

## **Precarious Labour and Trade Union Response in the Cleaning Industry (1988-2012): A Transnational History<sup>1</sup>**

To the surprise of many observers accustomed to persistent industrial harmony in the Netherlands, low paid, and until then mostly unorganized cleaners staged successful strikes in 2010, 2012 and 2014, with full support of the Dutch trade union FNV Bondgenoten. As a result of these strikes the cleaners achieved considerable improvements in collective agreements with the cleaning companies. Only insiders knew that these strikes were carefully prepared and planned by FNV Bondgenoten in close cooperation with the US-based Service Employees International Union (SEIU), and modelled on the example of the SEIU campaign Justice for Janitors since the late 1980s. In this campaign, SEIU had developed a new approach to organizing by hiring a cadre of specialist organizers other than general union officers. The SEIU had been successful in the Justice for Janitors campaigns because of tactics based on active involvement of newly recruited members, and following this approach FNV Bondgenoten encouraged self-organization and the formation of leaders at workplace level. By a combination of grass roots organizing, direct action and broad coalitions the union was able to put pressure on subcontracting cleaning companies and their clients.

In my view, these developments have a broader meaning than just the successes of FNV Bondgenoten in mobilizing the cleaners in strikes and other actions to improve working conditions. What is at stake is the ability of low paid, precarious workers to stand up for their collective rights in an increasingly individualized, flexible and unfavourable labour market. Since the 1980s, precarious labour is increasing fast as a result of the neoliberal restructuring of labour markets. The cleaning industry is an example of these developments. Cleaners used to be part of the labour force in public institutions, manufacturing, banking, transport and other services, and were covered by collective agreements in these industries. From the 1980s, outsourcing changed the position of cleaners fundamentally: increasingly they were

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employed by specialized companies in a separate industry, which continued to grow in an extremely competitive market for cleaning services. In the labour intensive cleaning industry, reducing labour costs was considered the only way to secure contracts. Subcontracting companies were able to do so by mainly recruiting women and immigrants with a weak position in the labour market. The cleaners' actions, both in the Netherlands and elsewhere in the world, showed that an adequate trade union response was possible to counteract this seemingly inevitable tendency towards precariatization of the labour force.

During the Justice for Janitors campaigns in the United States, the SEIU found out that subcontracting firms were often part of large multinationals. In 2004 the SEIU launched a strategy to form sustained international coalitions to enhance countervailing power. Exploratory visits were made to several countries in order to select unions for partnership. The union invested significant resources in regional officers and organizers in Australia, Britain, the Netherlands, and other countries. Membership and leaderships exchanges were organized to set up campaigns. Cooperation with FNV Bondgenoten was thus part of a deliberate strategy by SEIU to trans-nationalise trade unionism in the cleaning sector. Comparable campaigns were set up with partners in London ('Justice for Cleaners'), in Australia and New Zealand ('Clean Start'), and on a smaller scale, partly inspired by the Dutch example, in Germany ('Ich putze Deutschland').

This paper aims to analyse transnational trade unionism in the cleaning industry between the start of the Justice for Janitors campaign in Los Angeles in 1988 and the Dutch cleaners' strike in 2012 in the context of the debate on precariousness and neoliberal restructuring of labour markets since the 1980s. By developing new forms of organizing, SEIU, followed by trade unions in the Netherlands, Britain, Australia, and elsewhere, found ways to combat the effects of the restructuring of cleaning services on local and national labour markets. How were these local labour markets and trade union actions related to the transnational connections apparent in the rise of multinational cleaning companies, the immigrant workforce, and the role of the SEIU in promoting international cooperation between unions? Or to put in more fashionable terms: how was the 'local' connected to the 'global'? A comparison of campaigns in Los Angeles, London, Australia, Canada, and the Netherlands will show that ultimately the transnationalism of cleaners' unionism had its limits: the example set by Justice for Janitors in the US and the support of SEIU helped in

getting campaigns from the ground, but in the end unions had to act locally or nationally to force employers to accept a regulation of wages and working conditions.

### **Precarious labour and trade union response**

The concept of precariousness entails instability, lack of protection, insecurity and economic vulnerability. Precarious work can be defined as uncertain, unpredictable, risky, and low paid. As such, precarious employment is not new: it has been an integral part of the experience of wage labour, both historically and globally. To reduce uncertainty in the labour market, the trade union movement from its origins in the nineteenth century tried to conclude collective agreements to regulate employment relations, and demanded social security measures and protective labour laws from the state. During the phase of steady economic growth between the end of World War II and the mid-1970s, forms of labour market regulation and protection of regular jobs came to dominate the industrial system in Western or Westernized capitalist countries. Full-time, permanent, on-site waged employment became the 'standard employment relation', be it predominantly for the male part of the workforce.

Since the last quarter of the twentieth century, however, full-time permanent jobs, that were the hallmark of economic growth after World War II, are in decline. Everywhere there is a shift towards flexible labour, part-time jobs, fixed term contracts, self-employment by nominally independent contractors, temporary or agency work, producing an increasing precariousness of employment. These developments have been underpinned by neoliberal approaches in socio-economic regulation and policy-making.

Historically, trade unions have been important in the drive towards labour market regulation and social protection. Conversely, the growth of precarious labour in the last quarter of in the twentieth century was closely related to the weakening of trade unions in that period, both expressed in union membership and density. Insecurity in its various manifestations increased because the protective shield of trade unionism was removed. Some, however, tend to blame the unions themselves for this decline, because of their inability to organize and represent the 'precariat'. In this view the trade union movement only represents core workers, whose numbers are declining and whose interests are fundamentally different from those of precarious workers. Nevertheless, trade unions are

becoming more and more aware of the dangers of deregulation and flexibilization of labour markets also for core workers. European unions have begun serious efforts to extend trade unionism to the insecure workforce, to recruit 'outsiders' with precarious, low-paid jobs, with the aim to improve their employment conditions. Of special interest in the context of the cleaners' campaigns are attempts to recreate trade unions as social movements, with the purpose of mobilising members and supporters against injustice at work.

### **Subcontracting, cleaning, and precariousness: a global development**

Studies on the development of the cleaning industry in a range of countries invariably show that since the 1970s/80s outsourcing resulted in an increasing number of jobs in subcontracting firms, subject to competitive tendering. The process of tendering caused insecurity of employment as well as a potential reduction in wages and entitlements. For subcontracting firms the key issue was to retain and increase the number and size of contracts. The costs of labour and the conditions under which it was employed were crucial elements in the bidding process. Periodic reviews of terms and conditions of contracting generated uncertainty about future work relationships and the spread of precarious employment.

The shift to contracting out cleaning to specialised companies in the last quarter of the twentieth century and its deteriorating effects on working conditions have been documented for Israel, the USA, Great-Britain, Canada, Australia and New Zealand, Germany, France, Belgium, and other countries. Everywhere there has been an increase in outsourcing to a growing number of cleaning companies. The organization of employment in these companies is based on a quest for maximum flexibility. Subcontracting enhances the competition among companies and results in a race to the bottom of production costs. To find people prepared to work in these conditions, the cleaning sector has to draw its workforce from the most vulnerable segments of the labour force: female and migrant workers are hugely overrepresented in every country. However, for these people to find a job in the cleaning sector can also be a means to gain access to the labour market, and even a starting point of emancipation by collective action. That is the story of the predominantly Latino and Latina janitors in Los Angeles in the 1980s and 1990s. Their keen desire for

economic advancement made them ready to act collectively, once offered opportunities to do so.

### **Lessons from LA**

Contemporary observers considered the Justice for Janitors campaign in Los Angeles the single most important organizing success of the US labour movement in the late twentieth century. It relied on a variety of unorthodox tactics designed to put pressure on owners and managers of client companies, also by mobilizing bystanders and sympathisers from the broader community. The campaign started in 1988. In May 1990 a strike was called, and not long thereafter a contract was signed with the largest cleaning companies ISS and ABM, later to be extended to smaller firms. A second round of negotiations took place in 1995. The result was a five year agreement. To put pressure on contract renewal in 2000 another strike was called. It was accompanied by dramatic street protests, daily rallies in public places, efforts to get media attention and put pressure on major players in the industry. Again, the big cleaning companies proved willing to concede, and overruled the more intransigent smaller firms.

Justice for Janitors unionism was constructed as a broader politics of social justice for the community as a whole. By legal action, symbolic representation, and direct confrontation in street protests, the campaign was targeted at building owners to press them to take responsibility for the welfare of janitors who were formally employed by the cleaning contractors. To bring their otherwise invisible presence into the open, groups of protesting cleaners and their allies occupied public spaces (streets, intersections, and pavements), picketed building entrances, and invaded properties of building owners. Public appearances were accompanied by speeches, flyers, street theatre, and other means of symbolic communication. The cleaners' cause was presented as an issue of social justice for the underprivileged in general, in contrast to the privileges and the wealth of the owners and occupiers of the glittering high rise offices where they did their job.

Mass mobilisation combined with labour, religious, and political support, pressed the building owners to call upon contractors to negotiate with the union and reach an agreement. While this kind of 'symbolic power' may have been an effective avenue for the low skilled cleaners with limited structural power in the labour market of their own, its

widespread use in the Justice for Janitors campaign is not enough to explain the willingness of the cleaning companies to concede. Ruth Milkman in her account of the city's trade union history *L.A. Story* draws attention to the tradition of the American Federation of Labor (AFL), to which SEIU belonged, of 'regulatory unionism': AFL-unions focused their organizing efforts on decentralised, highly competitive industries, with the aim to stabilise local or regional labour markets in this industries by 'taking wages out of competition'. 'Regulatory unionism' meant that unions put pressure on employers to recognize that strong unions and uniformly negotiated wages could serve as a means of regulating labour costs across an industry, especially in disorganized industries unable to achieve market stability otherwise. Strong unions and collective agreements were used to equalize labour costs and to discipline or eradicate marginal competitors.

The Justice for Janitors campaign managed to restore labour market regulation based on union power. To exercise union leverage on all key players in the local labour market so as to effectively take wages out of competition had been the explicit goal of Stephen Lerner, its key architect. The SEIU strived for arrangements whereby the local union could control the terms and conditions that would prevail across the local labour market as a whole. The union tried to realize this by triggering companies willing to negotiate to their side: after a contractor reached an agreement with the union, SEIU would not raise wages until a majority of its competitors would follow, ensuring that no contractor was put at a competitive disadvantage.

This strategy could be successful because cleaning as an economic activity is place bound and, despite being dominated by global corporations, largely immune from the effects of capital mobility. The large, global cleaning companies had to compete locally with small or medium sized firms, who had an easy entrance to the local market and could offer their services at lower costs (cleaning does not require large investments or specific skills). For this reason, the large companies had an interest in regulating the labour market by taking wages out of the competition. The put this into effect, however, they needed a strong union to enforce a contract that did just that. This explains the willingness of the larger firms to reach an agreement and force this upon the smaller ones in both the 1990 and 2000 campaigns. Moreover, for building owners the costs of the settlement were marginal and for them it was easy to adapt the contracts once an industrywide agreement was reached.

## **Export of the Justice for Janitors model**

Following the successes of the Los Angeles strikes, Justice for Janitors campaigns were launched in a range of cities around the USA. SEIU tried to raise standards for janitors by confronting owners and their contractors on a national basis. Campaigns routed contractors across the country, winning sizable wage increases and health-care benefits. Its biggest victory was in Houston in 2006, in the heart of Republican and anti-union Texas, where the predominantly Latino immigrant janitors fought a contract doubling their income and gaining health benefits after a month-long strike. At that time SEIU had already decided to go global. SEIU sought to marshal a great number of allies in order to shape the terms of the global cleaning industry. In 2004, a 'global partnership unit' was founded by the union, firstly to coordinate campaigns with a global scope, secondly to foster partnerships with unions in other countries to build global union power, and thirdly by providing experienced staff and support for organizing drives with partner organizations. Relationships were established through exploratory visits to other countries, including Australia, the United Kingdom, the Netherlands, Germany, and several others, to discuss new forms of alliances and to find partners with a commitment to the organizing model.

In 2005, organizers of the SEIU were seconded to the British Transport & General Workers Union (TGWU) to set up a Justice for Cleaners campaign in London. A multilingual team of organizers was formed to work on the campaign. By 2009 around 3000 cleaners had been recruited as members of the union (now called Unite), and agreements were signed with the major cleaning contractors, including ISS. Like in the US, migrants were hugely overrepresented among cleaners in London, and a remarkable 35-40 percent of the participants in the London Justice for Cleaners campaign were Latin Americans.

Like the one in Los Angeles, the London campaign was a clear example of 'regulatory unionism'. TGWU tried to regulate the market by targeting the largest contractors across areas in a 'zonal approach'. Pay rises for around 4000 cleaners across Canary Wharf and the City of London were to be met by the clients, and the union strategy was designed to prevent any retendering eroding the agreed terms and conditions. In the extremely competitive market for cleaning services, cleaning contractors recognized that they had a material interest in getting the clients to pay more for good quality cleaning, and that they were caught in a vicious cycle of competition that was not in their interest. This situation

provided fertile ground for TGWU to develop relationships with parts of the cleaning industry in support of organizing campaigns. In regulating wages and organizing the industry, they found common ground in increasing training and professionalism, as well as improving the pay and conditions of work.

Another partnership of SEIU to succeed was with the Australian Liquor Hospitality and Miscellaneous Union (LHMU) and the New Zealand Service and Food Workers Union (SFWU). Under the slogan 'Clean Start: A Fair Deal for Cleaners', these unions started a campaign to organize cleaners in 2006. SEIU sent organizers and research staff to Australia, some of whom had been involved in the Houston strike shortly before. As anywhere else, the Australian and New Zealand cleaners were precarious workers from a predominantly non-English speaking immigrant background; 60 percent were women. Some 50 organizers set up committees in the largest cities in Australia and New Zealand to mobilize the cleaners. The campaign won wage increases of one-third and improvements in job security. Again, regulating the industry was a primary goal of the campaign. The LHMU presented itself as working in the interest of the cleaning contractors and building owners: it was 'aiming to achieve what the cleaning contractors have been unable to – a fair price'.

Also in 2006, the SEIU extended its Justice for Janitors campaign into Canada, at first in Toronto, later also in cities like Ottawa and Vancouver, and at the University of Alberta (Edmonton). In Canada, SEIU did not seek partnership with a cleaning union as it was the de facto cleaning union in the country (since the 1940s; it justifies the 'I' of 'International' in the acronym SEIU). In 2006, the SEIU Toronto local began a campaign to organize cleaners, and as of August 2009 more than 2000 cleaners had been organised. Cooperation with other unions who represented cleaners led to citywide agreements with four of the five largest companies in the Toronto market.

### **Organizing repertoires and regulatory unionism in the Dutch campaigns**

Dutch cleaning presented all characteristics of the industry described above. The market was saturated with thousands of small firms, but dominated by a small number of large companies. The cleaning companies were engaged in a fierce competition. They had to cut prices to win contracts. Grasping the opportunities of the saturated market, and not being withheld by any regulation, clients were inclined to pay less and less. Frequent change of



contractor caused uncertainty for cleaners, and often also deteriorating working conditions. For the union, the only way out of this vicious circle was to build countervailing power in the labour market by organizing and mobilizing cleaners to put pressure on both clients and contractors.

In the early 2000s FNV Bondgenoten officials Mari Martens and Eddy Stam, responsible for the cleaning sector, learned about the Justice for Janitors campaigns through the film *Bread and Roses* by Ken Loach on Justice for Janitors in Los Angeles, and through their contacts with SEIU in Union Network International (UNI, now UNI Global Union), the global union federation for services. They managed to convince FNV Bondgenoten to cooperate with SEIU. On behalf of the SEIU, experienced activists came to Amsterdam to coach Dutch union organizers. In 2006 FNV Bondgenoten started an organizing campaign among cleaners at Schiphol Airport. Supported and coached by SEIU organizer Valery Alzaga, FNV-organizers contacted Schiphol cleaners, made appointments at cafes or at home. November 2007 a campaign was launched for higher wages (at € 10 an hour). January 2008 a new nationwide contract was signed with a pay rise from € 8.90 to € 10 an hour. Unlike, for instance, in the US, collective agreements in the Netherlands are negotiated nationally, and then made legally binding for the branch as a whole.

April 2009 a four days' strike of 500 cleaners (half of the workforce) at Schiphol won travel allowances, a € 150 bonus for the Schiphol cleaners, and a 0.5 percent wage increase for all cleaners nationwide. Based on this success, several nationwide conferences of cleaners-activists were organized and decided to step up the campaign for the Netherlands as a whole. After a month of short warning strikes, pickets, meetings and demonstrations at different locations, the strike was officially called on February 16<sup>th</sup> 2010. The total number of strikers was around 1400, so surprisingly low. However, the relatively small number of strikers was compensated by almost daily actions and manifestations, clearly copied from the US Justice for Janitors 'militant minority' repertoire.

As was intended, the perseverance of the strikers put pressure on the clients of the cleaning companies. They demanded arbitration to make an end to the strike. April 22 an agreement was reached. Both clients and contractors agreed to cooperate in a covenant for good employment practices, or 'code for responsible market behaviour in the cleaning industry'. Employers' representatives now welcomed the new agreement. Representatives of big cleaning companies admitted that the strike had opened their eyes to the detrimental

effects of competition. Clearly, for these employers, the collective agreement and the 'code of conduct', enforced by the strike action of the cleaners, were instruments to regulate the market. It is a sign that 'regulatory unionism', as practised in Los Angeles, London, and Australia, was an important element in the cleaners' struggle in the Netherlands as well.

'Regulatory unionism' can only be effective, however, if a union is able to exert enough power in the labour market. In spite of the voluntary 'code of conduct', competition on prices was still passed on to working conditions and increasing workloads. FNV Bondgenoten therefore proposed to introduce sharper regulation of the market in what it called a 'Golden Standard', but could not convince the cleaning companies. On 2012 January 2 the next strike was called. The tactics and repertoires were very much like those in 2010, but on a larger scale. There were now 3000 strikers in total and the strike was called at more objects. Countless manifestations, pickets and meetings were held; public support was mobilized. In April 2012, after 105 days of striking, the cleaning companies finally realized that regulating the market would only be possible at a higher level of wages and working conditions. Parties agreed on a pay rise of 4.85 percent in two years, better training facilities, more fixed contracts for agency workers. On payment during the first sick days a compromise was reached to do more research. The cleaners had to wait for the next round of negotiations and a twelve weeks' strike in 2014, to finally reach this goal, in spite of the again relatively low number of strikers (1400).

### **Conclusion: regaining character**

In his well-known book *The Corrosion of Character* on the psychological effects of the fragmentation and flexibilization of labour markets in modern capitalism, Richard Sennett refers to a janitor interviewed for his earlier work *The Hidden Injuries of Class* (1972):

Enrico had spent twenty years by the time we first met cleaning toilets and mopping floors in a downtown office building. [...] His work [...] seldom varied from day to day. And along that time, achievement was cumulative: Enrico and [his wife] Flavia checked the increase of their savings day by day [...] the time they lived was predictable [...] unions protected their jobs; though he was only forty when I first met him, Enrico knew precisely when he would retire and how much money he would have.

Today, such a well-organized and future-oriented life plan for cleaners is difficult to imagine. Since Sennett wrote this book in 1972, employers have increasingly distanced themselves from workers through the use of subcontracting, labour market intermediaries and agencies, and self-employed contractors. This restructuring caused a break with the post-war 'standard employment relation' for male workers like Enrico. The negative impact on wages and welfare provisions is particularly visible in the cleaning business. Cleaners all over the world increasingly work for companies that compete for often short term contracts with clients. As they are not employed by the client firm anymore, employers are able to shed off responsibility for the maintenance of labour standards, social security, and other rights.

Outsourcing of cleaning allowed for the recruitment of people outside regulated labour markets. Everywhere, immigrants are overrepresented in the cleaning workforce, which in addition comprises many women who comply with part time, irregular jobs. Especially in large 'global cities', labour markets are polarised with mobile workers both at the top and bottom segments. Low-paid workers, like in building maintenance, are indispensable to make the city (and its top layers) work. Most of the workers at the lower end are migrants. They foremost experience the psychological effects of the flexibilization of labour markets, described by Sennett as 'the corrosion of character':

The system [...] radiates indifference [...] through reengineering of institutions in which people are treated as disposable. Such practices obviously and brutally diminish the sense of mattering as a person, of being necessary to others. [...] Under these conditions, character corrodes: the question 'Who needs me?' has no immediate answer.

In such a fragmented and highly individualized labour market, social cohesion and common grounds to organize collectively are hard to find. The prospect of unionising by precarious, immigrant workers is not immediately self-evident; efforts to do so have often led to disappointing results. Unions considered workers like cleaners hard to organize, also because they work out of sight, alone or in small groups, so that organizing at the workplace seemed not really feasible.

This changed when unions like SEIU in the USA and FNV Bondgenoten in the Netherlands put financial and personal resources in organizing campaigns and sent in

specially trained organizers. By offering opportunities for cleaners to become active themselves, by identifying and training rank-and-file leaders, and by inventing a whole range of new repertoires of direct action, they were able to turn the social and psychological disadvantages of isolation, invisibility and precariousness into a moral advantage. The cleaners' campaigns principally aimed to make the invisible and largely immigrant workforce highly visible in the public sphere by undertaking strikes, demonstrations, and 'shaming rituals' in or near the glittering skyscrapers in the financial districts, transport hubs, and other crucial sites of the wealthy. Smaller and larger manifestations, demonstrations, occupations, picket lines, festive parties and gatherings, with colourful banners and vests, gestures, singing and yelling slogans, all had the effect of empowering and enthusing the participants collectively. Framed as a morally compelling cry for social justice, respect and recognition, the cleaners' campaigns won the sympathies of the public as well as key members in political and media arenas.

While based on inventive new repertoires of public action to overcome the degradation, isolation and invisibility of the mostly immigrant and female workforce in outsourced cleaning, the strategies of the cleaners' unions in the US, London, Australia/New Zealand, and the Netherlands were all geared towards what can be defined as the core business of trade unionism: regulating labour markets by agreeing with employers and clients to 'take wages out of competition'. From this perspective, the organizing campaigns invented by Justice for Janitors were innovative in form, but quite traditional in content. The regulatory unionism as practiced in the campaigns presupposed a spatial labour market that could be territorially defined and regulated. In the USA and Great Britain, where contracts had to be negotiated locally firm by firm, the campaigns had a 'zonal' approach and were aimed at unionizing cleaning firms locally and zone by zone. In the Netherlands, this was tried with some success at Schiphol Airport, but as a consequence of the Dutch system of industrial relations the Dutch campaigns could only gain strength by organizing nationwide to enforce national collective agreements.

From this regulatory perspective, the endeavours of SEIU to focus transnational campaigns on multinational cleaning companies like ISS and to negotiate transnational or 'global' contracts were somewhat paradoxical, as union power to enforce labour market regulation still had to be developed locally, or, as in the Dutch case, nationally. SEIU's Stephen Lerner's maxim that 'the building owners are global, the investment capital is

global, the contractors are global, and the workers are global' may be true, but not enough to warrant a globally organized labour market. The migrant labour force may be as transnational as the multinational cleaning companies, the labour markets on which both parties operate are still institutionalized locally or nationally. The transnationalism of SEIU and its international partners concerns officials and organizers, not the cleaners themselves. It can only connect the local and the global by supporting efforts to build union capacity at a local or national level, while simultaneously organizing global support for cleaners campaigning for their rights. The global appeal of Justice for Janitors was, and still is, based on international solidarity, not on transnational labour market regulation.