

CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL

VOLUME 28

FALL 1997

NUMBER 1

SYMPOSIUM ON NEW ZEALAND'S EMPLOYMENT CONTRACTS ACT 1991

TABLE OF CONTENTS*

ARTICLES

Introduction: Confronting the Employment Contracts Act <i>Ellen J. Dannin</i>	1
Employment Law: Courts and Contracts <i>Richard A. Epstein</i>	13
Professor Richard Epstein and the New Zealand Employment Contracts Act: A Critique <i>Nick Wailes</i>	27
Six Years Hard Labor: Workers and Unions under the Employment Contracts Act <i>Maxine Gay and Malcolm MacLean</i>	45
The Freedom of Association in the Employment Contracts Act 1991: What Has it Meant for Trade Unions and the Process of Collective Bargaining in New Zealand? <i>Anne Boyd</i>	65
The Employment Contracts Act 1991: An Employer History <i>Anne K. Knowles</i>	75
The New Zealand Employment Contracts Act: Its Enactment, Performance, and Implications <i>Roger Kerr</i>	89

* *Editor's Note:* The articles included in this *Symposium* were generated by general solicitation and advertisement, with the goal of presenting a balanced treatment of the New Zealand Employment Contracts Act (1991). The order of articles is topical, stemming from the organization set forth by Professor Ellen Dannin in the Introduction. Because many of the authors were unfamiliar with *The Bluebook*, the editors elected to use the 15th edition for the introductory signals.

E. James Jeffries, J.D., *Lecturer in Law*
Andrea L. Johnson, B.A., J.D., *Associate Professor; Director, Ctr. for Telecommunications Law*
Knut S. Johnson, J.D., *Lecturer in Law*
Hon. Arthur W. Jones, B.S., LL.B., *Lecturer in Law*
Marc P. Kaplan, B.S., C.P.A., J.D., *Lecturer in Law*
Joshua G.M. Karton, *Lecturer in Law*
Janeen Kerper, B.A., J.D., *Professor of Law*
Kenneth A. Kopf, B.A., J.D., *Lecturer in Law*
George W. Kuney, B.A., J.D., M.B.A., *Lecturer in Law*
Daniel G., Lamborn, J.D., *Lecturer in Law*
Lawrence D. Lee, B.A., J.D., LL.M., *Professor of Law*
William C. Lynch, A.B., LL.B., LL.M., *Professor of Law*
F. Philip Manns, Jr., B.S., J.D., *Associate Professor*
Heidi S. Maretz, B.A., J.D., *Legal Writing Professor*
Phyllis Castle Marion, B.A., M.A., J.D., *Professor and Director of Law Library*
Irwin D. Miller, B.B.A., J.D., *Professor*
John M. Morris, B.A., J.D., *Lecturer in Law*
Linda H. Morton, A.B., J.D., *Professor of Law, Associate Director of Clinical Program*
John E. Noyes, B.A., J.D., *Professor of Law, Director of Int'l Legal Studies Program*
Michael D. O'Keefe, B.A., J.D., *Professor of Law*
Laura M. Padilla, B.A., J.D., *Associate Professor*
Gregg F. Relyea, J.D., *Lecturer in Law*
Hon. Bernard E. Revak, B.A., J.D., *Lecturer in Law*
Matthew A. Ritter, B.A., M.Div., S.T.M., M.A., M.Phil., Ph.D., J.D., *Associate Professor*
Stephen R. Robinson, B.A., J.D., *Lecturer in Law*
Katharine Rosenberry, B.S., M.Ed., J.D., *Professor of Law*
Dennis P. Saccuzzo, A.B., M.A., Ph.D., J.D., *Lecturer in Law*
Gloria L. Sandrino, B.A., J.D., *Associate Professor*
Jeffrey B. Schneider, A.B., J.D., *Lecturer in Law*
Dennis L. Sharp, B.A., J.D., *Lecturer in Law*
Jane L. Siegal, J.D., *Lecturer in Law*
Jacquelyn H. Slotkin, B.A., Ph.D., J.D., *Co-Director of Legal Skills Program*
Glenn C. Smith, B.A., J.D., LL.M., *Professor of Law*
Jan Stiglitz, B.A., J.D., LL.M., *Professor of Law*
Winkfield F. Twyman, Jr., B.A., J.D., *Associate Professor*
Lilia S. Velasquez, J.D., *Lecturer in Law*
Victor A. Vilaplana, B.A., M.A., J.D., *Lecturer in Law*
Pamela E. Wagner, *Lecturer in Law*
Janet M. Weinstein, B.A., J.D., *Professor of Law, Director of Clinical Program*
Mark I. Weinstein, B.A., J.D., *Professor*
Daniel B. Yeager, B.A., J.D., LL.M., *Professor*

Jolie L. Cartier, B.S., *Director of Facilities Management*
James M. Cooper, B.A., LL.B., LL.M., *Executive Director, Center for Creative Problem Solving*
Lenore L. Fraga, B.B.A., C.P.A., *Chief Financial Officer*
Mary E. Garcia, B.A., M.L.S., *Associate Director of Law Library*
Louis W. Helmuth, B.A., J.D., *Director, Career Services*
Crystal L. Hengel, *Executive Director of Bookmart*
Karen Miller, B.S., *ADA Administrator*
Mary Lou Mitchell, B.A., *Executive Director of Computer Services*
Sandra E. Murray, *Director of Faculty Support Services*
Kyle C. Poston, *Executive Director of Financial Aid*
Carol L. Rogers, B.A., J.D., *Director of Minority Affairs*
G. Diane Shragg, *Registrar*
Kerri Van Duynes, *Director of Development & Alumni Relations*

Curial Institutions under the Employment Contracts Act: 1991 to 1997 <i>Chief Judge T. G. Goddard</i>	103
Interpreting the Employment Contracts Act: Are the Courts Undermining the Act? <i>Gordon Anderson</i>	117
Specialized Labor and Employment Law Institutions in New Zealand and the United States <i>Andrew P. Morriss</i>	145
The Employment Court, “Judicial Activism,” and the Coalition Agreement <i>John Hughes</i>	167
The Evolution of Rights Disputes and Grievance Procedures: A Comparison of New Zealand and the U.S. <i>Chester S. Spell</i>	199
The Economic Impact of the Employment Contracts Act <i>Brian Easton</i>	209
The Impact of the New Zealand Employment Contracts Act on Individual Contracting: Measuring Organizational Performance <i>Clive Gilson and Terry Wagar</i>	221
The Impact of New Zealand’s Employment Contracts Act on Industrial Relations <i>Raymond Harbridge and Aaron Crawford</i>	235
Employment And Union Issues In New Zealand, 12 Years On <i>Jane Kelsey</i>	253
Contested Outcomes: Assessing the Impacts of the Employment Contracts Act <i>Erling Rasmussen and John Deeks</i>	275
BIBLIOGRAPHY	
New Zealand Labor Law: A Bibliography of New Zealand Labor Law under the Employment Contracts Act	297
COMMENT	
Has Employment-at-Will Outlived its Usefulness? A Comparison of U.S. and New Zealand Employment Law <i>Kim Sheehan</i>	323

