

Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue

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Pay equity is again being reviewed by the New Zealand Government. While women make up 47 percent of the workforce, they earn on average, 84 percent of the average hourly earnings of men. One policy option for exercising pay equity is through collective bargaining. The policy question addressed in this paper is: "Can collective bargaining be one of the tools used to implement gender equity in pay and conditions?" The paper reviews collective bargaining outcomes current as at June 2002. The data are assembled by weighting each collective settlement by the percentage of women covered. This has enabled the settlements to be sorted into those that are "mainly female", "mainly male" and "mixed". A review of the data show that the gender pay gap resulting thorough collective bargaining is smaller than that occurs across the whole economy. The data show the comparative success that female dominated settlements have had in achieving better leave conditions than male dominated settlements. The authors argue that focusing on the gender gap alone may lead to an incomplete overview of relative employment conditions, and that it is important to review the complete package of employment terms in reviewing equity issues.

Introduction

Labour Governments in New Zealand have never shied away from the controversial matter of pay equity. The Third Labour Government enacted the Equal Pay Act 1972 which had full effect from 1976. That Act prevented men and women being paid different pay rates for the same work. That Act did not however prescribe equal pay for work of equal value, and the Arbitration Court rejected such a claim by a union a decade later¹. In the late 1980s, the Fourth Labour Government adopted equal employment opportunity and pay equity legislation in the form of the Employment Equity Act (1990). While an Employment Equity Commissioner was established, it was abolished, along with the legislation that created it, by an incoming National Government three months later.

One function of the Commissioner was to conduct pay equity assessments, comparing female dominated occupations with two male dominated comparator occupations. Any

¹ See NZ Clerical Workers Association vs Farmers Trading Co Ltd [1986] ACJ 203, 207.

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This paper is based on research funded by the Foundation for Research Science and Technology (FRST Contract: Vic 903). The research team is led by Raymond Harbridge and Pat Walsh. The project team has been managed by Robyn May and has included most recently Hayley Dunn, Tim Hawkes, Andrisha Kamaran, and Catherine Otto.

adjustments that resulted were to be delivered through the multi-employer, occupationally based, collective bargaining system of industrial conciliation and arbitration. That bargaining system was too abolished by the incoming National Government. Labour spent the 1990s in opposition, being re-elected in a Labour/Alliance Coalition Government in late 1999. In September, the Ministry of Women's Affairs (MWA) released a Discussion Document on pay equity and with it a Background Paper (MWA, 2002a; 2002b). An extensive and useful bibliography is provided in the document (ibid, 2002a: 36).

The Document and Paper both work from the premise that women comprise 47 percent of all employees, yet they earn, on average, 84 percent of the average hourly earnings of men. They estimate that between 20 to 40 percent of the gender pay gap is because women and men typically have quite different jobs. The principle of equal pay for work of equal value is fundamental to finding a solution to the gender pay gap, though how this is to be achieved presents a policy dilemma. A large percentage of the current gap is attributed to the "differences between women and men in education qualifications, years in the workforce, and the occupations and industries they worked in" (MWA, 2002a: 8). Occupational segregation is deeply entrenched. The Ministry has sought public input and discussion on this policy dilemma and how to move forward. One of the options to be considered includes the role of employment relations in pay discrimination. The Ministry comments: "An employment relations policy approach is based on philosophies about collective negotiation to address inequality in the labour market. However, enterprise bargaining cuts across any negotiation on labour market wide issues. Delivering pay equity policy through collective bargaining (as in Australia) would not be easy" (MWA, 2002a: 28). The purpose of the research reported herein is to review collective bargaining outcomes for women and men so as to review what chances, if any, a successful policy solution to the gender pay gap might have.

Gender in New Zealand's enterprise bargaining system is an issue that has been visited twice before, in 1993, two years after the implementation of the Employment Contracts Act 1991 and in 1995, when bargaining had "settled in" if not "down" (Hammond & Harbridge, 1993; 1995). Now, two complete years after the repeal of the Employment Contracts Act and its replacement by the Employment Relations Act 2000, we thought it would be worth reviewing what, if anything, has changed in terms of bargaining outcomes. The effects of the Employment Contracts Act have been well documented elsewhere (Harbridge & Walsh, 2002), but three specific effects deserve comment. First, the Act led to a 40 percent collapse in collective bargaining coverage largely brought about by the disintegration of multi-employer bargaining. Associated with this was a 50 percent reduction in union membership. Second, the climate of the Act, and its associated de-legitimisation of unions generally, led to a large increase in levels of free-riding – employees receiving the benefits of the collective bargain without being a member of the union that negotiated those benefits (Harbridge & Wilkinson, 2001). Third, in many industries, flexibility in bargaining outcomes led to an erosion of employment conditions. The Employment Relations Act, too, has been discussed elsewhere (Walsh & Harbridge, 2001). Aiming at re-introducing "fairness" to the employment relations system, it has re-legitimised unions and has had a demonstrable effect in terms of ending union decline, seeing a small quantity of union

growth, and reversing the trend of free-riding back to 1990s levels (Wilkinson, Harbridge & Walsh, 2002). No re-growth in multi-employer bargaining or growth in collective bargaining coverage is reported to date (Thickett, Harbridge, Walsh & Kiely, 2002). Further, no buy-back of conditions lost during the Employment Contracts Act era has been observed to date.

The effects of the Employment Contracts Act on women who remained covered by a collectively negotiated settlement by 1993 can be summarised as follows. Women remained more likely than men to remain collectivised both in terms of collective bargaining coverage and union membership. Women were likely to receive better leave benefits than were men, notably a reduced period of service when qualifying for a fourth weeks' annual leave and more generous sick leave. During this period of re-alignment of wage rates, women received smaller annual wage increases than did men and there was a "gender gap" between lowest adult male and female pay rates of just under \$8 per week. Women were less likely than were men to be covered by a collective employment contract that contained "clock hours" and as such were less likely than were men to attract penal and overtime pay rates for working "unsocial" hours or hours in excess of a week's work, generally 40 hours. Clock hours were found in 56 percent of the "mainly female" contracts compared with 79 percent of the "mainly male" contracts (see Hammond & Harbridge, 1993).

By 1995, the Employment Contracts Act had bedded down. Our analysis of the impact for gender confirmed those early trends but reported growing differences. Women were as likely as were men to be covered by a collective employment contract yet they were disproportionately covered by large (generally public sector) contracts. Women were more likely than men to be covered by a traditional union and least likely to be covered by an "in-house" union or not represented at all. Women's wage increases moved at the same rate as men's, however the gender gap grew for difference between men's and women's lowest adult rate from \$7.75 per week in 1993 to \$17.10 in 1995. Men remained much more likely to get penal rates than women, 66 percent against 41 percent. Both groups suffered a decline in the availability of penal pay rates but the decline was greater for women. Leave remained generally better for women than for men (see Hammond & Harbridge, 1995).

Method

As noted above, the Employment Relations Act 2000 was driven by the concept of "fairness in bargaining". Whether it would redress the equity in bargaining outcomes is the subject of this research note. The reported data is derived from an analysis of the content of collectively bargained settlements (both contracts and agreements). These collective settlements have been gathered through extensive and on-going surveys of employers and unions who we have asked to supply, voluntarily, copies of all collective settlements they have negotiated. When a settlement reaches its nominal expiry date, we request a copy of the renegotiated settlement. The caveats on the data presented are obvious. First, the

surveys we undertake are voluntary and as such cannot purport to represent all settlements in existence. Nonetheless, we believe that the coverage of settlements held is very substantial. Second, we are focusing only on that sector of the labour market that is collectivised, typically employees earning between the minimum wage and around \$30 per hour. We make no generalisations from the data presented to those employees who are not covered by a collective agreement. A less obvious caveat in the current data set is that, given the comparative newness of the Employment Relations Act system, there is a mix in the data set of collective contracts negotiated under the repealed Employment Contracts Act but yet to reach their nominal expiry date and collective agreements negotiated under the new legislation. Here there is a considerable public sector effect and this needs to be considered when extrapolating from the data presented. Historically the balance between private and public sector settlements is 60:40. In the data set used, the balance is 47:53. This has come about as many private sector contracts are still to expire whereas public sector contracts generally had shorter terms and most have come to their nominal expiry and have been replaced by collective agreements.

The data is drawn from our analysis of 3372 settlements covering an estimated 380,900 employees. As indicated, for each settlement we have been able to determine the number of employees covered. In addition, we have been able to ascertain the percentage of women covered by each settlement. In many cases this information has been able to be supplied by the employer (from payroll data). In those cases where no estimate has been supplied we extrapolate from the percentage of women covered by the union that negotiated the settlement. These data are acquired in the annual survey of union membership we undertake each year (Thickett & Harbridge, 2002). In a small number of cases we have estimated the percentage of women covered by the settlement using data on women's employment obtained from Statistics New Zealand. Approximately 80 settlements covering 19,000 employees have been excluded from the sample as no accurate assessment of the gender estimate could be made.

Accordingly, we are able to weight the data for each variable observed in the settlement for the number of men, women and total employees covered by the settlement. Further, the settlements can be sorted according to whether they cover "mainly men", "mainly women" or are "mixed". "Mainly men" has been defined for this exercise, as settlements where 35 percent or fewer of the employees covered are female. Some 120,000 employees are in this part of the sample. "Mainly women" where 65 or more of the employees are female. These settlements cover some 141,500 employees. "Mixed" are those settlements with between 36 and 64 percent of employees being female. Approximately 119,000 employees are in this part of the sample. As in our 1993 paper, the method for selecting the 65:35 split is set out in the work of Gwarty-Gibbs (1988).

Results

The data in Table 1 show the distribution of the settlements in the sample by selected industries at one digit industry level, broken down by the gender variable. The "mainly

male” settlements are concentrated in the manufacturing sector, while the “mainly female” settlements are concentrated in the education, health and community services sectors.

Table 1: Distribution and coverage of contracts by selected industry and gender

	Settlements	Mainly Male	Mixed	Mainly Women	Cover (000s)	Total
All settlements	3372	100%	100%	100%	380.9	100%
Manufacturing	1278	57%	10%	1%	83.2	22%
Construction	148	7%	0%	0%	7.9	2%
Retail	232	3%	22%	12%	47.0	12%
Transport storage & communications	287	9%	10%	1%	24.1	6%
Finance & business services	191	2%	12%	14%	36.6	10%
Govt admin & defence	211	4%	17%	3%	30.2	8%
Education	195	1%	18%	36%	72.6	19%
Health & community services	481	2%	2%	32%	49.8	13%

The data in Table 2 shows the distribution of settlements by the total numbers of employees covered by the settlement. The “mainly male” settlements are concentrated in each of the categories where fewer than 500 employees are engaged. The “mainly women” settlements are concentrated in the two categories of large employers – employers with over 500 or over 1000 employees. This is consistent with the data in Table 1 indicating that the “mainly female” settlements are concentrated in education, health and community services – generally public sector and very large employers (by New Zealand standards).

Table 2: Distribution and coverage of contracts by size and gender

	Settlements	Mainly Male	Mixed	Mainly Female	Cover (000s)	Total
All settlements	3372	100%	100%	100%	380.9	100%
Under 20 employees	1511	6%	2%	2%	13.7	4%
20 – 49 employees	878	12%	5%	4%	26.2	7%
50 – 99 employees	433	13%	6%	4%	29.4	8%
100 – 199 employees	251	14%	7%	6%	33.2	9%
200 – 499 employees	184	17%	13%	13%	54.5	14%
500 – 999 employees	53	7%	9%	12%	35.6	9%
1000 plus employees	62	31%	58%	59%	188.3	49%

The data in Table 3 reviews the employee bargaining agent. Under the Employment Contracts Act unions lost their exclusive rights to collectively bargain, and collective contracts where there had been no employee representation became comparatively common. As did, to a lesser extent, the development of company (in-house) bargaining units. The Employment Relations Act reinstated the exclusive rights of registered unions to be able to undertake collective bargaining. The data show that the “mainly female” settlements were more likely to be union negotiated than were the “mainly male” settlements.

Table 3: Employee bargaining agent by gender and coverage

	Settlements	Mainly Male	Mixed	Mainly Female	Cover (000s)	Total
All settlements	3372	100%	100%	100%	380.9	100%
Union	2094	89%	91%	94%	348.1	91%
No-one	454	11%	9%	5%	31.1	8%
Company bargaining units	14	0%	0%	1%	1.7	1%

Wage fixing is the cornerstone of collective bargaining. Tables 4 and 5 report the "annualised" wage movement in the year to December 2002. The annualised wage change figure takes into account factors such as the term for which the settlement was agreed, the structure of any wage increases within the settlement, and whether or not any increase was backdated to the expiry of the previous settlement. Essentially the annualisation process applies a simple differentiation calculation to determine the slope of the wage increase within the settlement and reports this as a percentage increase (or decrease) for a notional twelve-month term. The resultant figure then is comparable across settlements of quite differing terms and structures (Ansell, Brosnan & Harbridge, 1990).

In Tables 4 and 5, we report the annualised wage measure weighting the data for the gender variable. In Table 4 we weight each settlement separately and make the comparison to see what happens. In Table 5 we weight all settlements within each industry grouping. The differences between the results presented in the two tables are informative. The data in Table 4 show, across all settlements, little difference between the annualised wage movement for the "mainly male" and the "mainly female" settlements. Within the industry level data however, some interesting observations can be made. In the industry in which the "mainly male" settlements are clustered, manufacturing, the annualised wage movement for "mainly male" is 3.1 percent whereas the comparable figure for "mainly female" in that industry is 2.4 percent. Settlements in manufacturing that are male dominated have attracted higher wage increases in the year to December 2002 than have those that are female dominated. We have already established that the "mainly female" settlements are clustered in the education and health and community services sectors. A review of the annualised wage increases in those two sectors shows that where the settlement is male dominated a higher level of wage increase has been achieved than where the settlement is female dominated. For example, in the health sector, senior medical specialists (heavily dominated by male employees) have received higher wage increases that have, say, nurses (a group heavily dominated by female employees). In education, by way of further example, principals (male dominated) have achieved higher increases than say primary school teachers (female dominated).

Table 4: Weighted mean annualised wage change by settlement within selected industries and by gender

	Mainly Male	Mixed	Mainly Female	Overall	Cover (000s)
All settlements	2.6%	2.3%	2.5%	2.5%	208.2
Manufacturing	3.1%	3.3%	2.4%	3.1%	44.3
Construction	2.4%	-	-	2.4%	2.0
Retail	1.5%	3.0%	3.2%	2.9%	26.3
Transport storage & communications	2.5%	2.5%	1.7%	2.4%	8.6
Finance & business services	3.1%	3.2%	2.3%	2.5%	22.7
Govt admin & defence	1.6%	1.5%	1.8%	1.5%	10.9
Education	2.6%	1.8%	2.0%	1.9%	42.3
Health & community services	3.8%	1.3%	2.9%	2.9%	36.5

The data in Table 5 work to conceal the anomalies presented in Table 4. When the data is aggregated across the whole of an industry grouping and then weighted for gender, there is no difference across all settlements (wages increased by 2.5 percent). Further, there is little or no difference between the annual wage increase in manufacturing and in education for males and females. There is, however, a difference in the health and community services sector with females overall achieving a 2.9 percent increase whereas males in that sector achieved, on average, a 2.6 percent increase.

Table 5: Weighted mean annualized wage change by selected industries and gender (weighting coverage by gender)

	Male	Female	Overall	Cover (000s)
All settlements	2.5%	2.5%	2.5%	208.2
Manufacturing	3.1%	3.0%	3.1%	44.3
Construction	2.4%	2.5%	2.4%	2.0
Retail	2.7%	3.1%	2.9%	26.3
Transport storage & communications	2.6%	2.1%	2.4%	8.6
Finance & business services	2.9%	2.4%	2.5%	22.7
Govt admin & defence	1.6%	1.4%	1.5%	10.9
Education	1.9%	1.9%	1.9%	42.3
Health & community services	2.6%	2.9%	2.9%	36.5

The issue of gender gap in male and female wages rates is considered in Table 6. The data reported considers the lowest adult weekly pay rate in each settlement and weights this for the gender variable. Across all settlements, there is a gender gap of \$16 per week (a difference of under 4 percent). This gap is small (\$4 per week), however, in the male dominated construction sector. In the female dominated sectors of education and health and community services, the gender gap is considerable with males in education being covered by settlements which are \$47 per week (under 9 percent) better off than females. The situation is considerably worse in the health and community services sector with males being on settlements which are \$149 per week (around 27 percent) better off than the

female employees. While this data reviews the lowest (minimum) adult rate only in each settlement, it does confirm the observation made earlier from Table 4. Even in those sectors that are female dominated, employees covered by "mainly male" settlements have achieved higher minimum wages and higher annual adjustments than those covered by "mainly female" settlements.

Table 6: Weighted minimum wage rates by gender by selected industries (weighted by coverage and gender)

	Male	Female	Overall	Cover (000s)
All settlements	\$447	\$431	\$438	332.9
Manufacturing	\$420	\$404	\$416	75.3
Construction	\$398	\$394	\$398	4.2
Retail	\$360	\$380	\$373	37.8
Transport storage & communications	\$476	\$438	\$463	23.1
Finance & business services	\$421	\$417	\$418	29.0
Govt admin & defence	\$375	\$369	\$372	17.8
Education	\$535	\$488	\$501	71.4
Health & community services	\$560	\$411	\$435	48.1

Wages are one important component of take-home pay. A further, and in many cases critical aspect to take home pay, is the type of working time arrangement in the collective settlement. Settlements often determine whether overtime pay for work in excess of a fixed number of hours per day or week is paid, and if so whether it is paid a premium rate (for example, time and one half or double time). Settlements also determine whether penalty pay rates (at a premium) will be paid for work at "unsociable" hours, such as early mornings, night and weekends. A key determinant of whether such premium rates will be applicable is whether the settlement defines clock hours. Clock hours are fixed periods (for example 8 am to 6 pm Monday to Friday). When work is undertaken outside those clock hours a premium is paid.

The data in Table 7 reports the existence of clock hours in settlements. A growing number of settlements do not contain clock hours and thus disallow the possibility of premium pay rates being paid. Employees covered by "mainly female" settlements (63 percent) are far more likely than are those covered by "mainly male" settlements (35 percent) to contain no clock hour provisions.

Table 7: Clock hours by gender

	Settle-ments	Mainly Male	Mixed	Mainly Female	Cover (000s)	Total
All settlements	3372	100%	100%	100%	380.9	100%
With clock hours	1959	65%	43%	37%	181.0	48%
No clock hours	1413	35%	57%	63%	199.9	52%

The data in Table 8 confirms this trend. Employees covered by settlements covering "mainly men" (56 percent) are far more likely to be based on a standard Monday to Friday

working week as compared with those covered by "mainly female" settlements (39 percent). Further, employees covered by "mainly female" settlements (64 percent) are nearly twice as likely to provide for a working week on any day of the week than are those covered by "mainly male" settlements (34 percent).

Table 8: Regular working week days by gender

	Settle- ments	Mainly Male	Mixed	Mainly Female	Cover (000s)	Total
All settlements	3372	100%	100%	100%	380.9	100%
Monday – Friday	1652	56%	24%	34%	143.1	37%
Monday – Saturday	236	5%	4%	6%	24.3	5%
Monday – Sunday	1484	39%	72%	60%	213.5	56%

The data in Table 9 show that employees covered by "mainly female" settlements (70 percent) are considerably more likely not to contain any penal rate provisions than those covered by "mainly male" settlements (41 percent). We have defined "no penal rates" here as including the absence of clock hours and the provision of "no premium – but the possibility of time off in lieu".

Table 9: Absence of penal rates by selected industries and gender

	Settlements	Mainly Male	Mixed	Mainly Female	Cover (000s)	Total
All settlements	3372	41%	63%	70%	380.9	59%
Manufacturing	1278	27%	43%	12%	83.2	29%
Construction	148	42%	100%	0%	7.9	42%
Retail	232	45%	95%	99%	47.0	92%
Transport storage & communications	287	67%	28%	98%	24.1	49%
Finance & business services	191	48%	52%	55%	36.6	53%
Govt admin & defence	211	50%	22%	23%	30.2	27%
Education	195	84%	94%	69%	72.6	77%
Health & community services	481	78%	83%	71%	49.8	72%

Three weeks' annual leave remains the minimum statutory entitlement. A fourth weeks' annual leave is generally negotiable through collective bargaining. Slightly less than 10 percent of the employee sample are not entitled to the fourth weeks' leave as a collectively bargained right. The data reported in Table 10 demonstrate that employees covered by "mainly female" settlements (30 percent) are more likely than those covered by "mainly male" settlements (17 percent) to attract the fourth weeks' leave after a single year of service with the employer. Employees covered by "mainly female" settlements in general terms do not require the employee to be of long service before getting the additional weeks' leave with the exception of the 18 percent in the "mainly female" settlements who require seven or more years service before qualifying.

Table 10: Service for fourth week's annual leave by gender

	No 4th week	After 1 year	After 2 – 4 years	After 5 years	After 6 years	After 6 + years	Cover (000s)
Total	9%	23%	5%	17%	32%	14%	380.9
Mainly Male	10%	17%	7%	15%	44%	7%	120.3
Mixed	7%	19%	6%	13%	38%	17%	119.1
Mainly Female	10%	30%	2%	23%	17%	18%	141.5

The data in Table 11 reports sick leave entitlements. The statutory provision is for five days "special leave" for sick, domestic or bereavement purposes. The term "special leave" while legislatively more than a decade old, has not caught on in bargaining lingo. Rather each provision is dealt with separately. The data show that employees covered by "mainly female" settlements generally do better than those covered by "mainly male" settlements.

Table 11: Annual sick leave entitlement by gender

	5 days	6 – 9 days	10 days	10 days +	Public Service	Discret- ionary	No limit	None	Cover (000s)
Mainly Male	39%	22%	19%	8%	0%	3%	6%	3%	120.3
Mixed	29%	25%	15%	2%	17%	2%	10%	0%	119.1
Mainly Female	20%	15%	22%	19%	4%	0%	17%	3%	141.5
Total	29%	20%	19%	10%	7%	2%	11%	2%	380.9

The "no limit" or alternatively "unlimited" sick leave provision is three times as likely to occur in the "mainly female" settlements than it is to appear in the "mainly male" settlements. While the concept of "unlimited" is in reality limited by various constraints, the general provision is considered more beneficial to the employee with a genuine illness than a fixed allocation.

The question of whether unused sick leave can be accumulated from one year to the next is not covered legislatively. The downside of this for employers is that employees tend to take unused sick leave as "sickies" on the grounds that an entitlement is about to be lost. Sensibly, most settlements provide for accumulation, but generally provide for a limit to the total that can be accumulated. The data in Table 12 show no great difference between the "mainly male" and "mainly female" settlements in terms of accumulation. Discretion by the employer through some type of "other deal" is however more likely to favour the "mainly female" settlements over the "mainly male" ones.

Table 12: Maximum accumulation of sick leave by gender

	Silent	Up to 20 days	21 – 99 days	99 + days	Yes – no details	No limit	Other deal	No acc.	No sick leave	Cover (000s)
Mainly Male	4%	6%	49%	16%	6%	4%	9%	3%	3%	120.3
Mixed	7%	6%	29%	7%	15%	1%	33%	2%	0%	119.1
Mainly Female	2%	8%	40%	16%	8%	0%	22%	1%	3%	141.5
Total	4%	7%	39%	13%	10%	1%	22%	2%	2%	380.9

The issue of annual entitlement to domestic leave is generally handled one of two ways. Either the entitlement is in addition to the sick leave entitlement, or it is to be taken from any unused sick leave accumulated. The data in Table 13 show that employees covered by “mainly female” settlements (16 percent) are more likely than those covered by “mainly male” settlements (4 percent) to receive a separate entitlement of domestic leave.

Table 13: Annual domestic leave entitlement by gender

	No leave	Separate entitlement		Taken from unused sick leave			Un-limited	Discretionary	Cover (000s)
		5 days	6 days or more	5 days	6 days or more	Silent or none			
Mainly Male	2%	4%	0%	30%	5%	53%	2%	4%	120.3
Mixed	1%	2%	4%	16%	9%	65%	0%	3%	119.1
Mainly Female	5%	9%	7%	5%	25%	48%	1%	0%	141.5
Total	3%	5%	4%	16%	14%	55%	1%	2%	380.9

The general trend for bereavement leave over the past decade is for there to be greater discretion in granting such leave. That discretion is twofold: first on the length of time granted, and second on the nature of the relationship between the employee and the deceased. Arguably, the “discretionary” provision is of greater benefit to an employee than the traditional three days per bereavement for defined relationships that had previously been the case. Employees covered by “mainly female” settlements (60 percent) are three times more likely than those covered by “mainly male” settlements (18 percent) to benefit from this provision.

Table 14: Bereavement leave entitlement by gender

	No leave	Up to 3 days	4 or more days	Yes – from special leave	Discretionary	Cover (000s)
Mainly Male	2%	59%	10%	11%	18%	120.3
Mixed	0%	39%	9%	4%	48%	119.1
Mainly Female	3%	25%	8%	4%	60%	141.5
Total	2%	40%	9%	6%	43%	380.9

The trend over the past decade is away from the tradition of a special period of leave after 10, 15 or 20 years service with the same employer. Long service leave is slowly being removed from settlements – often being replaced with an enhanced entitlement to annual leave. Around one quarter of the employee sample are now not entitled through their collective settlement to long service leave. Employees covered by “mainly male” settlements (80 percent) are far more likely than those covered by “mainly female” settlements (55 percent) to keep this benefit.

Table 15: Long service leave by gender

	No entitlement provided	Entitlement provided	Grandparented entitlement	Cover (000s)
Mainly Male	19%	80%	1%	120.3
Mixed	26%	69%	5%	119.1
Mainly Female	32%	55%	13%	141.5
Total	26%	67%	7%	380.9

Increasingly, payments associated with parental leave are appearing in settlements. Notwithstanding this, half the employee sample are on settlements where no such payment is provided. Employees covered by “mainly female” settlements (61 percent) are more than three times more likely than those covered by “mainly male” settlements (17 percent) to attract this benefit.

Table 16: Parental leave payments by gender

	No parental leave provided	No payments available	Payments available	Cover (000s)
Mainly Male	8%	75%	17%	120.3
Mixed	5%	43%	52%	119.1
Mainly Female	3%	36%	61%	141.5
Total	5%	50%	45%	380.9

The final employment benefit we review is that associated with redundancy provisions within the collective settlement. The trend over the past decade has been to include a redundancy provision in the settlement. Employees covered by a “mainly male” settlement (13 percent) are more likely than those covered by a “mainly female” settlement (2 percent) to be entitled to a redundancy provision. Apart from that, the key difference between the two groups of employees is that the “mainly female” group (33 percent) is more likely to get pay but no notice than the “mainly male” group (6 percent). Conversely the employees in the “mainly male” settlements (14 percent) are more likely than those in the “mainly female” settlements (3 percent) to get notice only.

Table 17: Redundancy provision by gender

	None	Notice only	Pay only	Pay & notice	Exists but no details	Stand alone agreement	Cover (000s)
Mainly Male	13%	14%	6%	59%	2%	6%	120.3
Mixed	9%	5%	6%	78%	1%	1%	119.1
Mainly Female	2%	3%	33%	60%	1%	1%	141.5
Total	8%	7%	16%	66%	1%	2%	380.9

Discussion

The results can be summarised as follows. Women remained more collectivised than men both in terms of collective bargaining coverage and union representation. This can largely be explained by their concentration in the large public sector settlements in health and education. Women received similar annual wage increases in the year to December 2002 as did men, however the "gender gap" reduced only slightly from 1995 levels – from \$17 to \$16 per week – when the lowest adult rate in each settlement was reviewed. Further, when the data was weighted for gender by individual settlement, it was found that even in sectors with "mainly female" settlements, those settlements that were "mainly male" did better than those that were "mainly female". Reductions in working time benefits for both men and women continued. Employees covered by "mainly female" settlements were less likely than were men to be covered by a settlement that contained penal rates. The trend of removing penal rates from settlements continued throughout the 1990s but the ratio between women and men being covered by settlements that attracted penal rates fell from 41:66 to 30:59. While both genders suffered decline, women suffered the greater decline in this benefit. The trend observed in the 1993 and 1995 data for women to attract better leave conditions than men continued in the 2002 data. Employees covered by "mainly female" settlements were much more likely than those covered by "mainly male" settlement to receive four weeks' annual leave after just a single year of service. Employees covered by "mainly female" settlement were more likely to receive a more generous sick leave entitlement; separate domestic leave arrangements and better bereavement leave arrangements than were employees covered by the "mainly male" settlements. Further they were more likely to receive some form of paid parental leave. The single area in leave where employees covered by "mainly female" settlements fared worse was in the area of long service leave with 32 percent of "mainly female" settlements not attracting long service leave compared with 19 percent of the "mainly male" settlements. Finally, the "mainly female" settlements were more likely to contain a redundancy provision than were the "mainly male" settlements.

Our findings confirm the general trends observed through the 1990s and the early 2000s. Once employment benefits are lost or removed from a settlement, they are not easily reinstated. The important level of wage re-alignment that occurred in the early 1990s under the early years of the Employment Contracts Act saw women more likely than men to adjust down in real wage terms. Having been "adjusted downwards" women have since attracted

similar if not identical wage movement as have men. The "gender gap" adjusted sharply by 1995, and has remained at that level since. The trend to remove penal pay rates has continued throughout the 1990s and into the Employment Relations Act regime. Both genders have been affected, but women more so than men. The better leave arrangements for women observed in the 1993 data have been retained through into the 2002 data. As early as the mid-1980s, women union officials in female dominated sectors pushed for better and more generous leave arrangements for members, possibly at the cost of larger wage increases. That was the priority of the working women, and was reflected in the settlements reached. That priority has not changed, and the benefits won in the 1980s have been bettered and maintained through to the early 2000s.

Conclusion

If the policy question is: "Can collective bargaining be one of the tools used to implement gender equity in wages and conditions?" then the answer might be a qualified "Yes". Women have remained unionised at a higher rate than have men over the past decade. They are now slightly over-represented in total collective bargaining coverage. Examining the bargaining minimum adult wage differentials between females and males shows at the "all industries" level a lower gender gap, under 4 percent, than that which occurs across the whole labour market (nearly 16 percent). Notwithstanding that, there are some industries and occupations where clearly the gender pay gap has not been addressed successfully by collective bargaining. What is interesting, however, is the comparative success that female dominated settlements have had in achieving better leave conditions than the male dominated settlements. Focusing on the gender pay gap alone is but part of the total mix of employment conditions that attracts and retains women in the paid workforce. Better and more flexible leave to allow for the accommodation of family responsibilities is an important component of that mix, and one that should be considered in any policy strategies.

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