NEW ZEALAND WORK RESEARCH INSTITUTE

The 11ᵗʰ Annual Conference of AAHANZBS

Academic Association of Historians in Australian and New Zealand Business Schools

AAHANZBS exists to promote: the role of historical research in developing theoretical perspectives in business and management; how historical research aids our understanding of contemporary issues in business and management; and teaching history in business and management schools.

Institutions and Change

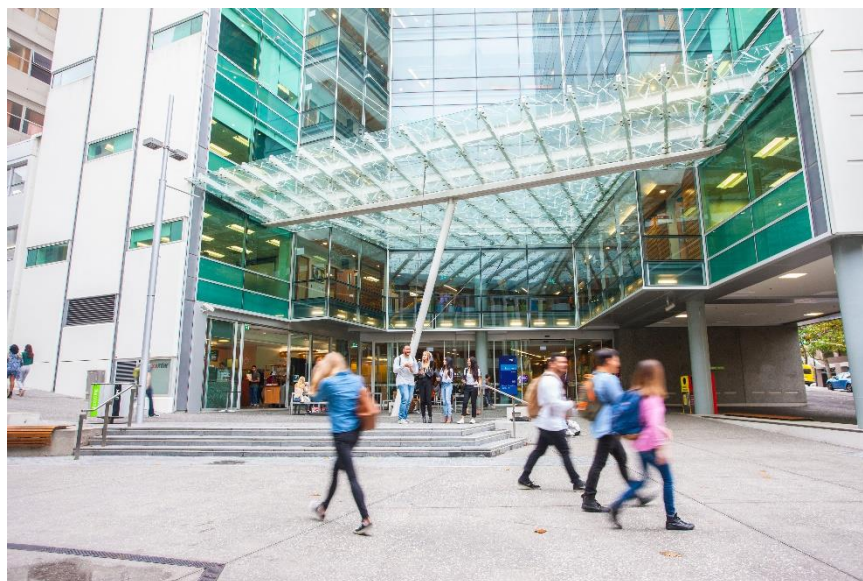**7-8 November 2019, Auckland University of Technology,**

Auckland, New Zealand

WF710, Level 7, AUT Business School,

42 Wakefield Street

Hosted by the Business & Labour History Group of the New Zealand Work Research Institute

Conference Programme

AUT

Day 1 — 7 November, 2019		
08:30am	Registration opens Foyer WF7	
8:50am	Welcome	**Associate Professor Simon Mowatt,** Business & Labour History Group of the AUT Work Research Institute, Conference Chair
SESSION 1: POPULATION, SKILLS AND WORK IN NEW ZEALAND. CHAIR: DR FIONA HURD, AUT		
9:00am	**Dr Geoffrey Brooke** and **Dr Lydia Cheung**, Department of Economics, AUT *Height and Wellbeing in Nineteenth Century New Zealand: An Analysis of the Boer War Contingents*	
9:30am	**Judy Kavanagh, Dr Andrew Coleman** and **Guanyu Zheng**, New Zealand Productivity Commission *New jobs, old jobs, and the evolution of work in regional New Zealand*	
10:00am	**Kate Nicholls,** Department of Social Sciences, AUT *New Zealand's evolving skills regime: Vocational education and training, business, and the state*	
10:30am	Morning Tea WF Level 8	
SESSION 2: INTERNATIONAL BUSINESS AND ENTREPRENEURSHIP. CHAIR:		
11:00am	**Rod Smith**, independent scholar, and **Associate Professor Simon Mowatt**, International Business, Strategy and Entrepreneurship, AUT *Internationalising Guinness*	
11:30am	**Dr Indu Peiris**, Open Polytechnic of New Zealand, **Professor Michele Akoorie**, ICL Graduate Business School, and **Dr Paresha Sinha**, Waikato Management School *Entrepreneurial opportunities in the historical context of the Sri Lankan tea industry*	
12:00pm	Lunch WF Level 8	
SESSION 3: PLENARY SESSION. CHAIR: SIMON MOWATT (AUT)		
1:00pm	Keynote Speaker	**Professor John Singleton**, Sheffield Hallam University, UK *Pike River and the Limits to Institutional Change: Could it Happen Again?*
SESSION 4: INSTITUTIONS OF HEALTH AND SAFETY. CHAIR: SIMON MOWATT (AUT)		
2:00pm	**Associate Professor Felicity Lamm** and **Professor Erling Rasmussen,** Department of Management, AUT *Taking its toll: A critique of New Zealand's OHS reforms past and present*	
2:30pm	Afternoon Tea WF Level 8	
SESSION 5: EMPLOYMENT RELATIONS . CHAIR:		
3:00pm	**Peter Franks**, Ministry of Business, Innovation and Employment & AUT Work & Research Institute *The Industrial Mediation Service, 1970-1987*	
3.30pm	**Professor Erling Rasmussen,** Department of Management, AUT, **Dr Julienne Molineaux,** The Policy Observatory**,** AUT, and **Damian Treanor,** Department of Management, AUT *Towards the Promised Land: employment relationship problems and barriers to dispute resolution under the Employment Relations Act 2000*	
4:00pm	**Barry Foster** and **Deirdre Farr**, School of Management, Massey University *Encouraging signs of a return to a proactive State: A historical analysis of the NZ Labour Inspectorate and its enforcement role*	
4:30pm	**Professor Erling Rasmussen,** and **Dr Gaye Greenwood,** Department of Management, AUT *Letting the genie out of the bottle: a historical analysis of personal grievances in New Zealand*	
5:00pm	End of Day one session	
6:00pm	Reception and Conference dinner	Four Seasons restaurant Level 2, WH Building, Corner of Mayoral Drive and Wellesley Street East

Day 2 —8 November, 2019	
08:45am	Registration Foyer WF7
SESSION 6: HOSPITALITY INDUSTRY: ER, DESIGN AND WOMEN. CHAIR:	
9:00am	**Dr David Williamson**, Hospitality, School of Hospitality & Tourism, AUT *Conflict Resolution in the Workplace, A historical perspective from the New Zealand Hotel Sector*
9:30am	**Ann Cameron,** Business, Hospitality and Tourism School of Business, Whitireia New Zealand *Looking Pretty Good For 146: The Albion Hotel Auckland*
10:00am	**Dr Catherine Bishop***, Centre for Workforce Futures, Macquarie University *A 'Restraining Influence' or 'Incalculably More Evil': The Changing Institution of Female Publicans in Colonial New Zealand'*
10:30am	Morning Tea WF Level 8
SESSION 7: WOMEN IN HISTORY. CHAIR:	
11:00am	**Thao Thi Thu Tran,** Waikato Management School, University of Waikato, **Dr Fiona Hurd,** International Business, Strategy and Entrepreneurship, AUT, **Dr Suzette Dyer** and **Dr Paresha Sinha**, Waikato Management School *"Where are the Vietnamese Feminists?" The impact of successive colonisation on the representation of Vietnamese women throughout history*
11:30am	**Dr Irene Ryan**, Department of Management, AUT *Methodologies to Make the Invisible, Visible. Institutional Change in Sport*
12:00pm	Lunch WF Level 8
SESSION 8: CONTESTED IDENTITIES. CHAIR: DR FIONA HURD, AUT	
1:00pm	**Nathaniel Enright**, Waikato Management School *From Chicken Colony to Bullshit Empire: East Palo Alto and the Antecedents of Silicon Valley's "Diversity Problem"*
1:30pm	**Dr Claire Wright,** Department of Management, Macquarie University *Grease monkeys and number crunchers: Professionals and class transformation in Australia's corporate elite*
SESSION 9: COOPERATIVES. CHAIR:	
2:00pm	**Associate Professor Nikola Balnave,** Department of Management, Macquarie University, **Professor Greg Patmore,** Business & Labour History Group, The University of Sydney, and **Professor Olivera Marjanovic**, School of Professional Practice & Leadership, University of Technology Sydney *Death, Taxes and Demutualisation: Perspectives from the Australian Visual Atlas Co-operative History Project*
2:30pm	Afternoon Tea WF Level 8
SESSION 10: MANAGEMENT THOUGHT. CHAIR:	
3:00pm	**Associate Professor Bernard Mees**, Department of Management, University of Tasmania *Moral economy and Catholic social thought*
3:30pm	**Dr Amanda Budde-Sung**, Department of International Business, University of Sydney *Strategy, Religion, and Intellectual Property: Intellectual Property Disputes and Jewish Law, 1550*
4:00pm	AAHANZBS AGM
5:00pm	CONFERENCE CLOSES

Height and Wellbeing in Nineteenth Century New Zealand: An Analysis of the Boer War Contingents
Dr Geoffrey Brooke and **Dr Lydia Cheung**, Department of Economics, AUT

We report on the heights and physical characteristics of New Zealand soldiers who served in the Second Boer War. Adult heights are widely used as evidence on the standard of living. The adult NZ-born soldiers had a mean height over 68 inches, which is tall for the period and consistent with NZ having a high standard of living at the turn of the twentieth century. To explore the implications of using self-reported ages, we match soldiers to their birth records to establish their true age. We document a tendency for young soldiers to over-state their age. When we use self-reported ages, the youngest adult cohort are a statistically signi_cant 0.41 inches shorter than the base cohort. When we use true ages, they are a statistically insigni_cant 0.15 inches shorter. This suggests that greater care is needed in the use and interpretation of historical enlistment data for estimating adult heights.

*full paper available 1

New jobs, old jobs, and the evolution of work in regional New Zealand
Judy Kavanagh, New Zealand Productivity Commission
Dr Andrew Coleman, New Zealand Productivity Commission
Guanyu Zheng, New Zealand Productivity Commission

This paper uses census data to document and analyse the changing nature of jobs in regional New Zealand between 1976 and 2013. While the material is largely descriptive, its aim is to unravel the effects of several different forces on the evolution of jobs, towns and cities. This paper is not designed to make predictions about either the future of work or the future of regions. Rather, by documenting the evolution of regional employment patterns in New Zealand over the last 40 years it aims to help understand how New Zealand has got to its current situation.

The changing nature of jobs has disproportionately favoured large "super cities", which in the New Zealand context means Auckland. In New Zealand, and in other developed countries, much new work has emerged in information-intensive sectors such as finance and professional and business services where productivity is enhanced if firms cluster in a small number of centres. For example, two thirds of the national increase in employment in the finance sector between 1976 and 2013 took place in Auckland, even though Auckland started with just over a third of the financial sector workforce at the start of the period.

Not only has this new work increasingly required tertiary educated workers but the demand for these workers has generated an increasing wage premium for people with tertiary-training. While smaller cities have also increased the share of their workers in these growth sectors, the growth of these jobs in these cities was less than in Auckland. So far there is no evidence that small cities can compete with large cities in these sectors so, if these sectors keep growing as a fraction of the economy, Auckland is likely to continue to benefit from the sectoral transformation of the economy.

Further, as manufacturing declined and service sectors expanded, the economies of most cities and towns have become more diversified. In this paper we show there are only a few examples of urban areas that have become more reliant on specialist industries since 1976. Rather, most areas became more diversified, and more like each other. Small and medium sized urban areas with distinctive employment patterns are less common than they were. As migration between areas is easier when all areas have similar jobs, the reducing importance of city-specific industries may have catalysed the shift of jobs from slow-growing areas to climate-favoured fast-growing areas.

New Zealand's evolving skills regime: Vocational education and training, business, and the state
Kate Nicholls, Senior Lecturer, School of Social Sciences and Public Policy, AUT

One positive recent development in the study of comparative political economy is the increased amount of attention given to skills formation, especially the extent to which labour and business have historically co-operated to promote vocational education and training (VET). Not only has this literature better acknowledged the central role that VET plays in economic development but has also identified it as a cornerstone in the development of the welfare state. It has been observed that skills regimes in many countries actually preceded the birth of the welfare state and that understanding something about the origins of VET systems—whether cooperative or conflictual, co-owned by labour and business or else fiercely guarded by one side or the other—also helps us understand something more generally about the diverse modes of capitalist organization that evolved over the course of the twentieth century.

This literature on skills formation draws heavily on the Varieties of Capitalism analytical framework that has emerged over the last two decades. One of the key insights drawn from this literature is that there are two main paths to success in this arena, and that the two main types of skills regime found across the OECD "complement" or fit together with other institutional features of national political economies. VET in so-called Coordinated Market Economies, found across Western Continental Europe and identified most strongly with German capitalism, is much more likely to be provided "on the job". Inter-firm and business-labour coordination in this model also lends itself to the establishment of nationally enforced uniform industry training standards in which employers or employer associations also fund the delivery of VET. By contrast, so-called Liberal Market Economies, exemplified by the United States and the United Kingdom, tend to have "voluntarist" training regimes in which (private) apprenticeship agreements between individual firms and employees predominate. It also makes sense that in these more liberal and increasingly liberalised economies, where job security is low and employees tend to change jobs more frequently, employers rely on "externally" recognised qualifications conferred by a polytechnic institute or university when making hiring decisions. Under coordinated capitalism, where businesses and their industry-wide representatives have themselves invested heavily in VET, there tends to be a much greater incentive to retain workers, hence higher job security.

So where does New Zealand's skills regime fit into this framework? How has it evolved over time and what are some of the real-world policy implications that stem from this analysis? While students of comparative political economy tend to emphasize path dependency in general (or the "stickiness" of institutions), and the origins of contemporary skills regimes in the late nineteenth or early twentieth centuries, anyone familiar with our local context knows that the New Zealand political economy has undergone profound changes over the past four decades. While this is usually characterised as the rollback of the state in favour of market forces, careful analysis of the development of the country's political economy along a number of dimensions suggests nearly as much continuity as change. Statistical analyses usually identify New Zealand as, at the very least, liberal market economy-*like*, and comparative historical institutional analysis shows that we had very few truly coordinated-*like* elements preceding the market shift. Rather, it can be argued, New Zealand's political economy prior to the mid-1980s combined essentially liberal institutions with a heavy dose of statism. Furthermore, the fact that the state took over many of the functions that firms might have done themselves, before suddenly giving up these functions, arguably has an observable impact on contemporary economic outcomes.

From the 1940s to the 1980s, New Zealand's apprenticeship-based skills regime was framed by the Industrial Conciliation and Arbitration occupational bargaining system, with greater involvement

from both the state and, to a more limited extent, employer organisations, than might have been expected in a purely market-based system. Enrolment in formal educational also became compulsory for apprentices, with the state massively investing in the creation of a public polytechnic system from the 1950s. Yet this apprenticeship model depended on the existence of the arbitration system; when that was abolished in 1991, it collapsed also, underlining the shallowness of employer support for the "collective" provision of VET. This is in marked contrast to the German model. In 1992 the apprenticeship system was replaced with voluntary, employer-based Industry Training Organisations (ITO) charged with setting industry standards and purchasing off-job education and training, not only from public polytechnics, but also from private providers. This deepened the "drift" away from traditional training in technical skills on the part of polytechnics, and the mushrooming of private training institutes that are extremely varied in terms of the quality of education and training they provide. Concerns about declining skill levels in the workforce and the lack of coordination in a generally market-based model of post-secondary school education led to the introduction of the Modern Apprenticeships scheme in 2000 as a complement to the ITO-based system, but the take-up rate of these apprenticeships has been disappointing. The decline of the hybrid liberal-statist system and its failure to be fully replaced with something else provides a partial explanation for the current situation that New Zealand finds itself in. In the wake of the reforms of the 1990s, fewer than ten percent of New Zealanders had participated in secondary or post-secondary school VET, compared to around a third of Europeans located across the "coordinated" economies. That has not changed as the result of piecemeal reform in the 2000s, with persistent concerns about the links between skills shortages and the content of higher education: New Zealand has high rates of post-secondary educational participation but skills shortages across a number of industries.

This paper analyses New Zealand's evolving skills regime along the dimensions outlined above, providing a theoretically informed overview of the history of VET and the larger relationship between labour, capital, and the state in which that regime is embedded. It then brings this history up to the present day by summarizing and reflecting on the current Labour-led Coalition government's proposed secondary and tertiary education reforms, in which the failure of the VET system to fill skills gaps and effectively complement industry policy are a major component.

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Entrepreneurial opportunities in the historical context of the Sri Lankan tea industry
Dr. Indu Peiris, Open Polytechnic of New Zealand
Professor Michèle Akoorie, ICL Graduate School of Business*
Dr. Paresha Sinha, Waikato Management School
*Corresponding author, Michele.akoorie@icl.ac.nz

This paper focuses on how external contextual factors shape entrepreneurial actions and also how entrepreneurial actions, in return shape these contextual factors, studying indigenous entrepreneurs in a specific industry (tea) in a specific landscape. We propose to examine how temporal, industry and market, and social constructs can shape the development of an industry. We found that entrepreneurs can act as change agents flourishing under resource constraints and under conditions of adversity.

In the context of this study of the Sri Lankan tea industry and the growth of indigenous entrepreneurship, we divide our study into two parts. Part one of this study examines the history of this island and the influence that Western colonizers had over the country during four centuries of occupation. The second part of this paper uses longitudinal case studies of tea entrepreneurs in Sri Lanka to develop our understanding of their opportunity identification, the processes that they used to develop opportunity and the means that they used to set up their international ventures.

The Sri Lankan dynastic history spanned a period of 2,359 years. Indo-Aryan settlements grew in different parts of the island from about the 5th century BCE. Each of these states tried to exert sovereignty over the others. A politically divided and weakened island was an enticement to foreign invasions.[1] From the 14th Century, trade became an important part of state revenue. Expansion of maritime power and a desire to access valuable resource such as spices (used for food preservation) explains why Western invaders from the 16th Century onwards exerted their control of Sri Lanka.

Portuguese and Dutch colonization
The Portuguese (1505-1658) were the first foreign power to invade Sri Lanka. The Portuguese were not territorially acquisitive. The purpose of their invasion was commercial; they needed resources (monopoly trade in pepper, elephants, betel nuts and cinnamon) to fill up the coffers of the Royal Treasury; to pay for expensive European wars against the Spanish. The Portuguese were subsequently routed by the Dutch who formed alliances with local rulers to oust the Portuguese from Sri Lanka. Dutch rule of Sri Lanka lasted from 1658 to 1796. The link between trade and agriculture, was evident especially in the increased production of two new cash crops, tobacco and coffee. The Dutch had also been instrumental in introducing legal and administration systems. Sri Lanka was exploited for its resources by its colonizers but after a fungal disease led to the collapse of the coffee crop (introduced by the Dutch) the development of the tea industry by the British coincided with the expansion of the market for tea in England.[2]

British colonization
As was the often the case with the acquisition of colonial territories, Ceylon (as the British called Sri Lanka) came under British control during the wars of the French Revolution (1792-1801). When the Netherlands came under French control, the British began to move into Sri Lanka from India. The Dutch surrendered the island in 1796.[3] The strategic value of Sri Lanka was recognized by the British and they decided to make their hold on the island permanent, a move subsequently confirmed by the Treaty of Amiens with France (1802).

Ceylon gained its independence in 1948 (although nationalist sentiment had been bubbling under the surface since 1900) after nearly four centuries of colonial influence. In 1972, Ceylon became the Republic of Sri Lanka breaking a 157-year-old link with the British Crown.

Social dimensions of context
From the late 1860s, companies (owned and managed by the British) dominated the tea industry. They controlled agency houses in Colombo, shipping, banking, and insurance services. At the time of Sri Lanka's independence in 1948, two thirds of the tea sector was still owned by British companies. They also controlled the marketing of tea. Even after independence, the structure of the tea plantation industry remained largely unaffected, and power was simply transferred to native elite who were eager to maintain ties with the British. However, this started to change after 1950 when the government introduced the concept of nationalization. Political independence caused widespread uncertainties in the market and led the British to sell their shares in the plantation companies.

The legacy of the vertically integrated British companies left a lasting impression in the tea industry. The most important aspect of all was the transfer of knowledge to Ceylonese managers. Multinationals brought a wealth of resources to the tea industry in plantation management, brokering, tea tasting, exporting, and marketing of tea to developed countries. The invaluable knowledge and the vast networks built up by these companies were later exploited by the *local* managers who started their own exporting firms in the late 1970s. British trading companies controlled the selection of their future expatriate managers to manage the plantations (planters). The recruitment process, focused primarily on personal recommendations, on acquaintances and relationships with past and present directors. Up until the 1960s potential employees were recruited based on their family background, and social position rather than graduates. "The general profile of a recruit was of a respectable, privately educated young man, preferably with some sporting achievements at school" .[4]

The expatriate directors developed extensive bureaucratic rules, regulations, and routines to formalize flows of information and decision-making.[5] These rigid structures and recruitment processes that prevailed until the late 1970s offered little or no career advancement opportunities for local managers. Indigenous entrepreneurs financed their growth by accessing local sources and unlike the multinational companies who marketed bulk blended teas, they focused on single origin (Sri Lankan teas). Dilmah would be the best known example here. These entrepreneurs were experts in the technicalities of the trade; they knew the market; had access to local resources and were motivated to 'go it alone'.

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[5] Jones, G. *Merchants to multinationals,* 138-140.

Keynote Speaker: Professor John Singleton, Sheffield Hallam University, UK
Pike River and the Limits to Institutional Change: Could it Happen Again?

The Pike River mining disaster of 2010, like the Hillsborough stadium disaster of 1989, continues to be a highly emotive topic. Academic business historians, however, are expected to investigate disasters dispassionately. In earlier work with James Reveley, I explored the mock bureaucratic aspects of the Pike River, showing how lip-service was given to the drafting and implementation of safety plans. The current lecture views Pike River through a wider lens, drawing upon the work of, for example, Barry Turner on man-made disasters, Karl Weick on sensemaking, and my own on the disaster management cycle. Previous disasters in mining and other industries are examined in order to demonstrate how little has been learned, or rather how much has been forgotten, about the avoidance of disasters in high-risk sectors. Organisations and the individuals within them often have short memories and find it difficult to imagine everything that might go wrong. Industries and regulators may commit to change, and to the strengthening of safety institutions, but other goals tend to crowd out safety as recollection of the most recent disaster fades.

Taking its toll: A critique of New Zealand's OHS reforms past and present
Associate Professor Felicity Lamm, Department of Management, AUT
Professor Erling Rasmussen, Department of Management, AUT

This paper will investigate several rounds of reforms of New Zealand's occupational health and safety (OHS) regulation and will apply a historical perspective on the continuous problematic trends in work-related injuries, illnesses and fatalities. It will draw on the findings from several research projects which indicate that there are multiple factors and public policy shortcomings which have conflated over time to produce unsatisfactory policy reforms and OHS processes and outcomes.

In spite of major OHS regulatory and policy reforms since the 1980s, work-related injury, illness and fatality rates remain stubbornly high. Government statistics collated over four decades show that on average there have been 78 fatalities per annum (excluding the 29 Pike River Coal Mine fatalities)[1]. More recently, WorkSafe New Zealand[2] recorded 82 fatalities from June 2018 to June 2019. These figures, however, must been seen in context of *laisse fare,* neoliberalism labour market and economic reforms over four decades[3]. Within these contextual changes there have been shifts in OHS enforcement policy from a prescriptive, regulated system supported by an inspectorate who policed the regulations to an enabling, self-regulated system of managing OHS where a diminished inspectorate dispenses advice and investigates reported breaches of the legislation[4]. The figures must also be viewed in the context of the changing nature of work whereby a largely unionised, workforce occupying secure, waged employment has been transformed into one that is increasingly multi-tasking, flexible and where concerns about insecure and precarious employment are rising[5].

OHS reforms both in New Zealand and overseas have also been greatly influenced by the UK Lord Robens' Report: Safety and Health at Work (1972) who argued for one act, one regulatory authority, covering all workers with the emphasis on self-regulation (and later the inclusion of joint participation). These simple principles were seen as "essential ingredients", needed to reduce the level of injuries, illnesses and fatalities and provided the framework for the Health and Safety in Employment Act 1992 and the Health and Safety at Work Act, 2015[6]; [7].

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[1] Statistics New Zealand *Work-related injury targets at a glance: 2008–15*, (2018). https://www.stats.govt.nz/reports/work-related-injury-targets-at-a-glance-200815
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Both statutes and the OSH inspectorate have also been influenced by the recommendations arising from government inquires, such as Ministerial Inquiry into Tranz Rail Occupational Safety, 2000, Royal

Commission of Inquiry into the Pike River Coal Mine Tragedy, 2012 and the Independent Forestry Safety Review, 2014. The recommendations from the Royal Commission of Inquiry into the Pike River Coal Mine Tragedy to address significant regulatory failure and the absence of worker participation mechanisms were particularly compelling and resulted in the National Coalition Government creating a stand-alone agency, WorkSafe New Zealand and a set of regulations and guidelines on worker participation and representation[8;9;10;11]. Yet in spite of the decades of reforms and inquires that identified major flaws in the OHS legislation and its enforcement, the New Zealand work-related injury, illness and fatality rates are some of the worst in the OECD countries (Statistics New Zealand, 2018). *The question is why?* Based on the New Zealand experience and with particular reference to the 2010 Pike River Coal Mine disaster[12,13] as well as research commencing in 1987[14] this paper will attempt to answer this question by demonstrating that the reforms were often misplaced and that years of undermining the OSH Service and the dismantling the Mining Inspectorate have had lasting adverse effects. In particular the paper will concentrate on: 1) validity of the Robens' self-regulatory/co-regulatory approach; 2) regulatory failure in terms of the erosion of the inspectorate's capability and capacity; and 3) the limited, often ad hoc, approach towards worker participation and representation.

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The Industrial Mediation Service, 1970-1987
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While it has been argued that the government has provided third party neutrals to help parties to employment disputes since 1909, the origins of New Zealand's employment mediation service lie most closely with the Industrial Mediation Service (IMS). The IMS was established by act of parliament in 1970. Next year, 2020, is the 50th anniversary of its formation and it is timely to discuss it.

My paper looks at the origins of the IMS, the 'Brian Brooks controversy' that nearly wrecked it at the start, the mediators who staffed it, their work and how they did it, and the reasons why the IMS became part of a broader mediation service in 1988. While the focus of the paper is on 1970-1987, the paper is put in a wider historical landscape.

I adopt the labour history perspective I took in writing my chapter 'Trouble and Strife? Industrial Relations and the IRC 1970 to 1990' in Blumenfeld, Donnelly & Ryall (eds) *Centre of Change, 40 Years of Industrial Relations in Review, The Industrial Relations Centre 1970-2010* which was published by Victoria University's IRC in 2010. This is to look at labour history in terms of both turning points (breaks with the previous system) and continuities.

While the main historical canvas for this paper – 1970 to 1987 – was dominated by the decline and fall of the arbitration system which regulated industrial relations for nearly 100 years, this period was, as Pat Walsh put it, one of a 'slow walk away' from arbitration. These years did see the breaking up of the traditional system, but they also saw changes that had continuity with earlier (and later) employment dispute resolution systems.

The key 'turning points' in the history of employment dispute resolution between the 1890s and today include W P Reeves act of 1894, the 1909 amendments designed to cope with unprecedented strikes, the 1968 Nil Wage Order and its aftermath, the 'Green Paper' of 1985, the Employment Contracts Act and the Employment Relations Act.

Although the famous Arbitration and Conciliation Act was passed in 1894 in New Zealand (making the country one of the pioneers of state intervention in disputes), it took until 1909 before the appointment of the first third party neutrals. As one part of its reaction to a crisis in the arbitration system and a slew of strikes, the Liberal government changed the law to provide that conciliation commissioners would be appointed to chair conciliation councils. They were government appointed but had statutory independence.

Before 1970, collective bargaining dominated New Zealand's employment relations and that was the focus of the conciliation commissioners. While collective rights were strong, individual rights were few. Individuals could only challenge dismissals by establishing discrimination or asking for notice under the restrictive terms of a House of Lords precedent.

By the 1960s, the labour market and employment relations were changing. There were an increasing number of strikes over dismissals. In 1963, 40 per cent of stoppages originated from disputes over dismissals. The Department of Labour floated the idea of an industrial mediation service; mediators who would be impartial and proactive, who would respond to disputes immediately, who would not be desk-bound and who would not be conciliators. They would focus on dismissals and rights disputes and not get involved in collective bargaining.

The Employers Federation and the Federation of Labour were encouraged to look at the model of the United States Federal Mediation and Conciliation Service. They liked what they saw and asked the government to act. Tom Shand, the Minister of Labour who was (unusually for the times) concerned about individual as well as collective rights had been waiting for the right moment), was delighted to

move. By the time the legislation was passed, Shand was dead but he deserves to be recorded as the father of modern employment mediation in New Zealand.

Then came the unexpected train wreck. In September 1971, New Zealand was briefly gripped by a controversy over the appointment of a Mediator. There was jockeying in the ruling National Party government about who would succeed the long-time prime minister, Sir Keith Holyoake. Jack Marshall, the deputy prime minister and minister of labour, was the frontrunner. Robert Muldoon, the finance minister and a political bovver boy, wanted to challenge him.

A committee of the leaders of the Department of Labour, Employers Federation and the Federation of Labour sifted through the 113 applications, interviewed likely contenders and unanimously selected Brian Brooks as the Chief Mediator. Respected both as an academic (he lectured in industrial law) and as a practitioner (he was industrial relations manager for a large company), Brooks looked like a shoe-in.

Seeing a chance to wound Marshall, Muldoon wrote a newspaper article denouncing Brooks (who was known to support the Labour Party) as a 'way out left-winger' and said he was unacceptable to the government. Muldoon was denounced pillar to post about this interference. A furious Jack Marshall deferred the appointment. Muldoon went on television and attacked Brooks as a 'way-out militant' and 'a way-out left-winger'. Marshall went on TV 2 nights later, defended Brooks and criticised Muldoon.

Brooks withdrew his application after the first assault by Muldoon. The government tried to salvage the situation by shoulder-tapping a prominent moderate union leader. He turned the offer down immediately. Two months after the controversy started, Jim Gibb was appointed as the first mediator of the Industrial Mediation Service (IMS) and as the first chief mediator. He had been a senior Department of Labour manager before his appointment as a conciliation commissioner in 1965.

Thanks to Muldoon, the Industrial Mediation Service began work in January 1972 rather than January 1971. Despite its rocky beginning, the IMS was a great success. It started with Gibb. 6 months later, Jim Cranston joined him. After Gibb resigned, E.V. Wright was appointed in June 1974. The number of mediators increased to three in December 1975 when Walter Grills was appointed. A legendary mediator, Grills only retired in July 2019.

Towards the Promised Land: employment relationship problems and barriers to dispute resolution under the Employment Relations Act 2000
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Recent research has indicated that there is a gap between the Employment Relations Act's legislative approach and expectations surrounding conflict resolution and the labour market practices (Greenwood & Rasmussen, 2013 & 2016). This has prompted two symposia on barriers to participation in conflict resolution and considerations of whether further regulatory changes are necessary (Arthur, 2018; Chief Judge Inglis, 2019). While this paper will highlight several of the key changes which has been implemented during 2000-2019 it will also argue that some of the current shortcomings could be detected shortly after the ERA was introduced in 2000 and some of these shortcomings are associated with the underlying assumptions of the ERA.

The ERA was a very different legislative statute from the Employment Contracts Act 1991 which attempted to move towards more fair and 'productive employment relationships' by taking a to a relational approach, one of social exchanges. The policy goal was to view the employment agreement as more than a contract of service. The employment 'agreement' acknowledged the human relationship where people contributed effort and participation in return for formal and informal reward. The ERA required both employers and employees to act in good faith during their day-to-day interactions in order to build relational trust. The obligation of communicating in good faith in the workplace was an attempt to influence negotiation behaviour, normalise conflict and embed open communication during the bargaining of wages, conditions and conflict management processes.

While the ERA incorporated the notion of personal grievances from the ECA, it made its definition more specific, placed discrimination in a more central position and adjusted its legal and institutional position. Besides the notion of good faith and the new specification of good faith behaviour (MBIE, 2013), the language of the Act signposts the intention for resolution close to the workplace at section 101(ab) "to recognise that employment relationship problems are more likely to be resolved quickly and successfully if the problems are first raised and discussed directly between the parties to the relationship". The language also directs parties to early informal processes for resolution. This non-legalistic approach to conflict resolution in the workplace was supported by mediation being the first institutional port-of-call which could provide 'fast, free and fair' resolution (Wilson, 2004). The ERA also opens for wide-ranging interventions with the new concept of employment relationship problems (ERPs) taking a broad understanding of potential issues: "…a personal grievance or a dispute, and any problem relating to or arising out of an employment relationship, but does not include any problem with the fixing of new terms and conditions of employment."

There is no doubt that architect of the ERA, then Minister of Labour Margaret Wilson, envisaged a significant shift in the way ERPs were approached and dealt with (Wilson, 2004). However, it became clear very quickly that the legislative intentions and assumptions did not match some of the labour market processes and outcomes. Some of these intentions and assumptions had been contested in the 1990s – see the paper Rasmussen and Greenwood at this conference - as well as during the heated political debate surrounding the Employment Relations Bill in 1999-2000 (Rasmussen & Ross, 2004). Furthermore, a comprehensive review of the ERA during 2002-2003 had a strong focus on the ERA's object about collectivism but the review found a 'business-as-usual' approach across workplace employment relations (Waldegrave, 2004a and b; Waldegrave et al., 2003). Despite a new institutional set-up, many of the problems associated with dispute resolution and personal grievances in the 1990s continued. As discussed in detail in the paper, the research behind the review of the ERA indicated that neither the emphasis on informal, workplace-centred approaches nor the good faith relationship

building approaches were happening. There was clearly some way to go before fair and 'productive employment relationships' were established in the New Zealand employment relations.

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Encouraging signs of a return to a proactive State: A historical analysis of the NZ Labour Inspectorate and its enforcement role.
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This is an overview of attempts at promoting and maintaining a decent employment relations system in New Zealand since 1901. Within a historical context of dramatic public policy and institutional changes, the paper chronicles the rise and fall of the inspection and enforcement of employment legislation. It gives special emphasis to the evolution of the Labour Inspectorate and its ability to take a proactive role in enforcement. By addressing past contextual and enforcement changes, the paper suggests that we have had a reactive policy of the enforcement of employment legislation rather than a proactive one since the late 1980s. There are, however, encouraging signs of a return to a more proactive enforcement role under the current Labour-led Coalition Government.

The Bureau of Industries was formed in 1891 to fix the 'labour problem,' that emanated from the long depression of the late 1800s (Martin, 1996). The following year the Labour Department[1] was formed and eventually became a very important and powerful department, with direct intervention in many aspects of work and employment. This paper highlights significant phases of growth in the Labour Inspectorate and its enforcement role over the years. In particular, the election of the 1935 Labour Government and post-war interventionism prompted a shift towards strengthening both proactive and reactive roles.

The paper records how increasing inspector numbers led to a considerable amount of money recovered from breaches of relevant legislation. Besides inspection of most factories, there were also inspections of shops, offices, transport and building contractors. The Labour Department's annual report from 1984 provides an example of a balanced proactive-reactive approach to inspections and responses to complaints: 1700 transport firms and building contractors were inspected and actions taken on complaints, totalling 6,000 breaches. These breaches covered: awards, collective agreements, holiday pay and apprenticeship orders, and recovered a total of $1.6 million (AJHR, 1984). The number of breaches and recovered money were consistent over this period suggesting a constant level of activity and indicating that this approach had considerable effect.

However, the policies of both the Labour 1984-1990 and National 1990-99 governments, promoting less government intervention in the labour market and reforms of the state sector, had a detrimental impact on the Department and its functions as a regulator (Lamm, F., Rasmussen, E., & Anderson, D., 2013). With the passing of the Labour Relations Act in 1987, one of the legislative provisions removed the role of inspection of awards and handed this role over to the unions. Following a review of the Department in 1988 the inspectorate numbers decreased sharply, with a loss of 67 inspectors. In defending this decision C. McKenzie, Secretary of Labour, pointed out this role took up about a third of the inspectorate's workload and this allowed more time for the remaining factory inspectors to concentrate on health and safety matters (Martin, 1996). With the introduction of the Employment Contracts Act in 1991, a new Labour Inspectorate was established with only six inspectors in the four main centres. They had specific powers, but none related to

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[1] Changed in 1954 to the Department of Labour

inspection and compliance. This meant that there was little in the way of enforcement of employment legislation between 1991 and 1999.

With the introduction of the Employment Relations Act (ERA) 2000 the Labour Inspectorate was given powers similar to previous inspectors of awards. However, as there were only a small number of inspectors across the country there was no systematic inspection of compliance, only complaints were acted on. It was also problematic that structural changes under the National-led Government (2008-2017) created further barriers. The Department of Labour was disbanded in 2012 and some of its services, including the Labour Inspectorate, were subsumed into the new super Ministry of Business Innovation and Employment (MBIE). Overall, this created a rather inefficient Inspectorate and enforcement of employment standards became problematic. In 2013, this Government, reacting to media reports of workers not receiving correct entitlements under various pieces of legislation, started to take a more proactive approach. It instructed the Labour Inspectorate to target specific industries, such as hospitality and horticulture, in a more proactive enforcement of employment standards. The enforcement found that there were many anomalies of poor wage and time recording and a considerable amount of monies were recovered. In 2015, the ERA was amended to further strengthen those powers and increased the number of inspectors from 41 in 2014 to 60 in 2017.

The present Labour-led Coalition Government has indicated it will double the number of inspectors by 2020 (RNZ, 2017). This was a reaction to several issues surfacing in respect of suitable enforcement of employment standards. Recent media reports have indicated that inspectorate staffing is still a problem, there is a six-month backlog in acting on complaints and the Inspectorate is only responding to serious complaints (Newshub, 2018). According to the ILO, industrialised countries should have one inspector per 10,000 employees (ILO, 2006). New Zealand currently has one in every 14,000. Thus, there is still some way to go before a more proactive approach can be implemented.

This historical analysis of the inspection and enforcement of employment legislation leads to a fundamental question: should there be a return to pre 1987 when organisations were inspected on a regular basis and complaints acted upon regardless of size or industry? This would be a return to a more balanced proactive-reactive approach, and overcome the limitations associated with the current reactive state. However, I suspect employers and the National Party would not entertain this based upon their reaction to the Labour led government's reforms to the ERA in 2018 (Skilling, 2019).

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Letting the genie out of the bottle: a historical analysis of personal grievances in New Zealand
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While personal grievance rights have been enshrined in employment relations legislation in New Zealand since 1970 and especially since the Industrial Relations Act 1973 it was the dramatic shift in personal grievance rights under the Employment Contracts Act 1991 which heralded a significant change in New Zealand employment relations. This paper will overview the historical development of personal grievance rights with a special emphasis on the shift in focus from collective to individual rights under the Employment Contracts Act 1991 and analyse the impact of personal grievance rights in the 1990s. While the paper locates the 1990 changes in a historical context by providing a short overview of the pre-1991 developments the current status of personal grievance rights under the Employment Relations Act 2000 will also be addressed. The historical context demonstrates how personal grievance rights have mirrored the dramatic shift from collectivism to individualism in New Zealand employment relations with union density and collective bargaining coverage decreasing significantly since the late 1980s. The discussion will identify conceptual problems, unintended public policy outcomes and, up to the current day, unresolved issues and practical barriers to resolution of personal grievances.

The right to personal grievance first appeared in the Conciliation and Arbitration Amendment Act 1970 (see Anderson, 1988) but came to the fore with the Industrial Relations Act 1973. The Act made an important distinction between disputes of rights and disputes of interest and made structural changes to the Employment Institutions (Rasmussen & Greenwood, 2014). Besides an Industrial Conciliation Service and the Arbitration Court, the Industrial Relations Act introduced a Mediation Service – see the detailed discussion in the paper by Peter Franks at this conference – which subsequently played a major role in addressing personal grievances. While the right to personal grievance under the Industrial Relations Act was an attempt to reduce workplace conflict and dispute it was constrained and used sparingly because it could only be applied in very specific situations with union agreement to take the personal grievance on behalf of the individual (Anderson 1988).

The right to personal grievance in the 1970's and 1980's was constrained by the unions' "gate-keeping role" and individual employment agreements sitting outside the jurisdiction of employment relations legislation until the passing of the Employment Contracts Act 1991. Prior to the 1990 general election, the National Party had made clear that it sought to implement major legislative changes, including a "revamp" of employment institutions and their procedures (Deeks et al., 1994: 85). While the National Party's election manifesto highlighted changes to union status (voluntary unionism) and new bargaining processes it also wanted *all* - both collective and individual - agreements to "have the status of binding contracts enforceable in a court of law." (ibid). However, as discussed in the paper, there were several important changes implemented after the National Party won a landslide victory in October 1990 and the final version of the Employment Contracts Act 1991 (Walsh & Ryan, 1993). In particular, the role of personal grievance rights became a crucial part of the so-called Minimum Code and in the protection of employees against unfair managerial and employment relations practices.

The Employment Contracts Act 1991 did contain a personal grievance right for *all employees* but this was not the case when the Employment Contracts Bill was introduced in Parliament in December 1990. As discussed, the Government's decision to include a procedure for the resolution of personal grievances in both collective and individual agreements was formed during the rather turbulent months of early 1991 where unions and the Labour Party tried to mount a campaign against the

Employment Contracts Bill. While the personal grievance right aligned with the individualistic tenor of the ECA 1991 it did cut across the suggestion from NZ Employers Federation that the inclusion of a personal grievance procedure in employment contracts should be a negotiable matter. This was a major decision by the National Government which, in hindsight, had wide-ranging implications. Besides extending the personal grievance rights to all employees, the constraint of having unions as "gate keepers" was abolished and it was made relatively easy and low cost to fill a grievance claim at the Employment Tribunal. The genie was out of the bottle.

As discussed in the paper, the extension of a personal grievance right to all employees created a major dynamic change in the 1990s which resulted in a spike in personal grievance cases, a backlog of cases at the Employment Relations Authority and a number of informal settlements of grievances. These trends put the spotlight on the personal grievance rights as did the legal precedent established by a raft of legal cases. As such, the National Government's and employers' attitudes to the personal grievance right started to change.

Our brief overview of the Employment Relations Act 2000 – see a more detailed discussion in the paper by Rasmussen at this conference - highlights the changes surround personal grievances and that it was crucial that this right was continued and extended in 2000. It also stresses how personal grievances and employment relationship problems raised the ire of employers and the National Party and how the so-called 90-day trial periods have become a crucial political 'football' since 2008. Thus, the paper comes to a somewhat contradictory conclusion: on one hand, personal grievances have become embedded as a crucial part of New Zealand employment relations and, on the other hand, this is still a very controversial employee right and there are several ideological and practical issues surrounding their resolution in the workplace and beyond.

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Conflict Resolution in the Workplace, A historical perspective from the New Zealand Hotel Sector.
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In 1973, New Zealand began the shift away from a highly regulated system of conflict resolution that aimed to control conflict between employees and employers under the Industrial Conciliation and Arbitration Act (1894). This system relied on collective bargaining and arbitration, involving the corporatist stakeholders of unions and employer groups, to manage conflict in the workplace. Since 1973 a series of legislative changes (The Industrial Relations Act, 1973, The Employment Contracts Act, 1991 and The Employment Relations Act, 2000) have embodied the wider New Zealand movement towards free-market, deregulated, privatised and individualised society, emphasising individual bargaining and conflict resolution over collective actions[1].

Contemporary research has questioned the effectiveness of these post-corporatist 'alternative dispute resolution approaches', pointing to barriers for low paid workers and a 'glossing over' of injustice in some complex work situations[2]. However there is little research that clearly shows how conflict resolution actually worked under the old, corporatist, ICA&A system. This paper will present a historical snapshot of the processes of conflict resolution on the New Zealand hotel sector, prior to 1973. The data for this research was gathered as part of a larger historical study of employment relations in the New Zealand hotel sector from 1955-2000[3]. The main methods included semi-structured interviews and archival research. The paper aims to present a brief overview of how conflict management worked during the corporatist era, in order to provide a better context for understanding modern conflict management approaches.

Post-war conflict resolution occurred within a particularly rigorous form of corporatism in New Zealand, developed over the period of the First World War, the Great Depression and the Second World War[4]. The attributes of this 'kiwi' corporatist system included an expansive, interventionist state that granted monopoly rights to industries and unions, whilst ensuring full employment, high wages and a 'cradle to the grave' welfare system[5]. Crucially for conflict resolution, as part of this 'corporatist consensus' the relationships between heads of leading industries, the union leadership and the government became very close. Union leaders like Fred Young and employers like Henry Kelliher (head of New Zealand Breweries), formed close cross-sector relationships that underpinned what Belich calls "sectoral harmony", an "unholy alliance" of business, unions and the state in a condition of "corporatist" harmony[6].

The key structural system underpinning conflict resolution in this period was the close personal and organisational links between the employers and unions, from senior leaders down to front line organisers. The Minutes of the hotel union are littered with references to conflicts being resolved directly by the union, sometimes in conjunctions with employers, sometimes not. One example shows an assault by a chef on a porter being swiftly dealt with by two members of the union executive[7]. Many other examples of conflict and disputes are sent to the union-dominated Council of

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[1] Greenwood and Rasmussen, "Transforming New Zealand Employment Relations"; Rasmussen and Greenwood, "Conflict Resolution in New Zealand."

[2] McAndrew, "The Employment Institutions"; Greenwood and Rasmussen, "Transforming New Zealand Employment Relations."

[3] Williamson, "In Search of Consensus."

[4] Williamson; Belich, *Paradise Reforged*.

[5] King, *The Penguin History of New Zealand*.

[6] Belich, *Paradise Reforged*, 263.

[7] "The Records of the Northern Hotel, Hospital, Restaurant & Related Trades Employees' Industrial Union of Workers, 1911 -1990," 24.

Conciliation for resolution. In more serious cases of repetitive conflict with hotel managers, the minutes show union head Fred Young would call or meet directly with the Brewery magnate Henry Kelliher to resolve the issue[8]. In essence a network of personal relationships, built up over the

corporatist era, were used to resolve conflict within the structures of arbitration and the collective agreement. As Fred Young put it in 1956: "The relationship between the hotel workers federation and the employers … could not be bettered"[9].

The interviews with hotel managers about post-war employment relations reflected this personal and pragmatic approach to conflict: "I cannot recall any strikes at all in THC hotels. The main issue was dismissed staff going for personal grievances. You'd go and have a quiet talk to the union rep … we'd go through a charade for a couple of hours and then settle" (D. Callesen, personal communication, May 14, 2014). Senior Union leader Rick Barker highlighted effect that the powerful and highly autocratic hotel union had on conflict: "Young and his team controlled every kitchen in the North Island. You couldn't get a job in a kitchen without his sign off, and a head chef had to make sure he looked after his staff … or that chef lost his goddam job" (R. Barker, personal communication, July 30, 2014).

Thus the front line resolution of conflict reflected the wider corporatist relationships of this period: Mark Gosche referred to the organisers of this period as "quite elderly men … with a pretty cosy relationship between the union and employers, to the point that these guys spent most of their day drinking … *with the boss*" (M. Gosche, personal communication, March 26, 2014). This system gave certainly to employers and the union and kept a lid on conflict: "I can't remember a strike, I don't think there ever was a strike … from my recollection of dealing with the unions in New Zealand [in those days] … they gave you certainty" (T. DiMattina, personal communication, June 27, 2014); "You managed (the union) and providing you weren't abusing the rights of your staff, you don't have to worry about them" (N. Harper, personal communication, June 23, 2014). As the corporatist consensus gave way from the mid-1970s on the collective and personal approach to conflict resolution was replaced by individualist and Human Resource Management approaches[10], conflict resolution now passed to HR managers: "Because you had such rigid … awards, nobody in hotels had to do too much in terms of the HR function. Employers [now] needed to actually think about managing their staff whereas previously … the award structured the way they worked" (B. Robertson, personal communication, April 29, 2014).

Conclusion
Whilst the corporatist system provided certainly and effectively defused conflict in the workplace, modern standards of transparency and individual justice were often sacrificed to protection of the ongoing power structures. This paper argues that gaining a clearer picture of how conflict management worked during the corporatist era can proved a better context for understanding the limitations of modern, individualised, conflict management.

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Looking Pretty Good For 146: The Albion Hotel Auckland
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Built in 1873, standing on the intersection of Wellesley and Hobson Street, kitty corners with St Matthew in the City Anglican church, the Albion Hotel has been witness to Auckland's evolution, rises and falls in the midst of her own varying fortunes. This paper tells the story of the Albion Hotel in light of the changing liquor licensing legislation that shaped the hotel's evolution. The Albion has managed to survive as both an accommodation provider and a licensed venue when many of its original competitors have either vanished or become purely bars or restaurants. This paper is partly a speculation on why this should be so and partly a retelling of the stories of the proprietors, workers and occasional guest drawn from the newspaper reporting of the time.

This paper presents a case study of the Albion Hotel in Auckland to examine how a business adapts to the changing environment. It also the story of the proprietors and workers over the history of the hotel. As this study was originally created as part of a larger project, it focuses on four specific time periods which were relevant to that project. The paper briefly discusses the prevailing legislation in each period and the story of the Albion from newspaper reporting. A secondary aim of the paper is to demonstrate the treasure trove of history hiding in plain sight in newspapers so the next section is a diversion into sources and methodology.

For a historian, newspapers provide a series of snapshots, frozen moments in time. In New Zealand, newspapers were also an important status symbol for communities, a settlement was a proper place without its own newspaper[1]. The issues of editorial bias can be addressed by comparing multiple newspapers, at which point it becomes a source of information in itself. A bigger challenge can be access to continuous runs of the papers. Many newspapers are now available through the National Library of New Zealand's Papers Past project which is digitising early newspapers and making them available in a searchable form online[2]. Other papers still require use of microfilm, which does have the advantage of allowing the researcher to view all the stories in context, but is dreadfully time consuming. The stories on which this case study is based are drawn mainly from the *New Zealand Herald* and the *Auckland Star*, the two major Auckland daily papers.

The Albion Hotel is a rare example of a surviving hotel from the Victorian era that still retains its accommodation function as well as its built form[3]. Some of the other hotels built in the same period have become purely pubs or licensed cafes and many have been demolished, including the Albion's sister hotel the Aurora[4]. When the Albion was built in 1873, the country was still divided into provinces each making its

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[1] Jeb Byrne, "The Comparative Development of Newspapers in New Zealand and the United States in the Nineteenth Century," *American Studies International* 37, no. 1 (1999); Ross Harvey, "Newspaper Archives in Australia and New Zealand," *Media History* 5, no. 1 (1999).
[2] Daniel Lanz et al., "The New Papers Past: An International Collaboration between New Zealand, India, Germany and the United States.," *OCLC Systems & Services: International digital library perspectives* 25, no. 4 (2009); National Library of New Zealand, "Papers Past: Collections," http://natlib.govt.nz/collections/a-z/papers-past.
[3] Albion Hotel, "Hotel," https://www.albionhotel.co.nz/hotel/.
[4] Michael Field, "A Palace No More," *Auckland City Harbour News*, November 24 2010.

own licensing laws. While the provinces were formally abolished in 1876[5], it would take until 1881 for a consolidated national act[6] to replace the 50 provincial statues covering the sale of alcohol. To encourage the provision of accommodation, in order to sell alcohol a venue had to provide a minimum of six guest rooms[7]. This linkage would strongly influence the shape of accommodation provision in New Zealand until late in the 20th century. The temperance movement already had a strong foothold in New Zealand and the act reflected the view that the provision of alcoholic beverages needed to be strictly controlled, no dancing girls or gambling permitted.

While he was not the first proprietor, the name most associated with the Albion is Patrick Gleeson. Even current newspaper stories often mention him. Gleeson arrived in Auckland from Ireland via the Australian gold fields. After falling into bankruptcy in the late 1870s, by 1880 he gained a license for what would become a family of hotels. By 1886, he was the proprietor of the Albion, running as well as owning the hotel[8]. Gleeson was a prominent but controversial business man, often in court arguing with his suppliers or tenants, one of whom accused Gleeson of assault[9]. The Albion also found itself in the news as the haunt of off-duty policemen and hansom cab drivers[10].

The 1920s marked the high point of the temperance movement, with the emergency war measure of 6pm closing being continued[11] and the employment of new barmaids being prohibited. In one of history's ironies, this strengthened brewery control of accommodation and liquor provision along with encouraging binge drinking. This period also saw the emergence of what would become the brewery duopoly of New Zealand Breweries and Dominion Breweries. The Albion remained in the Gleeson family passing first to Patrick's widow Margaret and then on her death in 1929 to her son Patrick jnr. However, by 1933 the combined impact of the Depression and rising capital requirements saw the Albion sold to Hancocks, a specialist hotel management company[12]. The Albion was one of the first of the Gleeson hotels to leave the family, with the last, the Aurora retaining links to the Gleeson family to the late 1990s[13]. The sports bar positioning that the Albion currently holds can be traced back to the 1920s. Fred Horne, a former representative rower, advertised the hotel as a "rendezvous for sportsmen"[14].

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[5] James Belich, *Paradise Reforged: A History of the New Zealanders from the 1880s to the Year 2000* (Auckland, New Zealand: Allen Lane, 2001).
[6] *An Act to Consolidate and Amend the Laws Regulating the Sale of Intoxicating Liquors*, (September 21).
[7] Ibid., s38
[8] "Law and Police. Supreme Court - Civil Sittings," *New Zealand Herald*, July 12 1890.
[9] "Law and Police. Supreme Court - Civil Sittings," *New Zealand Herald*, September 24 1891.
[10] "Fracas in a Hotel," *New Zealand Herald*, August 5 1898.
[11] *An Act to Restrict the Hours within Which Intoxicating Liquor May Be Sold in Licensed Premises During the Continuance of the War*.
[12] Royal Commission on Licensing, *Royal Commission to Inquire into and Report Upon Licensing Matters in New Zealand* (Wellington, New Zealand: Government Printer, 1946).
[13] Field, "A Palace No More."
[14] "Popular "Albion" Hotel," *New Zealand Herald*, April 17 1930.

It would take until 1962 for the link between accommodation and the sale of alcohol to be broken despite recommendations from the 1945 Royal Commission that this would be desirable [15]. After this, many of the smaller city hotels were converted into pubs losing their accommodation function. When

New Zealand Breweries renovated the Albion in 1973 there was discussion of bars throughout the building . The newspaper reporting does not discuss why or how the accommodation was retained[16] but the Albion still has 20 rooms today[17] .

Despite its importance as an example of Victorian hotel architecture, the original plans for the International Convention Centre called for its demolition[18] . Concerted efforts by heritage preservation groups saved the Albion and the resource consent placed rigorous requirements on the developers to protect the Albion from vibration or damage from undermining[19] .

Now overwhelmed by the bulk of the Convention Centre, the Albion continues to welcome sports fans and budget travellers from the Hobson Street ridge overlooking the city. A combination of size, profitability, family ownership and sheer luck appear to have maintained her original purpose, saving her from the wrecking ball that demolished so many of her sisters.

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[15] Royal Commission on Licensing, *Royal Commission to Inquire into and Report Upon Licensing Matters in New Zealand*.
[16] "Instant Nostalgia Plus Paddy's Ghost," *Auckland Star*, August 22 1973.
[17] Albion Hotel, "Hotel".
[18] David Fisher, "Skycity Slips Hotel on to Tvnz Land," *New Zealand Herald*, October 3 2014.
[19] Auckland Council, "Decision Following the Hearing of a Non-Complying Activity Application for Resource Consent under the Resource Management Act 1991 - Convention Centre," http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/hearings/Documents/conventioncentredecision20150828.pdf.

A 'Restraining Influence' or 'Incalculably More Evil': The Changing Institution of Female Publicans in Colonial New Zealand'
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'It was a well-known fact, that a single girl could not stand behind a bar, and dispense drink herself, without her modesty having to suffer for it. Her character, self-respect and reputation must suffer.' So proclaimed Aiden Doyle, candidate in the local elections of 1869 on the West Coast of New Zealand. He was not the only respectable New Zealand citizen to be alarmed at the idea of women working as barmaids or running hotels. Although some suggested that 'a respectable female is unquestionably a great preventative to gross impropriety of behavior or language at the bar of an hotel', they concluded that 'on the whole their presence is productive of incalculably more evil than good'.

Debates about the suitability of female publicans raged throughout the nineteenth and into the twentieth century. Hotels and their publicans were ubiquitous in nineteenth-century New Zealand. They were an institution – a fixture of colonial society – governed by laws passed in parliament and regulated by licensing boards. Hotel licences were applied for and renewed annually and licensing boards determined both the need for yet another pub and the character and suitability of the applicant. The machinations of these licensing bodies changed over the course of the sixty years of Pākehā settlement up to 1900, as they came under pressure from all sides, most notably from the increasingly vocal temperance lobby.

Following Conrad Bollinger's 1959 book Grog's Own Country, which traced licensing legislation but did not particularly consider gender, there have been a number of more recent studies about women and hotels. Susan Upton focused on barmaids, illustrating the problematic position that they, like female publicans, occupied as working women in hotels. Sandra Quick wrote an excellent thesis about female publicans in Central Otago, similarly illustrating the ways in which they could be both respected and deplored (and respectable and deplorable). Female publicans, most notably on the goldfields, which seemed to attract larger-than-life characters (always appealing to historians), have also turned up in work by Julie Bradshaw, Rosemary Killip, Angela McCarthy, Stevan Eldred-Grigg, Lloyd Carpenter and Lyndon Fraser. Dean Wilson has focused on hotels as gendered – notably masculine – spaces in nineteenth-century Auckland, although I would qualify his argument by suggesting that women were very much present, particularly as workers, if not customers.

Elsewhere in the world, female publicans have also attracted attention. My own work on Australia joins that of Clare Wright, Diane Kirkby and Alan Atkinson. Edith Sparks included publicans in her discussion of women with 'Capital Intentions' in 1850s California. In spite of the tut-tutting of middle-class morality makers, across the globe women as well as men found a hotel licence could be a means to a living. Hotels and hoteliers varied in their respectability. Some, like Agnes Cossack in Christchurch, priced her 'nobblers' at a sufficient price to ensure a select clientele. Others offered 'extras', including dancing girls, illegal gambling, or, like 'Polly Smith' in Sydney, a 'Bower of Beauties', to entertain their customers.

This paper explores the ways in which licensing boards dealt with the issue of women as publicans across the century. It traces the legal niceties of the situation (essentially for most of the century there was no legal ban against single or widowed female publicans), along with the decisions of the licensing boards (whose decisions could be contradictory, following neither the letter of the law or legal precedent, and determined by local conditions). It also considers the ways in which married 2

women, for much of the century without independent legal identities, got around the law of coverture and were defacto, or sometimes de jure, licensees.

The moral panic surrounding women in pubs continued into the twentieth century – it is one of the few areas in which women's rights actually went backwards. Single women, for instance, were not legally banned from holding licences until 1893, but this ban was not repealed until 1952. Nevertheless, in spite of the changing legal framework and vagaries of licensing boards, the institution of the female publican was established early on the colony and continued… including both 'magnificent stamp of a woman', Jane McBride of Queenstown, and a 'somewhat notorious woman', Fanny Edwards.

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"Where are the Vietnamese Feminists?" The impact of successive colonisation on the representation of Vietnamese women throughout history
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Vietnam has long been of interest to historians, not least because of the Vietnam War (known in Vietnam as the War against America) in the 1970s; and indeed, conflict and colonisation has been a defining feature of the development of the country's (his)story. However, more recently, an emphasis on socio-economic progress, has led to the achievement of many Millennium Development Goals (MDG) - including MDG 3 on gender equality. Yet Vietnamese women today still face inequality, discrimination in employment, and lack of economic opportunities[1].

However, despite these unequal outcomes, gender inequality does not seem to be a visible topic in the Vietnam context. For a start, "feminist" or "feminism" has no equivalent in the Vietnamese language. There has been no political theory or doctrine dedicated to feminism in Vietnam[2] although some features of feminism can be found peppered across Vietnamese folklore and poetry. For example, Hồ Xuân Hương, a female poet in the nineteenth century used her poems to discuss social justice and equality including sexual freedom[3]. However, despite these examples of creative activism, there is a dearth of scholarly work on gender inequality, women empowerment or Vietnamese feminism, despite three waves of feminisms in the Western world, and a vast body of literature on feminism.

Why is feminism absent in the Vietnamese employment context? How does historical context affect gender equality in Vietnam? This paper aims to take a historical view of this invisibility, by tracking the representation of Vietnamese women from early history to modern days through historical records, in hope of shedding more light on the issues which hinder Vietnamese women's career progress in the twenty-first century. Moreover, the example of Vietnam provides a useful comparative example, given that studies on history of gender and employment tend to be set in Western contexts.

It is found that Vietnamese women throughout history have been presented inconsistently, and sometimes contradictorily: free-spirited and heroic women compared to subordinated women in a male dominated society. When required by the governing order, women's labour features heavily – at other times, it is subordinated to a supporting role. These differences appear to align to different waves of colonisation.

For example, before being colonised by China and becoming a patriarchal society, women in Vietnam were warriors alongside men. The famous "Đại Việt Sử Ký Toàn Thư" (Complete Annals of Dai Viet) completed by royal historians in 1697 described the Trưng sisters, the first female rulers in Vietnam history as intelligent and strong. They were praised for being able to lead the Vietnamese in 40 A.D to fight against Chinese colonisation. During this period, Vietnamese women featured in many accounts of armed battle. Another female warrior was Lady Triệu Thị Trinh. She was famous for successfully fighting over 30 battles against the Chinese Han dynasty and for her saying "I will not resign myself to the lot of women who bow their heads and become concubines. I wish to ride the tempest, tame the waves, kill the sharks. I have no desire to take abuse"[4]. These women all sacrificed their lives in battles against the Chinese invaders.

Despite the efforts of these patriotic women, Vietnam was invaded by the Han dynasty in China in 111 BC. Under Chinese colonisation, Confucianism greatly affected the social order in Vietnam, giving men the positions of power in the family and in society. Vietnamese women as a part of the colonised Vietnam were absent in historical texts for the next a thousand years. Even when Ngô Quyền ended the Chinese rule in 938 A.D with the battle of Bach Dang[5], women were only men's shadows in the history through various dynasties. Sometimes they were portrayed as a wanton woman in the story of Dương Vân Nga, an Empress Dowager who had extramarital relationship with a commander in the tenth century in Complete Annals of Đại Việt or as a mean of sacrifice in the story of Princess Huyền Trân who was married off to the neighbour king in exchange for lands in the fourteenth century[6].

During the French colonial period (1885-1954), the Chinese influences in Vietnamese people's values decrease while concepts in the Western world such as "liberal" and "equality" were introduced to Vietnamese scholars. One of the first women's organisations, "Women's Labour-Study Association" was founded in 1926 by Nguyễn Khoa Tùng Đạm Phương. The objective of the association is to equip women with new occupational skills such as sewing, weaving and raising silkworms[7].

Communism in the form of the foundation of the Lao Động Party (Labour Party) arrived in Vietnam during the struggles against the French colonists. Aligned to the Marxist view of a reserve army of labour, women in Vietnam were considered a latent social and economic force which could foster national liberation movements. Their role in the Vietnam War led by the Communist Party of women was to "replace men and free them for combat, assume control of the family and encourage husbands and sons to enlist, and participate in combat when necessary"[8]. During this period, women were encouraged into membership in agricultural cooperatives, village people's councils or military support groups[9].

After the Vietnam War, Vietnamese women have actively involved in the public sphere and their voice, their contribution to the society has been recognized in official documents as well as practical actions[10]. However, like the "sisters" from countries sharing Confucian based cultural heritage, Vietnamese women are responsible for all domestic work. A study, conducted by the Institute for Social Development Studies between 2012 and 2015 showed that Vietnamese women are still expected by society to take full responsibility for care and support of their husbands, children, and extended family on both sides. Women are also expected to sacrifice their personal and professional achievement for their families[11].

In conclusion, Vietnam's repetitive, prolonged wars have together overshadowed gender issues. Vietnam's strong matriarchal heritage that persisted through its early history has at times led to the misconception that Vietnam has no need for a feminist movement[12], despite persisting unequal employment outcomes. Traces of women's movements have been observed throughout history, but they have not been organised systematically. Therefore, there is a need for the re-articulation of Vietnamese women's movement which can offer women "a different view of themselves and their world than that offered by the established social order"[13]. Moreover, researching on the women's movement in Vietnam strengthens the emerging voice of the "other" women in the postcolonial and Third World feminism discourse. Vietnam is also a "living laboratory" for the study of a country in the interplay of land, people, culture, feudalism, empire, war, colonisation, nationalism, independence and rebirth[14].

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Methodologies to Make the Invisible, Visible. Institutional Change in Sport
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One undeniable fact in business history, is that women remain largely absent from contemporary historiography (Durepos, McKinlay & Taylor, 2017). Indeed, the London Feminist History Group (1983, p.2) writing in the early 1980's commented "women have not just been hidden from history, they have been deliberately oppressed, Recognition of this oppression is one of the central tenets of feminism". It is not just women's voices who have been silenced. Kaul, Sandhu and Alam (2019) suggest the voices and issues faced by historically marginalised groups in the business sphere have been of little interest to business historians, noting how this research agenda has been left to critical scholars within the broader social sciences (e.g indigenous studies, critical diversity and gender studies). One recent example, within the sphere of management and business, is a special issue of Organization Studies that sought to expose the "mutually constitutive relationship between organizations and institutions in the re-production of inequality" (Amis, Munir, Lawrence et al., 2018, p. 1131). Durepos et al., 2017, p.1264) synthesize one outcome of this neglect by stating, "business history could, until very recently, be confidentially described as predisposed to economic and political conservatism, resistant to representing firms and their lead agents as institutions and individuals that bear some responsibility for damaging or inequitable outcomes".

The silencing and exclusion of voices beyond those of dominant men and the privilege bestowed by gendering processes[1] (Acker, 1992) is thus positioned as an ethical failing underpinned by methodological conservatism (Durepos et al., 2017). Durepos et al. (2017, p. 1273) comment on the unique insights business historians can offer, arguing how their contribution would be enhanced if "sources, data archives, interpretations and theory building are understood in a more reflexive and inclusive way than has hitherto been the norm". In a similar mode, Kaul et al., (2019, p.238) pose the question: "for a researcher undertaking a study to examine business and its relationship with marginalized issues in an historical context within the discipline of management research, how might one design and adapt different interpretive methods and strategies"? They then model a multi-method, inter-disciplinary, interpretive framework to show how such a framework opens up the possibilities for the issues faced by marginalized groups in management history to come to the fore (Kaul et al., 2019).

Feminist research has for over three decades, sought through critical analysis, to look for ways to reveal complex, historically situated understandings of women's marginalized situation (Acker, 1992, 2006). Gendering organizations' theorizing (see Acker, 1992, 2006; Calas, Smircich & Holvino, 2014, p. 20), is one such example where gender is framed as a "social institution which is socially accomplished through gender relations", intersectionality another. Originally formulated as a political project by Black American legal scholar Kimberle Crenshaw (1991), intersectionality, has emerged as a way to better understand how people (women) have been marginalised on multiple fronts. To illustrate, Holvino's (2010, as cited in Castro and Holvino, 2016, p. 330) reconceptualization of intersectionality proposed that social differences be studied as *simultaneous*

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[1] According to Acker (1992, p.251) other social processes are an integral parts of gendering processes, for example, class, race, ethnicity and age,

processes of identities (how individuals see themselves and are perceived by others in organisations), institutional processes (organisational structures and procedures that are taken for granted but perpetuate inequalities) and social practices (local and global influences and structures) in which organisational practices are embedded.

Taking my lead from calls for more innovative methodologies to be used in business history (e.g Durepos et al., 2017; Kaul et al., 2019) I show the potential of an intersectional methodology to those interested in processes of exclusion and subordination. To do so I bring together strands of interdisciplinary research and model an intersectional framework for future research development. Specifically, I adapt Syed and Ozbilgin's (2009) three-level, relational framework. At the macro-national level, historical, socio-economic and cultural relations are brought to the fore. The meso-level explores work organizations with the individual the central focus of analysis at the micro-level. Aspirations, identity and agency are key at the micro-individual level. A further strength according to the authors is how the framework acts as a conduit to facilitate interdisciplinary and multi-method research projects. The not-for-profit sport context in Aotearoa New Zealand (NZ) provides the setting for this journey.

At the meso-level I suggest organisational ethnography as one versatile methodology that according to Mutsaers and Trux (2015, p.332) allows the researcher to escape dominant discipline-specific norms and "produce more radical innovation". I further suggest autoethnography as a micro-level research method as it is one of the few research methods that gives us a way to connect with introspective conversations. In this instance, one advantage of ageing, a progressive condition that afflicts us all, is to reach the age where you can reflexively review institutional change as a lived experience. Methodologically, autoethnography, raises our self-consciousness (Hesse-Biber, 2007) allowing a way for the researcher to meld personal experience with a critique or comments on social structures and/or cultural practices and the knowledge building process (Holman Jones et al., 2013). In what follows I set the stage for the case I use to further explain the methodological choices I propose.

As noted above, the not-for-profit sport context in Aotearoa New Zealand (NZ) provides the setting for this a journey. Certainly, as we are currently experiencing, NZ promotes itself as a nation "passionate about sport" (Obel, Bruce and Thompson, 2008, p.1) or at least certain sports. Sport NZ, the legislated Crown agency charged with overseeing and leading the delivery of sport from grassroots to the elite level, positions sport as "part of our DNA, being physically active also creates happier, healthier people, better connected communities and a stronger New Zealand" (Sport New Zealand Group, 2018, p.2). From this, one can glean the contested nature of definitions of sport, in contrast to recreation and physical activity. This reflects what we think sport should be and how the meanings attached to sport change depending on the broader historical, social, political, or economic realities (McKay, 1991). Sport, as a social construct, is often cited as a microcosm of larger society (Day et al., 2012). Interestingly, sport in the wider environment is portrayed as an intrinsically 'good' thing. Yet, as a sector, sport reflects or even reinforces wider social inequalities (Spaaij, 2009). If we consider that sport emerged out of the gender, race and class-based stratification systems of Europe and the United States in the late 19th and early 20th centuries (Dworkin & Messner, 1999, p 341), we can immediately sense that "sport is seen both to shape and be shaped by the inequalities of gender, class, age and race which pervade all other spheres of society" (McKay, 1991, p.16). To illustrate, the overt stratification processes that are a justified part of sport explain much about the ideological beliefs that frame performance, achievement and

physicality. In particular, a sport lens allows us to see how dominant forms of masculinities link closely to male privilege. From its inception, sport has been prudently segregated by gender, serving to normalize naturalistic views of the gendered body (Dworkin and Messner, 1999). Sport is one of the most visibly gendered institutions yet gender suppressive practices and a dominant 'male narrative' is invisible to many men and women. With this in mind I concur with Jay Coakley (2004, pp.23-24) who states rather than seek a single definition of sports, two definition type questions might better serve critical scholars to open up taken-for-granted assumptions about sports in a particular society:
1) What activities are identified as sports by people in a particular group or society?
2) Whose sports count the most in a group or society when it comes to obtaining support and resources?

In an exploration of institutional change Stenling and Sam (2019) review the major trade-offs two decades of heightened managerialism and professionalization has had on sports, including not-for-profit sport in NZ. This transition is metaphorically symbolized as shifts from the 'kitchen table' or sport committee enthusiast to a hierarchical business governance model requiring specific skill sets and business acumen (Stothart, 2000). What in effect, has laid the ground-rules for a process of rationalization, is very significant for each of NZ's not-for-profit sport organizations responsible for coordinating a specific sport (e.g., Bike NZ; Bowls NZ; Hockey NZ; Netball NZ; NZ Rugby Union). Known as National Sports Organizations (NSO's), each organization has sole responsibility for the elite, high performance and development status of their sport and subsequent funding implications. The premise that it is the responsibility of each NSO to determine their destiny has intrinsic appeal by effectively creating 'winners and losers'. However, in contrast to business, in sport the aim is to heighten competition, not eliminate it. Further, if competition is to take place, coordination and collaboration with competitors is a necessity (Leberman, Collins & Trenberth, 2012). These inherent tensions are clearly visible in the contextual changes to sport that two decades ago would have been inconceivable. Stenling and Sam (2019) synthesize this by asking "how an erosion of values, processes and structures related to representation and democracy has been accepted as a common trade-off for professionalization" (Stenling & Sam, 2019, p.4). Moreover, they show, that even when organizations (e.g local sports clubs) seek to resist professionalization, especially if it originates from their NSO, "processes of professionalization have had a tendency to 'tickle down' sports systems" (Stenling & Sam, 2019, p.7).

The backdrop provided here sets the stage for my choices of methodology that I will share on the 'trickle down' impact of institutional change in one sport, field hockey. To reflect back twenty years and review the social impact of what had been two distinctly separate organizational structures and institutional cultures is to indeed "unmask the privileges and resources that accompany men and masculinity" (Simpson & Lewis, 2007, p. 54). Two organizational structures were melded into one administrative hierarchy. Resembling the wider sport environment, I briefly describe above, field hockey is now controlled at national and regional levels, by predominately male decision-makers. Yet, in spite of the visible presence of men in key structural roles at national and regional levels, field hockey is perceived as egalitarian compared to other New Zealand sports codes. The history written to celebrate the centenary of hockey in New Zealand illustrates the criticism of business history when it draws on specific forms of archival sources that provide little insight into the consequences of what was significant institutional change on marginalized groups (Watson & Haskell, 2002).

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From Chicken Colony to Bullshit Empire: East Palo Alto and the Antecedents of Silicon Valley's "Diversity Problem"
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For much of its fabled history, Silicon Valley has been best known by the stories it's told about itself: the epicentre of the high tech industry where "initiative talent and a good idea" readily mix with entrepreneurs and venture capitalists to create "profit out of thin air" unencumbered by the heavy hand of government. Reinforced by the rhapsodic discourse of a coterie of business and management scholars, often emphasising "networks of innovation" (Saxenian, 1994) "knowledge clusters" (Huggins, 2008) and "agglomeration economies" (Saxenian, 1983), the popular narrative with its enduring promise of "the largest legal creation of wealth in the history of the planet" (Doerr in Davidow 2014) has become so enticing that much of this area of academic interest in the history and development of Silicon Valley has been devoted to uncovering it's "secrets" (Piscione, 2013) in an attempt to replicate it in other far flung places on the planet. Despite an equally long, concomitant and well-documented (though much less publicized) history of increasing poverty, racial segregation, and labor exploitation it seems as though "silicon valley's bullshit empire is impervious to critique." (Morozov,2015)

The major focus of this paper is to critically situate the 3 major demographic shifts experienced in the City of East Palo Alto as an expression of the continued demand for labor flexibility in emerging markets. A small city of some 30,000 inhabitants, East Palo Alto is in the heart of Silicon Valley—a region situated on the San Francisco Peninsula halfway between San Francisco and San Jose. An historical re-rassessment of the City's evolution and demographic changes provides a potent lens with which to examine the historic and enduring influences of capitalist underdevelopment, racial antagonism and urban segregation common throughout the Valley. Such a re-reading not only establishes the major historical antecedents to the recurring patterns of racialized labor market segmentation in Silicon Valley but provides for a far more robust critique of the Valley's current "diversity problem" (Kang & Frankel, 2015; Sullivan 2014; Weiner 2016).

Firstly, the paper takes seriously the politics and ideology of one of the Bay Area's first entrepreneurs, Charles Weeks. Establishing a utopian, agricultural cooperative of independent, intensively cultivated, one acre poultry farms in EPA in 1916, Weeks bucolic utopia was built on explicitly racist terms. In *One Acre and Independence or My One Acre Farm* (1916, p.133)*,* one of the many promotional primers penned by Weeks, he explains his demand for "only high class people…all belonging to the Caucasian race" for the settlement of his utopian colonies. Here Weeks insisted that the utopian colonists should be intelligent, cultured and moral –normatively ascribed markers of whiteness—and would be relied upon to secure the "future welfare and happiness of the race" in the colonies. Merging his utopian vision with the Jeffersonian agrarian ideal—the idea of farming as a specifically white American pursuit requiring only the labor of immediate family members who, through demonstrable commitment to the principles of independence, self-reliance, and hard work would help edify American democracy and republican virtue—nonwhite farmers were invariably restricted from buying, owning, leasing or working the land in any way other than as lowly paid farm labourers tending to the less profitable and more labor intensive crops of the region (See also Barraclough 2011; Tsu, 2013)

The second major demographic shift in East Palo Alto came as a result of a massive wave of suburbanisation that engulfed California in the immediate post-war period. For the most part, the region's most affluent and upwardly mobile workers started to crowd the foothills of Los Altos, Los Gatos and the rapidly developing communities of Mountain View, Cupertino and Sunnyvale (Saxenian 1985). Invariably, property developers turned their attention to the flat, fertile farmlands of East Palo Alto, characterised by one observer as "less attractive, flood prone flats" (Post, 1997, p.13) which could be easily and quickly converted to sprawling suburban subdivisions. As the suburbs marched on East Palo Alto, farmers fled, selling "land cheap enough that developers could build shoddier versions of the middle-class suburban tract home"(Post, 1997, p.12) . By the middle fifties at least, the former

Utopian egg farm and chicken colony of East Palo Alto was not only "one of the few working class suburbs of San Mateo County" (Post 1997, p.12) but due to widespread practices of "redlining" and "blockbusting"—effectively continuing the historic logic of racial separation—quickly became the region's "only black ghetto" (Bernstein 1977, p.32).

By the time of the first tech bubble at the turn of the century, East Palo Alto was in the midst of another notable demographic shift: most notably a sharp increase in the Latino population and the simultaneous decline of East Palo Alto as a predominantly "black city". Less obvious but no less significant throughout this period of Latino ascendance (1970-2000) a community of Pacific Islanders—mostly from Tonga—established themselves in East Palo Alto. Reflecting the dramatic increase of Pacific Islanders in the US more broadly, the US Census indicated an 183% rise of the Tongan population between 1980 and 1990. The Tongan population of East Palo Alto throughout this period grew to roughly 10% by 2000. Popularly and widely considered to be the largest Tongan population outside Tonga itself, very little attention— critical, or otherwise—has been afforded to the significant Tongan diaspora in EPA. Given that Pacific Islanders have frequently been described as "one of the least understood ethnic groups" in the United States, this section attempts to take the the Tongan community's broad integration into the mostly low-wage, precarious work of Silicon Valley as emblematic of the reproduction of political and economic instability as a basis for continuing exploitation in the high tech economy.

Ultimately, the paper suggests that Silicon Valley's "diversity problem" in the information age is not simply a question of quotas or representation but an historical and ongoing feature of the continued demand for labour flexibility endemic to capitalist production.

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Grease monkeys and number crunchers: Professionals and class transformation in Australia's corporate elite

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The "big end of town" is a quintessentially Australian institution, with large corporations dominating the economic landscape across the twentieth century. While applauded by some, large corporations have also reinforced inequality, with wealthy white men presiding over vast territories of the economy. The corporate board room has been party to this trend, with extensive networks amongst members of large corporate boards contributing to the agglomeration of power with a select group of individuals.

This paper examines the place of professionals in Australia's corporate elite across the twentieth century. Interlocking directorates (company directors sitting on the boards of multiple related firms) are an important feature of corporations. Board members develop strategy, monitor the firm's progress, and ensure that obligations to stakeholders are met. They are the 'controllers', who are able to shape the strategic direction of the firm without formally owning a stake in it (Rolfe 1967). Those who are simultaneously connected to multiple large firms compound this power, providing the opportunity to control the economy across multiple industries and at different parts of the supply chain. Interlocked directors may be a positive feature of the corporate environment, mitigating risk and improving innovation and co-ordination (Mizruchi 1996; Davis 1991; Renneboog and Zhao 2013; Agrawal and Knoeber 2001; Shaw and Alexander 2006). However, in other instances, concentrating corporate control within a small group may stifle innovation (Granovetter 1973). Interlocks may also indicate busy board members, higher CEO remuneration, weaker transparency, and higher incidence of insider trading (Engelberg, Gao and Parsons 2012; Devos, Prevost and Puthenpurackal 2009). In any case, interlocked directors form a powerful corporate elite.

I identify the corporate elite based on interlocked directors of large Australian corporations (the top 100 industrial firms and top 25 financial firms) at various benchmark years across the twentieth century. Australian business history research usually neglects the connections that exist between organisations (see, for example, Fleming, Merrett and Ville 2004), and Australian research on interlocking directorates generally lacks historical context (Rolfe 1967; Murray 2001; Kiel and Nicholson 2003; Etheridge 2012). I contribute to both strands of research by providing a long-run analysis of those who developed corporate networks in Australia. This data has been compiled from a range of sources, including 'year books' of Australian joint-stock companies, industry periodicals, company annual reports and newspaper features. I then utilise prosopography (collective biography) to understand the nature of the elite. Prosopography is increasingly used in business history to understand the nature of elites, entrepreneurship and the corporate sector (Fellman 2014; Friedman and Tedlow 2003; Jeremy 1984). I have compiled biographical information regarding professional skills, prior business experience, kinship, marriage, religion and social activities. Many individuals feature in the *Australian Dictionary of Biography*, individual biographies, company histories, and newspapers. I adopt an interdisciplinary approach, using different types of data and highlighting the intersections between business connections and personal, professional, and societal characteristics. While the evidence supports the important role of family capitalism and intergenerational class for the development of Australia's corporate elite, it also reveals that board rooms have been vehicles for class transformation. Interlocked directors included many professional workers such as accountants, lawyers, engineers, bank clerks and journalists. These individuals often began their career as entry level workers within large firms, progressing to membership of their 'home' company board and then to multiple other large firms. Rather than the traditional relationship of conflict between management and workers, there has been some integration of white-collar workers into the corporate network.

I suggest that this has been due to the distinct function of corporate boards within the capitalist landscape. Even before the 'managerial revolution', Australia's corporate boards have been separate from owners – with the aim of providing advice and governing operations of the firm. Knowledge and skills have thus been central to the function of boards, and have been sought-after qualities of board members. Professionals are essentially 'knowledge workers', and the prominence of professionals in the corporate elite mirrored the development of Australian professions across the twentieth century more generally. The formalisation of business and professional education throughout the twentieth century provided a platform for white collar workers to develop externally-recognised knowledge and expertise. They were then able to use their status as 'experts' as a pathway into capitalist power.

By combining business, economic and labour history to study large corporations, this paper provides alternative ways of understanding workers in the economy, and enriches our understanding of the distinctive ways capitalism has enacted class relations in twentieth-century Australia.

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Death, Taxes and Demutualisation: Perspectives from the Australian Visual Atlas
Co-operative History Project
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The rise of neo-liberalism in the 1980s had a negative impact on the recognition of co-operatives (hereafter co-ops) as a legitimate form of economic participation (Kalmi, 2007). A wave of demutualisation occurred in the developed world from the late 1980s to the Global Financial Crisis (GFC) of 2007-2009, at which point recognition that co-ops were a much less risk-taking form of business halted the demutulisation trend, and led to some cases of re-mutualisation (Battilani and Schroter, 2012, p.153). The designation by the United Nations (UN) of 2012 as the *International Year of the Co-operatives* also highlighted the benefits of co-ops for developing economies and local communities, and sustaining participatory democracy and economic activity, and boosted co-ops in some countries such as Australia (O'Leary, Patmore and Zevi, 2015, pp. 53-54; Patmore and Balnave, 2018).

While there has been a longstanding but criticised argument (Cook and Buress, 2009; Webbs, 1914: 21) that co-ops, particularly worker and agricultural co-operatives, 'degenerate' or 'evolve' into Investor Owned Businesses (IOBs), scholars have provided several theories on the demutulisation of Member Owned Businesses (MOBs) such as co-ops, particularly in the period from the late 1980s to the GFC. Battalini and Schroter (2012) group these theories under five categories: (1) Organisational isomorphism, (2) Cultural reasons, (3) Expropriation by managers, (4) Political reasons, and (5) Inefficiency or lack of growth perspectives. All but the fifth draw from "a long-standing tradition in economic and sociological literature" (Battalini and Schroter group, 2012, p.156) and do not consider greater efficiency to be the main driver for demutulisation.

The organisational isomorphism argument is that, faced with economic and technological changes in increasingly globalised markets, co-operatives have adopted the practices and strategies of successful IOBs, and in doing so have lost their identity. It is argued that a new generation of managers, often formally trained and drawn from the private sector, have fueled the move to more market-orientated routines and practices, "while toning down solidarity values" (Battilani and Schroter, 2012, p.157). Scholars such as Birchall (1998) have argued that demutualisation has occurred since the late 1980s in the same cultural context as the one that supported privatisation. The self interest of the new wave of managers who are much more market-orientate is a further reason forwarded for demutualisation. It is argued that some managers see demutualisation as way to create wealth for themselves and directors at the expense of co-op members. There are several examples of this occurring in the financial and agricultural sectors (Battilani and Schroter, 2012, pp.158-159). Battilani and Schroter (2012, pp.159-160) cite the dismantling of the socialist system in Europe as a major political reason for the wave of demutualisation as people identified co-operatives with the communist regime. Finally, inefficiency and lack of growth are argued to have led to the acceleration of demutualisation since the late 1980s. Constraints co-ops face in raising additional capital has been a feature of demutualisation in the financial sector (Battilani and Schroter (2012, pp.160-161).

The conversion of co-ops into IOBs, and vice versa, dates to the beginning of the co-operative movement. While accelerating in the late 1980s, Battilani and Schroter (2012, p.151) argue that demutulisation became more widespread from the end of the Second World War and evidence indicates that Australia was an "early mover" (Battilani and Schroter, 2012, p.151).

This paper provides a starting point to understanding demutulisation in the Australian context, acknowledging that the research and analysis is ongoing. It draws on findings from an ARC Discovery Grant that maps co-ops in Australia over both space and time. We map the life-span of individual co-ops (some of which continue to flourish after many decades in operation) and the reasons for their demise. Some co-ops have been unable to secure capital or meet their liabilities, some voluntarily dissolve as the need for which the co-op was established has been met, while others demutualise. We have found multiple examples of demutualisation throughout history, but there are also examples of IOBs that have mutualised, and even businesses that have mutualised and then demutualised. Demutualisation can be found as early as the 1850s in Australia but, in line with Battilani and Schroter's argument, there has been an upsurge since the 1980s against the background of neo-liberalism, with its emphasis on individualism rather than collectivism. There has developed a growing perception, particularly in the financial and agricultural sectors, that despite the advantages of member ownership and control, the co-op's assets could bring greater financial benefits to members if it merged with an IOB or was converted to an IOB.

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Moral economy and Catholic social thought
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Business ethics is often chided for not having a sufficiently critical perspective. But it certainly once had one. The lack of broader focus on the ethics of the economic system bemoaned by many critics of the field is a relatively late and specifically American development. An older form of business ethics is reflected in the concept of a "moral economy", particularly in the form it took in Continental Europe during the 20th century under the influence of Catholic social thought.

The notion of a "moral economy" is usually linked by Anglophone authors to a seminal 1971 paper by the English social historian E.P. Thompson. Thompson described the idea of a moral economy in terms of the English food riots which occurred during the 18th century at the time of the introduction of a *laissez-faire* market economy in England. The concept has become of especial interest since the Global Financial Crisis, adopted by academics and politicians. Moral economy is one of the key themes promoted by Bernie Sanders in the US and Bolton and Laaser (2013) have claimed that it is the main framework promoted by academic journals such as *Work, Employment and Society*.

Yet another sense of moral economy became especially prominent in German thought in the late nineteenth century. Traceable to an 1897 article by Werner Sombart, a discourse of *Wirtschaftsethik* or (literally) "economic ethics" arose in German-language scholarship. Today, *Wirtschaftsethik* is usually translated as "business ethics" in English, sometimes being distinguished from *Unternehmensethik* "corporate ethics" only by it focusing on commercial behaviour in general, as opposed to that which occurs only within large business undertakings (Preuss 1999). A recent handbook on *Wirtschaftsethik*, however, edited by the Technical University of Dresden business ethicist Michael S. Aßländer (2011), features entries on topics such as corporate social responsibility, ethics codes, whistleblowing and sustainability reporting. Similarly, the 29-year-old Institute for Business Ethics at the University of St Gallen in Switzerland is called the Institut für Wirtschaftsethik in German.

Wirtschaftsethik is also particularly associated with Catholic social thought. The German description seems to have been coined by the Austrian theologian Ignaz Seipel who wrote his professional doctorate (*Habilitationsschrift*) on early Christian moral thinking on economic matters (Seipel 1907). Seipel's focus was continued by the German Jesuit philosopher Oswald von Nell-Breuning whose 1928 doctoral dissertation on the ethics of stock-market speculation first appeared in a monographic series of *Studien zur Katholischen Sozial- und Wirtschaftsethik* (Studies on Catholic Social and Business Ethics). Banned from teaching by the Nazis from 1936-1945, Nell-Breuning was one of the leading figures in the Continental European tradition of attempting to reconcile modern business practice with the moral teachings of the Catholic Church (Nell-Breuning 1928, Hagedorn 2018).

Nell-Breuning's most significant contribution, however, was to draft Pope Pius XI's encyclical *Quadragesmo anno* (1931) which celebrated the fortieth anniversary of the appearance of Pope Leo XIII's *Rerum novarum* (1891). *Rerum novarum* is the foundation document of Catholic social thought and *Quadragesmo anno* developed further the ideas of social justice and moral economy upon which earlier Papal teachings had been founded. *Quadragesmo anno* recounts that "Even though economics and moral science employs each its own principles in its own sphere, it is, nevertheless, an error to say that the economic and moral orders are so distinct from and alien to each other that the former depends in no way on the latter." Catholic social thought is an attempt to provide the basis for a contemporary moral economy, staking out a middle ground between *laissez-faire* liberal excess and the other extreme represented in the 1930s by Soviet communism.

The appearance of *Quadragesmo anno* changed *Wirtschaftsethik*. Most palpably, the encyclical inspired the foundation of UNIAPAC, the *Union internationale des associations patronales catholiques* (International Union of Catholic Business Executives). *Wirtschaftsethik* became a key focus of the world's oldest international business association (Gremillion 1961). *Quadragesmo anno* also saw the first department of industrial relations in Canada formed at the University of Montréal and the founding of its journal *Relations industrielles* (Gremillion 1961). In the United States, it also led to business ethics courses being taught in Catholic universities, and for a Catholic form of business ethics to arise. The most notable of these was that set out in the 1956 textbook *Business Ethics* by the Canadian-American philosopher Herbert Johnston, the first fully systematic work of its kind.

Taken from the perspective of Catholic social thought, moral economy has had a much more significant influence than is often recognized in Anglophone scholarship. In the Germanophone tradition, it is typically seen in terms of a broader sense of economic and social moral critique that first arose in the late nineteenth century as a response to Marxism. The lack of a wider political economy perspective to much contemporary business ethics reflects a narrowing of the original American discourse of "business and society" common in the 1950s and 60s which saw business ethics come to focus especially on the moral conduct of the managers and employees of corporations. An adoption of the concept of moral economy, particularly when taken in the Catholic form expressed in *Quadragesmo anno*, allows a broader focus on corporate conduct and the ethical basis of the market system to re-emerge as a proper focus of contemporary business ethics.

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Strategy, Religion, and Intellectual Property: Intellectual Property Disputes and Jewish Law, 1550.
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The value and protection of intellectual property (IP) across borders presents a significant issue for firms conducting business across borders. An EU report from 2013 found that intellectual property directly contributes to 56.5 million jobs in the EU, and generates nearly 39% of the GDP for the EU (European Patent Office, 2013). A more recent US report found that IP contributes US$6 trillion to the US economy, 45 million jobs, and adds nearly 40% of the US gross domestic product, as of 2016 (US Chamber of Commerce, 2019). IP also constitutes 52% of all US exports (Antonipillai & Lee, 2016). However, intellectual property is, by definition, intangible, and is often easily imitated. The Organisation for Economic Cooperation and Development (OECD) estimates that counterfeit goods now cost over half a trillion US dollars per year, as of 2019, a figure that is up nearly US$50 billion since 2016, and the same report notes that counterfeit trade is increasing exponentially (OECD, 2019). That figure refers only to trademarked goods, and does not account for the cost of patent and copyright violations, which, if added to the figures, would send the overall cost of IP violations to the global economy soaring still higher. Clearly, global firms are actively interested in protecting their intellectual assets from unapproved imitation, but the international business literature has not been able to offer substantial, actionable recommendations for firms. The primary mechanism for firms attempting to protect their assets from violations and theft has been the international intellectual property legal system, which has as its main tool lawsuits against infringers. This tool, while valuable, has not proven to be sufficient, as lawsuits across borders are difficult and complex, and the process can take so long that even legal victories are hollow. For example, in 2001, Microsoft won a series of lawsuits against multiple violators of its copyright for its Windows software in Indonesia. Despite the victory, the case itself took several years, during which Microsoft was unable to legally stop the infringers, and the financial compensation it was awarded was minimal compared to the losses it had suffered. Moreover, most of the financial damages that were awarded Microsoft were never paid, as they were unaffordable by the defendants, and by the time the case was finally resolved, the software in question was outdated, anyway (e.g. Butt & Lindsey, 2005). Thus, existing remedies are clearly insufficient for firms hoping to protect their IP across borders.

The field of strategic management rarely looks to religious history for strategy options, but intellectual property is one area in which doing so might prove beneficial. The case of Giustiniani and Katzenellenbogen and copyright violations in Italy in the mid 16th century is a case that has applicability to modern IP management across borders. This case involved printing exclusivity rights, an older form of copyright, in Jewish religious literature. Rabbi Katzenellenbogen had produced an annotated version of Rabbi Moses Maimonides' *Mishneh Torah*, a multi-volume book codifying the entire body of Jewish law, the first ever publication of a work of this magnitude (Davidson, 1997). He began negotiations to have Marc Giustiniani, a successful owner of a large Hebrew printing house in Venice, print the book. However, a deal between Katzenellenbogen and Giustiniani could not be reached, and Katzenellenbogen opted to have a different publisher print the book (Netanel, 2007; Netanel and Nimmer, 2016). Giustiniani still had Katzenellenbogen's manuscript, and decided to go ahead and publish the entire manuscript himself, albeit with a few of his own additional comments. Katzenellenbogen, together with his publisher Alvise Bragadini, sued Giustiniani in 1550 for violating their exclusive printing rights to the manuscript. However, the lawsuit was not brought forth in Venetian legal courts, but rather, in Jewish courts, and Katzenellenbogen was seeking not enforcement from local authorities, but rather, a rabbinical decree. The case was appealed to Rabbi Moses Isserles, who was one of the leading Ashkenazi authorities of the time. Isserles had also recently been appointed Rabbi of Krakow (Ben-Sasson, 1984), and was therefore considered to be an appropriate authority to make a judgment in the case. Isserles decided that while Katzenellenbogen and Bragadini could not stop Giustiniani from printing the book and selling it more cheaply than Bragadini's version, the Jewish community could make sure that no Jews bought Giustiniani's version of the book, upon threat of excommunication (Isserles, 1550; Netanel and Nimmer, 2011).

This paper traces the case of Katzenellenbogen and Giustiniani in Venice in 1550, and applies lessons from the situation to modern intellectual property disputes. The solutions for modern global firms may lie outside of legal enforcement, and may instead reside in community standards and social pressure; in other words, firms may wish to spend more time focusing on limiting demand for IP-infringing products, rather than trying to restrict supply of those products. This strategy, and some potential applications, are discussed.

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