

MAINTENANCE

The triangulation of work along flexible and fragmented lines requires a new approach to organizing. Subcontracting and third-party employment have exacerbated structural ambiguities over who works for whom and under what conditions. As such, the legalities of these arrangements are often discredited by employers from the onset of a dispute. To break this cycle, new movements must redefine the nature of this relationship in the eyes of the public, rather than the law, by rearticulating the norms and cultural values that underpin public conceptions of justice and fairness. This project draws from the practicalities and particularities of everyday and ongoing maintenance at Harvard's Carpenter Center for the Visual Arts to investigate and expand new possibilities in organizing the service sector.

MAINTENANCE IS A PROJECT BY ANTHONY TERZINO

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PARTIES

HARVARD UNIVERSITY

the Harvard Corporation, known formally as the President and Fellows of Harvard College, and includes the Treasurer.

CLEANING COMPANY

a company that provides cleaning services to the University.

DIRECT-HIRE EMPLOYEE

an individual who is hired directly by the University.

SUBCONTRACT EMPLOYEE

an individual who is hired by a company, but performs work for the University.

1

MAINTENANCE

SWEEP, MOP, SCRUB, WAX, STRIP AND POLISH FLOORS, VACUUM CARPETS; DUST AND POLISH FURNITURE, WOODWORK, FIXTURES AND EQUIPMENT; WASH WINDOWS AND WALLS; CLEAN DESKS, TABLES AND COUNTERTOPS; PERFORM MINOR REPAIRS ON DOORS, WINDOWS, FLOORS, LOCKERS, GATES, ROOFS AND CEILINGS; PICK UP LITTER, EMPTY AND CLEAN TRASH CONTAINERS; CLEAN AND DISINFECT RESTROOMS; REPLENISH AND MAINTAIN RESTROOM SUPPLIES; REPLACE AND MAINTAIN PLUMBING FIXTURES AND PERFORM BASIC PLASTERING AND PAINTING REPAIR; MOVE AND ARRANGE FURNITURE AND EQUIPMENT; SET UP ROOMS FOR SPECIAL MEETINGS OR EVENTS; LOCK AND UNLOCK DOORS; OPEN AND CLOSE BUILDINGS; PERFORM A VARIETY OF ERRANDS; CLEAN OUTSIDE AREAS AROUND AND NEAR FACILITIES AND BUILDINGS; PICK UP PAPERS AND OTHER DEBRIS.¹

2

OUTBREAK

At the onset of the pandemic, Harvard agreed to pay and benefits for service employees despite building closures.² Three days later, Harvard reversed to 30-day paid leave for direct-hire employees only.³ A day later, Harvard broke subcontracts and those employees were terminated.⁴ Amid controversy, Harvard extended pay and benefits to all employees—direct-hire and subcontract employees. Sixty days later, Harvard pursued layoffs and cut hours.⁵

Twenty years ago, each of the schools at Harvard—which operate as independent units—bought maintenance from an outside monopoly that paid below-market wages. Each of the schools—

HARVARD FACULTY OF
ARTS AND SCIENCES
HARVARD DIVINITY
SCHOOL
HARVARD LAW SCHOOL
HARVARD ART MUSEUMS
HARVARD MEDICAL
SCHOOL
HARVARD REAL ESTATE
HARVARD SCHOOL OF
PUBLIC HEALTH
OTHER DEPARTMENTS
RADCLIFFE INSTITUTE
HARVARD SCHOOL
OF ENGINEERING AND
APPLIED SCIENCES
HARVARD GRADUATE
SCHOOL OF DESIGN

HARVARD HOUSING
HARVARD ARBORETUM
HARVARD KENNEDY
SCHOOL OF
GOVERNMENT—

was given the option to choose between Harvard's Facilities and Maintenance Operations (FMO) or the outside monopoly, UNICCO.

2.1

BREAK

On October 18, 2002, in a letter to the university, students of the Progressive Student Labor Movement (PSLM) urged Harvard to break its contract with UNICCO and hire subcontract employees directly—

SHOULD HARVARD FAIL
TO MEET THESE DEMANDS
ITS IMMORAL POSITION
WILL SURELY REFLECT
POORLY ON ITS IMAGE IN
THE COMMUNITY.⁶

Harvard did not cut ties, but promised to consider companies that provided better pay and benefits in a new bid process. Today, there are six competing companies—

ABM BUILDING SERVICES
ACME BUILDING SERVICES
AMERICAN CLEANING CO.
C&W SERVICES
GDI FACILITY SERVICES
JANITRONICS SERVICES—

that subcontract to the University.

A local branch of Service Employees International Union, 32BJ (“Union”) represents both direct-hire employees (“direct-hires”) and subcontract employees (“subs”). The Union was put into trusteeship in February 2001. The Union negotiates with FMO and all six companies separately, each with variable pay agreements.

3

CUT

Of the six individuals who maintain Harvard's Carpenter Center for the Visual Arts, three are employed by Harvard, three by the outside American Cleaning Company, hereafter the “Company”.

On August 20, 2020, Harvard contracted the Company to perform cleaning services at the Carpenter Center. In January 2021, Harvard asked the Company to cut costs and reduce the scope of its services. The Company responded by cutting staff.

By externalizing cost and legal responsibility to the Company, the University could impose wage and employment cuts outside of formal union negotiations without incurring the *normal* violations. By creating a distinction between who pays (University) and who manages (Company), the system of subcontracting obscures the fiscal and legal obligation of the University to subcontracted employees.

In the case of pay, money that is disbursed originates from the University, but is legally dispensed through the Company. In other words, the payment carries no University seal.

4

SUB

On January 15, 2021, Harvard dropped its

EMERGENCY EXCUSED ABSENCE BENEFIT.⁷

When the Company refused to cover benefits, subcontract employees directed their demands to the University. The University argued that they were under no obligation to negotiate because they are not the “employer-of-record” and redirected demands to the Company.

The Company argued that they were under no obligation to negotiate as a “subcontractor” because the terms of the subcontract had already been agreed on with the University.

This triangulated employment relationship between University, Company and employees obscures the obligation of a single employer to a single employee. Consequently, it becomes more difficult for subcontract employees to negotiate over terms and conditions of employment.

The mechanisms at play are two: (1) a triangulated employment relationship and (2) a classification struggle over the issue of who is the employer (see figure 1).

5

DIRECT

On October 8, 2021, direct-hire employees rallied the Union, demanding the use of university contributions toward the

EXCLUSIVE BENEFIT

of direct-hires only.⁸

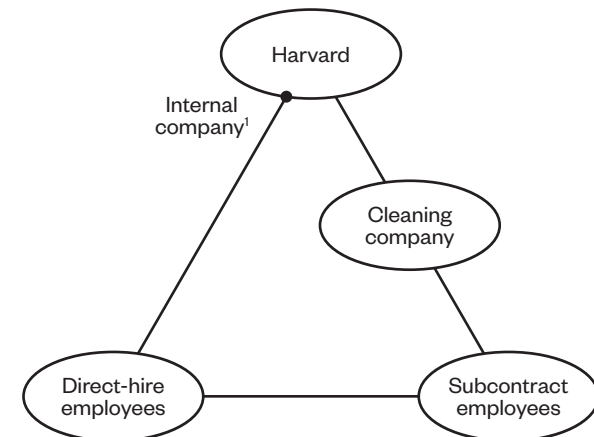
Implicit in this demand is the assumption that (1) “direct” demands are in some sense more legitimate, and that (2) “direct” demands against subcontract employees can keep benefits out of competition.

This assumption, however, is both false and damaging—false because the problem is poorly posed, and damaging because it misidentifies and masks the triangulated employment relationship.

To break this cycle, new movements must redefine this triangulated relationship in the eyes of the public, rather than the law, because triangulated relationships deny subcontract employees official rights and protections.

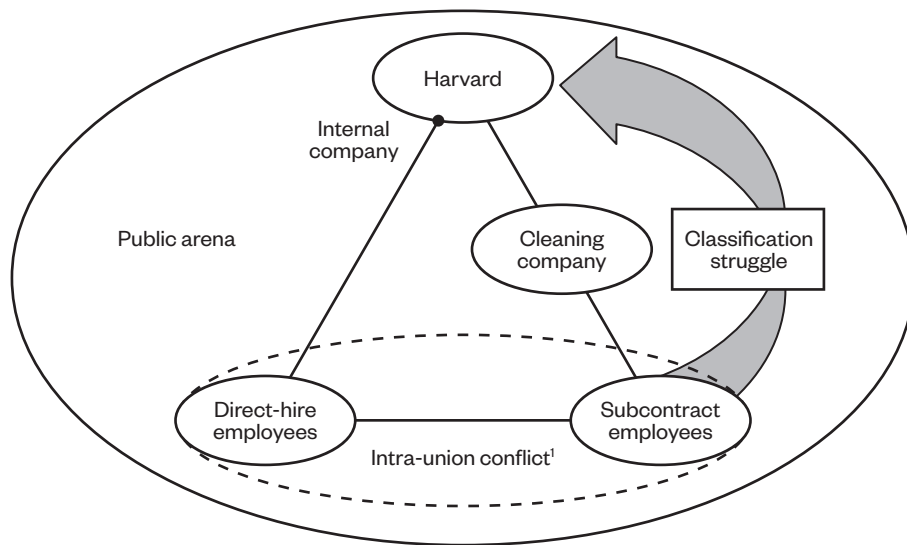
The mechanics involved must be two: (1) escalate classification struggles directly into the public arena, leveraging public conceptions of justice and fairness and (2) redefine struggles directly to the University rather than the Company (see figure 2).

FIGURE 1
Triangulated system of subcontracting



¹Harvard's Facilities and Maintenance Operations (FMO)

FIGURE 2
Classification struggle



¹A struggle between employees represented by the same union

6 BREAKDOWN

The erosion of collective bargaining and breakdown of previously derived powers—the right to strike, to assembly, etc.—occurred within the boundaries of existing institutional arrangements.

This means that the University is able to circumvent “the law” through existing means—

TRIANGULATION,
MISCLASSIFICATION,
VIRTUAL PICKET LINES,
PANDEMIC-RELATED
DISTANCING.

The question thus remains, under what conditions can new arrangements work their way into the public arena? New arrangements must escalate demands into full-on classification struggles by rearticulating the norms and cultural values that underpin public conceptions of justice and fairness to strengthen the

SYMBOLIC WEIGHT

of its demands.

Unlike existing arrangements that rely on official recognition, new arrangements must cultivate outside (public) sources of authority to circumvent existing institutional arrangements.

7 BREAK-IN

On April 18, 2001,

Students of PSLM occupied Massachusetts Hall, where University President, Provost and Vice Presidents have their offices, urging the University to adopt a

LIVING WAGE

for its service employees.⁹ Harvard refused to negotiate with employees and waged a public relations campaign against students, labeling students as “occupiers”.¹⁰

A year later,

Harvard adopted a one-time wage parity with employees to the city’s living wage ordinance.¹¹ To account for costs, Harvard pursued layoffs and cut hours.¹²

Two shortcomings of the living wage campaign: First, students failed to recognize the contradictions inherent in triangulated employment relationships that prevented subcontract employees a seat at the bargaining table. Second, students failed to recognize the classification struggle as the key site of conflict and reduced the struggle to an ordinance that had already passed in the cities of Cambridge and Boston.

NEW MOVEMENTS

As discussed earlier, *symbolic weight* derives its authority from the contested arena of culture and public debates over values.

By redefining narrow disputes (e.g. focus on living wage) as broader violations of justice and fairness, new movements can convert subordinated positions into forms of

SYMBOLIC LEVERAGE.

Gone is the old way of bargaining—new movements must cultivate new public sources of authority to shift the balance of power and institutionalized patterns of value that have included some while excluding others.

What is needed is a new social relation, one that increasingly draws the outside *in*, because in many cases, what appears as inside, outside, direct and sub are not autonomous, but feed and support one another.

Rather than question whether it is possible to organize multiple struggles, the question must shift to *how* and *under what conditions* struggles can join together to transform the broader social order.

To do this, movements must:

- Make visible structures and mechanisms that render certain groups invisible (i.e. triangulation, misclassification)

- Provide vocabularies to establish mutual recognition of struggles in the public arena (i.e. texts, images, public escalations, reclassification)
- Strengthen symbolic weight and cultivate new public sources of authority to symbolically leverage struggles
- Mobilize the broader public around increased significance of the “symbolic” in contemporary struggles

This movement must be applied to each situation and setting anew. This is the ongoing work of maintenance. Located at Harvard's Carpenter Center for the Visual Arts, this project involves (a) public projections in visible areas across the University, (b) reading stations inside institutional spaces and (c) booklets distributed on site and online.

×



Maintenance Reading Station, Graduate School of Design, 2022



Reading Station and Booklet, Graduate School of Design, 2022



Reading Session, Graduate School of Design, 2022



Employee Break Room, Carpenter Center for the Visual Arts, 2021

GLOSSARY

BID

an offer made by a subcontractor in an effort to compete for a contract.

COLLECTIVE BARGAINING

a negotiation between an employer and a group of employees, or union, over terms and conditions of employment.

COLLECTIVE BARGAINING AGREEMENT (“CBA”)

a contract between an employer and a group of employees, or union.

EMERGENCY EXCUSED ABSENCE BENEFIT

a temporary benefit to “eligible Harvard employees” to sustain partial pay (70%) and benefits if their work cannot be performed due to the COVID-19 public health emergency.

EXCLUSIVE BENEFIT

a benefit that is exclusive to participants and beneficiaries of a given plan.

INTRA-UNION CONFLICT

a struggle between employees represented by the same union.

LIVING WAGE

a minimum income necessary for an employee to meet basic needs. Due to the flexible nature of the term “needs”, there is not one universally accepted measure of what a living wage is and as such it varies by location and household type.

SUBCONTRACT AGREEMENT

a contract between a contractor and a company (subcontractor) to provide a work or service.

SUBCONTRACTING

a practice in which work functions or services are outsourced to an outside or intermediary company on a contract basis.

UNION

an organization of employees formed to promote collective bargaining with employers over terms and conditions of employment.

UNIT (“SCHOOL”)

a group of employees represented by a union within a given employer unit or a specific occupational or geographical grouping within such employer unit.

WAGE PARITY

a minimum wage rate or supplemental benefit to account for pay gap factors, including job title, industry, job location, education and experience.

TIMELINE

1998 SEPTEMBER 4

Boston amends living wage ordinance for city service employees

1999 MAY 4

Cambridge passes living wage ordinance for city service employees

2000 MAY 4

Progressive Student Labor Movement (PSLM) urges Harvard to adopt a living wage for service employees

2001 MARCH 15

Harvard refuses living wage, rejects meeting with PSLM

2001 APRIL 18

Students of PSLM occupy Massachusetts Hall, where University President, Provost and Vice Presidents have their offices, over living wage issue

2001 MAY 8

Students leave Massachusetts Hall, Harvard agrees to study employment policies and recommend changes by December 2001

2001 DECEMBER 19

Harvard recommends one-time wage parity to the city's living wage ordinance, announces temporary moratorium on outsourcing

2002 MARCH 31

Harvard adopts one-time wage parity, rejects permanent living wage

2002 OCTOBER 18

PSLM urges Harvard to break subcontracts with outside cleaning companies and hire subcontract employees directly, Harvard rejects but promises new bid process

2003 NOVEMBER 7

Harvard announces outsourcing

2003 DECEMBER

Harvard finds company operating under two companies in an effort to skirt its wage parity, issues retroactive pay to subcontract employees

2011 JANUARY 16

Harvard extends subcontract, temporary and less-than-half-time hiring over "high operating deficit"

2020 MARCH 10

Harvard closes campus, moves classes online in response to COVID-19 emergency

2020 MARCH 16

Harvard agrees to pay and benefits for service employees despite building closures

2020 MARCH 19

Harvard reverses to 30-day paid leave for direct-hire employees only

2020 MARCH 20

Harvard breaks subcontracts with outside cleaning companies, subcontract employees are terminated

TIMELINE

2020 MARCH 27

Harvard extends pay and benefits to subcontract and direct-hire employees until May 28

2020 MAY 28

Harvard pursues layoffs, cuts hours

2020 SEPTEMBER 22

Harvard subcontracts outside cleaning companies

2020 NOVEMBER 16

Employees push for no-layoff policy

2021 JANUARY 15

Harvard rejects no-layoff policy

2021 JANUARY 15

Harvard drops emergency excused absence benefit, idle employees are laid off

2021 JANUARY 16

Harvard extends subcontracts

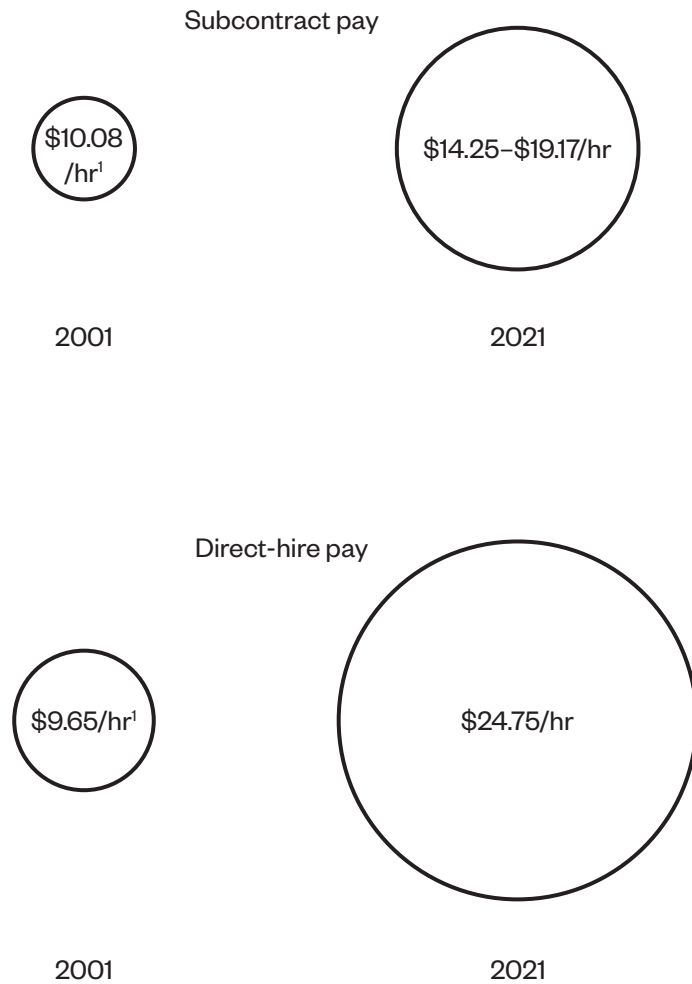
2021 OCTOBER 8

Direct-hire employees demand use of university contributions toward the "exclusive benefit" of direct-hires only

2021 OCTOBER 14

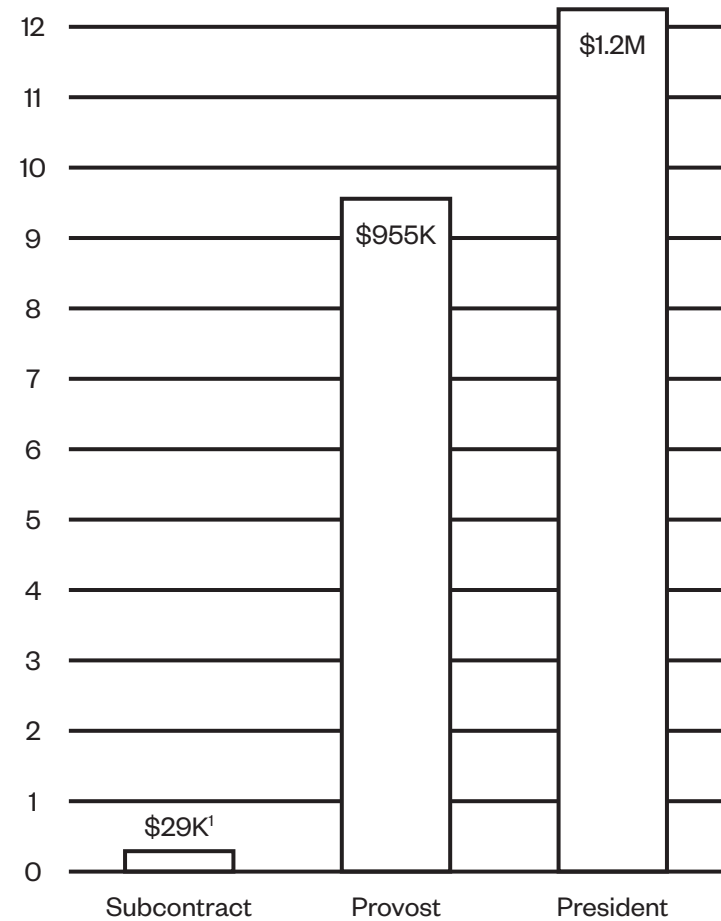
Harvard endowment grows to \$53.2 billion

Hourly pay for subcontract and direct-hire employees at Harvard (2001 and 2021)



¹ Adjusted for inflation using CPI-U and reported in 2021 dollars

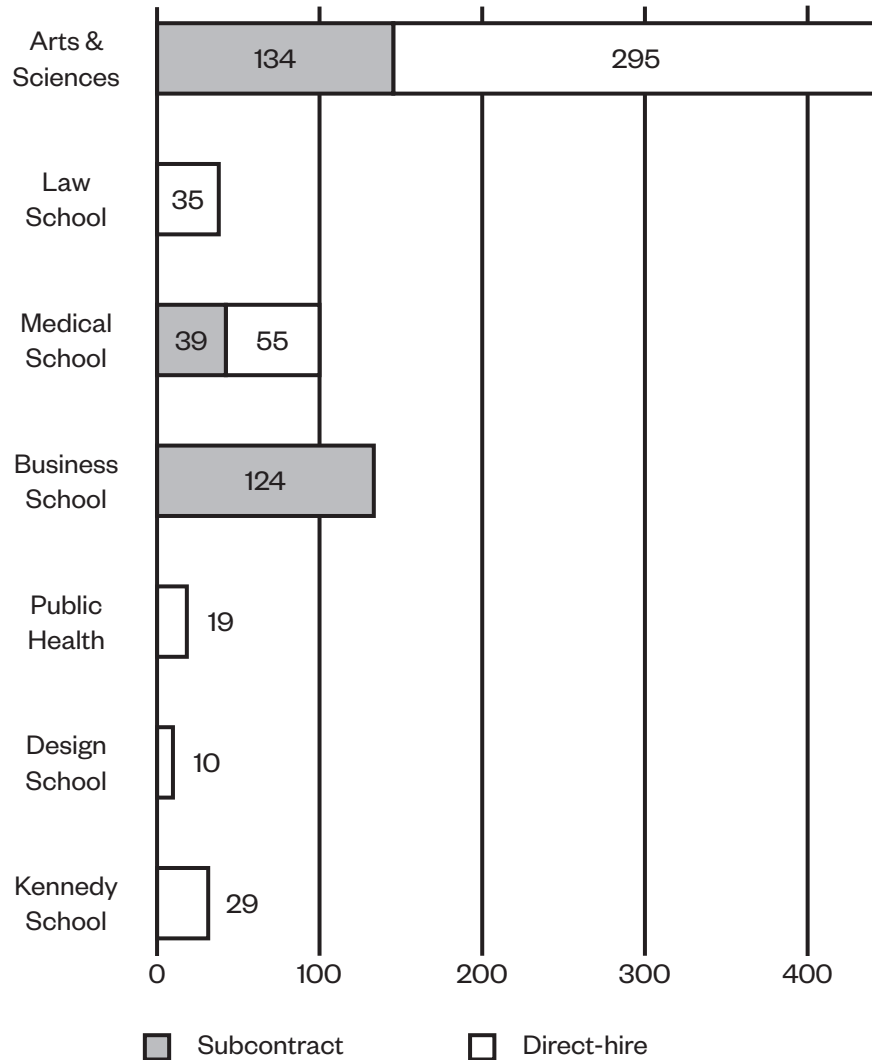
Annual salary of Harvard University President and Provost compared to annual income for subcontract employees (2021)



¹ Based on \$14.25/hr over 40 hours for 52 weeks

NUMBERS

Total subcontract and direct-hire employees at Harvard by School (2021)



Total of 760 employees (317 subcontract, 443 direct-hire)

NUMBERS

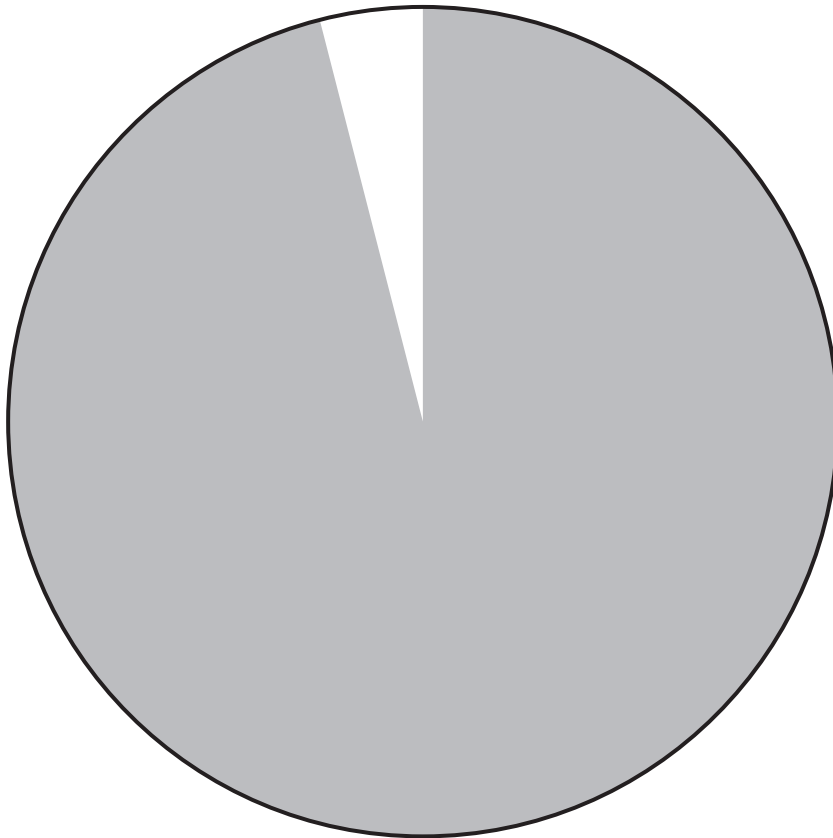
Benefit eligibility for subcontract and direct-hire employees at Harvard (2021)

	Subcontract	Direct-hire
Vacation & Sick Leave	✓	✓
Medical & Dental	✓	✓
Tuition Assistance	✓	✓
Commuting & Transportation	✓	✓
Emergency Excused Absence	✗	University discretion ¹
Unemployment Insurance	✗	✓
Disability & Life Insurance	✗	✓
Retirement Pension	✗	✓
Collective Bargaining	✗	✓

¹See *Glossary* s.v. “Emergency Excused Absence Benefit”

NUMBERS

Unionization rate at Harvard (2021)

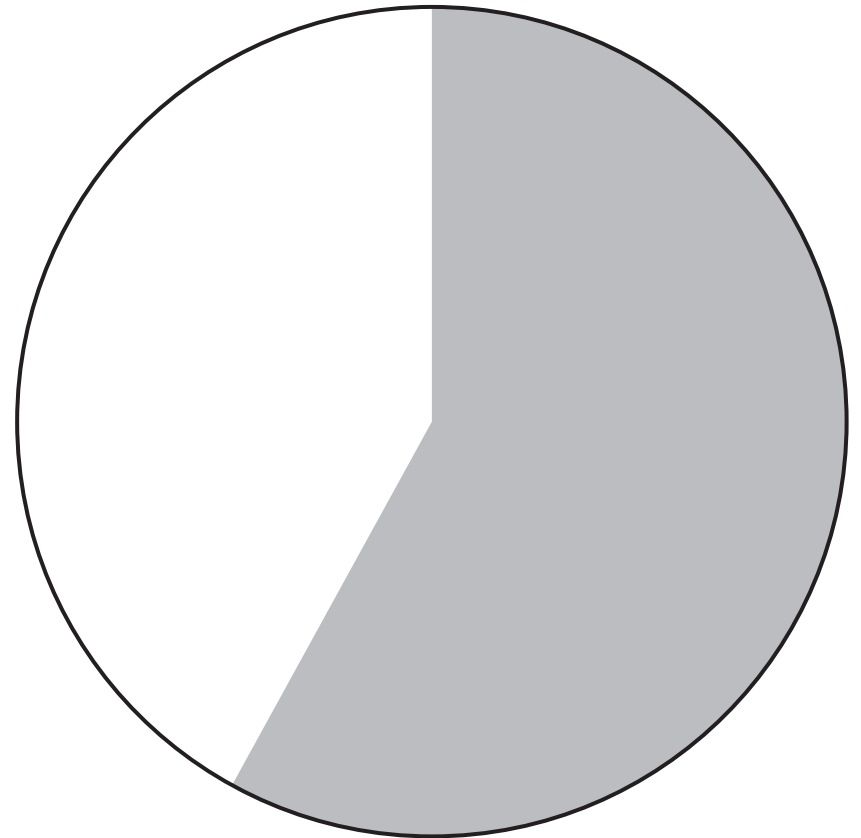


96%¹

¹Includes subcontract employees

NUMBERS

Percentage of unionized employees at Harvard represented by collective bargaining (2021)



58%¹

¹Excludes subcontract employees

NOTES

¹ SEIU Custodian Class Title.

² Aiyana G. White, "Harvard Guarantees Regular Pay and Benefits to Employees Through May," The Harvard Crimson, March 27, 2020.

³ James S. Bikales, "HUDS Workers, Custodians Out of Work Due to Coronavirus Closures To Receive 30 Days Pay," The Harvard Crimson, March 19, 2020.

⁴ Cara J. Chang and Meimei Xu, "Harvard President Bacow Defends Eliminating Pay for Most Idled Contract Workers," The Harvard Crimson, December 9, 2020.

⁵ Cara J. Chang and Meimei Xu, "Harvard Custodians Ratify One-Year Contract with University, Push to Protect Contracted Employees from Layoffs," The Harvard Crimson, March 19, 2020.

⁶ Elisabeth S. Theodore, "Students Urge University To Dump Cleaning Firm," The Harvard Crimson, October 21, 2002.

⁷ Harvard Information for Employees.

⁸ Cara J. Chang and Meimei Xu, "On Eve of Contract Negotiations, Harvard Custodians Rally Against Their Own Union Leadership," The Harvard Crimson, October 12, 2021.

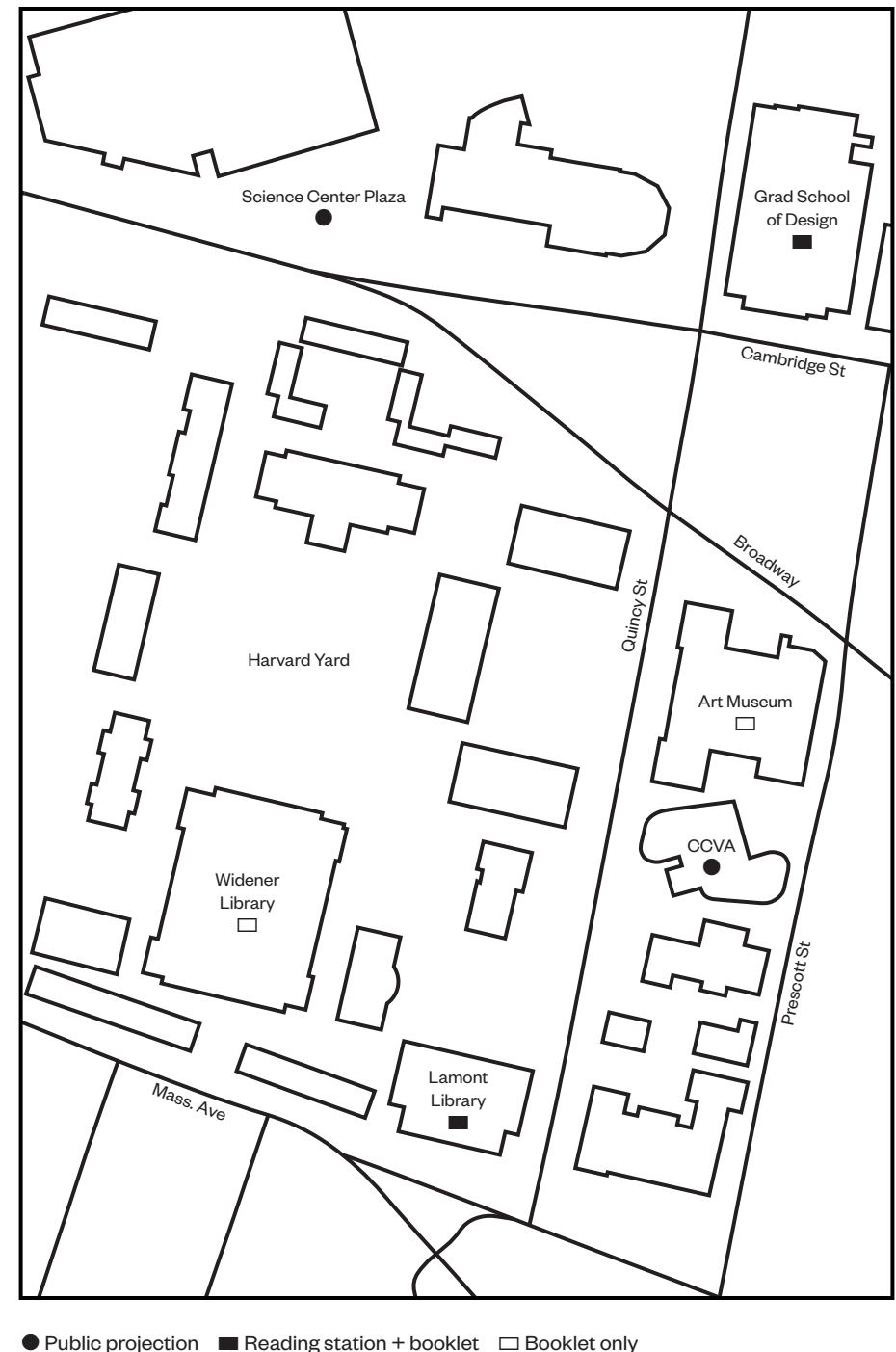
⁹ Daniela J. Lamas, "PSLM Members Storm Mass. Hall," The Harvard Crimson, April 19, 2001.

¹⁰ "Sit-in ends after 21 days," The Harvard Gazette, May 10, 2001.

¹¹ "Final Report: Lower-Paid Workers at Harvard University," Harvard Committee on Employment and Contracting Policies (HCECP), December 19, 2001.

¹² Andrew S. Chang, "PSLM Decries Recent Firing," The Harvard Crimson, November 7, 2003.

SITE PLAN



This text serves to make visible structures and mechanisms that render certain “essential” groups invisible to expand new possibilities in organizing the service sector in the wake of the COVID-19 pandemic.

SUPPORT

Individuals involved in maintenance at Harvard's Carpenter Center for the Visual Arts, represented by Service Employees International Union, SEIU 32BJ

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