

Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiations

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Abstract

We examine an important recent organizing success of the US labour movement: the 'Justice for Janitors' campaign in Los Angeles. This campaign has spanned a complete business cycle and shows the union's capacity for growth over time. It illustrates the potential for unions to overcome pro-employer bias of labour laws, as well as their efficacy in appealing to the wider public. It exposes the importance of building coalitions, as well as the value of union analysis of legal, industrial, and political conditions. Our analysis suggests conditions under which unions might survive and thrive in the service sector in the twenty-first century.

1. Introduction

In the early 1990s, the morale of the US labour movement was at a low ebb. A major employer offensive had severely eroded private-sector union density during the previous decade. Elsewhere in the advanced capitalist world, unions also seemed to be losing ground. But in the mid-1990s signs of labour revival appeared on the horizon. There was a change at the top when John Sweeney, who had been president of the Service Employees International Union (SEIU), became president of the AFL–CIO in the first contested election for that position in over a century. Under Sweeney, the AFL–CIO began actively to promote organizing as a major strategic activity, and also to renew its efforts at active political engagement. The election signalled a renewed commitment to organizing and to aggressive political action to benefit workers, particularly those in the newly important service sector.

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This article examines what is arguably the single most important organizing success story of the US labour movement in the late twentieth century, namely, the SEIU's 'Justice for Janitors' (JfJ) campaign in Los Angeles, California. JfJ has become the icon of the new labour movement and demonstrates the potential for a larger-scale revival of unionism among the burgeoning ranks of low-wage workers. Our previous analyses of this case (Waldinger *et al.* 1998; Fisk *et al.* 2000) focused on the dynamic of the initial organizing effort and on the implications of the case for labour law. Here, we bring the story up to the present with an examination of a dramatic strike the Los Angeles janitors' local of the Service Employees International Union launched in connection with its third contract bargaining round in the year 2000. The strike not only improved the wages and conditions of already organized janitors, but also led to the union's further expansion into an adjoining county. The Los Angeles JfJ campaign has now spanned a complete business cycle and shows the SEIU's capacity for sustained organizing and growth over time.

We explore the broader implications of this case as well. Organizing low-wage, immigrant workers in industries where the employer is elusive and where layers of subcontracting diffuse responsibility across multiple actors (owners of the buildings, renters, and contractors) is a problem for unions throughout the world. The JfJ case illustrates the potential for unions to overcome the pro-employer bias of American and similar labour laws, as well as their potential efficacy in appealing to the wider public for support, rather than simply inflicting direct economic harm on the immediate employer. This case also exposes the importance of unions building coalitions — with politicians, religious and community organizations, and with other unions — as well as the value of careful analysis of legal, industrial and political conditions on the part of union organizers. Taken together, the various lessons of the case suggest a set of conditions under which unions might survive and even thrive in the service sector in the twenty-first century.

The paper is based on interviews that the authors conducted with union, business, community, religious and political leaders involved in the 2000 strike. The research also included analysis of business data, news reports, and legal sources such as cases and legislation.

2. Historical background

The SEIU originally organized building service workers in Los Angeles just after the Second World War and continued to build membership in this sector through the late 1970s. Janitorial membership in its Local 399 peaked at about five thousand in 1978; total compensation in the union sector rose to \$12 an hour by 1982, compared with \$4 in the non-union buildings. In the 1980s however the SEIU, like many other unions in the US, was under serious attack from employers in Los Angeles and throughout the US. Now

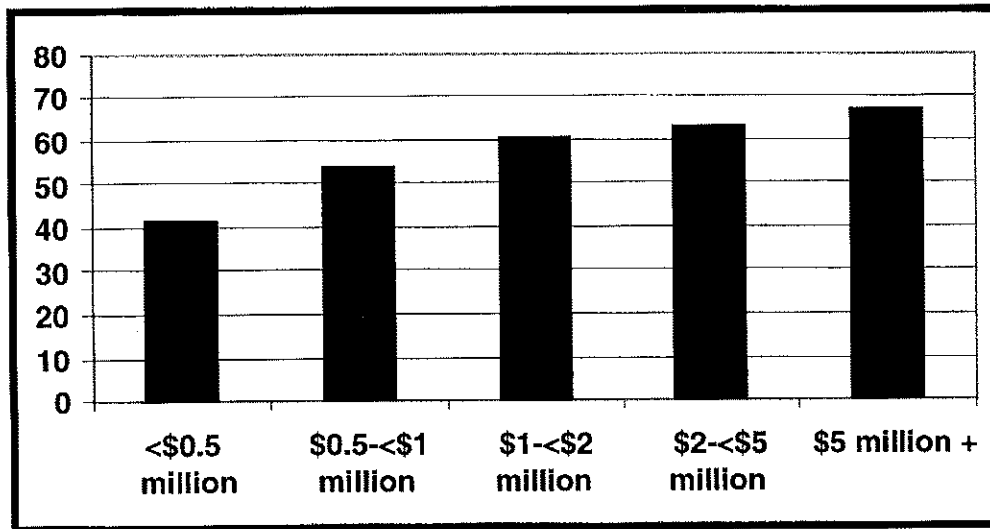
the pattern of membership growth was suddenly reversed; wages fell precipitously and hard-won union benefits were lost.

About one-third of LA's current office space was built after 1980. The building services industry expanded with the construction boom, employing 28,883 janitors by 1990, more than double the 1980 figure. Tax breaks and foreign investment (especially from Japan) played an important role in the downtown boom. By itself, the building boom should have been favourable to unionization of janitorial workers, since it created more demand for cleaning personnel in the new office complexes. But instead, by 1985 janitorial membership in Los Angeles had fallen to 1800.

In part, the de-unionization of LA janitors was due to the industry's restructuring, as building services were increasingly outsourced. By the 1980s, major building owners and managers no longer employed their janitorial personnel directly. This had important economic implications, for labour costs are a major element of the cleaning services even though cleaning labour costs as a fraction of *total* building operating costs are small. As Figure 1 shows, for the smallest cleaning service firms, such costs absorbed over 40 per cent of sales revenue; for the largest, over 75 per cent. Larger firms can spread overhead expenses (administration, marketing, etc.) over a greater volume of sales, giving them a competitive advantage.¹ Reinforcing this edge for larger firms is the reputational factor. Cleaning service personnel have access to offices containing costly equipment and important records. Small operators cannot necessarily be trusted to do the cleaning job and also be trustworthy. And since building owners often have properties in more than one US city — even more than one country — they may prefer dealing with building service firms with whom they have dealt satisfactorily across the whole country.

By the mid-1990s, the two largest office cleaning firms — American Building Maintenance (ABM) and International Service Systems (ISS — later renamed One Source) — accounted for over a quarter of all janitorial employment in the Los Angeles area; the top 21 firms accounted for over a third, and the proportion was even higher among janitors at the largest 'Class A' buildings. In this submarket, ABM and ISS were the major players. Although unionized in some other locations, in Los Angeles both firms were operating on a non-union basis by the late 1980s, when JfJ's campaign began. The last LA master union agreement prior to the JfJ campaign was signed by SEIU Local 399 in 1983. Shortly thereafter, the parties froze all increases in wages and benefits in response to the city's slide towards non-union building services. A desire to retain its remaining members led the union to agree to a series of concession agreements. Only downtown Los Angeles retained a core of unionized workers, and even there union coverage was only 30 per cent of the major buildings. County-wide, the situation was more dismal, with fewer than one janitor in ten a member of Local 399. While the local had been recruiting Kaiser Hospital workers during this period, so that its total membership continued to grow, its janitorial membership fell and wages declined. Eventually, the union's local

FIGURE 1
Direct Labour Costs as a Percentage of Annual Sales Volume, 1998



Source: Building Service Contractors Association International, 1998

leadership came to see health care as the source of its salvation and the janitorial labour market as a lost cause.

The resurgence of immigration into the US starting in the 1960s was nowhere more concentrated than in southern California. As wages and working conditions in the Los Angeles building service industry deteriorated with the union's decline in the 1980s, the major contract cleaning service firms shifted their labour recruitment to draw on the new supply of immigrant Latino workers. In 1970 African Americans made up a third of Los Angeles' janitors, and up until the early 1980s they comprised half of Local 399's members. However, almost all of the new janitorial jobs created during the 1980s went to Latino immigrants, mostly from Mexico and Central America, whose share of employment rose from 28 to 61 per cent from 1980 to 1990. Owing to industry expansion, African-American employment essentially held steady in absolute terms; but as a proportion of the workforce native-born African Americans slipped badly, from 31 to 12 per cent. Native-born whites also declined, from 24 to 11 per cent. Native-born Latino workers made up the balance of the work-force.

3. The Justice for Janitors campaign

In the mid-1980s, national officials of the SEIU faced a perilous situation in the building services sector. Although the founding janitorial locals (Chicago, New York and San Francisco) were still holding fast, in Los Angeles and many other cities the building services division was losing

ground to non-union competitors, and had been forced to make concessions to unionized employers. Local leaders were ill-equipped to mount an effort to reverse the decline.

For SEIU to re-unionize the new janitorial work-force in Los Angeles seemed to many observers to be an impossible task. Members of the new immigrant work-force were vulnerable to threats of deportation. Their English-language skills were limited. Even if the union somehow did win recognition from a cleaning service firm, success might be fleeting, as they could quickly switch to a non-union cleaning service. Indeed, even the remaining unionized firms had by now created non-union subsidiaries which had the bulk of the business. Moreover, US labour law made it difficult for the union to target the actual building owners, as the building services contractors were now technically the primary employers.

Yet the janitors succeeded, against the odds, in re-unionizing their industry in the 1990s. The 'Justice for Janitors' movement emerged gradually and relied initially on resources from the national union. By 2001 there had been three rounds of contract negotiations since the re-unionization. Wages and benefits have been improved. The success of the janitors in Los Angeles office buildings has spilled over into once-conservative Orange County, where the SEIU won recognition in the aftermath of a massive strike in the year 2000, and the union has also expanded from the office building sector to supermarkets in the Los Angeles area.

Initial organizing and first contract: 1988–1990

JfJ came to Los Angeles in 1988, drawing on a repertoire of campaign practices the SEIU had developed in other cities, most notably Denver. The campaign began in the downtown area, led by union organizers sent by SEIU headquarters into the local. The union organizers had to find a way both to represent the atrophied union base of janitors and to begin new organizing among janitors in nearby non-union buildings. The union's plan entailed targeting the non-union wings of cleaning service companies with both union and non-union divisions, as well as purely non-union operators. The union allowed unionized firms to pick up work at low rates so they could compete with the non-union services, with the understanding that they would move to union standards once half of the market was organized.

The campaign relied on a variety of unorthodox tactics designed to pressure owners or managers to use union contractors and to pay union-scale wages. Pressure on the contractors directly is ineffective in this industry, since they can so readily be replaced by lower-cost non-union contractors, even if they agree to union representation and terms. A National Labour Relations Board (NLRB) election held for workers of the formal employer — the traditional way that unions organize employees — was ineffective for the same reason, once building services were detached from owners/managers through contracting. But if owners and managers would agree to use unionized contractors, the barrier to the union would be removed; in effect,

a reserved market for union contractors would be created. Given the industry concentration noted above, the union's strategists reasoned that, if agreement could be reached with ABM and ISS, other smaller contractors would follow and LA's major office centres could be re-unionized.

The JfJ campaign at first made slow but steady progress. By April 1989, Local 399 had negotiated a new master agreement, the first in downtown LA since the early 1980s. In the summer of 1989, the campaign's focus shifted to Century City, a large Westside office complex employing 400 janitors, of whom 250 were employed by ISS. JfJ marshalled a variety of tactics to put pressure on ISS. As it already had done downtown, JfJ staged various confrontational publicity stunts to draw the attention of Century City building tenants to the janitors' economic plight. Tenants complained to building managers about JfJ activities and even expressed sympathy for the janitors. By the end of the 1980s, the issue of wage inequality and the situation of the working poor was already salient. Tenant complaints and sympathies indirectly intensified pressure on ISS.

In late spring 1990, the pace of activity escalated sharply when the union decided to stage a strike. A major turning point occurred on 15 June, when Los Angeles police attacked a peaceful march of JfJ strikers and supporters as they walked from nearby Beverly Hills to Century City. Public outrage at the televised police attack brought local politicians, including the mayor, Tom Bradley, into the janitors' dispute. And in New York City, after seeing a video of police beating strikers, Gus Bevona, the powerful president of the SEIU New York Local 32B-32J, called the president of ISS into his office and insisted that a deal be reached. The Los Angeles contract with ISS was signed that day and later was extended to ABM and other cleaning service firms.

The initial contract with ISS resulting from the Century City events ran for 22 months and covered only 200 workers. These workers averaged \$4.50 an hour at the time the agreement was concluded. The contract provided for a \$0.30 increase or a wage of \$5.20, whichever was greater. A second increase \$0.20 or \$5.50 was scheduled for April 1991. However, by the time the second increase was due, the ISS contract was superseded in March 1991 by an extended three-year agreement also covering ABM's non-union Bradford subsidiary. This new contract covered 5000-6000 workers. It added dental and drug coverage to the health plan and provided wage increases of \$0.20-\$0.45 per hour in each of the three years, depending on location.

One notable aspect of these initial contracts is that they allowed for a tiered wage and benefit structure. The highest wages and benefits cover the downtown and Century City areas, while the lower tiers reflected the reality of stronger non-union competition outside these core areas. However, this tiered structure — and the union's goal of wage-benefit parity across the region — would become a major issue in later contract negotiations.

Labour supporters hailed the new contract settlements as a major victory for the Southern California labour movement and for immigrant unionism

in particular. The new leadership who took over at the AFL–CIO in 1995 saw the Los Angeles JfJ campaign as a model for unions in the rest of the US. The city had the multicultural labour force of the future. And the janitors, at least, had succeeded in establishing a new model of union organizing within that labour force.

Second contract: 1995

At the time the second round of contract negotiations took place in 1995, the Los Angeles economy was in a major slump with high vacancy rates in commercial office buildings. Buildings that had been bought or developed during the booming 1980s were not yielding the expected rates of return that would allow repayment to lenders. Foreign investors, especially Japanese, had paid inflated prices for Los Angeles real estate and were losing control of their properties to financial institutions. Rents for office space in LA County were beginning to recover after a four-year decline but were still below 1990 levels (Howard 2000a). Total employment of janitors in LA County was about at the level it had attained in 1990. This economic factor was a wild card in the negotiations. On the one hand, it could be argued that building owners pinched by excess capacity would put pressure on their cleaning contractors to hold down labour costs. But on the other hand, owners would not like to have their tenants unnerved or annoyed by public demonstrations of angry janitors.

As it turned out, the negotiations for the second contract proceeded without major incident, despite these uncertainties. The result was a five-year agreement — longer than the typical union contract. As Table 1 and Figure 2 show, the contract was again a tiered one, breaking down Los Angeles County into enumerated regions with different wage and benefit levels for each area. However, the new agreement equalized pay in several non-core areas, reducing the number of wage-differentiated regions to three (from the earlier six). The contract also contained a significant element of backloading, with health insurance benefits scheduled to be added in February 2000, shortly before the contract expired.

Despite the successful conclusion of the janitors' second contract fight in 1995, major internal conflicts within the union emerged. Divisions among the membership were a problem, as SEIU Local 399 included both janitors and health care workers, two groups of workers that included different ethnic groups, skill and pay levels, and working conditions and whose interests were therefore not identical. With the success of JfJ, the balance shifted away from the once-dominant health care group. Divisions also arose over the fact that the key JfJ organizers had come from outside the structure of the local union. Some rank-and-file janitors accused the JfJ leadership of failing to provide good representation to the members and of having heavy-handed leadership styles that inhibited democracy. Eventually, the dissident group of 'reformistas' openly campaigned to unseat the union leadership. The internal battles that ensued led to trusteeship by the national union in June 1995. Under the

TABLE 1
Wages and Wage Adjustments Specified in 1995–2000 Maintenance Contractors'
Agreement: Cleaners

	4/1/95	9/1/95	4/1/96	9/1/96	4/1/97	4/1/98	4/1/99	2/1/00
Area 1								
Start	\$6.80	\$6.80	\$6.80	\$6.80	\$6.80	\$7.00	\$7.20	\$7.20
Minimum	\$6.80	\$6.80	\$6.80	\$6.80	\$6.80	\$7.00	\$7.20	\$7.20
Increase	\$0.15	\$0.00	\$0.15	\$0.00	\$0.15	\$0.25	\$0.30	\$0.00
Health	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pension	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Area 2								
Start	\$5.40	\$5.40	\$5.50	\$5.50	\$5.65	\$5.90	\$6.30	\$6.30
Minimum	\$5.60	\$5.60	\$5.80	\$5.80	\$6.00	\$6.30	\$6.80	\$6.80
Increase	\$0.20	\$0.00	\$0.20	\$0.00	\$0.20	\$0.30	\$0.50	\$0.00
Health	LT Area 1	LT Area 1	LT Area 1	LT Area 1	LT Area 1	LT Area 1	LT Area 1	Yes
Area 2A								
Start	\$4.70	\$4.70	\$4.85	\$4.85	\$5.10	\$5.55	\$6.05	\$6.40
Minimum	\$4.95	\$4.95	\$5.20	\$5.20	\$5.75	\$6.30	\$6.80	\$6.80
Increase	\$0.25	\$0.00	\$0.25	\$0.00	\$0.55	\$0.55	\$0.50	\$0.00
Health	No	No	No	No	No	No	No	Yes
Area 3								
Start	\$4.70	\$4.70	\$4.85	\$4.85	\$5.10	\$5.55	\$6.05	\$6.40
Minimum	\$4.90	\$4.90	\$5.10	\$5.10	\$5.55	\$6.05	\$6.40	\$6.80
Increase	\$0.20	\$0.00	\$0.20	\$0.00	\$0.45	\$0.50	\$0.35	\$0.40
Health	No	No	No	No	No	No	No	Yes
Area 4								
Start	–	\$4.45	\$4.45	\$4.45	\$4.75	\$5.15	\$5.65	\$6.15
Minimum	–	\$4.45	\$4.45	\$4.75	\$5.15	\$5.65	\$6.15	\$6.80
Increase	\$0.00	\$0.20	\$0.00	\$0.30	\$0.40	\$0.50	\$0.50	\$0.65
Health	No	No	No	No	No	No	No	Yes
Area 5								
Start	–	\$4.50	\$4.50	\$4.50	\$4.65	\$4.90	\$5.20	\$5.20
Minimum	–	\$4.50	\$4.75	\$4.75	\$5.00	\$5.30	\$5.65	\$5.65
Increase	\$0.00	\$0.25	\$0.25	\$0.00	\$0.25	\$0.30	\$0.35	\$0.00

Notes

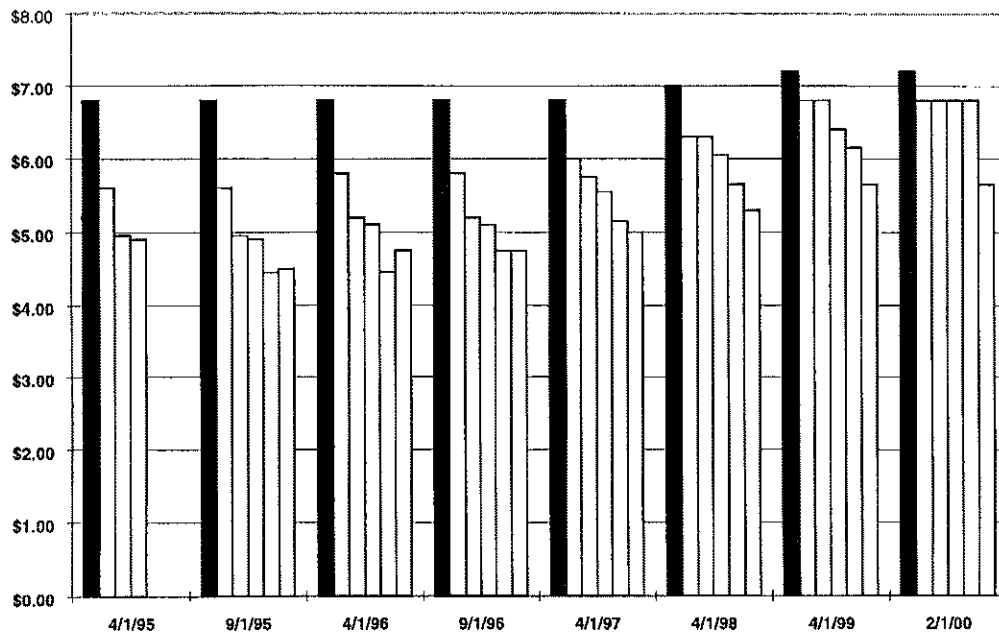
1. LT Area 1 = Health plan but less generous than Area 1
2. Pension: minimum of \$0.10 or continuation of contributions of \$0.33 or \$0.35.
3. Increase refers to existing employee receiving at or above minimum.

trusteeship, the existing leadership was removed from office. The local union restructured and divided itself in two, placing the health care and building services divisions into separate entities. The janitors were consolidated into SEIU Local 1877, which represented janitors from several other California cities, including San Jose, Oakland and Sacramento. This consolidation of all janitors into a state-wide local was also in line with the union's industry-wide and regional approach to organizing.

The 2000 strike and JfJ's third contract

The real estate market and the makeup of the building owners that would indirectly pay for any janitorial contract improvements had changed again

FIGURE 2
Minimum Hourly Wage for Cleaners: 1995–2000 Maintenance
Contractors' Agreement



Note: Bars from left to right refer to Areas 1, 2, 2A, 3, 4, and 5. No minimums were specified for Areas 4 and 5 until 9/1/95.

- Area 1 = Downtown LA, Century City
- Area 2 = Wilshire Corridor, Beverly Hills, LAX, Westwood
- Area 2A = Santa Monica, Culver City
- Area 3 = Pasadena, Hollywood, Long Beach, Glendale/Burbank, South Bay, Commerce
- Area 4 = Studio City/Sherman Oaks, Woodland Hills/West Valley
- Area 5 = Other areas of LA County

by 2000. The downtown office market was suffering from the departure of major corporations from Los Angeles. On the other hand, areas of the Westside, such as Santa Monica, had become centres of multimedia activity and dot.com firms, as had other regional markets such as Burbank. On average, Los Angeles County commercial rents had risen 50 per cent between 1995 and 2000, but office rental costs downtown were one-third less than those in the greater Los Angeles area. So by 2000 cheaper downtown space was attracting spillover tenants priced out of the hotter outlying areas. (Howard 2000a, b, c, d). The buildings themselves were no longer in the hands of reluctant lenders and Japanese investors, but had been taken over by Real Estate Investment Trusts (REITs), partnerships and similar institutions.

The two main cleaning contractors in 2000 were the same as those in the prior two Los Angeles negotiations. ABM Janitorial Services, based in San Francisco, operates throughout the US and in Canada. It is part of a still-larger enterprise providing other building services such as security, parking and elevator repair. The parent company has 57,000 employees, over 40 per

cent unionized. ABM had been a relatively stable corporation throughout the 1990s. In contrast, One Source, the former ISS, has a much more complicated history. At the time of the first negotiation in the early 1990s, it was an autonomous subsidiary of a Danish multinational parent that focused much of its attention on the European market. Autonomy, however, apparently led to financial irregularities during the period 1989–95, leading to charges against income and the departure of its chief financial officer. The Danish parent divested its problem child in 1997, selling it to a Montreal-based firm known as Aaxis on condition that the ISS name of the subsidiary be changed. Aaxis was then sold to a Belize-based multinational, BHI, in 1998, which merged with another Belize-based firm, Carlisle Holdings, in 1999 to form Carlisle Holdings Limited. The three firms — Aaxis, BHI and Carlisle — are all linked to Michael Ashcroft, a high-ranking official in the British Conservative Party who was once Belize's ambassador to the UN. One Source operates in the US and has 42,000 employees; Carlisle also operates in Britain, Ireland and Belize. But if One Source is more opaque than ABM because of the former's external ownership, both ABM and One Source would prove vulnerable to pressures by the SEIU in cities other than Los Angeles.

Local 1877 began to prepare for a strike nearly a year before the 2000 contract expiration. Shop stewards and other rank-and-file leaders devoted many hours of work and discussion to 'internal organizing' among the union's members. Their goal was to prepare the membership for mass protests which had characterized JfJ organizing ever since the campaign that led to the 1990 victory in Century City. In the pre-strike training sessions, stewards and other union activists were briefed about the economics of the janitorial industry and the commercial real estate market in Los Angeles. They also engaged in detailed discussion of union strategies. The goal was to build workers' confidence and to develop an organizational structure that was primed for a strike, if an impasse developed in the negotiations.

A key feature of earlier JfJ campaigns had been disruption: dramatic street protests, rallies in public places and aggressive efforts to garner media attention, together with strategic pressures on major players in the janitorial industry. The three-week strike that began on Monday, 3 April 2000, once again followed this recipe. The strike began with a public membership vote rejecting management's most recent contract settlement offer. The vote was combined with mass picketing of downtown LA buildings. Each day of the week brought another geographical focus, in what the union termed a 'rolling strike'.

Strike leaders went to great lengths to ensure that public protests were peaceful and orderly. Union officials obtained permits required by law for each march and rally. They worked with the LA Police Department's labour detail to minimize potential confrontation. During the three-week walkout there were numerous arrests (including some of local politicians) in response to civil disobedience undertaken in support of the strikers. A few incidents of police beatings were reported. However, strike organizers managed to

avert major conflicts. The outcome was in strong contrast to the uncontrolled police violence against janitors that had taken place in 1990 at Century City. Organized labour's political clout in the city, which had expanded over the intervening decade, also played a key role (see Meyerson 2000). In addition, the strike occurred just months before the Democratic National Convention in Los Angeles, and the city was anxious to show it could manage public demonstrations in an orderly fashion.

The union managed to offset legal manoeuvres by building owners during the course of the strike. Management did hire non-union workers in some buildings to replace strikers. But this employer tactic — which has been devastating for striking unions in many instances in the US — was not a major problem for the union here. In fact, it was actually helpful to the SEIU in legal terms. If no one had been working in a building targeted by picketers, the union was more vulnerable to charges of engaging in illegal secondary boycotts. There was only one secondary boycott charge filed with the NLRB during the three-week strike (which resulted in an NLRB complaint). On five separate occasions building owners went to state court to seek an injunction on picketing, arguing that blocking ingress or egress to private property was a violation of state tort law. Each time the judge refused to enjoin the strikers. In each case, the court found that the requirements of the state's newly enacted 'little Norris-La Guardia Act' for an injunction had not been met.

Well before the walkout began, the SEIU International raised \$1 million from its other locals around the country to support the walkout. In addition, Local 1877 had its own strike fund of \$500,000 (Gilroy *et al.* 2000). Along with the mobilization of its membership for picketing and other high-profile strike activities, the local undertook extensive efforts to develop an effective public relations strategy. Local 1877 conducted polls and focus groups to this end (Meyerson 2000: 28). Public opinion responded to the strike even more positively than in the organizers' most optimistic projections. The economic expansion in California in the late 1990s seemed to soften public hostility towards immigrants. In a city that was enjoying unprecedented prosperity at the turn of the twenty-first century, yet where inequality between the rich and poor was pronounced, the striking janitors were symbols of the plight of the working poor. They were immigrant workers labouring nightly at low wages to clean glitzy offices occupied by wealthy executives, lawyers, and other professionals during the day. The janitors' demand for a raise of \$1 an hour seemed eminently reasonable in this context, and the contractors' offer of \$0.50 an hour seemed heartless. Public sympathy was overwhelmingly on the side of the striking janitors.

Media coverage of the strike was extensive and generally sympathetic. Reports in the *Los Angeles Times* and elsewhere highlighted the difficult living conditions endured by the city's low-wage immigrants. 'Even LA's TV newscasts — the most substance-free in the land — were compelled to cover the janitors' daily marches and mention the wage rates at which they worked', one commentator noted (Meyerson 2000: 28).

The SEIU organized its janitorial division on a nationwide basis, and in the final week of the strike it increased the pressure on the contractors by flexing its muscles across the nation. Local 1877 members went to Seattle, Denver, San Francisco and San Jose to picket buildings cleaned by the major contractors. SEIU janitors in other cities honoured their picket lines. 'We just did a couple of buildings in each city for one night, but we planned to escalate considerably if the strike had to go into its fourth week', SEIU Building Service Director Stephen Lerner explained to a reporter (Meyerson 2000: 28). As it turned out, there was no fourth week.

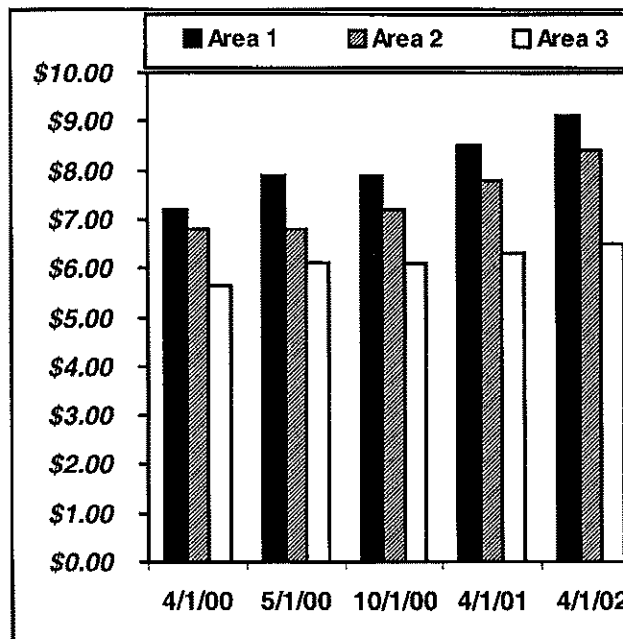
A few key building owners ultimately brokered a strike settlement (Clelland 2000b). Cleaning contractors themselves were divided between the two major firms — One Source and ABM — that employed the bulk of the janitors downtown and at Century City, and an assortment of smaller firms. The latter had distinct economic interests, and were not vulnerable to the national pressures One Source and ABM faced. They did not have SEIU members cleaning their buildings in other cities since they did not service a national market. As a result, the smaller firms still had hopes of defeating the strike well into the third week of the walkout. They took a more intransigent posture than the major contractors, which by all accounts prolonged the conflict. (In situations in which employers join together for purposes of collective bargaining in the labour market, it is still the case that they are commercial rivals in the product market. Thus, disputes *within* the employer side where multi-employer bargaining is practised are not uncommon.) But eventually the big industry players prevailed and the strike was settled at the end of its third week, in a widely celebrated victory for the union. As they had at Century City a decade before, the janitors in 2000 once again emerged as an inspiration to the labour movement.

Owing to the strike, wage increases were delayed until 1 May 2000, a month after the new agreement's retroactive start date. As Table 2 and Figure 3 illustrate, the *de facto* consolidation of geographic zones for differential pay under the prior contract was formally recognized with new area designations. Unionized cleaning contractors who take over a previously non-union location are granted a phase-in period before the application of full area wages and benefits comes into force. A \$0.01 per hour contribution to an industry-wide training fund is mandated. Contractors are protected from union concessions to other employers through a so-called 'Most Favoured Nations' clause. An expedited grievance/arbitration system was retained in the 2000 agreement, along with a conventional arbitration system. A hiring hall or referral system — under which employers fill vacancies from workers referred by the system — is applied to temporary and permanent employees for the core area. Standard union shop and check-off language is included along with a management rights clause. Employers are required to notify the union about impending investigations by immigration authorities of which they are aware; they are prohibited from providing more information to such authorities about employees than is legally required. Protections are provided for employees who are absent from work because of immigration-related proceedings.

TABLE 2
Wages and Wage Adjustments Specified in 2000–2003 Maintenance Contractors’
Agreement: Cleaners

	4/1/00	5/1/00	10/1/00	4/1/01	4/1/02
Area 1					
Start	\$7.20	\$7.90			
Minimum	\$7.20	\$7.90	\$7.90	\$8.50	\$9.10
Increase	\$0.00	\$0.70	\$0.00	\$0.60	\$0.60
Health	Yes	Yes	Yes	Yes	Yes
Pension	Yes	Yes	Yes	Yes	Yes
Area 2					
Start	\$6.30	\$6.30	\$6.90		
Minimum	\$6.80	\$6.80	\$7.20	\$7.80	\$8.40
Increase	\$0.00	\$0.00	\$0.40	\$0.60	\$0.60
Health	Yes	Yes	Yes	Yes	Yes
Area 3					
Start	\$5.20	\$6.10			
Minimum	\$5.65	\$6.10	\$6.10	\$6.30	\$6.50
Increase	\$0.00	\$0.45	\$0.00	\$0.20	\$0.20

FIGURE 3
Minimum Hourly Wage for Cleaners, 2000–2003 Maintenance Contractors’ Agreement



Notes

- Area definitions changed after the 1995–2000 contract:
 Area 1: Downtown LA and Century City.
 Area 2: Wilshire Corridor, Beverly Hills, LAX, Westwood, Westside Area, Pasadena, Hollywood, Long Beach, Glendale/Burbank, South Bay, City of Commerce, Studio City/Sherman Oaks, Woodland Hills/West Valley.
 Area 3: Greater Los Angeles County.
- Start rates for 4 January 2000 are from the 1995–2000 contract.

The victory of the janitors' strike in Los Angeles had a positive influence on other janitorial contract negotiations throughout the country. Some of the building service companies that were the target of the Los Angeles strike were also in negotiations with janitors in other cities in the USA. Given the outcome in Los Angeles, contractors in other cities were reluctant to risk a Los Angeles-style confrontation. An additional benefit of the strike from the union viewpoint was that the janitors were able to build on the momentum of Los Angeles to strengthen organizing campaigns, most notably in Orange County, California. Several of the building service companies under union contract in Los Angeles also operated in Orange County, including ABM and One Source. The janitors' strike gave encouragement to the union in Orange County to follow up aggressively on its demand there for union recognition. But the speed at which recognition was obtained took SEIU union leaders by surprise. In short, the master agreement signed in Los Angeles helped to set the stage for negotiations for new janitorial contracts in many other US cities.

4. Lessons from the LA Justice for Janitors Campaign

(1) The potential for unions to overcome the pro-employer bias of labour laws

One of the principal lessons of the 2000 strike is that unions can successfully strategize to counter the tools that US labour law provides to management. The conventional wisdom among US labour activists and scholars is that the employer-friendly provisions of American labour law often enable US firms to resist unions to a degree unheard of in other nations. The three rounds of negotiations between the SEIU and Los Angeles building services firms suggest that the anti-union effects of the law can be neutralized by creative tactics and that small changes in the law regarding picketing can have a very significant effect on the ability of firms to squelch strikes and protests. An important unanswered question, however, is whether other employers with greater will to invest in legal fees and to risk the adverse publicity of extremely aggressive anti-union litigation tactics might have thwarted the union's campaign in ways that employers did not attempt in this case.

One of the most important legal obstacles to union organizing and the use of economic pressure is the federal labour law's prohibition on secondary boycotts. Section 8 (b) (4) of the National Labor Relations Act — part of the infamous Taft–Hartley amendments passed in 1947 — prohibits picketing or boycotting any business other than the aggrieved workers' employer. Under federal law, a union engaged in a secondary boycott may be subject to charges that it has committed an 'unfair labour practice'. If the NLRB finds that the union has committed such a practice, it will issue a 'cease and desist' order requiring the union to stop the behaviour. This prohibition on secondary pressure is a serious problem for janitors, for two reasons. First, many janitors work in office buildings where there are numerous employers;

as a result, protests outside the building may be deemed to be pressure against employers other than the janitors' own. Second, and more critical, the law prohibits janitors from pressuring building owners because it is the building service contractors, not the owners, who are the janitors' employer.

Over the course of the 15-year JfJ national campaign, many secondary boycott charges have been filed, although most were settled. Some decisions gave the union good reason to be concerned. In a key 1993 decision ruling on the permissibility of JfJ tactics in San Francisco, the National Labor Relations Board (NLRB) ruled that picketing outside the office buildings in which non-union firms had been hired to replace unionized janitors was an illegal secondary boycott. The Board found that the target of the protest was not the building owners' move to eliminate the unionized janitors, but instead the non-union status of the newly hired contractors (who were not the employers of the picketing janitors). In the Board's view, the secondary boycott law prohibited the union from protesting at the building when its 'real' complaint was the non-union status of the contractor hired to clean the building (*West Bay Building Maintenance Company*, 312 NLRB 715 [1993]).

Secondary boycott law requires the union to exercise caution and restraint in conducting protests. The union designed the 2000 JfJ campaign in Los Angeles to ensure a maximum of publicity and political pressure while minimizing potential liability under the secondary boycott laws. In the weeks leading up to the 2000 strike, the cleaning contractors allegedly committed a variety of unfair labour practices, including threatening employees and refusing to bargain in good faith with the union. The union filed at least 30 unfair labour practice (ULP) charges protesting the employer's pre-strike conduct with the NLRB. This was important, because it is illegal permanently to replace workers who are striking over ULPs. The union's position was that the strike was precipitated or prolonged by the employers' ULPs. If the NLRB were to agree, the contractors could be forced to reinstate the striking janitors at the end of the strike.

Second, the union picketed at buildings only at night, when replacement workers were in the building doing the cleaning work that was ordinarily performed by the strikers. This was necessary to avoid the charge that the janitors were pressuring other tenants, or the building owner, rather than their cleaning service employers who had hired replacement workers. Nightly picketing and protest marches through the streets of downtown became a regular feature of the strike.

Limitations imposed by secondary boycott law are only a partial explanation for the creative, unconventional nature of the JfJ protest tactics. Picketing only at night and only at targeted buildings also simplified the task of staffing and co-ordinating the picketing. It also enabled the union to concentrate its daytime protests on marches across town and through rallies in public spaces. These mass protests are more conspicuous than traditional picketing and more likely to attract media attention, and they are protected speech under the US Constitution, unlike labour picketing (*International Brotherhood of Teamsters, Local 695 v. Vogt*, 354 US 284 (1957)).

Rallies and marches gave the union the opportunity to make its protest about the plight of the invisible, immigrant work-force, rather than just about the disputed provisions of the collective bargaining agreement. Marches and demonstrations could involve a wide range of civil rights and community organizations and religious and political leaders. Recent scholarship has argued that the excessive involvement of lawyers and judges can have an enervating effect on worker activism (Lopez 1992; Getman 1998). SEIU activists and lawyers whom we interviewed agreed. As the union's lawyers noted, their role in the strike was relatively small; their advice on legal matters was only one part of the union's overall strategy. Yet that strategy does have to take account of the legal environment.

Building owners and their lawyers were not insulated from involvement in the strike. They participated directly in the negotiations and evidently wanted to have a direct relationship with the union (since they would ultimately pay any increased labour costs). Their involvement had the legal consequence of making it difficult for them to assert that pressure against them was a secondary boycott. Under these circumstances, they would most likely be found to be joint employers with the building contractors. A joint employer is not considered a neutral or secondary entity and therefore is a permissible target for labour protest (*Douds v. Metropolitan Federation of Architects*, 75 F. Supp. 672 (S.D.N.Y. 1948)).

The law does provide some tools for the union to use if a unionized building owner or manager tries to get rid of the union, even if the NLRB does not find that the building owner is a joint employer. A recent case from New York is illustrative. (It should be noted that the case was decided after the 2000 strike, and thus had no impact on the events in LA.) A building manager terminated a contract with a unionized cleaning services firm and hired a non-union firm employing the same janitors at much lower wages. SEIU Local 32B-32J filed ULP charges, which the non-union contractor agreed to settle by recognizing the union and adopting the collective bargaining agreement it had negotiated with the building manager. The building manager then terminated the contract with the (formerly) non-union contractor and proceeded to hire non-union labour directly. More ULP charges were filed, and the NLRB found that the building owner had unlawfully discriminated against union workers in refusing to hire them. As a remedy, the NLRB ordered the building manager to recognize and bargain with the union and to hire the union janitors (*E. S. Sutton Realty Co.*, 336 NLRB No. 33 (2001)).

Another important legal dimension of the 2000 strike involved large-scale protests, picketing, and the problem of court-imposed labour injunctions. By the 2000 negotiations, the union and its lawyers were so accustomed to the restrictions imposed by the secondary boycott law that they did not even view potential secondary boycott charges as a major threat. Far more significant was a recent change in California law limiting the ability of employers to obtain injunctions against labour picketing.

In 1999 the California legislature enacted a statute restricting the ability of state courts to enjoin labour protest (Cal. Labour Code §1138). Prior to

the enactment of the new statute, employers frequently invoked tort and criminal laws that prohibit workers from threatening violence or property damage, mass protests, trespass, and blocking ingress to, or egress from, employer property.² Employers confronted with large, ebullient and noisy protests of the sort used in the JfJ campaign would seek a court order limiting the size, location and noise level of the demonstration. If a court issued the injunction, any violation of the order would be punishable by contempt sanctions, which can be speedy, harsh and devastating to the individual protesters as well as to the union's treasury. Historically, such labour injunctions and contempt sanctions have often all but destroyed union protests (Frankfurter and Greene 1930).

SEIU Local 1877 and its lawyers believed that the new anti-injunction statute made a difference to how the courts responded to the strike and the related nightly protests. Building owners and their allies tried on five separate occasions to have a state court enjoin the protests; but each time the court rejected their request. This was because under the new law no state court may issue an injunction except after hearing testimony of witnesses in open court, with an opportunity for cross-examination (Cal. Lab. Code §1138.1(a)). Under prior law, courts would have entertained and often granted requests for injunctions based only on sworn affidavits describing allegedly illegal protests and asserting threatened harm to business or property. Union lawyers explained in our interviews that cross-examination of employer witnesses was necessary to reveal that the harm allegedly caused by the protest was often exaggerated and that the protests did not pose any real threat to property.

Union lawyers also cited a second critical provision of the new law, namely that no state court may issue an injunction unless there is a showing that the police or other officers charged with protecting the complainant's property are unable or unwilling to do so (Cal. Lab. Code §1138.1(a)(5)). Union lawyers were able to show in court that Los Angeles police officers had been briefed and were prepared to deal with any illegal protests that might occur. As one union lawyer told us, the union and the police essentially agreed that the police got the streets and 'we got the sidewalks'.

The final feature of the new state law that made life easier for the union side was its restriction on the ability to hold a union responsible for the unlawful conduct of individual members. An often-successful management tactic is for an employer to obtain an injunction, wait for some picketers to violate the terms of the injunction, and then seek to hold the union officers in contempt of court for the violations. Penalties for contempt of court can include large fines that are payable out of the union treasury if it is shown that union officials were involved in, or approved of, the enjoined illegal activities. Contempt sanctions in the tens of millions of dollars have been awarded against unions in the past (*United Mine Workers v. Bagwell*, 512 US 821 (1994)). The threat of huge sanctions can be a significant disincentive to carry out an aggressive protest.

The new California law, Labour Code section 1138, provides that injunctions may not be issued except 'against the person or persons, association, or

organization making the threat or committing the unlawful act or actually authorized those acts' (Cal. Lab. Code §1138.1(a)(1)). Furthermore, the statute provides that no union officer or member, nor any union, can be held liable for unlawful acts of individual union officers or members 'except upon clear proof of actual participation in, or actual authorization of those acts' (§1138). Taken together, these new provisions prevent a union that had not authorized illegal acts, or members who were not involved in illegal acts, from being enjoined (and thus from being held in contempt of court). They also provide that persons who are not named in the injunction cannot be held liable for the violations of others without clear proof that the union officially authorized the conduct. These new requirements that were offered assured the union that the illegal protest of individual picketers would not become the basis for the entire union to be enjoined nor the basis for a huge fine against the union.

(2) *The re-conceptualization of bargaining power and pattern bargaining*

SEIU union leaders and negotiators whom we interviewed expressed a strong preference for having the janitorial contracts across the country expire at approximately the same time, and are working towards a '*de facto* national contract'. This would involve closely co-ordinated bargaining, if not an explicit 'national contract', on certain issues. The goal is to extend the contract pattern from a set of regional labour/product markets to the entire country. Such a strategy effectively joins the negotiations across California cities to negotiations elsewhere.

Many other SEIU janitorial contracts around the country were settled in the months after the April 2000 Los Angeles settlement: New York, Cleveland, Portland, and San Diego in May; Silicon Valley in June; Seattle in July; Milwaukee in August; and Hartford and Philadelphia in October. Yet a number of other janitorial contracts were settled in the months *before* the Los Angeles settlement. These contracts include San Francisco in August 1999, Minneapolis in January 2000, and downtown Chicago just before the Los Angeles settlement in April 2000. Despite these prior agreements, union and management sources, as well as some press sources, labelled the Los Angeles settlement as the 'pattern setter' for the 2000 round of agreements. Stephen Lerner, the former director of building services organizing for SEIU and an architect of the JfJ strategy, was explicit about the delicate balance the union was attempting to achieve: to 'make strides in establishing minimum standards' for more full-time jobs, health care coverage, a living wage, and employer respect for the employees' right to organize; yet also acknowledging that 'we never claimed the standards should be the same' for all markets. (Walpole-Hofmeister 2000).

Pattern bargaining is a well-known phenomenon in the labour relations literature. Kochan and Katz (1988: 136–7) have defined pattern bargaining as 'an informal means for spreading the terms and conditions of employment negotiated in one formal bargaining structure to another. It is an

informal substitute for centralized bargaining aimed at taking wages out of competition.' This approach seems to work best where a union can organize a set of companies that share product and labour markets, as in the domestic automobile industry. Traditional pattern bargaining has long been applied by SEIU *within* individual regions. Thus, when JfJ first came to Los Angeles, the strategy was to organize all the major cleaning companies and have them sign identical contracts. The strategy would take labour costs out of competition for contractors in the region.

Yet the product and labour markets of janitorial services are geographically distinct. Raising wages in Chicago does not 'take wages out of competition' for building services contractors in Los Angeles. So the SEIU clearly envisions a different kind of pattern setting. It is necessary to look beyond 'taking wages out of competition' for explanations of the operation and potential effectiveness of the cross-region co-ordination tactic.

Even though contractors in one city are not in direct competition with those in another city, a high-profile strike and settlement can establish reputational effects throughout the state and country. It signals to the contractors and building owners elsewhere that union strike threats are credible. It also creates a point of comparison, or 'benchmark', for workers as well as contractors and building owners. Arthur Ross long ago argued for the importance of what he termed 'orbits of coercive comparison' in the formation of workers' wage demands. Ross argued that workers make comparisons to the wages obtained by other workers in similar situations; they then set their expectations accordingly (Ross 1948). Here, Spanish-language television played an important role in spreading information concerning the Los Angeles strike and eventual settlement to janitorial workers across the country.

Some of the effects of the alternative pattern approach are connected to the distinctive structure of the industry described above. Given the complexities of the relationships between the building owners and the managers, a pattern-setting agreement can alter the negotiations between these two parties. For example, the vice president for labour relations at One Source was quoted as saying that the contractors' strategy was to use the Los Angeles settlement as a 'benchmark' to take to building owners who were putting their cleaning service contracts out to bid in other cities (Walpole-Hofmeister 2000). The Los Angeles strike and settlement indeed may have given building contractors a compelling argument to take to owners in other cities as to why they should accept the costlier cleaning contracts that would go along with higher janitorial wages.

Given that several of the larger building maintenance companies (including One Source and ABM) have operations in cities across the country, One Source workers in one city might naturally compare their wages with those of One Source workers in another city. ABM might know from direct experience the willingness of the union to launch a strike and the efficacy of those efforts in other cities. These national contractors may also be induced to settle quickly in one city in order to avoid sympathy strikes and work

slowdowns in their operations elsewhere. If the union's efforts are sufficiently well co-ordinated across cities, and if the contract expiration dates are sufficiently close together, the union has an opportunity to achieve the same level of co-ordination at the national level as routinely exists within the cleaning companies.

The unions' aspiration for a '*de facto* national contract' leaves some questions unanswered. On the employer side, there is nothing to be gained by 'taking wages out of competition' across geographical regions, in contrast to the situation in tradable goods industries; Chicago janitors are not in competition with Los Angeles janitors, nor are their local employing establishments. So it is not immediately clear why simultaneous contract expiration and the drive for minimum national standards is a strategy strongly favoured by the union. The answer appears to lie in the union's desire to match the internal co-ordination and national-level presence of the large contractors. But simultaneous contract expirations could give an advantage to the contractors in some future negotiations, i.e. the ability to lock out unionized workers across geographically dispersed operations. More rounds of bargaining will have to occur before a definitive assessment of the union's alternative pattern-bargaining approach can be made. Both sides are still learning. The union may find ways to co-ordinate more effectively; management may find ways to react more effectively than it did in 2000 to union co-ordination. In any event, future negotiations in Los Angeles and California are likely to become increasingly linked to a national, possibly even international, process.

(3) *The importance of coalition-building*

The building service contractors whom we interviewed considered the janitors' decision not to rely just on traditional strikes and picketing an important and successful strategic choice. Management disputed the union's claims about the success of the strike in keeping janitors out of the buildings. They noted that, especially by the end of the strike, many unionized janitors were crossing the picket lines to go to work. But whether the strike remained strong and the picketing effective was not determinative. Much of the union's negotiating leverage came from the strong public sentiment supporting the janitors' efforts, not from preventing buildings from being cleaned.

Public opinion surveys suggested that California voters were alarmed by the LA riots of 1992, with political advertisements during the 1994 election showing images of hordes of immigrants illegally crossing the Mexican border. Immigrants were blamed for the social unrest and the unemployment then prevailing. One outcome was passage of Proposition 187 in 1994 — since largely voided by the courts — that would have blocked public services to undocumented immigrants. But public opinion was volatile, and at times highly sympathetic to the plight of low-wage workers living in poverty. This played an important part in the JfJ saga. The same ballot initiative process that led to Proposition 187 also produced a voter-mandated

increase in the state minimum wage in 1996 (under Proposition 210). Living wage ordinances in various jurisdictions (including Los Angeles) could not have been enacted without public support. Moreover, the economic expansion in California in the late 1990s seemed to soften public hostility towards immigrants. Attempts to put a revised version of a ballot initiative like Proposition 187 on the ballot failed for lack of sufficient petition signatures. And by spring 2001, a feature film depicting the Justice for Janitors campaign — *Bread and Roses*, directed by Ken Loach — was playing in Los Angeles movie theatres.

The year 1996 was a pivotal one for California politics, and one in which unions played a major role. In the June primary election, conservatives placed Proposition 226, the 'pay check protection' initiative, on the ballot. Had it passed, Proposition 226 would have greatly undermined labour's influence in the political process by imposing severe restrictions on the use of union dues for political campaign purposes. Union members would have had to give explicit permission for their dues monies to be used for non-bargaining activities. (Even in union shop situations, workers cannot be forced to become members. If there is a union shop or agency shop clause in the contract, non-members must pay only the fraction of duties attributable to the union functioning as the bargaining representative. Hence, even without the pay check protection proposition, workers could opt out of paying for political activities by dropping their union membership.) Although the initiative was leading by 2 to 1 in public opinion polls three months before the election, the California labour movement mobilized a huge grass-roots effort to oppose it. Union activists throughout the state set up precinct operations, phone banks, voter education, and get-out-the vote drives. In a few weeks' time, public support for Proposition 226 dramatically plunged, and the initiative ultimately went down in defeat by an eight-point margin.

Defeat of Proposition 226 encouraged the California labour movement to flex its political muscle in other campaigns. The same grass-roots operations that had mobilized for the June primaries were reactivated in the November general election. The Los Angeles County Federation of Labour developed a programme to target newly naturalized immigrant voters who had been registering in record numbers. These new voters were favourable to labour's call to unseat politicians who had taken anti-immigration positions in prior elections.

In November 1996, the Democrats captured the California governor's seat and both houses of the state legislature. For the first time in 16 years, a Democratic governor was elected. Pro-union leadership emerged in both the State Senate and Assembly. Incoming Governor Gray Davis enjoyed strong support from labour unions, although he ran on a moderate Democratic platform and was anxious not to be perceived as a union captive.

Even before the janitors' 2000 walkout began, the Los Angeles City Council voted unanimously to support the strikers' demands. The Los Angeles County Board of Supervisors voted to back the janitors on the second day of the

strike. The California State Assembly passed a resolution in support of the janitors by a huge margin. In the third week of the walkout, Vice President Al Gore spoke at a union demonstration, as did Senators Edward Kennedy and Diane Feinstein. Local politicians were conspicuous at union rallies and demonstrations — and not just Democrats. Republican Mayor Richard Riordan intervened in various ways on behalf of the janitors. Riordan was influenced by a tradition of Catholic teachings on social justice as well as the growth of the Latino electorate. Local 1877, along with the Los Angeles County Federation of Labour, had already emerged as a vehicle of Latino political mobilization. And support from the Catholic Church played a very important role throughout the conflict. Cardinal Roger M. Mahony celebrated a mass in honour of the janitors and publicly offered to mediate the dispute. Behind the scenes, both he and Mayor Riordan were in contact with Miguel Contreras, head of the LA County Federation of Labour. They helped start serious settlement negotiations by making direct appeals to building owners, managers and other key players in the industry.

SEIU leaders whom we interviewed also attributed the success of the strike to the support they gained from other unions, including those of elevator repair workers, painters, carpenters, garbage collectors and UPS drivers. Teamsters members refused to make deliveries or collect trash from struck buildings. The Los Angeles Building Trades Council also voted to honour the janitors' picket lines. The Operating Engineers — workers who do elevator repair and other skilled building maintenance — also supported the strike. The Los Angeles County Federation of Labour organized a food distribution programme for strikers and helped to co-ordinate other support activities. Much of this support was the product of careful pre-strike planning and coalition-building.

5. Conclusion: lessons from the janitors' experience in three rounds

It is easy to list the reasons why the janitors' campaign in Los Angeles should not have succeeded. The campaign involved an immigrant low-wage workforce, scattered in many locations, often speaking little English and — in many instances — vulnerable to threats of deportation. Union campaign tactics focused on the building owners and managers, not on the cleaning services, thus raising potential legal concerns. Yet, despite these obstacles, the JfJ campaign in Los Angeles has repeatedly prevailed for over a decade. Low-wage immigrants were organized and contracts were negotiated on their behalf through three rounds of bargaining. The legal barriers were surmounted, particularly the challenges involved in overcoming the ambiguity of 'who is the employer' in the contracting situations that characterize janitorial work and many other types of low-wage service work today.

A number of conditions aided SEIU in the JfJ campaign. Janitorial services, like many other services, cannot be outsourced abroad or to other low-wage areas domestically. The cleaning of a building can take place only

in that building. 'Globalization' in the form of international competition over labour costs was not a factor in the janitors' case, as it would have been in a manufacturing case. Although there are national-origin differences among different Latino immigrants, the relative homogeneity of the janitorial work-force also helped the JfJ campaign. Ethnic solidarity played a role. And the disruption caused by the janitors' strike did not lead to major public inconvenience or to the interruption of a vital service, limiting the danger of public opinion turning against the strikers.

JfJ strategists recognized the importance of building coalitions with a range of parties, from the police to the Church to the politicians, and especially with other unions, both locally and across the nation. The union also recognized the importance of targeting a community where the union can gain control over the labour market for janitors. And, perhaps most important, the SEIU strategists recognized the value of turning the janitors' cause into a public relations event, with careful plans for building public outrage that the work-force was being treated unfairly — the critical 'justice' part of the JfJ equation. Many of these tactics could be applied to other low-wage service workers' struggles throughout the world.

The JfJ strike strategy deviated from the standard model in that it aimed less at preventing the service from being provided and more at influencing public opinion, which is sensitive to the plight of the working poor across a broad political spectrum. Public opinion, in turn, influenced community leaders and political figures, and this helped build political alliances and legislative and court support, ultimately helping to produce union recognition and the successful contract outcomes. Thus, the critical lesson of the Los Angeles JfJ experience is the union's emphasis on a different bargaining power — not the ability to impose direct costs on a specific employer through a work stoppage, but the ability to influence broader public opinion.

Much of the loss of union membership in the US in the 1980s and 1990s occurred in traditional, heavily unionized manufacturing industries. Industry restructuring, international competition, union–non-union wage differentials and other influences have often been cited as factors behind these losses. The losses occurred largely among native workers who were not at the bottom of the wage scale, and organized labour was initially reluctant to target the new immigrant work-force.

The JfJ experience in Los Angeles has helped spark a new emphasis on organizing and leadership changes within the AFL–CIO. It demonstrates that strikes can still be effective in organizing and bargaining if they are conducted in ways that harness public and political support. The JfJ campaign changed union attitudes towards low-wage immigrants, who are now seen as a potential base for union growth rather than as a barrier. The SEIU, which represents workers in many other industries besides building services, now sees itself as a leader in political efforts to improve the legal status of undocumented workers and has helped to shift the policy of the AFL–CIO in this direction. By focusing media attention on organizing the

immigrant working poor, the JfJ campaign has aroused renewed public interest in the labour movement as an important force for social justice in California and elsewhere. More generally, the JfJ case demonstrates the potential for union organizing in the low-wage service sector all over the globe.

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Notes

1. The figure's data come from trade association estimates and appear to change notably from period to period, probably because of the unscientific nature of the survey. However, the economies of administrative scale phenomenon highlighted by the figure seem to be robust.
2. *San Diego Building Trades Council v. Garmon*, 359 US 236 [1959] (federal law pre-empts state regulation of conduct that is arguably protected or arguably prohibited by federal law); *Farmer v. United Brotherhood of Carpenters and Joiners, Local 25*, 430 US 290 [1977] (tort law is not pre-empted); *Sears, Roebuck and Co. v. San Diego County District Council of Carpenters*, 436 US 180 [1978] (trespass law is not pre-empted).

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