member of *The Rubbishers*, along with his brother Max, my grandmother Marei, Roger Hall and the late Jim Delahunty, creating early Kiwi political satire, parodying figures of the time. *The Rubbishers* were one reflection of Con's sense of irony and absurdity, tackling social issues with humour.

So too, was his writing voice. A good example is an article questioning the role of the SIS. This opens with an observation: "The story of the New Zealand's secret police would be a sure-fire bestseller, if only someone could write it... [but] anyway it would be hard to know whether the story ought to be written up in the style of Edgar Allen Poe or Spike Milligan. Such isolated facts as one can gather suggest that the activities of our secret police stagger unevenly between the sinister and the farcical."

Even while working on his doctoral thesis in Elizabethan and Jacobean manuscripts he sustained his interest and involvement in politics. In 1968, *Against the Wind: A History of the New Zealand Seaman's Union* was published. The book was again an example of his passion for workers' rights being at the heart of his philosophy. "I don't really believe in dispassionate history," he said when interviewed for the *Listener* in 1969. "I think people are not capable of writing history unless they are capable of coming to a conclusion about the subjects they are writing about. My concern is to see more histories that are reliable but also that include the dinkum oil."

This perspective would come through even more strongly when three years later the Seaman's Union protested their conditions in a five-day stoppage that saw them deregistered. Public opinion was greatly supportive of this outcome and the union was widely depicted as "holding the country to ransom". In an article that he had wanted to title "Seamen are People" (but which the *Sunday Times* retitled "We're down to Sea in Ships Manned by Humans"), he warned of the danger in accepting without question the government's hardline response.

'Public opinion has too often proved to be private prejudice multiplied by infinity... Behind some of our resentment of the seamen's stoppage, can we be sure there weren't lurking some pretty nasty pieces of primitive thinking? Might it be their very indispensability that we resent? When you think about it... the popular slogan about "holding the country to ransom"... crops up every time a group of essential workers withdraw their labour. Are they really doing anything different from what the manufacturer with a monopoly in certain goods does every time he puts the price up?'

During his lifetime Con produced a plethora of social comment in many forms, continuing up to his death in 1975. In the journals and articles that were my major source of information, I found his voice still resonant.

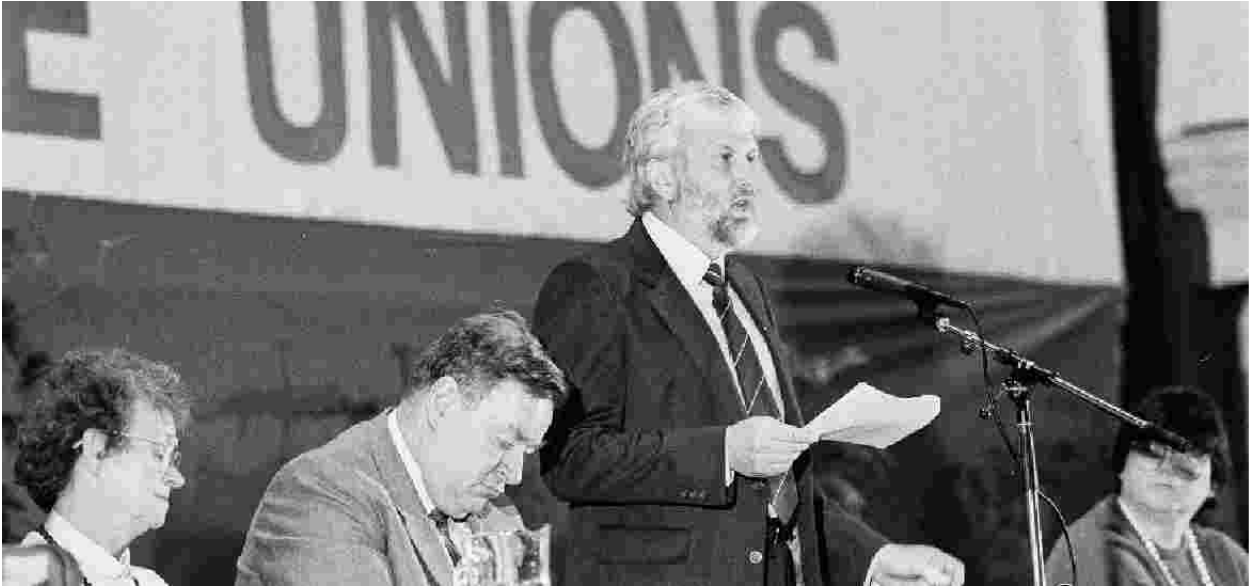
Coming from a generation who depend on the omniscient yet flexible and impermanent powers of the internet as their major source for information and documentation, I wonder how I'll be perceived by my grandchildren, or if I will have been well enough preserved in words for them to discover me.

— *Henrietta Bollinger is an Auckland writer.*

OBITUARY

Colin Hicks, a man of the left

— Pat Walsh



ABOVE: Colin Hicks at the inaugural meeting of the CTU.

Colin Hicks was a distinguished public servant, an outstanding trade union leader, a tireless activist in numerous community causes, a loving husband, father and grandfather, and a loyal friend to many, including the writer.

I first met Colin through television in 1983 when, as PSA president, he faced up to the Prime Minister, Sir Robert Muldoon, who had threatened to derecognize (dissolve) the PSA and seize its assets. Amidst great tension, the person who seemed calmest was Colin Hicks. He appeared on TV, nightly it seems in recollection, his grey hair creating a presumption of wisdom even before his words confirmed it, dispassionately putting the PSA's case. Against the odds, a settlement was achieved which preserved the PSA's existence. The dispute was a searching examination of Colin's leadership, which he passed with distinction.

Colin was born in Wellington and educated there and in Christchurch. After travelling overseas, he joined the Probation Service, became active in the PSA and was elected President of the New Zealand Association of Probation Officers. His election to the PSA presidency in February 1983 was widely welcomed. As president until 1987, Colin was tested by the challenge of leading the PSA's response to the Labour government's restructuring of the state sector. He was also a leading figure in the discussions leading to the formation of the NZ Council of Trade Unions.

After stepping down from the PSA presidency, Colin began a new role as a Board member of the PSIS. He served continuously on the Board until his death, and was passionate about its co-operative values. During the 1990s, the State Services Commissioner, Don Hunn set Colin the challenge of articulating the fundamental principles which should underpin the modern public service. The result was an outstanding series of publications under the heading *Principles, Conventions and Practices*. Colin then took up a position at the SSC advising on ethical issues and co-authored *An Ethics Framework for the State Sector*. He

also began a long association with what is now the School of Government at Victoria University, teaching ethics. Colin was an outstanding teacher who went beyond the call of duty in relating to students.

Colin was a stalwart of the TUHP, now the Labour History Project. He served as chair and in other capacities, not least as newsletter editor, virtually continuously from the late 1980s. Colin also became the chair of the Dan Long Trust and, after its collection of labour publications could no longer be accommodated at the PSA, he was instrumental in securing its relocation to the Victoria University library.

Colin's family was very important to him. His wife, Josie, their two daughters and their grandchildren always loomed large in his conversations. Colin displayed a great and wry sense of humour, and a philosophical tolerance of the foibles of others. He was accomplished in many sports, not least football, where he represented Canterbury.

His great sporting love, however, was golf. And, even in golf, Colin was a man of the left. He would start his tee shot down the right hand side and draw it beautifully back into the left side of the fairway. I asked Colin once if he had to work hard to produce this right to left trajectory. No, he said, it came naturally.

We will miss him.

— *Pat Walsh is a lecturer in industrial relations. He is currently vice-chancellor of Victoria University.*

REVIEWS

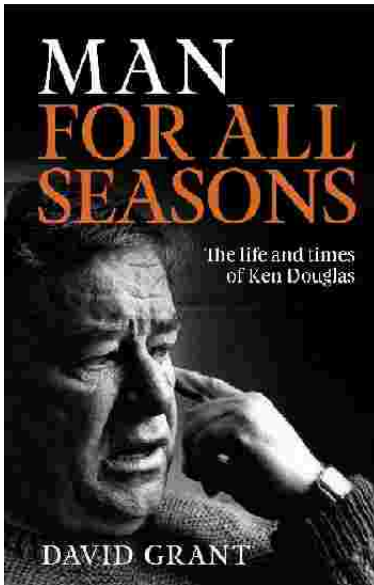
Reviews Editor

Grace Millar is the new reviews editor for the Labour History Project. Future issues will contain a list of publications of interest to our readers, as well as indepth reviews. If you have material you think we should review, or are interested in reviewing for us, then contact her at grace.millar@vuw.ac.nz

Man For All Seasons

Man For All Seasons: The life and times of Ken Douglas, David Grant, Random House, 2010, ISBN 9781869793890.

"I am in room 1201, I have stayed in this room, or suite I should say, before. Tomorrow I will spend most of my day with an old friend, Valerie. We will walk about and see what's what. But already I have a pervading sense of sadness. I wish I had not seen what I have, even in this short time. The old memories were so good, the city was so beautiful and in winter so pristine. Now the only memory I will have will be of litter, of beggars, of decay, and people shocked and sick of politics. Somehow I feel a sense of betrayal of the dream that I had created, about the world that I wanted to be. Now this. What is it? A trick of life? As in one of



Robert Service's poems, when all seems good and okay and suddenly it's flung back in your face, the harshness of existence, the meanness that permeates the soul of so many...?"

No, it's not Graham Greene, it's jolly old Ken Douglas, an account of his last visit to Moscow as the iron curtain collapsed and a gaudy casino rose from the rubble. Ever since its formation in 1966, in a split with the Chinese-aligned Communist Party, Ken Douglas' Socialist Unity Party had extolled the virtues of Soviet communism. Now, all that was solid had melted into the air, all that was holy had been profaned. And not just in the workers' paradise.

Here in New Zealand the Labour Party, formed by trade unionists in 1916 (people like Ken Douglas' grandfather) had become the vanguard of the free market. Bruce Jesson in 1978 described National as the party of New Zealand's capitalists—and Labour the party of New Zealand capitalism. The nature of capitalism was constant change. National's capitalists had vested interests, Labour was unfettered. Douglas, secretary of the Federation of Labour, and then president of its successor, watched as almost everything, including morality, was de-regulated by Labour. I remember an Auckland Trades Council meeting in 1987 when a waterfront delegate offered his congratulations to Labour for achieving more in three years than Margaret Thatcher's Tories had in eight.

There was, though, one vested interest that prevented Labour's clean sweep of the market: the unions. The de-regulation of the labour market — working people and their families — was still to come, at the hands of National. And it came so easily, National's *Employment Contracts Act* sweeping away legal protection for unions, and doing so practically unchallenged by the union leadership. The bill was thoroughly anti-union and Douglas believed it inequitable and unworkable, but overturning it an impossibility. The unions' leadership conceded defeat. Douglas declared he was not going to lead workers into a fight that he knew he would not be able to deliver on: "That doesn't develop confidence in the union movement; it just bloody demoralises people."

Yet at the same time teachers were successfully marching en masse against Education Minister Lockwood Smith's plan to introduce bulk-funding to schools. Matt McCarten, former president of the Hotel Workers' Union, has recorded, "[Ken Douglas] actively campaigned to stop the fight [against the bill]. I don't know if it was fear of the weakness of the trade union movement being exposed, or whether ideologically he had just given up because of what had happened in Eastern Europe..."

New times demanded new thinking. "What [Douglas] wanted," writes Dave Grant in this very, very fine biography, "was radical... a possible trade-off of wage hikes and better conditions for more genuine union input into the management of enterprises..." But some sort of future partnership between business and labour was hardly what was indicated in the bill. Dave Grant perceptively notes that the word "union" appeared only once, the word "worker" did not appear at all and "Labour Day" was referred to as "the fourth Monday in October".

What we ended with was workers and their families squeezed till the pips squeaked, and totally de-unionised sites springing up like the big new Pak'n'Save

at Glen Innes. The fact is, to quote one of Ken Douglas' more infamous predecessors, there is a real and lasting division between labour and capital. That *1991 Employment Contracts Act*, and the bitterness surrounding it, cannot help but be the key episode of Dave Grant's biography of Douglas. "The union movement and the working class have never recovered," says McCarten.

The book, though, is much, much more than this. It's a vivid and detailed social history of the last half of last century. A host of characters stalk its pages. There's Douglas' grandfather George Farrow, founder member of the Labour Party, gambler and bookie, close friend of Peter Fraser. He winds up a JP, obligingly signs warrants for police to raid nearby Chinese gambling parlours and opium dens — then tips off the owners. Chip Bailey, one of New Zealand's most respected communists, is there, a mentor to Douglas in the 1950s, finessing strategies to deal with cold war union boss F. P. Walsh (Douglas' infamous predecessor who, for all his faults, always recognised the reality of class war) and the even worse Catholic Action crowd.

The strange calculating figure of Rob Campbell appears, the phantom of the whole bloody opera, ascending into a sort of flickering limelight before disappearing back into Wheeler Campbell Labour Markets Ltd. I used to see him standing silent in the bowels of Rationalist House, Symonds Street, the old S.U.P. headquarters, his eyes disdainfully on the piles of pamphlets with that dormant toad Brezhnev on the cover. "Never trust a Campbell," a seaman on the Auckland waterfront once said to me.

Therese O'Connell, the unions' lost leader, turns up, describing the very masculine bullying side of Ken Douglas. Bill Andersen is there, Ken Douglas' Auckland S.U.P. rival, tacking this way and that, finally outmanoeuvred by Wellington. Rosanne Meo, president of the Employers' Federation, appears, Ken Douglas' relationship with her throwing startling new light on the old phrase "getting into bed with the boss."

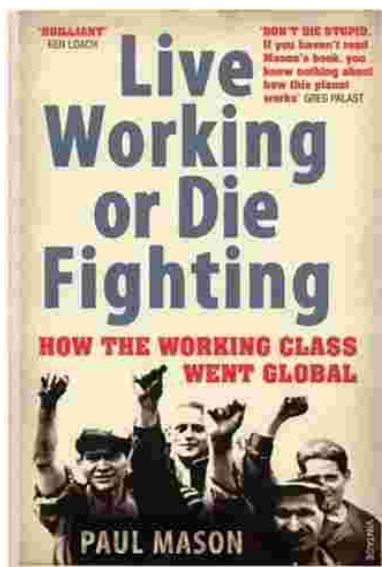
Roger Kerr makes an appearance, speaking through his arse. Last time I read anything from him was a claim that the 2007 recession was caused by the state's over-regulation of Enron, Lehman Brothers and Merrill Lynch. Here he argues that Ken Douglas was responsible for the mass unemployment of the de-regulated 1980s. Figure that out. What a whacko. Does anyone listen to the Business Roundtable anymore? Surely it's as dead as the Socialist Unity Party.

Finally there's Ken Douglas — failed school cert twice, labourer, driver, union organiser. Despite the marks against him, I'd always found him immensely entertaining, great company. He was a grinner, always keen on what was going on and who was doing it, always honest, always "robust", as they say. In 1968 when Keith Hancox, the bulky political editor of *The Dominion*, battered his way through a printers' picket, knocking poor old Pat Kelly to the ground, Douglas stormed into the Dominion building, found his way to Hancox's office and belted him. It's just a pity he didn't do something like that in 1991.

This really is a fine book. "A good read," noted the *National Business Review* briskly, "particularly if you skip all the union stuff." ... Fuck me.

— Dean Parker. This review originally appeared in *Metro*, November 2010 and is reprinted by permission.

Live Working or Die Fighting



Live Working or Die Fighting: How the Working Class Went Global by Paul Mason, Vintage, 2007, ISBN 9780099492887.

‘History never repeats’ makes a catchy lyric for a Split Enz song but a flawed premise in daily life. Labour history in particular seems to repeat generation after generation. New products and markets are constantly developed but wage earners face the same old struggles over wages, conditions, workplace harassment, tedium and layoffs. Unless they’re aware of the history of those earlier struggles, they may be forced to reinvent tactics and strategies to counter them, and fail to learn from past successes and failures.

I’ve never seen the cycle of exploitation and resistance better addressed than in this riveting book by a British TV journalist. Paul Mason, the grandson of Lancashire miners, describes a series of working class movements from the Peterloo massacre of Manchester weavers in 1819 through to the sit-in strikes in car factories in Flint, Michigan in 1936. Most startling of all for me was Mason’s account of the workers’ movement in pre-WW1 Germany, when powerful unions provided their members with everything from gyms to choir festivals, libraries, theatres and tramping clubs. This was the ‘union way of life’, embracing millions of workers both in factories and at a national level through the Social Democratic Party. But as this book recounts, a split between right and left SPD factions erupted into the murder of leaders like Rosa Luxemburg and crushing defeat for the anti-war movement.

What lifts this book above any other similar work I’ve read is Mason’s shock tactic of matching each historical period with a modern-day labour struggle, often in the developing world. So the auto strikes in 1920s Turin are juxtaposed with worker-run factories in present-day Argentina. The Bund, the Jewish worker’s organisation that fought Nazism in the Warsaw ghetto, is contrasted with the tin miners who helped overthrow Bolivia’s government in 2003. On the spot where Tom Mann led the London dockers’ strike, un-unionised migrant workers now clean the high-rise offices of Canary Wharf.

Nothing makes the point more effectively that labour history is not nostalgia. Instead, Mason shows us that the hard-won battles of the past must be refought in the present, in distant countries and different societies with no knowledge of those earlier campaigns. He has written his book, he says, particularly for the vast new workforces created by globalisation in the developing world, and also for the many anti-globalisation activists who have remained largely ignorant of labour history.

New Zealand barely rates a mention, unfortunately. But in a Radio NZ interview in October 2010, Mason noted that the “Hobbit strike”, then attracting keen interest in the UK, occurred almost exactly a century after the emergence of syndicalism, and that both events were trans-national labour movement responses to forms of international capital.

This is a marvellous book to read – it’s doing the rounds of my entire extended family – and an inspiration for anyone faced with a neo-liberal economic consensus, a divided and disillusioned opposition and a union movement managing its own decline. — *Mark Derby*

Abortion Then and Now



Abortion Then and Now: New Zealand Abortion Stories from 1940 to 1980, Margaret Sparrow, Victoria University Press, 2010, ISBN 9780864736321.

Dame Margaret Sparrow had worked as a doctor, an advocate and an abortionist; now she has spent five years putting together a history of abortion in New Zealand. Sparrow collected more than 70 stories from women who had had abortions, people who provided illegal abortions, and even police officers. Women's accounts of ending their pregnancies vary hugely: illegal abortionists are only part of a history that includes family doctors, folk methods and travel to Australia. Women who had access to money and connections, again and again found it easier to terminate their pregnancy than those who did not. The quality of illegal abortionists a woman had access to could mean the difference between life and death.

As well as covering the experiences of women having abortions, Sparrow's book is a history of work. Illegal abortionists faced unusual working circumstances driven by the ever-present threat of arrest. A figure who recurs throughout the book is Florence May Radcliffe who worked as an abortionist in Wellington from the 1930s to the 1960s, and was never involved in a fatality. She was jailed multiple times, but continued to provide abortions to Wellington women. Sparrow details a wide range of modes of operation of illegal abortionists; some do it to help, some for money, some had skill, some were incompetent, some had compassion and some were deceiving. A few were exploitative and demanded sex in exchange for an abortion. This book throws light on a type of work that does not get much recognition within labour history.

As well as covering experiences of abortion, Sparrow talks about the politics of abortion, particularly in the 1970s, when abortion became a hugely contentious political issue. The nonsense coming out of parliament in the chapter on the 1970s is clearly unreal and out of touch with the stories of women's experiences that dominate the book.

In the end, Sparrow's book is also a call to action. It ends with the 1977 law change which was intended to severely restrict access to abortion, but did not succeed in doing so. However, the law did set up a lot of hoops that women still have to jump through today; those from the West Coast and Invercargill have to travel to Christchurch to get access to abortion. The stories in this book demonstrate that the law does not determine whether women have abortions, only under what conditions they have them. Sparrow makes it clear why we should fight for a law that doesn't require women to jump through hoops to get access to health care they need. — *Grace Millar*



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