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# **Creating a multi-layered representational ‘package’ for subcontracted workers: the case of cleaners at Ben-Gurion University**

## **Abstract**

*Research into the organising of subcontracted workers tends to focus on how such campaigns contribute to union revitalisation, the shortcomings of non-union organisations in comparison to classic unionism, and opposition rather than complementarity between strategies. Analysing the organising of subcontracted cleaners at a university, this article shifts this focus, evaluating the campaign in terms of how it assisted the workers, regardless of whether it contributed to union renewal, and in terms of complementarity between new and traditional IR actors. Drawing on the power resources approach, it asserts that collaboration across different ‘paths to representation’ can create a multi-layered representational ‘package’ in which different organisations with different power resources take on different aspects of what was once a (single) union’s role, covering each other’s shortcomings in a kind of de facto representational ‘division of labour.’*

## **1 INTRODUCTION**

Subcontracted workers have long been recognized as a significant group within the category of contingent and precarious workers. This form of employment is increasingly widespread, creeping into professions previously considered bastions of ‘classic’ employment forms (Gumbrell-McCormick, 2011; Hannan *et al.*, 2016; Wright, 2013). Standard representation within unions is particularly difficult to achieve for subcontracted labour due to the ‘triangular’ employment relationship, where the wage payer (the legal employer, the service provider) is not the employer in practice (the institution paying for the services) (Davidov, 2015).

Many studies have investigated attempts to overcome the barriers to organising subcontracted workers, including coalitions between unions and non-union civil society organisations (CSOs). Such ‘new actors’ in industrial relations (Heery and Frege, 2006) have been recognised as having an important role in areas in which, for various reasons, unions are weak (Osterman, 2006; Heery *et al.*, 2012). Likewise, the importance of community organising and ‘community unionism’ has been noted, along with new configurations of solidarity and power resources under changed circumstances. However, the dominant question in these studies is to what extent such organising contributes to the revitalisation of organised labour. Moreover, an important focus common to many of these studies is the friction between union aims and strategies and those of CSOs involved in a given campaign. The possibility that apparently contradictory aims of different organisations may complement each other in improving employment terms for those at the heart of the struggle – the subcontracted workers – has often been overlooked. In light of these emphases, this study has two objectives: (1) to shift the focus decidedly towards the workers, evaluating the organisations involved in terms of how they assist those they claim to represent, regardless of whether the struggle contributes to union renewal; and (2) to shift the focus onto the complementarity between organising strategies and between the organisations involved, and thus investigate the relationship between classic IR actors (Dunlop, 1958) and new (Bellemare, 2000; Heery and Frege, 2006).

The study analyses the organising of subcontracted cleaners at Ben-Gurion University (2007). The case offers an excellent opportunity to compare different ‘paths to representation’: The cleaners were represented by, though not members of, a large established union (the Histadrut) but organised by a non-union Coalition for Direct Employment, which recruited a small new union (Koach Laovdim) in its efforts to obtain a concrete employment relationship directly with the university. In addition, four years after the Coalition’s initial campaign, the Histadrut reached industry-wide collective agreements which also covered the university

cleaners. I compare the three main entities involved (the Histadrut, Koach Laovdim and the Coalition) in terms of (1) their structural position in labour relations; (2) the frameworks through which they operate and their limitations; and (3) the level and type of participation they offer to the workers at the heart of the issue – the cleaners. My purpose is not to discuss union revitalisation or the decline of union power, but to investigate how three different ‘paths to representation’ compare and complement each other, each offering a different advantage to the cleaners, and creating between them a kind of *de facto* ‘division of labour’ in the representation of contingent workers. I thus respond to Tapia *et al.* (2015: 176) who urge us to explore new claim-making routes in industrial relations (IR), routes which ‘might very well be the new reality for worker representation where unions have at best coalition roles, a minor role, or no role at all.’

Empirically, this case enables a close comparison between three organisations working in different ways towards the same broad goal, which enriches our understanding of the complexities of contingent worker representation. On a theoretical level, it responds to concerns over issues of empowerment and inclusion, and counters the widespread unionist approach which tends to evaluate coalition-based organising in terms of union revitalisation, often overlooking the benefits of concrete gains for specific workers and over-emphasising the clash of interests between unions and other CSOs. The article asserts that collaboration across different levels of representation, through different approaches, and drawing on different power resources, can create a multi-layered representational ‘package’ in which different organisations take on different aspects of what was once the union’s role. Given the weakened state of unions facing ‘hard choices’ when resources are scarce (Gumbrell-McCormick and Hyman, 2013), the ongoing difficulties of ensuring the basic rights of precarious workers, and increasing disruptions to ‘standard’ representational frameworks, this kind of multi-layered approach should be seen as an effective strategic option, and not as a poor second to classic

unionising. Thus this article contributes to our understanding of ‘what to do when the [IR] system approaches collapse’ (Turner, 2004: 3).

In order to clarify this ‘division of labour’, I will discuss the various organisations’ roles according to the power resources approach (see Wright, 2000: 962; Silver, 2003: 13-16; Dörre, 2011: 18-22) This approach is presented in the first section, which reviews current literature on organising contingent labour and highlights the shift in focus that this article attempts. The following section outlines the case and the Coalition’s role, after which I explain the efforts of the Histadrut to improve the lot of subcontracted workers. I then compare the roles of the three main organisations involved (the Coalition, the Histadrut and Koach Laovdim) in terms of a ‘division of labour’ where each organisation takes on a different aspect of what a union might be expected to do. Finally, I discuss the findings and summarise the central claims.

This analysis is part of a larger project investigating organised labour in Israel. Details of the case were gleaned primarily from media and secondary sources, plus interviews with key figures: community organizer Orna Amos, among the leaders of the organising initiative (interviewed 16 Dec. 2013); and Ami Vaturi, among the founders of Koach Laovdim (interviewed 1 Dec. 2013).

## **2 ORGANISING SUBCONTRACTED LABOUR**

Subcontracting refers to ‘the practice of using intermediaries to contract workers, whether through temp agencies, manpower agencies, franchises, or other multi-layered contracting’ (Shamir 2016: 232). A notable feature of subcontracted labour is how it enables employers to skirt labour law, collective agreements and unions. As subcontracted worker numbers rise, undercutting ‘standard’ employment and unionised workers, there is an increasing trend for unions to tackle the issue (see Heery 2009). However, subcontracting makes union work particularly challenging, because workers are easily replaced; because it is not always clear

who the bargaining partner should be – the ‘real’ or the legal employer; and because the bargaining unit is often difficult to identify (Shamir, 2016: 232-4).

Cleaners, among the most noticeable of subcontracted workers, were the focus of some of the first new forms of organising which tried to overcome the hurdles faced by ‘classic’ unionism. The now famous Justice for Janitors campaign revealed the potential power of these new forms (Erickson *et al.* 2002). A central characteristic of the campaign was representation on a community-wide basis, rather than *vis-à-vis* individual employers, and thus a reconceptualisation of the employer-employee relationship. The value of appealing to the wider community has been noted in other cases, such as living wage campaigns (e.g. Hannan *et al.*, 2016; Lopes and Hall, 2015). Wright (2013: 289) notes that the living wage campaign in the UK ‘entailed protest action against banks, universities, hospitals, museums, hotels and government authorities,’ effectively widening the circle of responsibility beyond the immediate employer. These broad-based campaigns aim ‘to bring people of otherwise disparate views together on an issue of fundamental importance’ (Lopes and Hall, 2015: 212). Vosko *et al.* (2013: 2) note how such campaigns are often a ‘hybrid of groups with shared concerns,’ characterised by ‘a mixture of participatory community and worksite based organising.’ Similarly, studies have focused on union coalitions with non-union organisations and civil society groups as one important strategy (e.g. Tattersall, 2005; De Lara *et al.*, 2016; Alberti, 2016). Indeed, such coalitions have become a central component of social movement unionism (Walsh, 2012; Schenk, 2003).

However, notably, many such studies focus on union efforts to revitalise, and community organising and coalitions are viewed as a revitalising strategy (Holgate, 2015b). The approach of such studies includes a re-examination of traditional union concerns within new contexts and new organisations: Tapia (2013), for example, investigates the importance of organizational culture to member mobilization. Others have studied solidarity building and

securing power resources (Simms and Dean, 2015) or the importance of a ‘collective action frame’ (Ross, 2007), including the use of ‘public dramas’ to redefine ‘particular labour disputes into broader violations about what is considered just and fair’ (Chun, 2005: 487). Nonetheless, their main concern is how unions engage contingent workers, and a central research question is to what extent such organizing assists in revitalizing unions (e.g. Nissen, 2004; Ross, 2007; Holgate, 2015a; Simms and Dean, 2015; James and Karmowska, 2016; Alberti, 2016). As Tattersall (2005: 97) has it, ‘Union-community coalitions are seen as a mechanism for advancing union power by developing powerful alliances in order to rebuild unions’ political and economic influence.’ Missing from such accounts is an evaluation of campaigns in terms of benefits to the subcontracted workers, regardless of their value to the union or to unionisation in general.

Where unions are compared with non-union organisations, the common refrain asserts that non-bargaining actors (community organizations, advocacy groups) cannot ‘provide the advantages of traditional collective bargaining’ (Givan, 2007: 829) – these ‘autonomous, diverse’ groups ‘lack the institutional capacity to negotiate with or pressure the state (or indeed a political party) in a concerted, or unified manner’ (Givan, 2007: 850). Moreover, among those who ‘favour the collaboration between unions and CSOs there is a tendency to emphasise the opposition rather than complementarity between their organising strategies, overlooking the benefits of mixing the two models or the limitations of using community organizing alone’ (Alberti, 2016: 76; see Holgate, 2009).

Following Alberti’s (2016) lead in focussing on complementarity, and to address the overemphasis on union renewal, this study explores the possibility that apparently contradictory aims of different organisations may lead to a *de facto* ‘division of labour’ between them in efforts to improve employment terms of subcontracted workers. In other words, it investigates the relationship between classic IR actors (Dunlop, 1958) and new actors

(Bellemare, 2000; Heery and Frege, 2006), asking whether and under what conditions they might collaborate successfully and turn the fragmentation of representation into a strategic asset for the workers. Therefore, this article shifts the focus (1) towards the workers, evaluating the organisations involved in terms of how they assist those they claim to represent, regardless of whether the struggle contributes to union renewal; and (2) onto the complementarity between organising strategies and between the organisations involved in the struggle. In addition, the case under study offers an exceptional opportunity to compare different ‘paths to representation’ as three distinct entities were involved in seeking to improve the employment terms of the subcontracted workers.

To arrive at a concrete conception of the roles filled by the various organisations, I will draw on the power resources approach (Wright, 2000: 962; Silver, 2003: 13-16; Dörre, 2011: 18-22). According to this approach, unions can utilise various types of power: Structural power is related to the ‘location’ of workers; possession of scarce skills increases workers’ marketplace bargaining power, while a strategic position in the production process increases their workplace bargaining power. Associational power is related to membership numbers, but members can be passive; therefore this is linked to organizational power – an active membership “cultivating and synthesizing” the social capital of members (Gumbrell-McCormick and Hyman, 2013: 31) and nurturing internal democracy. Institutional power refers to the structures, frameworks and organizations which “fix and to a certain degree legally codify basic social compromises” (Dörre, 2011: 21). Lastly, moral (discursive or communicative) power involves “a conception of social and societal change and a vocabulary which makes this conception persuasive” (Gumbrell-McCormick and Hyman, 2013: 31).<sup>1</sup>

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<sup>1</sup> Gumbrell-McCormick and Hyman note two more power types: collaborative (coalitional), which I prefer to think of as strategy; and strategic (or logistical), meaning the smart deployment of resources, which I do not directly address here.

### 3 THE CASE: THE UNIVERSITY CLEANERS

The number of people in triangular employment relationships in Israel is notoriously high. Though exact figures are hard to come by, in 2010 it was estimated to be 7-10% (Amos and Baharav, 2012: 114), after some 30 years of steady increase. Moreover, the campaign discussed here should be seen in the context of a general and widespread fragmentation and decentralisation of representation, and the undermining of a once extremely robust neocorporatist IR regime (Kristal and Cohen, 2007; Mundlak, 2007). Government-backed moves to weaken organised labour from the 1980s onwards were part of this process, which included the development of labour contractors instead of employment services to place workers (Davidov, 2015: 6-10; Maor, 2012: 47).

The case concerns some 250 cleaners at Ben-Gurion University in Israel, employed via two subcontractors (service providers).<sup>2</sup> The cleaners have ‘typical’ contingent worker characteristics as documented by many studies, particularly those which focus on migrant workers (e.g. Fine, 2006; Holgate, 2005). Though the workers were formally citizens, most (about 85%) were new immigrants and lived in the Negev area, a generally deprived and relatively poor region (Amos and Baharav, 2012: 115).<sup>3</sup> Many were employed for nine months then laid off during summer recess, a practice which has implications for certain wage-related benefits that are dependent on seniority, and labour law violations were common.

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<sup>2</sup> Due to space limitations, only the basic outline of the case is presented here. Further details can be found in Amos and Baharav, 2012, and Davidov, 2015.

<sup>3</sup> Note that ‘immigrants’ in this context means Jewish immigrants to Israel, as opposed to non-citizen labourers often discussed in migrant labour research. They are citizens, but still contend with many of the issues faced by other migrant labourers.

Due to historical collective agreements, the cleaners were represented by the New General Federation of Labour (the Histadrut), Israel's main general trade union, a powerful organisation which controls worker committees in key industries and maintains good links with the political establishment (see Preminger, 2013). They were not Histadrut members, but paid it an 'agency fee' for benefiting from its collective agreements. However, they said they had turned to the Histadrut for help on a number of occasions, but each time the cleaner involved had been fired; they were therefore certain the Histadrut was colluding with their employers (Amos, interview).

The initiative to act came not from the cleaners, but from students and faculty who had discussed subcontracted labour in a seminar in 2005. Some then joined the rights organisation Tzach (Hebrew acronym for 'social justice'), and began pressuring the university to demand that the subcontractor pay the cleaners a better wage and social benefits (Amos, interview). As the campaign progressed, other groups and organisations joined, forming what became known as the Coalition for Direct Employment for Cleaners, with the new aim of securing direct employment. This Coalition then expanded its campaign to lobby government and local government representatives, and later also other workplaces using the triangular employment relationship.<sup>4</sup>

At first, those involved in the initiative did not intend to unionise the cleaners, and communication with the cleaners was limited (Amos, interview). Moreover, some cleaners were wary of talking to student volunteers involved in the initial campaign for fear the Histadrut would hear of it and they would be fired (Amos and Baharav, 2012: 117). By 2007, the campus demonstrations and the media attention they attracted appeared to have had an effect, and the university insisted the subcontractors increase the cleaners' wages, but one subcontractor said

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<sup>4</sup> The Coalition included representatives of organising initiatives in various universities and colleges, student union representatives, lawyers' groups, social change organisations and women's organisations.

he could not meet the new wage demands and would fire the 100 workers he employed. This led to a spontaneous one-day strike.<sup>5</sup> Under the Coalition's tutelage, a temporary workers' committee was set up, and some basic demands formulated, including the demand for direct employment with the university, which the university rejected. However, it did agree to increase its payment to the subcontractor to cover the wage increase, to keep the cleaners on throughout the year, to appoint a complaints commissioner, and to supervise payslips. The cleaners who had been given notice were reinstated (Amos and Baharav, 2012: 116).

This mobilising attempt faced the kinds of difficulties familiar to those who have organised other contingent workers. They tend to work alone in physically dispersed locations around campus; they are mostly new immigrants with poor comprehension of the local language; they have little knowledge of the laws protecting them or channels for redress of problems; and they tend to see workplace problems as one-off issues, not as part of some larger struggle (Bernstein, 1986: 411). The first steps towards the strike did not stem from any understanding of labour relations or of options for action sanctioned by law or IR norms, but were an almost instinctive response to the news of dismissal (Amos, interview). As Nisim and Benjamin (2010: 230) observe, subcontracted employees 'can only become a party in labour relations negotiations under the aegis of solidarity from other social forces (e.g. consumers and/or activists) that provide alternative humanising sources.' Most significantly in this campaign, the knowledge required as well as the solidarity and social status necessary for generating public pressure and a media 'buzz' were supplied not by the cleaners but by student and faculty activists. These activists are part of the 'negotiated order' (Strauss, 1978) and were able to direct the cleaners' grievances into channels unfamiliar to the cleaners, such as the workers' committee and demonstrations on campus.

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<sup>5</sup> The strike was therefore also illegitimate, because Israeli law requires a 'cooling off' period of 14 days between the declaration of a labour dispute and the start of a strike, but the strike was never challenged on these terms.

Following the agreement with the university, most of the cleaners considered the issue closed, and all but one committee member stepped down. But student and faculty activists decided to organise the cleaners within a more formal structure, and suggested they join either the Histadrut or Koach Laovdim, a small new general union with just a few thousand members. Due to their mistrust of the Histadrut, the cleaners chose Koach Laovdim. This union, founded in 2007, has a reputation as young, ‘trendy’ and well-connected to many civil society organisations. It emphasises its democratic structure and has rapidly attracted public support especially among those who see the Histadrut as a fossilised leftover from a previous era (see Harpaz, 2007). The union began negotiations towards a collective agreement, but the main drive for the campaign continued to be the Coalition (Amos, interview). An agreement was reached, but just a couple of weeks later, the subcontractor changed. The cleaners were taken on by the new subcontractor, a direct result of the campaign, and the workers’ committee organised with Koach Laovdim became mostly a ‘presence on the ground’ ensuring there were no violations of labour rights (Vaturi, interview).

#### **4 THE HISTADRUT**

Histadrut efforts to protect subcontracted workers began only relatively recently (Bernstein, 1986). Its first decisive step to limit the spread of the triangular employment relationship came in 1996, when it worked with Knesset members to pass the Employment of Workers by Personnel Contractors Law. The law’s significant shortcomings were partly redressed by an amendment in 2000; however, the application of this amendment was repeatedly postponed till 2008 (see Davidov, 2015: 6-7).

Another significant step came in 2011, when the Histadrut called a nationwide strike over subcontracted labour. This strike was a huge show of force, involving union members at the ports, railways, ministries, local authorities, courts, public companies, universities and

hospitals, amongst others. The result was two collective agreements, one for the public sector and one for the private ('business') sector, which improved the employment terms of many – though not all – subcontracted labourers, but failed to put an end to this form of employment. In the public sector, employment terms were improved and the number of labour law inspectors increased, though the state (the largest single employer of subcontracted labour; Nisim and Benjamin, 2010) refused to take on more than a symbolic number in direct employment. As Davidov (2015: 13) notes, this was a significant development: 'for the first time the government agreed, under pressure, to sign a collective agreement with the Histadrut that does not concern government employees, but rather the employees of subcontractors engaged by the government.' The private-sector agreement allowed for a greater number to be take on directly, but only if they work at least 90% of a full-time position, and only after nine months, which was already stipulated by the 2000 amendment to the 1996 law.

From the cleaners' perspective, the most significant failing of the Histadrut's collective agreements was that they did not put an end to the triangular employment relationship. Moreover, as Davidov (2015: 12) has argued, an extension order in 2013 (which ensured the Histadrut agreements covered all subcontracted workers) further legitimised this form of employment. Another problem is enforcement: the majority of the workers covered were not involved in the campaign and are not Histadrut members; they take no part in workers' committees or other union frameworks, which means there is no on-the-ground presence to ensure the agreements are upheld.

## **5 THE HISTADRUT, KOACH LAOVDIM AND THE COALITION COMPARED**

Both the Histadrut and the Coalition used pressure beyond the specific employer, or employers of contract workers in general, to bring about change. As Davidov (2015: 14) has argued, the Histadrut 'had little bargaining power to impose an agreement on the contractors, given that

the cleaners and security workers are highly dispersed and mostly nonunionised.’ For this reason, it took advantage of the structural power of its members and focused its efforts on the government, as the largest user of subcontracted labour, successfully demanding that an extension order be included within the agreements.

The Histadrut made efforts to improve employment terms, but accepted that a certain number of workers continue to be subcontracted. It drew on its considerable organisational strength (in the form of powerful worker committees in key industries, who can mostly be relied on to do the leadership’s bidding as long as this does not clash with their own interests) and its leaders’ personal connections with industry and political figures (see Preminger, 2013) to pressure the government and private-sector employer organisations to agree to improvements in employment terms. The Histadrut was able to do this because of the legitimacy it still enjoys as Israel’s largest general union with an historic standing (see Shalev, 1992), whose committees remain powerful despite many successful attempts to weaken organised labour in many sectors (Gutwein, 2012; Harpaz, 2007; Maor, 2012). The continued legitimacy of the Histadrut’s status is reflected in the fact that its role in the negotiations was ‘unusual and even legally questionable,’ as Davidov (2015: 13) says, considering that it has ‘no formal status as the legal representative of the various contractors’ employees.’ Thus it lacks official bargaining power *vis-à-vis* the employer but skirted this basic unionising issue (Shamir, 2016: 232-4) by addressing subcontracting employers ‘as a whole’. In this way it also avoided the problem of having to define a bargaining unit.

However, the Histadrut made no effort to include the cleaners themselves in the campaign, and signed ‘over their heads’. It used classic union tools, including a strike and collective negotiations with the traditional social partners, drawing on its institutional power to work within the norms of Israel’s IR, but could not formally extend the participatory and democratic aspects of these established norms to a very large worker population. In other

words, the unionising assumption noted by Shamir (2016: 232-4), that the union and employer are repeat players in negotiations, and must take both short and long-term considerations into account, is particularly relevant for the Histadrut. Rather than being a source of strength for its support of the cleaners, this ‘repeat player’ status limited what the Histadrut could do, as did those same ties to the establishment and those same historically-engendered norms: the Histadrut draws legitimacy from its status as a dominant state-sanctioned organisation bearing ‘national responsibility’ for the economy and is favoured by the labour courts in recognition of this role (Mundlak, 2007); it must take this into account when it decides to press on any particular issue (see Preminger, 2013 for an analysis of this limitation on the Histadrut’s freedom). In Frege and Kelly’s (2003) revitalisation terms, the Histadrut tended towards a partnership strategy combined with political action at the top of the organisational hierarchy, and was unable to act at the ‘shop-floor’ organising level.

Koach Laovdim had none of the advantages of historic ties with central figures in government and industry, and could not draw on a base of powerful worker committees. Its position in Israeli IR is thus weaker, but it can draw on the norms of unionism including legally-sanctioned collective action such as strikes, and enjoys the privileges granted to worker organisations as above other CSOs. In other words, it enjoys the privileges of institutional power that are to a large extent vestiges of past labour-capital power balances, in Dörre’s terms (2011: 21). Most significantly, Koach Laovdim provided a democratic framework for the participation of the cleaners *as workers* – it adopted an organising strategy and developed organisational power. The democratic structure of Koach Laovdim is in stark contrast to the Histadrut’s top-heavy decision-making structure, which allows the leadership to sign agreements regardless of the wishes of the workers affected. Moreover, through the Coalition’s recruitment of Koach Laovdim, the specific labour dispute – those particular cleaners in that

particular university – was granted a central position in the campaign. This centrality might well have been lost had the campaign continued with only non-union organisations.

On the other hand, while Koach Laovdim did bargain *vis-à-vis* the (legal) employer, its moral power to do so was drawn from the Coalition: without the publicity and solidarity stirred up by campus activism, the employer could have resorted to familiar anti-unionising tactics available to those employing subcontracted labour. Moreover, it was the Coalition's activities which made the cleaners at that specific university (as opposed to all subcontracted labour, all subcontracted cleaners, or all employees of that specific subcontractor, for example) into a recognisable bargaining unit. Through the Coalition's activities, the cleaners became a group of workers as opposed to disparate individual cleaners. Thus Koach Laovdim was no less dependent on the Coalition than the Coalition on Koach Laovdim.

The Coalition drew on a kind of power – discursive, moral – which had no formal anchor in IR structures. It relied on feelings of solidarity and public (and media) acceptance of its view of injustice to generate pressure through lobbying and naming-and-shaming. The wide range of organisations within the coalition are accustomed to influencing policy-makers through raising awareness in the general public, with the aim of changing policy and pushing through corrective legislation (a political action strategy, though different from the Histadrut's). As such, they are unencumbered by the norms of collective labour relations and unconcerned about future relations with employers. The Coalition's focus is on the triangular employment relationship as a social injustice, and the specific workers at the heart of the campaign – the cleaners – participate not as workers in a labour dispute but as concerned citizens, granted no special consideration as the workers directly affected. Indeed, they are not required to participate at all: the campaign may go ahead without their input or acquiescence, as it did at the beginning. So while the Histadrut tried to improve the employment terms for those in triangular employment relationships, and the Coalition tries to put an end to such

relationships, neither offer a framework of participation privileging the workers at the core of the issue. The premises of unionism, in particular the democratic structures and the participation of the workers, were marginalised; the labour dispute between specific *workers* and employer (both legal, the agency, and in practice, the university) was pushed aside.

However, while not providing any specific channels to participation, the Coalition did assert the status of the workers as members of the community. More than simply representing the workers, or mediating between employer and employees, the Coalition drew on ideas of community organising to include those excluded but present (the cleaners) into the community (the campus community). Importantly, the Coalition was able to engender a new framework for solidarity in creating a community around the campaign and thus granting these ‘non-citizens’ (formally citizens but lacking workplace recognition and voice) some kind of citizenship at the communal level (Davidov, 2015: 29). Through appealing to the wider community, activating committed students and faculty, and effectively widening the circle of responsibility beyond the immediate employer (see Wright, 2013), the Coalition created ‘a communal sense of obligation to support collective action’ (Heckscher and McCarthy, 2014: 629) – it made the cleaners’ issue a community concern. This is a different form of activation than that traditionally undertaken by unions, and relied not so much on shared interests but on a mutual obligation born of a sense of social injustice – a ‘stronger glue’ than common interests, Heckscher and McCarthy (*ibid.*) suggest.

Indeed, in their discussion of solidarity, Heckscher and McCarthy define this moral appeal, which focuses obligations around a common cause, as one of the two ‘pillars’ on which solidarity rests. The other ‘pillar’ is daily social relations; these were created through the regular activities involving both the cleaners and others present on campus. This pillar was entirely absent prior to the campaign, since the cleaners worked isolated and mostly unseen, not present as workers. Its efficacy is reflected in the fact that the plight of those cleaners

continues (as of July 2016) to be an issue for students and faculty on campus: through this campaign, despite its shortcomings, the cleaners have been brought into the negotiated order (Strauss, 1978), they have become a ‘presence’ (Sassen, 2002). This transformation is exemplified by one of the campaign’s small victories: getting the university to agree to turn on the air-conditioning when the cleaners arrive in the morning, instead of waiting for students and faculty (Vaturi, interview). This was a major step in perceiving the workers as human.

Table 1 summarises the differences between the three entities as presented above.

[Table 1 about here]

## **6 DISCUSSION AND CONCLUSION**

From this analysis, a picture emerges of a ‘division of labour’ in representing subcontracted workers and improving their employment terms. Each of the three entities adopted different strategies and drew on different sources of legitimacy and power, with their own limitations, and to a considerable extent ‘covered’ each other’s weaknesses. The Coalition was crucial in flagging the plight of the subcontracted workers as a social issue, and in developing community-wide solidarity and a discourse of injustice. It did not initially focus on traditional frameworks of collective labour relations, and a union was not even the first option in seeking redress for workplace injustice, but was ‘recruited’ at a later stage. Indeed, the Coalition fashioned a workplace issue into an issue of social injustice, and brought it into parliamentary political and civil society circles, beyond the frameworks of standard IR. In doing so, it developed a political awareness among apolitical workers who feared large domineering institutions such as the Histadrut, while simultaneously contributing to goading the Histadrut into action by putting the issue on the public agenda.

While the Coalition acted in one workplace, and has since expanded its activities into other workplaces where subcontracted labour is common, the Histadrut was able to reach the entire industry, bringing the weight of existing workers' committees to bear on government and private sector subcontractors, which Koach Laovdim was unable to do. However, its power resources – particularly its historic and personal links with government – and its commitment to 'responsible' unionism and national interests create a democratic deficit. This democratic representation gap was filled by Koach Laovdim, which also provided the framework (based on existing laws and norms) for concretising the efforts of the Coalition. This aspect becomes more clearly significant when this case is compared with the similar organising efforts analysed by Wills, who noted that the lack of union involvement 'made it harder for workers to recalibrate their day-to-day workplace relationships and exercise their employment rights' (2009: 457).

This 'division of labour' picture is important in light of common critiques (in classic unionist terms) of non-union organisations: 'By "contracting out" the protest to other actors in civil society, community organising risks employing 'extra-workplace' sources of power to the point of bypassing those directly concerned, whose specific demands and needs risk remaining in the shadow' (Alberti, 2016: 87). Indeed, in the Coalition studied here, the organising was very dependent on an educated milieu of students and faculty at what is considered a relatively left-leaning and activist academic department, plus the skills of activists in the participating organisations. The strength of the Coalition had little structural foundation: change was brought about through public pressure, 'naming and shaming' the university, while the broader campaign which has since developed is focused on the lobbying efforts of the various organisations involved. It relied on social capital (in Bourdieu's terms), tapping into the moral conscience of the already-privileged, in contrast to the power resources mobilised by 'traditional' unions which were rooted in the social relations of capitalism. This raises

questions of empowerment and equality: where unions offered an egalitarian framework for workers to take at least some control of their own working lives, the Coalition risks becoming something akin to top-down assistance and thus perhaps offers only a transient, reversible, respite from precariousness.

Yet Jenkins (2002) observes that the ‘objective’ situation of workers may preclude real change even if they are organised, and he sharply critiques the ideals of empowerment: ‘Our failure to consider objective conditions when initiating the [organising] campaigns comes back to haunt us, as ‘member power’ is increasingly relegated to the ideal realm of symbolism and rhetoric’ (2002: 58). In emphasising the failings of non-union organisations, we risk forgetting that the power of a campaign does not necessarily reside with people who ‘should’ (in unionist terms) have it (2002: 73). Though the workers may be most familiar with the conditions requiring redress, the critical information and ability to effect change is not necessarily held by them (2002: 75), as in this case when the Coalition appealed to university students and faculty – ‘elite sources of power’ in Jenkin’s (2002: 59) terms.

The ‘division of labour’ outlined in this analysis suggests that efforts to change an exploitative employment situation can be made simultaneously on a number of unconnected and even potentially competitive fronts (competition, for example, between the unions), thus enabling participation and voice for the relatively powerless workers yet still drawing on sources of power which are not rooted in or even have any link to the employment relationship. From a union renewal perspective the cleaners’ campaign was unsuccessful: the Histadrut gained no power (no new members), merely relying on existing power to improve the lot of the powerless, and Koach Laovdim was left with a weak and uncommitted workers’ committee and very few new members. Yet from the workers’ point of view, it was successful, increasing voice and participation in the workplace, increasing public awareness of the ills of subcontracted labour, and subsequently leading to two industry-wide agreements which

significantly (albeit imperfectly) improved employment terms for subcontracted workers in general.

In short, such ‘divisions of labour’ could be consciously considered by organisers when power resources are not clearly available (or are difficult to build up) within one organisation. However, what *is* available will depend on the specific context (including IR system and norms) of any given case and will affect the kind of strategies adopted, the kind of coalition efforts to be made and the kind of coalition partners to be sought. In this case, the Histadrut’s historical position and (the perception of) its past activities with employers meant it was ruled out as a coalition partner. Koach Laovdim, in contrast, was an ideal partner within the context of an increasing awareness among the general public of socioeconomic issues which, among other things, led to the social protests of 2011 (see for example Rosenhek and Shalev, 2013) as well as to the establishment of Koach Laovdim itself. Where the Histadrut is seen as part of the establishment and known for its collaboration/partnership with employer organisations, the new union intentionally set itself up as a plucky and more adversarial counterpart, with its activists linked to NGOs. These broad union characterisations also suggest that a ‘division of labour’ could help resolve the tensions some have noted (see Heery, 2002; Preminger, 2013) between the partnership and organising approaches to union revitalisation, or in broader terms, the ‘sword of justice’ versus the ‘protecting vested interests’ roles of unions (Gumbrell-McCormick and Hyman, 2013: 32). Moreover, the character of a union is dependent to a large extent on the relationships that unions have developed with other societal actors, as ‘intermediary organisations’ (Müller-Jentsch, 1985), which indicates that we can also think of this ‘division of labour’ as a division of relationships: while Koach Laovdim focused on its relationship with its members and the employer, the Histadrut focused on the government and the Coalition on civil society and ‘public opinion’ (see Gumbrell-McCormick and Hyman, 2013: 2).

Concerns about the sustainability of the power configurations of non-union campaigns are well-founded, and relevant to this case also. Each actor draws on particular sources of power and is vulnerable in different ways to having that power undermined. Nonetheless, the act of organising along different paths, bringing in different actors to ‘fulfil’ different aspects of voice, participation, representation and protection, enables a mutually supportive configuration that bolsters the power resources of each actor. While a given configuration may be dependent on activists and volunteers to keep it together, as opposed to a traditional union which enjoys a privileged position in labour relations, an optimistic view suggests that issues which have developed within a specific (labour) context can become the beacon around which concerned citizens, unions and other organisations congregate. In this way the struggle for social change can be reconnected with the workplace, as activists take advantage of the legal tools and institutional structures which privilege organised labour to promote a wider agenda. This case is thus quite different from many other cases of CSO representation of labour, which are explicitly *not* based in the workplace and for whom labour issues are often a “by-product” of a wider agenda (e.g. Osterman, 2006).

To summarize, this article highlights the possibility of collaboration across different frames of reference and different approaches, and the possibility of (perhaps the need for) overlapping paths to representation, such that each organisation involved brings its own particular aspect of representation (its own particular advantages) which do not necessarily contradict or undermine that of other organisations, creating a multi-layered representational ‘package.’ The analysis suggests that new actors in IR can develop relationships with traditional IR actors, overcoming the tensions between CSOs and unions and creating “mutually beneficial coalitions” (Heery and Frege, 2006: 602), and thereby access vestigial IR frameworks. In light of unions’ current straits and uncertain future, the ongoing difficulties of ensuring the basic rights of the ever-increasing groups of precarious workers, and increasing

disruptions to 'standard' representational frameworks, we should consider this kind of collaboration as an effective strategic option instead of as a poor second to union revitalisation.

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	<b>Histadrut</b>	<b>Koach Laovdim</b>	<b>Coalition</b>
<b>Position in Israel's IR system</b>	<ul style="list-style-type: none"> <li>• Strong</li> <li>• Historic status</li> <li>• Strong ties to employer organisations and State bodies/government</li> <li>• Advantages of privileged position of labour organisations</li> </ul>	<ul style="list-style-type: none"> <li>• Weak</li> <li>• No major workers' committees in key positions</li> <li>• No historical ties</li> <li>• Advantages of privileged position of labour organisations</li> </ul>	No privileges
<b>Limitations/ considerations affecting options for action</b>	<ul style="list-style-type: none"> <li>• Past and future agreements</li> <li>• Laws and norms of collective IR</li> </ul>	<ul style="list-style-type: none"> <li>• Past and future agreements</li> <li>• Laws and norms of collective IR</li> </ul>	Unencumbered
<b>Participation of workers at heart of dispute</b>	None	As workers through democratic organisational structure	As concerned citizens, activists (if at all); as 'members' of the community
<b>Power resources drawn on</b>	<ul style="list-style-type: none"> <li>• Structural</li> <li>• Institutional</li> </ul>	<ul style="list-style-type: none"> <li>• Organisational</li> <li>• Institutional</li> </ul>	<ul style="list-style-type: none"> <li>• Organisational</li> <li>• Moral</li> </ul>

*Table 1: Summary of differences between the three organisations*