

SERVICES SECTOR WORKERS STRUGGLE SHOWS NEED FOR BOLD, RESILIENT LEADERSHIP



Introduction

The Communist Party of Australia (Marxist-Leninist) values the experiences that workers gain in the course of their own struggles. These are our classrooms – our centres of learning. This is particularly true of new forms of struggle, of struggle under new conditions of ruling class obstruction and legal restrictions, and of struggles by workers who are in the early stages of their organised development.

This small publication encompasses all three of those aspects. In describing struggles by cleaners, the author indicates that trade unionism alone cannot solve the endless cycle of struggles by workers, counter-attacks by bosses, renewed struggles by workers and renewed counter-attacks by bosses.

“Karl Marx said about workers’ struggles against capital,” observe the authors who have themselves fought in this campaign, **“that sometimes the workers are successful but only for a while as capital always tries to claw back any gains made by workers. He said the real measure of success was the development and expansion of the workers’ movement against capital in general.”**

In our Australian conditions, we believe that the “struggle against capital in general” can best be developed by uniting all who can be united against the economic, political, military and cultural domination of this country by the United States and other big international players with their multinational corporations and armed forces at the core. We describe this as a genuinely anti-imperialist form of Australian independence. It has a socialist content in that foreign capital must become capital owned and used by Australian workers organised as a workers’ state. That socialist content will be expanded to all major corporations and entities as the workers consolidate and strengthen their own mechanism of government.

What we have just described is still a far cry from the concerns of the workers whose struggles are the focus of this article. We commend the article for its clear presentation of issues facing precariously-employed workers and for recognising that the cleaners’ struggle must be part of a broader workers’ movement for fundamental social change.

Communist Party of Australia (Marxist-Leninist)
March 2018

SERVICES SECTOR WORKERS STRUGGLE SHOWS NEED FOR BOLD, RESILIENT LEADERSHIP

By 2018, the industry composition of the working class in Australia has changed dramatically. The decline in manufacturing, including the destruction of whole industries in Australia by imperialism, weakened the collective strength of the working class. From the 1950s to the 1980s, thousands of workers started their working life in workplaces which had a strong union culture and most came from families where parents were also union members if working.

From the 1990s, not only were there less workplaces with a strong collective union culture, but the ideology of individualism and industrial laws that further restricted collective power of workers in their unions became the dominant trend. Young workers starting out, migrant workers and redundant manufacturing workers were compelled to find jobs in what has become known as the services sector, areas of the imperialist economy that historically speaking have been sparsely unionised and with less collective union culture than workers in manufacturing industries of previous years.

In the years of the Labor Government under Hawke and Keating, the services sector workforce were stripped of any flow on of gains made by manufacturing workers through the Award system. This process of disconnecting the strong from the weaker sections of the working class was accelerated by the Hawke and Keating Government's "Award Restructuring" from the late 1980s and the Enterprise Bargaining system from the early 1990s. The first element of the Award Restructuring required workers at the individual workplace level to surrender Award conditions in exchange for what was called the "4% Second Tier Wage Increase". The Enterprise Bargaining system was designed to weaken the working class by confining struggles of workers for better pay and conditions to the individual employer and/or workplace level. The Labor Minister for Industrial Relations Brereton in 1993 took this trend to another level by introducing a non union bargaining stream whereby capitalists could be "free" of outside 'interference' of unions when negotiating enterprise agreements with workers they employed.

From 1996 the Howard Government took the individual workplace enterprise bargaining system to (its capitalist thinking) logical conclusion by making industrial laws for individual contracts called Australian Workplace Agreements. Howard presented these as an opportunity for what he called the

new “enterprising worker” who was supposedly a central part of the growth of services sector jobs which were “free” from union interference.

The result of this de-collectivising of the workforce was erosion of many working conditions, reduction in real wages, longer working hours and intensification of work. The industrial relations “reforms” of the Hawke, Keating and Howard years resulted in more and more service sector workers in particular being what historian Humphrey McQueen called “swindled”. By “swindled” McQueen meant when the capitalist is able to get away with super exploitation, reducing real income of workers to less than what is required to re-produce themselves for future work.

Cleaners Exploited But Also Swindled



**“IN 3 MONTHS AS A MYER CLEANER
I WAS UNDERPAID OVER \$7,000.
NO SICK LEAVE OR ANNUAL LEAVE.
NO WEEKEND RATES.
AND NO SUPER.”**

**“I SPOKE OUT AND
I WAS SACKED.”**

**RAFAEL COLOBON,
SACKED MYER CLEANER**

**TELL MYER:
REINSTATE
RAFAEL**



#ReinstateRaf

One of the services sector work groups most affected by the attacks on the working class as a whole were cleaners in the contract cleaning industry. The number of cleaners employed in the contract cleaning industry in 2010 according to government statistics was approximately 150,000. This figure is probably an underestimation as it misses the thousands of cleaners employed off the books who are paid cash in hand. Historically cleaners pay and conditions did benefit from flow on of gains made by workers in the stronger sections of the working class through the Award system. That dried up when enterprise bargaining replaced Awards as the industrial system for determining wages and conditions. Imperialism's neo liberal economists in Australia introduced the "core and periphery" theory for individual capitalists and their governments. This preached that the way to increase profit rates was to reduce costs in the peripheral aspects of their business. For most businesses, cleaning was a "non core" part of the business and therefore an area where costs could under the "reforms" of the Hawke, Keating and Howard Governments be reduced.

The cost reduction of cleaning services took place through the tender process where contract cleaning companies competed in a race to the bottom on price. This resulted in less cleaning time and higher workloads, greater job insecurity and reduced income and the introduction of individual below award contracts, sub contracting and more. For contract cleaning companies the race to the bottom on price reached the point where the more far sighted, major cleaning companies could see that their profit margins were being squeezed to the point where they could not compensate for this by swindling cleaners more and more. Cleaners themselves who had limited work options other than cleaning or similar low paid precarious services sector jobs were looking for answers. Something had to be done.

Clean Start – Fair Deal for Cleaners Campaign Is Launched

It was in this social context that the Clean Start – Fair Deal for Cleaners campaign was launched by the cleaners and their union, United Voice, in March 2006. It was a bold initiative by the United Voice leadership at the time and the campaign quickly became an inspiration for all workers involved in the general union campaign, "Your Rights At Work, Worth Fighting For".

What the campaign meant for cleaners was best expressed by United Voice delegate Chris Wagland from Canberra on the web site, www.cleanstart.org.au

“I’ve been a cleaner for 29 years. I work to provide for my three sons and their futures. I take pride in my job and want to be supported to do it properly.”

“Before Clean Start, the industry hit rock bottom. Things were really tough for cleaners like me. We were under more and more pressure. It became impossible to do the job well. That’s when I decided enough was enough.”

CLEAN START

FAIR DEAL FOR CLEANERS



The Clean Start campaign launch was preceded by considerable thought and planning by the union leadership. United Voice leadership under Jeff Lawrence and Louise Tarrant developed close relations with sister unions in New Zealand (SFWU) and in the USA (SEIU). All three unions had similar coverage of workers in “blue collar” services sector, including cleaning. SEIU had also been organising “Justice for Janitors” campaigns in major cities in the USA since the mid 1980s with considerable success. The “Justice for Janitors” campaign in Los Angeles was portrayed in a Ken Loach film, “Bread and Roses”.

Lawrence and Tarrant were “big picture” leaders and they could see that what was happening to workers covered by United Voice in Australia was not a unique

phenomenon. It had been happening to workers in the USA for a long time going back to the days of Reagan as President. While New Zealand workers had been under sustained attack since the implementation of individual contracts and the destruction of Awards in the 1990s. So all three unions had a common struggle and could share experiences. The SEIU had developed a successful organising strategy for the contract cleaning industry where the property owners held the purse strings as they did in New Zealand Australia. In all three countries, the property owners in capital cities and shopping centres had a high concentration of ownership and in all three countries they tended to award cleaning contracts to larger companies because these companies could provide the range of services needed and because they were large enough to have insurance companies cover them for public liability insurance.

The strength of all three unions was their diversity of coverage and the nature of their coverage meant that they were not as dependent on a declining manufacturing industry for their survival as were some other unions. The SEIU, SFWU and United Voice were on the front line of the attack on wages and conditions of services sector workers by conservative governments and their big capital masters.

DARING TO STRUGGLE, DARING TO WIN

At any point in time, all three unions had to make strategic decisions on which campaigns to prioritise and how many industry wide campaigns to run simultaneously. So why did United Voice and the SFWU in New Zealand choose to prioritise contract cleaners as a priority campaign?

Firstly, they were buoyed by the success of the Justice for Janitors campaign by SEIU and could see that a similar strategy had a good chance of success in Australia and New Zealand. Secondly, cleaners were the group of workers that started both unions in their respective countries. As the NSW Secretary Annie Owens said, cleaners were the heart of the union. If the union leadership stood by and saw the heart of the union destroyed by conservative forces, what did that say about the leadership and the fighting spirit of the union?

However, the prime reason for embarking on such a high-stakes and high-risk campaign was as Delegate Chris Wagland said “enough was enough”, and something had to be done.

Confronting the big end of town as the best form of defence against the attack on workers' rights and working conditions was a risky business.

It was high risk because despite the assistance from the SEIU with financing, resourcing and organising, there was no 100% guarantee of winning. However there was near 100% guarantee of losing the whole industry to the informal sector if nothing was done.

It was high stakes because the rest of the membership in United Voice and beyond would be watching, especially conservative forces within the Union and within the union movement who were still locked in to a servicing mentality of an ever decreasing traditional union membership base. Or who were lying low in the hope they would maintain at least a rump of solid membership and revive when a Labor Government was re-elected, whenever that eventuated.

It was also high stakes from a working class perspective as a whole. In the 1950s to 1970s, unions as mass organisations of workers provided the capacity to be what Lenin called “schools of the working class”. With the destruction of manufacturing union “strongholds”, was it possible to build mass organisations in the expanding services sectors of capitalism which continued the “schools of the working class” culture in to the 21st Century? The Clean Start campaign was embarked upon to put this question to the test.

The campaign also tested whether service sector workers in their unions could successfully campaign internationally against multinational corporations who controlled many industries in Australia, including property services such as cleaning.

It was also high stakes for the property owners and property services industry who saw Howard's Work Choices as an opportunity to push down wages and conditions of “non- core” workers to the level of non unionised workers in the USA. In the USA the minimum wage was only about \$7.50 per hour and most workers were casual with minimal paid leave, no long service leave and no redundancy pay.

Prior to the launch of the Clean Start campaign, United Voice and SFWU sent a group of Union Officials to the SEIU to learn how the Justice for Janitors campaign elements worked and how SEIU Organising teams implemented the

campaign in practice. The SEIU contributed to the large amount of resources needed for the campaign. The resources needed included Strategic Lead Organisers, Researchers, Communications Officers, Community Organisers, Member Organisers, Training Programmes at all levels of the campaign and most important of all, each Local (equivalent of state branches in unions in Australia) working under the national leadership in the campaign.

Inspiring Spirit and Talent of Young People Invaluable to The Campaign

The property owners, major building tenants and major cleaning contractors in the targeted Central Business Districts of each major city in both Australia and New Zealand were well researched by a team of incredibly talented, committed young people. They were based in the United Voice national office in Sydney and keen to use their university acquired skills for the people's cause, rather than pursuing a much more financially lucrative career on the other side of the class divide. A similarly motivated group of young people were hired to ensure media, communications, training and campaign leadership aspects of the campaign were in place before the launch.

Prior to the launch of the campaign, teams of Organisers in all major cities visited worksites and found ways to engage with cleaners and invite them to tell their stories about their working lives and how they came to be working as cleaners. The response was overwhelming with so many stories revealing what the campaign called "violations" of cleaners' rights and entitlements. Many cleaners committed to attend the launches of the campaign in March 2006 and many joined the union convinced that only by joining together with other cleaners and becoming "visible" to the public could their declining pay and conditions be arrested.

The launch of the campaign consisted of rallies in colourful form at well known locations within each city. A key to the successful launch was the presence of numerous social justice community leaders and sympathetic politicians, combined with media interest in the stories from cleaners, representing some of the most vulnerable workers to the Howard Government's reactionary industrial laws. The faces of the campaign were a diverse group of migrant workers, mainly women, from many different war torn and/or impoverished countries, combined with overseas students who worked as cleaners to get by while studying. All these faces of the campaign experienced a very different work environment from what they had read about of Australia as a 'land of the

fair go for all! It was this contrast between expectation and reality that moved so many migrant cleaners to join the union and become part of the campaign. It was a credit to the Organisers particularly that they were able to win the trust of the cleaners and imbue them with hope that their collective actions would win significant improvements in their working lives. **Active cleaners from diverse cultural backgrounds were given the opportunity to become Organisers which enabled them to engage with hundreds of cleaners from like or similar backgrounds. This was important as it made a nonsense of the property owners, big cleaning contractors and mass media's attempts to portray the Union as a third party intruder in to cleaners' working lives.**

Following the launch, teams of Organisers with members and community supporters held an average of four high visibility actions a week for all of 2006 and part of 2007 in front of CBD buildings owned by the largest property owners who included Commonwealth Bank, AMP, Lend Lease and Stockland. The purpose of the high visibility actions was to highlight to the public and tenants the contradiction between the wealth of these property owners and the poverty wages and working conditions of the “invisible” cleaners who cleaned their buildings.



Some of the actions in front of buildings and inside them were similar to street theatre of workers' struggles of previous generations. These actions were strongly supported by cleaners, while thousands of office workers looked on with amusement and dismay at what cleaners had to endure to earn a living.

For example, in demonstrations cleaners were led by a character dressed like Superman, Batman or Zorro, with a rubbish bin lid as a shield and toilet brush as a sword! On some occasions cleaners "blockaded" whole building entrances with streamers and public notices hanging around the building that the building was a "GRIME SCENE" due to the impossible workloads and insufficient cleaning time allocate to cleaners.

At the beginning of the campaign, large property owners were presented with the "GOLDEN TOILET BRUSH AWARD" for having the most anti-worker cleaning contractor in their building.

United Voice followed the SEIU example by adopting a militant minority strategy in the campaign. The industrial laws were not conducive to a majority movement of cleaners merely demanding that the property owners and their selected cleaning contractors negotiate a collective agreement. Given the precarious nature of their employment, it was unrealistic to expect the majority of cleaners to turn up day after day at actions outside a different building each morning or evening. However what did work was a committed, active minority of cleaners prepared share time and involvement in an informal roster system to ensure cleaners' participation in all actions. The continued presence of the cleaners themselves made it harder for the monopoly media outlets to discredit the actions. The persistence of the actions by cleaners gave the property owners and their contractors no peace of mind.

United Voice also followed the SEIU example of escalating actions and introducing new forms of actions to build a sense of momentum in the campaign. The plan was to build sufficient pressure on the property owners and major cleaning contractors so that they would agree to a set of Clean Start Principles and Responsible Contractor principles by September 2006.



PROTRACTED STRUGGLE PAYS OFF

This time frame proved far too ambitious. The Property Council's initial response was to say that the plight of cleaners who cleaned the city buildings was purely a matter between the cleaning contractors and their employees. They refused to hold discussions with United Voice leaders. However the cracks in their position started to appear when some major property owners in mid 2007 broke ranks with their Council and agreed to adopt Clean Start Principles. The Principles committed the property owners to only award cleaning contracts to cleaning contractors who signed Responsible Contractor Agreements with United Voice. As soon as this occurred, the cleaners were comfortable in ceasing their high visibility actions against the particular property owner and any of the major contractors who signed a Responsible Contractor Agreement with United Voice. Cleaners could see that their actions were making a difference. More cleaners joined the union and more cleaners became active leaders in the campaign.

In 2007 the Property Council changed its tune and agreed to some of the key demands of cleaners which included an increase in the minimum hours per shift from two hours to four hours, job security at change of contract and that

contractors had to pay cleaners the “prevailing rate” which meant the rates of pay that were to be included in the Clean Start collective agreements negotiated by United Voice with major contractors.

Once the contract cleaning employers could see that the property owners had changed their tune towards the campaign, they started knocking at the union door so to speak to commence negotiations for a new model Clean Start collective agreement. The negotiations were protracted and it was not until August 2008 that the first Clean Start collective agreement was approved by the Workplace Relations Act Authority. Over the next year another 50 or more contractors agreed to be party to a Clean Start collective agreement.

The Agreement was framed around several key demands of cleaners developed through the campaign: Fair Pay, Fair Hours, Fair Workload, Fair Job Security, Fair Rights and Fair Leave.

The pay increases won were at least 8% per year for four years with a total pay increase of 38% over four years. The Agreement also required in-coming contractors to employ existing cleaners of the out- going contractor. This was won at a time when Work Choices was still in place and when the Howard Government’s industrial tribunal imposed a wage freeze in the annual national minimum wage review in Howard’s last year in office.

While the Property Council had agreed that contractors pay the prevailing rate prescribed by the Clean Start collective agreement, the Council refused to agree to any restrictions or regulation of what it called “productivity rates”.

Productivity rates in the cleaning industry are measured principally by the square metres cleaned per hour per cleaner. By increasing the number of square metres per cleaner per hour, the cleaning contractor capitalist increases the surplus value extracted from the cleaner without extending the working hours of the day. Awarding a contract with less labour hours for cleaning enabled a property owner to recover some of the monetary concessions in the tender price due to the increase in unit labour cost reflected in the collective agreement wages. The lack of regulation about “productivity rates” also continued the race to the bottom competition between contractors as they submitted tenders with less cleaning hours in the hope of securing a contract on price.

Despite the lack of regulation of productivity rates, the Clean Start collective

agreements did require cleaning contractors to provide detailed duty schedules for each floor of buildings which the more organised cleaners could use to demonstrate unreasonable workloads and the need for more cleaning time to complete the cleaning services required.



Some major cleaning contractors who were party to a Clean Start collective agreement tried to get a competitive advantage by employing the cleaners under another employer entity. This practice was known to the Union as “double breasting”. Sometimes the practice was applied to evening cleaners but not the day cleaners who were more in the public eye. The practice involved paying the cleaners employed by the second employer entity less than the Agreement rates. All this meant that the competition to win contracts between capitalist contractors had not been eliminated just by the winning of collective agreements, even if they had temporarily at least been forced to agree to the significant improvements in working conditions contained in the agreements.

CLEANERS WIN FIRST STAGE OF A LONG STRUGGLE

Despite these setbacks, United Voice assessed the first strategic stage of the Clean Start campaign in the Central Business Districts to be successful. Up to 75% to 80% of medium to large office buildings in all major cities except Hobart and Perth were now cleaned by cleaners employed under Clean Start collective agreements. The spread of below award individual contracts and

sham contracting had been retarded significantly in the high end of the contract cleaning industry.

Karl Marx said about workers' struggles against capital that sometimes the workers are successful but only for a while as capital always tries to claw back any gains made by workers. He said the real measure of success was the development and expansion of the workers' movement against capital in general.

By this yardstick the first stage of the Clean Start campaign was undoubtedly successful.

Union membership growth within the campaign scope had increased significantly during the campaign. In some cities Union membership in the campaign scope increased between 2006 and 2009 by over 400%. There were also many more member leaders and delegates working in the Central Business Districts of capital cities than ever before. While the increases in cleaners joining the Union were significant, the overall membership density struggled to reach the goal of 75% of all cleaners in the CBD office buildings. Labour turnover of cleaners and reluctance of major cleaning companies to accept that a unionised workforce was in their own interests were the two most important factors preventing high union membership density on a sustainable basis. Most cleaning companies who were party to the new Clean Start collective agreements failed to fully grasp that it was a strong union that was their best weapon in preventing property owners from renegeing on their stated commitment to Clean Start Principles. Cleaning companies were not in a position to prevent property owners from giving work to the lowest bidder. Only organised, class conscious cleaners in their Union could do this. Only cleaners in their Union had the power to prevent property owners awarding tenders to "bottom feeder" contractors who used a franchise or sham contracting model with cleaners required to have ABNs.

SEIU Organising Co-ordinator, Jay Hessey, who came out to Australia to share the lessons he learned from 20 years experience in the Justice For Janitors campaign, said that cleaners learned about unionism primarily through their own experience in the campaign. He said that even cleaners who were employed for only a short time in CBD buildings during the campaign experienced the collective power of workers and took that experience away with them when they left the job. In this sense, Jay thought that the positive message about unionism went far beyond the actual number of Union members in the CBD buildings

at any one point in time. In other words the Union membership density at any particular point in time in a high turnover industry does not give a full picture of the positive impact of the campaign experience in strengthening and expanding the workers' movement.

SECOND STAGE OF THE CAMPAIGN – SHOPPING CENTRE CONTRACT CLEANERS



By the end of 2009 United Voice was confident enough to expand the campaign to the next significant property services sector, the retail shopping centres where concentration of ownership was even higher than that in the Central Business Districts of major cities. Westfield dominated the sector both by size of shopping centres and also by its control of the retail Shopping Centre Property Council. Large cleaning companies who operated in the CBD cleaning sector also featured strongly in shopping centre cleaning.

There was a confident feeling within the Union leadership group of the Clean Start campaign that the large shopping centre owners and their voice, the Shopping Centre Property Council of Australia, wanted to avoid a large scale struggle against cleaners and their Union, having observed what had happened

in the Central Business Districts Clean Start campaign.

United Voice members cleaning shopping centres also had an expectation that their cleaning contractor employers who were now paying city cleaners above award pay and conditions should do the same for cleaners in shopping centres. Many United Voice members cleaning in shopping centres were also expecting that shopping centre owners would quickly embrace the Clean Start collective agreement outcomes and apply them to cleaning contracts at their centres.

United Voice also thought that shopping centres were a more stable workforce with longer shifts including some full time positions and less turnover of labour, all favourable factors when assessing the degree of difficulty in organising cleaners.

SHOPPING CENTRE OWNERS FEARED THE TAIL WAGGING THE DOG

The initial response to the Union from the Shopping Centre Council was that they were opposed to any extension of Clean Start to shopping centre cleaners. They argued that the new so called Modern Award, the Cleaning Services Award was the new benchmark for wages and conditions for cleaners. They also claimed they had their own required Principles for cleaning contractors they engaged and that there was no need for shopping centre owners to adopt Clean Start Principles. The Shopping Centre Property Council warned cleaning contractors not to enter in to any agreements with United Voice that resembled the Clean Start collective agreements that city cleaners had won.

Shopping Centre owners were no doubt also concerned that if cleaners in their Centres won significant above award wages and conditions, this would expose the nature of agreements between the large retailers in their centres and the SDA. Over several years retail workers wages and conditions had been eroded through enterprise agreements in exchange for closed shop deals with the SDA. Contract cleaners were only a small percentage of the total shopping centre workforce and a “non core” section of the workforce at that in the eyes of Westfield and their major tenants such as Myer and David Jones. They were afraid of “the tail wagging the dog”.

So early on in the second stage of the Clean Start campaign, the battle lines had been drawn.

CAMPAIGNING UNDER FAIR WORK ACT

By the time the campaign to win Clean Start in the shopping centre sector started, the Fair Work Act 2009 was replacing Work Choices. While the new Fair Work Act was no real friend of the worker, it did phase out Australian Workplace Agreements (individual contracts) and gave workers at the workplace or single employer level the opportunity to force employers to “bargain in good faith” with workers and their unions for collective agreements. If a union could demonstrate that there was a large majority support from workers for negotiating a collective agreement, an application could be made to Fair Work Commission to force an employer to “bargain in good faith”. If collective bargaining reached an impasse, a majority of union members could take industrial action to win their claims. Conversely an employer could lock workers out who took such “protected industrial action”.

United Voice leaders decided that momentum in the campaign around these new limited collective bargaining provisions of the Fair Work Act, combined with similar militant minority actions practiced in the CBD Clean Start campaign, would put sufficient pressure on the shopping centres and cleaning contractors to win.

The majority of cleaners in large shopping centres owned by Westfield, Centro and Colonial First State (the property arm of Commonwealth Bank) joined their union, United Voice and most of these centres also had active workplace leaders. United Voice organised campaign strategy and planning days in Sydney for these leaders. Up to sixty attended from all States and territories except Northern Territory. They became the drivers of the campaign, mentored by Lead Organisers, Organisers and a dedicated central campaign group in the National Office of the Union.

The workplace leaders mobilised members and supporters to many actions outside the centres, while community supporters including union members from other unions, conducted high visibility actions in the shopping malls and food courts, the cleaners’ workplace. These actions, including flash mobs, were designed to educate the thousands of shoppers in the centres about the cleaners’ campaign.

These actions proved successful as they annoyed the owners and contract cleaning companies, but still the Shopping Centre Property Council and

Westfield in particular refused to change their position.

ESCALATING ACTION AT WESTFIELD CENTRES

United Voice decided to escalate actions and targeted Westfield, the main player for the property owners. United Voice bought a sufficient small number of shares in Westfield to enable the National Secretary Louise Tarrant and some member leaders to attend the company annual shareholder meeting. Cleaners spoke at the meeting about their campaign and asked for meeting time with Westfield director Frank Lowy and his co-director sons. They agreed to meet but still nothing came of the meeting regarding Westfield's position. Further demonstrations at Westfield events were held and community support for the cleaners grew.

After more than a year of street protests outside major shopping centres in major capital cities, United Voice campaign leaders organised another meeting of cleaner leaders and planned protected industrial action campaigns. The nature of the Fair Work Act collective bargaining provisions influenced United Voice leaders to target one major shopping centre cleaning company, Spotless for cleaners' protected action. Spotless had cleaning contracts with the largest shopping centre owners including Westfield and they refused to meet with United Voice to negotiate a new collective agreement. Union membership at Westfield shopping centres where Spotless were the cleaning company was 60% density or higher in some States.

The members in the selected centres where the protected industrial action was to take place decided what bans, limitations and stoppages of work would be most effective. Members developed a series of escalating bans suitably timed for maximum impact, combined with stoppages of work in two hour blocks to a full stoppage of work on all shifts if this was required to win a Clean Start collective agreement with Spotless.

FAIR WORK ACT USED AGAINST CLEANERS

When the first bans commenced, such as no cleaning of bins in the food court or no cleaning of tables in the food court, Spotless managers responded by standing down cleaners for refusing to carry out the full range of duties.

The Fair Work Commission backed the company actions (no surprises there).

The Fair Work Act limited rights for workers to take “protected industrial action” allowed employers to hit workers with a sledge hammer for imposing low level work bans. This showed that when Julia Gillard said Labor had “got the balance right” with the Fair Work Act, she was way of the mark from workers’ perspective.

Members and the United Voice leadership were taken by surprise. Spotless also brought in scab labour from sub contractors to perform work of cleaners participating in the actions. In one centre in Sydney, the centre owners changed contractors and the new contractor refused to employ any of the cleaners employed by the out- going contractor, Spotless.

Cleaners lost their jobs and in other centres many cleaners were prepared to impose bans and short stoppages of work, but they did not expect to be sent home without pay just for implementing a work ban. As the actions went in to the second week, less cleaners participated as Spotless and the centre owners starved them back to performing the full range of duties.



This was a turning point in the second stage of the Clean Start campaign. Escalating actions of cleaners to the point of strike action across major shopping centres in Queensland, NSW, Victoria, SA and the ACT against one large cleaning company, Spotless, still did not move the shopping centre owners to adopt Clean Start Principles.

The campaign was a shopping centre sector campaign, but escalation of cleaners' action to the point of strike action limited to one cleaning company at five or six centres at the same time was not enough. In hindsight it was arguably a tactical mistake. Ideally, the industrial action should have been implemented against multiple cleaning companies across all the largest centres simultaneously. While union membership density was high enough in nearly all the large centres to make strikes effective in terms of participation in the actions, it was difficult to see how United Voice and their members could prevent the centres from changing contractors and putting cleaners out of work completely or arranging for sub contractors to perform the work of striking cleaners.

The situation cleaners found themselves in demonstrated that even under a Labor Government, the industrial laws provided little protection for them. Their employer refused to bargain in good faith, the shopping centre property owners pulling the purse strings were once removed from the industrial law system and there were no laws to stop a third party (the shopping centre owners in this case) smashing a just cause of low paid cleaners by ditching their employer and hence the cleaners' livelihood with the stroke of a (change of cleaning contractor) pen! One of the strengths of the Clean Start campaign in the CBDs was the ability of cleaners to hold multiple actions against numerous owners and contractors simultaneously when required. This was possible due to the geographical concentration of building owners in the confines of each city Central Business District. However the shopping centres were geographically separated from each other which placed even more strain on organising resources.

Faced with this situation, the campaign leadership with members' support, decided to stop the industrial action and re-assess the shopping centre Clean Start campaign. The leadership came to the conclusion that the shopping centre owners, especially Westfield had for the time prevented United Voice from completing Clean Start collective agreements to cover cleaners in the major centres.

VICTORY IN TEMPORARY DEFEAT

It has been said before that in the struggle between workers and capital, there is victory even in defeat of stated campaign goals. This was the case in Stage Two of the Clean Start campaign in shopping centres.

Due to the successful public exposure of high workloads of cleaners in shopping

centres, during the campaign, the centres were forced to provide funds for their cleaning companies to increase staffing levels. The four hour minimum shift for cleaners which cleaners won in the CBD Clean Start collective agreements was replicated in the Cleaning Services Award without the cleaning industry employers' association objecting.

Similarly, the cleaning industry employers' association did not oppose a 15% all purpose allowance for part time cleaners to be included in the Cleaning Services Award.

These and other improved provisions in the Award came about from the successes of the Clean Start CBD campaign. The ruling class of capital and its Fair Work Commission were forced to grant concessions through fear of similar outbreaks of struggle of low paid workers generally and cleaners in particular.

The first National Wage Case under the Fair Work Act increased minimum Award rates by over 4%. Would this have been as much without the Clean Start campaign and without the Your Rights At Work, Worth Fighting For campaign?

The increase in wages for part time cleaners and the exposure by United Voice of sham contracting practices by major shopping centre tenants, contributed to a decision by Coles to directly employ cleaners. These cleaners became employed under a Coles –SDA collective agreement with lower wages for cleaners than the Cleaning Services Award.

The decision by Coles to directly employ cleaners demonstrated just how much contract cleaners had achieved by their collective efforts both in the CBD and in shopping centres. Their strength resulted in a major retail corporation taking action to get out of the fight in a most atypical way, by moving a group of workers from contracted workers to direct employment.

Despite not winning a collective agreement with above award conditions such as job security at change of contract, United Voice members in shopping centres did comment that they now felt more respected by both their employer and the shopping centres. Union membership in the centres remained relatively stable and turnover of labour remained lower than in the Central Business Districts.

Employers of cleaners and the large shopping centre owners were more cautious about shedding cleaners at change of contract times and cleaners became more

vocal for fair treatment when cleaning contracts at centres changed.

The drain on Union resources during the Stage 2 of the Clean Start campaign in shopping centres worried the Union leadership, especially Branch Secretaries who understandably look for campaign outcomes but also substantial membership growth as the two main quantitative criteria for deciding where to place limited Organising and support resources with overall union membership still in decline.

It was now the beginning of 2013 and the CBD Clean Start collective agreements nominal expiry date was June 2013. Organising resources had been diverted from the CBD to the shopping centre campaign for the previous two years. Many CBD workplace member leaders had left the industry and there were many cleaners working in the CBD cleaning sector enjoying the benefits of the Clean Start collective agreements but with little awareness of the struggles that cleaners had been through to win them. There were also tens of thousands of cleaners whose wages and conditions improved substantially because of the Clean Start campaigns in both the CBD and shopping centres. However this did not see cleaners joining their Union in their thousands. For the latter to occur, union members across Australia needed to win far reaching changes to the whole system, which would entail a mass movement of the working class as a whole.

CONSOLIDATION STAGE - STRATEGIC RETREAT TO DEFEND AND STRENGTHEN THE BASE

The Union's leadership agreed that following the setback in the shopping centre Clean Start campaign, it was time for a strategic retreat to consolidate the cleaners' base area in the CBD sector by campaigning for second round Clean Start collective agreements in the capital cities. A small number of Organisers in capital cities re-engaged with cleaners to rebuild majority union membership in city buildings to be able to pressure cleaning companies to negotiate second round Clean Start collective agreements. Organisers found that the majority of cleaners' main concerns were to keep what they had won in the first Clean Start collective agreements and win a moderate wage increase each year to maintain their above award margin was an important but secondary concern.

Union membership in contract cleaning as a whole Australia wide had declined in the period 2010 to 2013 by about 15% despite increasing in this period in the

shopping centres. This reflected a problem faced by all unions covering high turnover services sector workers. Union membership increased where there was not only campaign activity but where there was also a concentration of union resources allocated, particularly Organiser resources. This problem was often called “the leaky bucket”. New members join in the campaign area but too many leave from non campaign focused areas at the same time and so the overall result is minimal growth or even decline.

As soon as Organiser resources and campaigning for a second Clean Start collective agreement increased in the CBDs, union membership also increased. By mid 2013, United Voice was prepared for negotiations with cleaning companies for new collective agreements.

However the Property Council of Australia had other ideas. It issued an ultimatum to cleaning companies not to enter in to a second round of Clean Start collective agreements. The cleaning companies obediently followed and resisted the Union’s attempts to negotiate for new agreements. The only exception to this was in Melbourne where there were enough active union members who had experienced the first Clean Start campaign who were able to exert enough pressure on one major employer, the Glad Group, to negotiate and win a new agreement. The new Agreement included annual wage increases to maintain the above award margins and strong Union rights clauses. These included paid time off the job for Union delegates to meet new cleaners and cleaners employed in other buildings where no delegate existed. The Agreement also provided for unpaid leave for a delegate to work as a Member Organiser with the Union for six months at a time with no break of continuity of service with the cleaning company on return.

The wage increases in the new agreement only applied though once a trigger had been reached. The trigger was that a designated number of major cleaning company competitors in the CBD market also had to have Fair Work Commission approved second Clean Start collective agreements. The Union leadership decided not to allocate additional Organiser resources to campaign for agreements with the other major cleaning companies. Even if it had done so, there may not have been immediate success. The mood of cleaners in the CBD had changed. In 2013 they were aware that their wages and conditions under the first Clean Start Agreements were still significantly better than cleaners employed under the minimum Award conditions, not to mention those cleaners trapped in questionable sub contracting arrangements.

JOB SECURITY AND RESPECT



Many of the Union members in the CBDs who experienced the struggles for the first Clean Start collective agreement were now content to maintain the status quo. As long as they kept what they had, including job security at change of contract, they would put up with the cleaning companies' refusals to negotiate a second round Agreement.

The Clean Start web site article interviewing United Voice Canberra Delegate, Chris Wagland, summed up the change in mood from anger to this more sedate mood of a sense of achievement when she said, “What’s changed the most since Clean Start is the attitude. Cleaners have more self-worth and more confidence about what they do. I get more money, which is good, but the job security that goes with it is the most important.”

‘I’m proud of what we have achieved. We can’t go back. Clean Start is the future for our industry.’

So on 1 July, 2013, the day that in the best of all worlds for CBD cleaners there would have been a wage increase of 3% or 4% under a second Clean Start collective agreement no wage increase and no new agreement eventuated.

ABBOTT GOVERNMENT LEADS RENEWED ATTACK ON CLEANERS

However the mood of confidence and self worth and Chris Wagland's warning that "we can't go back" was to be seriously challenged by the newly elected Abbott Government in the second half of 2013. Abbott represented the most reactionary elements of the ruling class.

One of the first things Abbott did through his parliamentary majority was to scrap the Commonwealth Government Procurement Guidelines for federal government department cleaning contracts. The Guidelines secured under the Rudd-Gillard Labor Governments required cleaning companies to implement Clean Start collective agreements and 4% wage increases each year for four years on all federal government cleaning contracts. This resulted in loss of conditions and wages for many cleaners cleaning government buildings all over the country. It also resulted in job losses for cleaners as the job security at change of contract provisions no longer applied when government departments gave contracts to companies who had never been party to a Clean Start collective agreement.

With the election of the Abbott Government, the United Voice leadership felt vulnerable. United Voice had a diverse coverage of workers, many of whom were not well unionised. During the years of federal Labor Governments from 2007 to 2013, United Voice had expected (quite rightly so) more from them that would benefit workers, **notwithstanding that the ALP was still a party of capitalism.** During these years, the national leadership had campaigned in cleaning, early childhood education, aged care and disabilities sectors which all required big financial costs for the Union, but with minimal support from the federal Labor government. Even the Commonwealth Procurement Guidelines took a lot of lobbying and agitation from cleaners and visits to Parliament House to have them passed. Rudd in particular had minimal understanding of workers and their unions and there was no urgency by him regarding the union movement's moderate demands.

THE LEGACY OF THE RUDD/GILLARD GOVERNMENTS WITH RESPECT TO WORKERS

United Voice National Secretary Louise Tarrant said when the Rudd Government came to office in 2007 that the legacy the government left would be determined by what it did to facilitate the rebirth or revival of the union movement.

Six years later on October 26, 2013, in a speech called “Labor’s Future Hinges On Its Faith With Workforce”, Louise Tarrant said a left wing union like United Voice “has a lot of power at stake in any reforms the party adopts. But, having power within an organisation that fails to properly represent members, which is incapable of winning voters trust and provides no real impetus for workers’ engagement, is an empty reality... One of the big unresolved dilemmas for social democratic parties worldwide is their place in a neo liberal world...Does the ALP today have a foundation of agreed values? This is a very live question.”

In December 2013 or thereabouts, United Voice national executive made a decision to close down the whole Clean Start campaign as a national campaign. They also decided to reduce national office of the Union staffing levels, particularly in relation to the national campaigns. Within a few months there was no national direction of the Clean Start campaign. Instead, negotiations for second round Clean Start collective agreements were to be the responsibility of various state branches. “Rusted on” cleaners who had struggled and won the Clean Start campaign were not consulted about the decision.

The Abbott ascendancy to government and concern about the amount of financial resources for national campaigns, including Clean Start, had taken already, played heavily on the minds of those members of the national executive who were Secretaries of State Branches of the Union. With an openly anti-worker government in office in Canberra, they saw no likelihood of any growth in Union membership in contract cleaning through continuation of the Clean Start campaign.

What followed next made it pretty clear to outside observers that the future of campaigning for cleaners had become embroiled in an internal United Voice leadership struggle. A media report stated on 25 March 2014 that National Secretary Louise Tarrant and National President Michael Crosby would not stand for re-election in September 2014.

The media report went to the heart of the matter by saying,

“Union sources say that differences between Tarrant and the union’s state secretaries boiled over during a telephone hook up last Friday.”

“The union’s national council elects the national executive, but the state secretaries retain much of the control over membership and finances.”

“Under Tarrant and her predecessor, Jeff Lawrence, the union overhauled its organising model and borrowed campaign techniques from its US counterpart, the SEIU, as it sought to lift pay and conditions of its generally low-paid membership.”

“This led to the push to organise Australian cleaners in the Clean Start campaign and the Big Steps campaign to lift the wages of childcare workers.”

In her speech referred to above, she painted a picture of an ALP that had lost its way in a neo liberal environment and by implication, it was campaigning unions like United Voice that were showing the way forward for workers.

The Clean Start campaign for Louise Tarrant and Michael Crosby was part of a bigger picture strategy to tackle the growing impoverishment of large sections of the working class at a time that capitalism’s ruling class was increasing wealth at astronomical rates, mirroring a pattern in most western countries.

Earlier in May 2012 in an interview with the Power Index, Tarrant said,

“Too much is happening around us for us to just restrict ourselves to the workplace. We exist to make positive change in workers’ lives. That is our benchmark and we’ve struggled in recent decades to deliver on that promise...In most of our areas it’s very difficult to bargain through traditional strategies. We’ve got to change the economics of an industry to deliver something for workers.”

How could United Voice National Executive have decided to close down a campaign that had “changed the economics” of one of the most deregulated industries in the country, the property owners of large office towers and the cleaning industry or at least an important section of it?

Only the National Executive members at that time of 25 March 2014 will know exactly why. However Louise Tarrant said that it was time for a change of leadership as she had not succeeded in bringing the State Secretaries with her as a National Secretary in her attempt to transform the Union as an agent of change beyond workplaces and narrow workplace bargaining. If anything she underestimated the legal nature of the Union which was not a national union but a federation of State and Territory Branches. State Secretaries put their State and re-election interests first. To complicate matters further, United Voice was not only a diverse union coverage wise, but the coverage was not uniform from

State to State. Even the cleaning industry as a source of union membership and income, as a priority of most State Secretaries, differed from State to State and this undoubtedly influenced each State's position on the National Executive when the decision was taken to close down the campaign as a national campaign.

In some Branches among Executive Officers, the announcement that Louise Tarrant and Michael Crosby were leaving was probably greeted with almost celebration.

The irony of the events within the national leadership of the Union and their impact on the Clean Start campaign was that in March 2014 in Canberra, several smaller cleaning companies signed second round Clean Start collective agreements which Louise Tarrant described in a press release on the Clean Start web site as

“...a turning point for Australia's contract cleaning industry. The recommitment by key contractors to the Clean Start Collective Agreement for a further four years is significant because it consolidates industry reform which was initiated, fought for and won by workers.”

“Low paid workers came up with the solutions to stop the race to the bottom in their industry. They convinced property owners, tenants and cleaning companies there was a better way – Clean Start – and they have proven it delivers. In the process cleaners improved their lives and secured higher building maintenance standards for owners and better services for tenants.”

“We don't pretend the battle is over or that all shonky contractors have been driven from the industry. This year's (2014) audit of 1,000 cleaning contractors by the Fair Work Ombudsman in response to illegal practices in the industry proves there is more to be done. But the Agreement makes it harder for these operators and provides protection for cleaners and ethical contractors.”

In Canberra there was still an ACT Labor Government and this influenced cleaning companies to renew the Clean Start collective agreements to win more ACT contracts.

With organising resources stripped back, union membership in cleaning in the CBD and generally continued to decline in all States. However there still remained a significant core membership in the CBD and shopping centres in

particular. Despite the close down of the national campaign, cleaning companies and property owners would never be able to go back to pre Clean Start ways without a fight. In July 2013, 2014, 2015 cleaners under the first Clean Start collective agreements had no wage increases as they were still well above the Award. The big business property owners imposed a wage freeze on CBD cleaners. However there was still struggle by cleaners to enforce the provisions of the agreements, especially over work load and job security at change of contract. The latter extended to shopping centre struggles as well. In Geelong, contract cleaners in the major shopping centre took spontaneous strike action and won against the cleaning company and centre owner for announcing cuts to working hours thereby intensifying work load and reducing income of cleaners.

In Canberra, cleaners at the federal Parliament House took strike action for a pay rise following the Abbott Government's ending the procurement guidelines regulations installed by the previous Labor Government.

CLEANERS RESIST CUTS TO WORKING CONDITIONS

In 2016, the first cleaning company to become party to a Clean Start collective agreement in 2008, ISS Facilities Services, announced that it intended to apply to Fair Work Commission to terminate the Clean Start collective agreement and return cleaners to the Cleaning Services Award. The company conducted an internal ballot of over one thousand cleaners covered by the agreement and less than 20 cleaners voted "yes" to terminate the agreement!

This overwhelming rejection of any reduction in working conditions that cleaners had won in the first Clean Start CBD campaign came as a surprise to ISS. In major capital cities where ISS had a significant share of the large office building market, United Voice members became active among newly employed ISS cleaners to explain to them why they should vote "no" to terminating the ISS Clean Start collective agreement. ISS, a bit like the Howard Government with its Work Choices legislation of 2006, over stepped the mark of tolerance of the workers.

With their tail between their legs, ISS then agreed to negotiate a new collective agreement with cleaners and their Union, United Voice. The new Agreement was negotiated over nearly a year well in to 2017. The outcome was worthwhile for cleaners with the new Agreement preserving the working conditions of the initial Clean Start collective agreement. The Agreement covered all 3750 ISS

cleaners in Australia. The only exclusion was hospital cleaners who had separate contemporary agreements.

That so few ISS cleaners agreed to the company proposal to terminate the agreement indicated that cleaners, like many workers, will stand up to protect what they have won, even if they are not in a strong enough position to make further advances.

When the new collective agreement went to ballot in 2017, there was a very high “Yes” vote.

CLEANERS STRUGGLE FOR INDUSTRY WIDE SOLUTIONS

The new collective agreement also included a provision that directly linked wage levels and wage increases to the level of quality of cleaning required by the client property owners. This linked the agreement to a broader dimension of United Voice’s Clean Start campaign aimed at regulating the contract cleaning industry through all stages of the contracting process. The broader dimension was the development of a United Voice spearheaded Cleaning Accountability Framework (CAF), involving cleaners, major cleaning companies, property management companies, large industry superannuation fund investors and property owners and the Fair Work Ombudsman.

The Fair Work Ombudsman involvement started under the previous federal Labor Government and the Abbott/Turnbull Governments have maintained its role in the CAF project following the exposure of sham contracting and below award wages in the cleaning industry involving major corporations like Coles and major cleaning companies like Spotless. The presence of the Ombudsman on CAF also reflects some concerns from sections of the ruling class who are fearful that wealthy families of overseas students who also clean and subject to wage swindling in the CBDs of major cities may move their children to other countries for their tertiary education. This would affect the significant tertiary education export industry which is what universities have largely become.

The parties to CAF developed a set of standard tender documents linked to the scope of cleaning required by the property owners in each building. CAF is a system of selective tendering whereby cleaning companies are first comprehensively audited by a CAF appointed auditor before being eligible to bid for a contract. Once a cleaning contract is won and implemented for a building

owned by a CAF property owner, cleaners' wages and conditions that are applied will be contained in a new model collective agreement. The new ISS collective agreement is a bridging agreement. The final version of the CAF model collective agreement is still being developed and should be completed in 2018.

The parties to CAF have agreed that wage rates for cleaners will be linked to the tender specifications of the cleaning contract. The higher the standard of cleaning and degree of responsibility required of cleaners, the higher the wages. The standards have been broadly agreed by the CAF parties and are based on a similar principle to three, four and five star hotels. The parties to CAF have also agreed that in each building, cleaners are involved in the regular auditing compliance committee for the building and that each building will have an elected CAF cleaner representative who is given paid time for training and paid time to address issues arising regarding compliance with the tender.

United Voice has been trialling the system in select buildings in Melbourne and Sydney.

The CAF system is dependent on the property owners complying with it. There is no government regulation underpinning it. As with the former Labor Government's Commonwealth Cleaning Guidelines, the whole CAF system could fall in a heap.

As with Clean Start, the property owners and cleaning companies will only be kept in line by the fear of disgruntled major tenants dissatisfied with cleaning standards moving to another building, combined with a class conscious unionised and organised cleaner workforce who make it too big a risk for property owners to sabotage the CAF project.

The development of a sustainable class conscious unionised and organised contract cleaning workforce will only occur if there are sufficient union resources devoted to the cleaners in the industry and if a way is found to develop organisation in the workplace and a resulting union culture.

CLEANERS' STRUGGLE PART OF BROADER WORKERS MOVEMENT FOR FUNDAMENTAL SOCIAL CHANGE

The Clean Start Fair Deal for Cleaners campaign succeeded in achieving this but not in a sustainable way. To the degree that it was successful, it was also due to

the mass movement of the workers across all industries to defeat capital's attack on the working class through its Work Choices legislation.

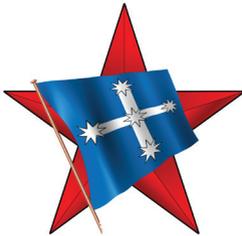
The continued struggle of contract cleaners and indeed other precariously employed sections of the working class can become part of the momentum building from the current broader union movement inspired campaign against neo-liberal inequality of wealth and the legal system that supports it.

For this to occur, the union movement needs to find ways of converting support from precariously employed services sector workers to them becoming an integral part of the union movement. As with the cleaning industry, this will mean unions committing organiser resources to those sections of the working class which are currently scantily resourced by unions.

This will require bold and resilient working class leadership as the traditionally strongly unionised and organised sections of the working class contract in a sea of unorganised services sector workforce. It is an urgent task for the development and expansion of the working class referred to by Marx well over a century ago.



Services Sector workers are an integral part of the bigger struggle for working class rights



Communist Party of Australia (Marxist-Leninist)
www.cpaml.org

July 2018