

# Addressing vulnerability of contract cleaners

Contract cleaning undermines workers' rights to organise and promotes division between workers in the workplace. The employer (client) who contracts the services of the cleaning company creates the basis for vulnerability amongst contract cleaning workers writes **Rob Rees**.

Rob Rees



The employer/client shapes every aspect of the contract cleaner's working life, from wages, work intensity and exposure to workplace hazards to the exercise of workplace rights. Yet commonly it exercises this power without any challenge from organised labour. One reason for this is because union strategy to improve contract cleaning workers' wages and working conditions focuses on contract cleaning as a sector and/or the companies and employees operating within it.

In doing this the union may reinforce divisions created by the employer/client. Contract cleaning workers want permanent jobs with better wages and benefits; training and the possibility for growth and advancement into other jobs. Opportunity for this is not either inside a contract cleaning company or the cleaning sector; better opportunities for this lie with the employer/client which contracts the cleaning company for services in the workplace.

It is therefore essential for trade unions to develop strategies to organise a workplace challenge to the employer/client. This is not possible without at the same time developing the basis for unity with permanent workers in the workplace. Health and safety legislation offers a set of rights

together with other organisational rights in the Labour Relations Act which the union could use to build workplace unity and to establish common organisational rights and minimum standards in the workplace for all workers regardless of employment status, company or sector.

This article draws on the findings of a participatory action research (PAR) project carried out between June 2011 and June 2012 to investigate the decent work deficit in the contract cleaning sector. Conducted by the National, Labour and Development Institute (Naledi), the Industrial Health and Resource Group (IHRG) and the South African Transport and Allied Workers Union (Satawu), project participants included the Satawu Contract Cleaning National Shop Steward Council and Satawu shop stewards from three cleaning companies at the OR Tambo International Airport in Gauteng.

### ORGANISING AND BARGAINING STRATEGY

Satawu's current strategy to improve the conditions of contract cleaning workers aims to organise sufficient membership to establish a national Contract Cleaning Bargaining Council, something that large contract cleaning employers also want to achieve as only KwaZulu Natal has a regional bargaining council covering contract cleaning workers. Whilst employers are well represented through their associations, trade union membership is only 30% of the estimated 150 000 employees in the sector.

Satawu is the largest union with over 15 000 members. To establish a Bargaining Council a union needs to represent more than half of the workforce. National wage bargaining now occurs between unions and employers, the National Contract Cleaning Association (NCCA) and the Black Economic Empowerment Cleaner's Association

(BEECA) in a forum that reflects what the National Council might look like. Bargained agreements are forwarded to the Department of Labour and become the new legal minimum wages and conditions if the Labour Minister gazettes them into a sectoral determination. For example, whilst it was agreed in 2012 to increase the guaranteed minimum hours of work incrementally over three years, the Minister did not gazette this as the minimum.

Satawu strategy also includes winning recognition from contract cleaning companies and taking up worker problems at this level. This strategy is limited in KwaZulu-Natal where Bargaining Council agreements are for actual wages, conditions and organisational rights. In other words the minimums are legislated as maximums.

Nearly 10 years after the Satawu Congress (2003) resolved to target members from Prestige and Supercare, Satawu represents just 10% of the workers employed at these companies. These two companies employ just under half of all contract cleaning workers in South Africa. There is even greater concentration as in early 2012, Bidvest which owns Prestige, became the largest shareholder in Mvelaserve which in turn owned the third largest contract cleaning business in the country. Their representatives are prominent in the employer association and in the institutions and processes concerning the sector including the national provident fund, training board and wage negotiations.

Whatever strengths there may be for sector and company strategies, they do not in themselves challenge processes of externalisation (including subcontracting), that underpin the vulnerability of contract cleaning workers. As strategies to organise and bargain, they leave the employer/client unchallenged; and yet this employer indirectly profits from the labour

of contract cleaning workers and significantly shapes their working life. The client determines or at least shapes how much workers earn, under what conditions and over what duration (length of contract).

Through their control over the workplace (work processes, inputs, layout, the involvement of other contractors, etc.) and in determining where and what kind of 'cleaning' work is done, the client lays the basis and circumstances for the exposure by contract cleaning workers to health and safety hazards at the workplace. The client is also able to limit workers' access to organisational rights and their participation in the workplace which are routes to challenge their conditions.

Through externalisation and other practices, the client divides the workplace and constructs unequal working conditions between full time indefinite contract workers (commonly termed permanent workers) and temporary fixed term contract workers, between workers in different companies and between workers of different genders and occupations. But in focusing strategically on workers according to their sector or company without a strategy to build unity in the client's workplace, the union may contribute to actually sustaining these divisions.

To challenge the divisions and vulnerability, contract cleaning workers need organisational rights in the workplace beyond those that they have with their contract cleaning employer; and to win these they will need to link with full time permanent and other workers in the same workplace so as to share their problems and develop a common basis around which to build their unity.

### STRENGTH FROM LINKING TO PERMANENT WORKERS

Contract cleaning shop stewards participating in the project commonly spoke about negative

relations with permanent workers directly employed by the client in the workplace: 'they (permanent workers) undermine us (and)... think we can't read or write.'

This was the case even where permanent workers belonged to the same union as the cleaning workers:

'Workers sweep all the trains for five years but the permanent workers... make it (the workplace and restrooms) dirty, they have money and get Nando's and KFC. Then the boss says to you that you have not cleaned. Also other workers don't respect us and in some cases they happen to be members of Satawu'.

Part of the explanation for this lack of respect is because cleaning work is seen as women's work and often unrecognised both at home and in the workplace. In other examples co-operation between permanent and contract workers was undermined as unions competed for membership. Some would even insist that they could only provide information about the employer/client if the cleaning workers leave Satawu and join another Congress of South African Trade Unions (Cosatu) union. Not all is negative though; there was some evidence of solidarity between permanent and contract workers.

### NAMPAK BEVCAN SPRINGS – AN EXCEPTION

Around 2007 Bevcán Springs management planned to end their cleaning contract with Intuthuko and replace it with Servest. Satawu spoke to an organiser from the National Union of Metal Workers of South Africa (Numsa). He 'agreed to engage the shop stewards at Nampak Bevcán and call a meeting with management.' They successfully negotiated that Bevcán make it a condition of the new contract that the Intuthuko cleaning workers continue to work at Bevcán but now employed by Servest.

As a Numsa shop steward comments: 'We explain (to management)... we are coming from same union so these (cleaning workers) are our members in essence, so we need to look after them... It is not easy... They'll say, "Why, because these guys belong to a different Sectoral Determination?" and so forth. But... we cannot sit and look how other people (are)... exploited who... (are) members of Cosatu because we also belong to Cosatu and it's our responsibility to look after them'.

Although this success was reported to the Cosatu local and a resolution taken for unions to take similar action 'elsewhere' there is no record of this happening. Bevcán Springs was an 'exception' initiated by two trade union organisers. There is no indication that it was either an organised appeal for solidarity from cleaning to metal workers or that it was a policy and practice driven and supported by Satawu or Numsa locally or nationally.

Satawu cleaning shop stewards working in Bevcán continue to have a good relationship with the Numsa shop stewards at the workplace. They are able to approach them when they have problems. In comparison with many other contract cleaning workers, they earn above the minimum wages, can apply for vacancies in Bevcán and have a greater opportunity to participate at the workplace, for example, through an elected health and safety committee. They also have organisational rights to meet in the workplace, time-off and regular monthly meetings with their company employer.

However, many challenges remain. The Numsa- Bevcán agreement to retain employment did not recognise workers' prior service with Intuthuko or cover them in future if the Servest contract ends. The organisational rights of the contract cleaners are not captured into a written agreement and vast



Satawu members marching.

William Matlala

inequalities remain between the hourly rates of the contract cleaning workers (R15.50/hour) and the lowest paid Bevcán worker (R59/hour), even though Bevcán no longer employs general workers. Crucially there are no regular meetings between the metal and cleaning shop stewards or general meetings between workers in the workplace, despite the potentially common issues that they face. Asked about this the Numsa full time shop steward replied: 'maybe we need to also look into that... maybe it's an oversight on our part, that in the general meeting... we are supposed to call them...' <sup>LB</sup>

*Rob Rees is a researcher with Naledi and acknowledges generous contributions from shop stewards from Satawu and the IHRG.*

*The project, on which this and the following article are based, was made possible through funding from the UK Department for International Development (DFID) to conduct and manage a programme entitled Employment Promotion through a subcontract between the University of Cape Town and Naledi. Views expressed are not necessarily those of DFID or UCT.*