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No Jobs, Lots of Work:  
The Gendered Rise of the Temporary Employment Relationship in Canada, 1897-1997

Leah F. Vosko

A thesis submitted to the Faculty of Graduate Studies  
in partial fulfilment of the requirements for the degree of  
Doctorate of Philosophy

Graduate Programme in Women's Studies  
York University  
Toronto, Ontario

October 1998.



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**Canada**

by Leah F. Vosko

a thesis submitted to the Faculty of Graduate Studies of York  
University in partial fulfillment of the requirements for the degree  
of

Doctorate of Philosophy

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**To Phyllis R. Vosko and in memory of Seymour H. Vosko**

## Abstract

This dissertation examines the history and evolution of the employment relationship associated with the contemporary temporary help industry in Canada from the late nineteenth to the late twentieth century. Using gender as a central lens of analysis, it explores how, and to what extent, this employment relationship is becoming a norm for a more diverse group of workers in the Canadian labour market. In so doing, the dissertation develops the following argument: with the shift away from the standard employment relationship since the early 1970s and the coincident rise of the temporary employment relationship -- two developments indicative of the feminization of employment -- workers situated at the expanding margins of the labour market are increasingly treated like commodities.

A growing body of scholarship argues that the nature of employment is changing, citing the spread of non-standard forms of employment and women's rising and/or consistently high labour force participation rates as evidence of this claim. This dissertation confirms that important changes *are* indeed taking place in the labour market but it argues that the tenor and direction of these changes only come into full view when they are examined in light of continuity as well as change. To this end, it probes the shape of dualism in the Canadian labour market historically, paying particularly attention to its gendered and racialized character, through a case study of the temporary employment relationship.

The dissertation begins by providing a conceptual map for understanding and interpreting contemporary employment trends that engages in three broader theoretical

inquiries: the investigation of labour power's peculiar commodity status under capitalism; the exploration of the rise and decline of the standard employment relationship as a normative model of employment; and the examination of the gendered character of prevailing employment trends. Following this overview, the body of the dissertation traces the history of the temporary employment relationship in Canada, examining how its three core actors -- the temporary help agency, the customer and the worker -- have adapted to shifting employment trends and gendered employment norms and negotiated developments at the regulatory level over the course of the twentieth century. In probing the evolution of the temporary employment relationship, it devotes special emphasis to examining the role and function of early precursors to the modern temporary help agency (e.g., private employment agents such as general labour agents and so-called padrones), its immediate forerunners (i.e., the 'classic' temporary help agency of the 1950s) and its most recent manifestation (i.e., the employment and staffing service). Although the dissertation focuses on the Canadian context, it also traces developments at the international and supra-national level throughout the twentieth century, developments that have often mirrored, frequently affected, and occasionally even prefigured trends in Canada.

Interdisciplinary in its focus, the dissertation approaches the evolution of the temporary employment relationship from a range of angles, building on scholarship from the fields of Law, History, Political Economy, Sociology and Industrial Relations. The research methodologies used include: archival/historical research; field observation; interviews with temporary help workers, agency managers and customers as well as

government officials, representatives from organized labour and industry leaders; and analysis of industry, government and legal documentation at the municipal, provincial, national and supra-national levels.

### Acknowledgements

As one nears the end of any long scholarly project, it is a pleasant fantasy to envision composing acknowledgements. However, actually sitting down to write this very last piece is no easy task. Still, I hope to communicate here my appreciation to those who supported me in the dissertation-writing process.

I would like to begin by expressing my deepest thanks to Judy Fudge who engaged with this project at an intellectual level that well-surpassed my expectations and whose commitment to me was unflagging from beginning to end. Judy has been a model supervisor in every sense and I feel very fortunate to have been her student. I am similarly appreciative of Isa Bakker and Pat Armstrong for their intellectual support, incisive comments and enthusiasm for my project.

Beyond my supervisory committee, numerous academic colleagues both inside and outside York University provided valuable assistance at various stages of my research. From York, I thank Kate Bezanson, Lynnette Boulet, Deborah Clipperton, Patricia Evans, Karen Flynn, Amanda Glasbeek, Harry Glasbeek, Jennifer Lund, Ester Reiter, Chris Roberts, Lisa Rosenberg, Katherine Scott, Katherine Side and Sandra Whitworth. I am especially grateful to Meg Luxton, my academic advisor who guided me along throughout my Ph.D., Rusty Shteir and Jane Couchman, who both served as Chairs of the Graduate Programme in Women's Studies during my time at York and, of course, Agatha Campbell, who so skillfully helped me navigate the York bureaucracy. I also thank Jackie Druery, the York librarian who (through a string of happy coincidences)

got me access to the ILO archives, and Mirka Ondrack and Ann Oram of the Institute for Social Research, who assisted me in preparing some of the statistics used in this study.

Many people outside York also supported me during my time as a doctoral student and provided feedback, contacts, advice on fieldwork and input on other aspects of my research. I thank Janine Brodie, Francoise Carré, Stephen Clarkson, Dorothy Sue Cobble, Marjorie Cohen, Alice de Wolff, the members of the Feminism and Political Economy Discussion Group, Daood Hamdani, Steve Herzenberg, Jean Claude Parrot, Jackie Rogers and Jennifer Stephen. As well, my new colleagues in Labour Studies and Political Science at McMaster University, who allowed me the time and space required to complete this dissertation, and my present colleagues at the Institute for Research on Women and the Center for Women and Work at Rutgers University, where I put the finishing touches on this project, deserve special acknowledgement.

I would also like to express my appreciation to all of the people and organizations that assisted me in my field research. To begin with those connected to the ILO, I thank the members of the Canadian delegation to the Eighty-Fifth Session of the International Labour Conference and Bjorn Dolvik, Slava Egorov, Yves Malpart, N. Phan-Thuy and Ann Trebilcock who not only facilitated my archival research at the International Labour Office but made me feel very welcome in Geneva. As well, I thank the staff of the temporary help agency (which shall remain anonymous) that allowed me to observe their activities and the branch managers, customers and industry officials that agreed to be interviewed for this study. Of course, I am especially grateful to all of the workers who participated in this study for generously giving me their valuable time and answering my

questions so thoughtfully. Lastly, I would like to acknowledge the Social Sciences and Humanities Research Council of Canada, the York Centre for International and Security Studies, CUPE Local 3903 and the Faculty of Graduate Studies at York University for the generous financial support that made this research possible.

In addition, I extend warm thanks to my sisters from the National Action Committee on the Status of Women who never failed to remind me of the practical importance of this project. I am particularly grateful to the women who have worked tirelessly on the NAC Women and Economy Committee over the years (especially Lorraine Michael, Katherine Robertson and Laurell Ritchie) as well as Fay Blaney and Joan Grant-Cummings. As it is always difficult to differentiate between friends and sisters in the Women's Movement, I thank equally Jacky Coates, Marlea Clarke, Michelle Dodds, Marnina Gonick, Karen Hadley, Andrea Harrington, Stacey Mayhall, Kathy McGreenera, Marni Norwich, Lisa Rothman, Christine Saulnier and Joanne Wright for their ongoing support.

These acknowledgments would not be complete without thanking my family. Few graduate students find in their families such intellectual support as I have received. I am especially grateful to my mother and my sister for standing by me throughout this project, to my late father for inspiring me on so many levels and to Rachel and Morry Kernerman for their ongoing enthusiasm for my work. Finally, this dissertation would not have been written without the support, encouragement and love of Gerald Kernerman; it is to him that I owe my greatest thanks.

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## Introduction

The research for this study began with the following premise: the nature of work is changing; non-standard forms of employment are spreading rapidly to the point where the full-time permanent job -- along with its typical package of benefits -- is becoming something of an anomaly in the labour market. With the research now complete, it is necessary to amend this leading premise: there are indeed important changes taking place in the labour market, but these changes are occurring on a bedrock of continuity. Thus, in studying employment *change*, the *underlying logic* of capitalist labour markets comes into clearer view.

The history and evolution of the temporary employment relationship (TER) associated with the Canadian temporary help industry (THI) is the object of inquiry in this study, which takes an interdisciplinary approach to examining the decline of the standard employment relationship (SER) as a *normative* model of employment.<sup>1</sup> With the aim of contributing to the growing body of literature on gender and employment change, the central argument of this study is as follows: with the shift away from the SER since the early 1970s and the coincident rise of the TER, two trends that reflect the feminization of employment broadly defined, workers situated at the expanding margins of the labour market are increasingly treated like commodities. This development is significant since the first coordinated international effort to curb abuses perpetrated by private employment agencies in the twentieth century revolved around the fundamental maxim that "labour is not a commodity".<sup>2</sup> Recent employment trends thus reveal the contradiction inherent in

this maxim: labour power is *inevitably* a peculiar commodity under capitalism, and its commodity status intensifies as the degree of security and freedom declines in the wage-relation.

This introductory chapter begins with a brief outline of recent scholarly examinations of the changing nature of employment to be further elaborated in Chapter One, locating this study in the context of several dominant approaches. It then introduces the rationale for selecting the Canadian THI as a case study in probing the relationship between gender and employment change, describes the interdisciplinary approach and multi-faceted methodology adopted and presents a chapter-by-chapter outline and overview of its content and argument.

## **I. Scholarly Interventions**

Scholars and analysts are increasingly preoccupied with examining the changing nature of employment. Depending upon their field of study, they pose a range of questions about the magnitude, direction and character of employment change and posit a variety of hypotheses about the future of employment.

Some scholars concern themselves with delineating the direction of employment trends through in-depth statistical analyses that examine the scope of change both cross-sectorally and within individual sectors. The emphasis of these studies is normally descriptive rather than analytic; still, they provide important evidence of employment change at national and international levels which indicates that, while the rise of non-standard forms of employment is indeed a global phenomenon, patterns and trends vary

from region to region (ILO, 1996, 1997a; Krahn, 1995; Lipset and Reesor, 1997; OECD, 1995). At a more abstract level, other scholars use existing data to explore the shift away from the SER, assessing its causes and its significance. Examining the relationship between prevailing employment trends and institutions such as the family, the state, unions and firms, many scholars critically engage with theories such as Segmented Labour Markets Theory<sup>3</sup> and Regulation Theory<sup>4</sup> in investigating the changing nature of employment. In sharp contrast, scholars concerned with how gender relations operate in the labour market are in search of new understandings of the process of employment change. Many suggest that the feminization of employment is occurring on a global scale (see for example: Armstrong, 1995; Bakker, 1989; Cohen, 1994; Jenson, Hagen and Reddy, 1989; Standing, 1989; Tiano, 1994; Ward, 1994). Drawing insights from a range of theoretical approaches, including scholarship positing a "new international division of labour", these scholars centre attention on the rise of a supply-side politico-economic agenda and its gendered impacts on global employment patterns. Still other scholars, preoccupied by the macro-dynamics of employment change, reveal and investigate the persistence of various forms of unfree waged labour in late capitalist societies (Miles, 1987; Satzewich, 1991). These scholars attempt to understand why various forms of unfree waged labour continue to exist in contemporary capitalist labour markets given the widespread assumption that free waged labour will eventually become the dominant mode of organizing production as free market economies develop. Ultimately, these scholars

have much in common with scholars probing the nature of labour power as a commodity under capitalism.

Each of the preceding approaches to analyzing shifting employment trends and norms merits attention on its own terms. However, with the obvious exception of scholarship positing the global feminization of employment and early feminist interventions into both the commodity status of labour power and the shape of unfree labour within advanced capitalist societies (see for example: Armstrong and Armstrong, 1983, 1990; Picchio, 1981, 1992), dominant explanatory frameworks largely lack a gender-analysis. As this study demonstrates, this absence is a notable shortcoming since any thorough-going investigation of the changing nature of employment demands a synthesis of several approaches that is highly attentive to gender.

## **II. A Rationale for Studying the THI**

For numerous reasons, ranging from its composition to the character of its associated employment relationship, the THI offers a highly instructive case study in describing the nature and direction of employment change and its gendered underpinnings. The THI emerged in Canada and other advanced capitalist welfare states in Europe and North America as a female-dominated industry (Statistics Canada, 1993: Cat. 63-232; OECD, 1993). Although the industry's roots lie in the history of labour market intermediaries, specifically private employment agents operating in the labour market in the late nineteenth century (Chapter Two), temporary help agencies first situated themselves as autonomous labour market entities in the post-World War II period with the

explicit objective of drawing a particular group of married women, displaced from their location in the war time division of labour, into the labour market (Chapter Three). For three decades after its initial inception, the THI remained highly female-dominated, providing clerical workers to businesses requiring temporary assistance. Initially, firms used the services of temporary help agencies as a short-term measure to fill-in for employees on vacation, maternity leave or sick leave (Carré, 1992; Hamdani, 1996; Mangum, Mayall and Nelson, 1985). Hence, the common image of the "Kelly Girl". To this day, women still dominate in the THI. However, in percentage terms, women's representation is declining rapidly in the industry partly as a consequence of the expansion of the THI into a wider range of sectors and occupations and its shift away from supplying stop-gap workers towards taking over the staffing of entire departments; the latter development reflects structural changes in the employment practices of firms using temporary help workers (Carré, 1992: 49; Statistics Canada, 1996: Cat. Nos. 63-232, 7100MGPE).

The shifting contours of the THI, particularly its current expansion into new branches of the economy, make an historical investigation of the emergence of the TER extremely interesting from a scholarly vantage point. Indeed, there are numerous excellent studies that examine the character of female-dominated industries and/or occupations (Gannage, 1986; Johnson and Johnson, 1982; Phizacklea and Wolkowitz, 1995), women's work in highly male-dominated sectors or industries (Sugiman, 1994), and the operation of gender in particular workplaces. There are also several outstanding studies that

examine the transformation of a highly male-dominated sector into a more female-dominated one (Lowe, 1987). In sharp contrast, there is a dearth of scholarship investigating the transformation of female-dominated industries, or more accurately industries that initially arose to attract women, into industries where sex-parity is emerging. In this respect, the THI is unique. Its post-World War II history illustrates how an employment relationship, one that was originally crafted to fill an acute demand for temporary and part-time clerical workers and to target a narrow group of women confronting significant restrictions to their labour force participation (Chapter Three), can become a norm for a wider segment of the population. It also reinforces the insight that gender itself is a crucial constituent element in the labour market (Scott, 1988); thus, labour market analysis can only go so far when it restricts itself to examining the biological category of sex without sufficient attention to how gender relations, that is “the entire system of relationships that may include sex, but is not [necessarily] determined by sex,” operate at the level of the labour market (Scott, 1988: 1057). What is of central concern in this case study, then, is not the history of the THI as a labour market entity *per se* but the evolution of the gendered or, more precisely, *feminized* employment relationship (i.e., the TER) upon which the industry is predicated.

The THI is not an “industry” in the classic sense of the term since it engages workers with diverse skills to work in various sectors and occupations on a temporary basis. Indeed, its associated employment relationship, carefully crafted by the THI in the early 1950s, consolidates temporary help work as a domain of economic activity crossing

traditional industrial lines. As demonstrated by its accelerated rise since the 1970s and the growing prominence of the TER in an expanding cross-section of occupations and sectors in the 1980s, the shape of the THI increasingly follows the contours of the contemporary labour market in several crucial respects. For example, temporary help agencies place workers ranging from scientists, lawyers and managers to computer programmers, clerical workers, sewers and assemblers. Furthermore, the THI remains sex-segregated internally and it is characterized by income polarization both between women and men and among women and men themselves based largely on criteria related to race, immigration status and age (Hamdani, 1996). Thus, while all temporary help workers are parties to a precarious model of employment which deviates from the SER considerably, workers in the upper tiers of this increasingly polarized industry have significantly higher levels of remuneration and benefits than workers at the bottom of the occupational hierarchy. Thus, as an expanding domain of economic activity, the THI mirrors growing dualism and persisting income and occupational polarization (largely by gender, immigration status and race) in the labour market, even in the face of shifting employment norms (Chapter Five). As such, it provides an important object of study.

### **III. Approach and Method**

Given that the THI is not a typical industry, a study tracing its evolution is particularly well-suited to a historically-grounded interdisciplinary approach and a multi-faceted methodology.

While the THI first emerged as a formal entity in the Canadian labour market in the early 1950s, the notion of a TER is deeply rooted in the history of capitalist relations of production. Some analysts trace the origins of the contemporary TER to employment relationships involving so-called middlemen, employment agents and/or labour market intermediaries supplying "labour first to the workshops and then to the factories" during the Industrial Revolution (Gonos, 1994; ILO, 1994a: 4; Parker, 1994). However, this study limits itself to examining the shape of the TER during the twentieth century and focuses on Canada in an international context. It formally begins in 1897, since the first set of regulatory measures pertaining to the employment relationship that prefigured the TER in Canada dates to this year, and it ends in 1997, when the International Labour Organization (ILO) took unprecedented measures to legitimize the THI and its associated employment relationship, abandoning its historic stance against labour market intermediaries and its unqualified support for the SER (ILO, 1994a and b; ILO, 1997). This century long period spans five successive, yet overlapping, phases in the evolution of the modern labour market in Canada.<sup>5</sup> These phases include its birth, which is commonly associated with proletarianization; its expansion, which initially involved the creation of a regime regulating the sale of labour power in the labour market that encouraged workers to reproduce themselves based on the wage-relation and eventually led many states to establish free public employment services; its entrenchment, which coincided with unprecedented economic prosperity in advanced capitalist welfare states; its further expansion, which led many States to extend social citizenship rights and freedom of

movement in the labour market to segments of the population formerly excluded from worker-citizenship; and, its decay, evidenced by the current de-regulation of the labour market. In the Canadian context, the fifth phase of decay entails renewed legitimacy for the modern labour market intermediary (i.e., the temporary help agency), the State-sanctioned decline of free public employment services and a general shift away from a welfare-oriented towards a workfare-driven social policy, whereby a growing proportion of workers are conditioned and increasingly coerced to earn their living at the margins of the labour market (Chapter Seven; see also: Bakker and Scott, 1997; Peck, 1996).

Complementary to its historical approach, this study examines the evolution of the TER through an interdisciplinary lens integrating scholarship from the fields of Law, Industrial Relations, History, Sociology and Political Science and infusing the dominant perspectives in these disciplines with a gender-analysis. This type of approach is based on my objective of capturing the gendered evolution of the TER in Canada in the twentieth century from a wide range of angles. It is founded on the belief that we can only identify the precursors to the contemporary TER by contrasting its current legal-politico form with pre-existing legislation designed to regulate similar employment relationships. Similarly, I adopt the view that an historical inquiry into the situation of workers engaged by intermediaries at the turn-of-the-century is central to interpreting the experiences and perceptions of contemporary temporary help workers. As well, to develop a clear picture of the TER, a starting premise of the study is that Sociology and Law must meet Industrial Relations in order to uncover the reasons why many firms now consider temporary help

workers to be part of their normal work forces and the larger economic strategy reflective of their preferences. Indeed, a study of the evolution of the TER, both prior to the advent of the THI and since its inception, requires moving within and between disciplinary boundaries. It involves using a range of methodological tools and creating a framework where various analytical lenses overlap to expose the textured history of the TER.

Five distinct methodologies are used in this study: historical/archival research, textual analysis, statistical analysis, observation and open-ended interviewing. The bulk of the research for this study was conducted between the Spring of 1996 and the Fall/Winter of 1997. On the one hand, the philosophy behind the broader methodological approach is largely pragmatic, based on the assumption that one is most likely to achieve a richer understanding of the structure and origins of the TER by examining its evolution through various methodological lenses. On the other hand, the methodological approach adopted in the study is by no means thoughtlessly eclectic. There is a strong rationale for each method adopted and, particularly at the level of collecting, processing, organizing and presenting the data derived from open-ended interviews and participant observation, I draw heavily on feminist approaches to methodology (Kirby and McKenna, 1989). It is nevertheless important to acknowledge at the outset that scholars make choices in selecting and investigating social problems and issues; thus, the findings of this study must be understood in their specificity even though I do attempt to draw larger conclusions about the significance of the spread of the TER by examining prevailing employment trends in Canada and other industrialized countries.

Prior to outlining the specific methodologies employed in conducting this study, several caveats are in order. First, while I deliberately chose the Greater Metropolitan Toronto Area as the site for my qualitative research, since it is the biggest centre for the Canadian THI, some of the findings advanced in this study are geographically-contingent. Although regulations governing the conduct of private employment agencies and employment standards legislation are quite similar from province to province, the relationships between branch managers of temporary help agencies, customers and temporary help workers may differ provincially or regionally. A second, and more general, caveat that pertains to most self-reflective feminist research is that the researcher is always present as an outsider in conducting an observation. In other words, it is impossible to attain a complete understanding of the experiences of workers in the THI by observing the workings of a temporary help agency as an outside researcher. Hence, my aim is to draw on the combination of in-depth interviews, documentary analysis and historical research to develop the clearest and most deeply textured picture possible of the THI in Canada. Third, in conducting historical and statistical research, researchers are always constrained by the materials and resources available. I was very fortunate to gain access to archival materials and primary statistical data (largely, but not exclusively, confined to the period between the mid-1970s and the mid-1990s) which contribute to presenting a clear picture of the growth of the THI and the spread of the TER in Canada in an international context.<sup>6</sup> However, I should stress that this study is not, nor does it aim to be, a comprehensive historical work. Rather, it is a problem-centered

interdisciplinary study that is organized historically to capture the gendered character of shifting employment norms in the twentieth century in Canada.

### *Historical Research*

In the Canadian context, the historical research involved in crafting this study led me to examine federal, provincial and municipal legislation and regulations dating from the late nineteenth century as well as parliamentary and extra-parliamentary debates and discussions on the TER and its forerunners. Central sources included The Labour Gazette and Hansard. While the sociological dimension of the study focuses on a large yet relatively confined geographic area (i.e., the Greater Metropolitan Toronto Area), conducting historical research into the evolution of legislation and regulations in every Canadian province was integral to situating Ontario in a national context. The research into other sets of provincial legislation and regulations indicates that legislation in Ontario has served as a template for most legislation in English Canada.

At the international level, the historical research conducted in this study involved extensive fieldwork at the ILO in Geneva, Switzerland, where I examined texts, dating from the ILO's formation in 1919 and its rich collection of national and regional labour legislation translated into either English or French. The international dimension of the archival research builds on the nationally-based historical research by tracing international developments and dynamics which often reinforced, sometimes undermined, and occasionally spurred developments in Canada. It also contributes to explaining the legal stance that the North American segment of the THI took upon its inception regarding its

role in the labour market. Similarly, an investigation of the regulatory models operating in a range of countries helps explain the current posture of the THI as an increasingly prominent actor in the international labour market.

### *Branch Observation and Open-Ended Interviews*

Despite the important insights that it offers, a comparative historical investigation of legislation and regulations governing the TER, when taken on its own, provides a somewhat formalistic view of the recent posture of the THI. Thus, in the context of this study, developing a more complete understanding of the range of micro-, meso- and macro-level forces involved in constructing and legitimizing the contemporary TER involved undertaking participant observation at the Eighty-Fifth International Labour Conference (June 2-19, 1997), where national governments and organizations of labour and employers engaged in quasi-collective bargaining at an international scale. At this conference, a central item on the agenda was the revision of the Fee-Charging Employment Agencies Convention (No. 96), an international labour standard whose roots lie at the centre of this study. Within this tripartite forum, the groups discussed, debated, designed and adopted a new convention concerning private employment agencies which outlines a framework for regulating the operation of temporary help agencies in ILO Member States. The significance of the adoption of Convention No. 181 is far-reaching because of the ILO's historic stance against labour market intermediaries, its skeptical view of non-standard forms of employment and its early advocacy for the creation of a public monopoly on placement in employment.

My observation of this international forum was crucial to developing the larger arguments advanced in this study and expanding my knowledge of regulations surrounding the TER at the international level. At this forum, I observed a range of actors engaged in the debate over the creation of Convention No. 181, including government representatives, employers, labour activists and ILO officials and interviewed leading employer and worker representatives (Appendix C), gaining insight into the history and origins of the dominant approaches to regulating the TER (Chapters Three and Six).

The type of observation that I undertook at the ILO substantiates several central pillars of the argument in this study, specifically the State-sanctioned erosion of the SER as a normative model of employment and the gradual abandonment of the maxim “labour is not commodity” at the supra-national level. However, this study is greatly enriched by a profile of the THI in operation, one that examines the experiences of the three central actors involved in the relationship: branch managers of temporary help agencies, representatives (usually human resource managers) of firms using temporary help workers and temporary help workers themselves. In conducting this study, I undertook a two-week observation (December 2-13, 1996) at a local branch of a major international temporary help business, observing the daily activities and procedures from 7 a.m. to 9 p.m.<sup>7</sup> While the firm that generously granted me permission to observe how the THI functions on a daily basis shall remain anonymous, the branch observation took place in the Greater Metropolitan Toronto Area and the firm selected is a highly reputable business placing temporary help workers in a wide range of occupations across various sectors. As

well, between August 1996 and April 1997, I conducted ten formal open-ended interviews with temporary help workers, five interviews with branch managers, five interviews with representatives from firms using temporary help workers and two interviews with Canadian industry officials; the temporary help workers, branch managers and client firms were contacted primarily through a snowball sampling of the temporary help agency where I conducted the branch observation. All of the interviewees openly discussed their perceptions of the TER and their views of the role of the THI in the labour market based on a range of pre-established questions which I devised to probe the shape of the TER in operation (Appendix B). These interviews were taped and transcribed and much of the qualitative data used in Chapters Four and Five comes from them. The use of open-ended interviews and the branch observation heightened my understanding of how the THI operates and informed my assessment of its larger role in the Canadian labour market.

Another method employed in conducting this study is public policy analysis, which helps explain the role of the Canadian State in legitimizing the TER. Chapter Seven in particular relies on public policy analysis in examining the emergence of a provincially-based policy initiative falling under the *Ontario Works* workfare-style program. Known as *Workfirst*, this initiative requires “employable” social assistance recipients to register with temporary help agencies in engaging in their job search process. In the provincial context, analyzing the design and delivery of this project is crucial to discerning the government's response to the TER as well as in making informed predictions about the future. In studying this initiative, beyond examining its policy design, I also observed two orientation

sessions (February 3 and 7, 1997) designed for program participants and conducted open-ended interviews with key stakeholders in the program including a branch manager, an industry official and two participants (Appendices A, C).

The final methodology adopted in this study is statistical analysis, which is used selectively throughout, but concentrated in Chapters Four and Five, which address the industry strategy from the early 1970s to the present and the nature of the TER in operation respectively. Unfortunately, the Canadian government only began collecting data on the THI in the early 1970s and data gathering techniques still require improvement. As a consequence, the bulk of the data used in the study is derived from the Survey of Work Arrangements (1995), made available through the Data Liberation Agreement between Canadian universities and Statistics Canada, the Labour Force Survey and the Survey of Employment Agencies and Personnel Suppliers. Much of the national data is set in the context of comparable statistics obtained from three organizations: the United States Bureau of Labor Statistics, the Organization for Economic Cooperation and Development (OECD) and the ILO. Without these data, the starting premise of this study (i.e., that non-standard forms of employment are spreading in Canada and abroad) would hold significantly less weight, as would the related claims that men are increasingly engaging in TERs and that the occupational diversity in the THI is growing.

#### IV. Chapter Outline

The research for this study began with the following hypothesis: *The employment relationship upon which the THI is predicated represents a highly gendered model of precarious employment and its growth reflects the erosion of the SER associated with the post-World War II period. Thus, the ability of temporary help agencies to thrive in Canada not only signals the feminization of employment but also lays the foundation for the transformation of the normative model of employment characteristic of this period.* While the central tenets of this preliminary hypothesis remained intact at the end of the data-gathering stage, the findings eventually led to what I believe are more nuanced understandings and conclusions. I present these findings along with a range of sub-arguments in seven chapters.

Chapter One presents the theoretical framework adopted in this study, elaborating its central argument by reviewing scholarly literature related to the three main lenses of analysis employed in the study: the *peculiar* character of the labour power as a commodity under capitalism; shifting employment norms; and the global feminization of employment. Synthesizing these three lenses, the chapter probes the relationship between the spread of the TER in the Canadian labour market and growing economic insecurity and declining legal-politico freedoms amongst workers at the expanding margins of the labour market. The central argument of the chapter and the study as a whole is that the shift away from the SER since the early 1970s and the corresponding spread of the TER, two trends that reflect the feminization of employment broadly defined, highlight the acute danger of

reducing labour power to the status of a mere commodity. Indeed, a case study of the history and evolution of the TER in Canada suggests that labour power's *peculiar* commodity status comes into clearer view with the decline of security and freedom in the wage-relation.

Chapter Two marks the starting point of the historical dimension of this case study. It relies primarily on archival materials detailing international, national and provincial debates and developments surrounding the role of intermediaries and employment agents in the labour market between the late nineteenth and early twentieth centuries and secondary scholarly works describing the shape of the Canadian labour market in this period. Focusing on the type of employment relationships that predated both the SER and the TER, it formally begins in 1897, when the first federal legislation on private employment agencies was adopted in Canada and it ends in 1933, which marks the beginning of a relatively long era of prohibition at the supra-national level and a shorter era at the national level. In examining this period, it becomes apparent that early forerunners to the 'classic' temporary help agency<sup>8</sup> were private employment agents (general labour agents and "padrones"), many of whom acted abroad to encourage the temporary and permanent migration of workers to Canada; hence, the developments described in Chapter Two mark the beginning of Canada's long-standing resort to particular categories of migrant and immigrant labourers to populate the country, satisfy employers' demand for workers and fulfill the necessary task of social reproduction. In addition, the chapter argues that, in the face of growing national and international

disapproval of labour market intermediaries and forceful State interventions aimed at curbing the activities of the most unscrupulous actors, private employment agencies run by typewriter companies, first emerging in Ontario around 1910, represent immediate precursors to the 'classic' temporary help agency. This small but reputable segment of the private employment agency industry thus carved out a niche in the office sector where temporary help work was considered an acceptable type of employment for women, particularly young, well-educated, middle-class women perceived to be secondary breadwinners.

Building on the discussion of how private employment agencies operated by typewriting companies thrived in Canada from the 1910s to the 1920s, even in the face of increasingly rigid regulatory regimes governing the conduct of private employment agencies at the provincial level, Chapter Three addresses the period from 1933 to the early 1970s. This period is of central importance in revealing the profoundly gendered character of the TER since, when the THI first emerged in the post-World War II period, it targeted primarily white middle-class married women. The chapter describes the growth of the THI, emphasizing its reliance on a particular formulation of the ideology of domesticity and State-initiated measures designed to limit married women's participation in the labour market in examining how the TER first evolved into such a feminized employment relationship. It specifically probes post-World War II developments in Canada and abroad that led the federal government to adopt policies aimed at excluding married women from the Federal Public Service and limiting women's access to

Unemployment Insurance and contributed to the hegemony of ideologies such as the male breadwinner norm. However, it also focuses attention on international responses to the rise of the THI, particularly temporary help agencies' claims to normal employer-status, given the tight regulations surrounding the conduct of private employment agencies. The argument advanced in Chapter Three is that the emergence of the THI in the post-World War II period corresponded with two mutually-reinforcing developments; namely, the ascendance of the SER as a normative model of male employment and a particular manifestation of the ideology of domesticity. In this way, the THI played a crucial mediating role in the Canadian labour market. It upheld the SER as a norm while still contributing to preserving dualism in the labour market by catering to firms requiring temporary clerical assistance and targeting white middle-class women as its chief workers.

Chapters Four, Five and Six cover the period from the early 1970s to the present, addressing the THI's newest marketing strategy, the nature of the TER in practice and regulatory developments at the national, international and supra-national levels respectively.

Chapter Four describes the new image advanced by the THI beginning in the 1970s and the industry's accelerated growth from the early 1980s to the late 1990s, examining statistical data on employment change at the national level and analyzing the new marketing strategy in the North American THI. It emphasizes the prevailing shift within the THI from supplying temporary help workers to its customers as a "stop-gap" measure to selling "staffing services" as a means of lowering labour costs by minimizing

the payment of benefits and other employment-related expenditures. In so doing, the chapter establishes the TER as a triangular employment relationship and begins to examine this model of employment in relation to the SER by scrutinizing the long-term goals of industry officials and the reasons that their customers use the THI in the late 1990s.

Complementing the data presented in Chapter Four, Chapter Five examines the shape of the TER in operation drawing on statistical data detailing the conditions of employment associated with temporary help work, an analysis of the legal arrangements surrounding the TER and qualitative data probing how temporary help workers, branch managers and customers perceive the TER. Based on this data, it advances the argument that the TER is a highly precarious model of employment, one whose rise reflects the feminization of employment broadly defined. The chapter also points to the dualism inherent within the contemporary THI by showing how agency personnel and customers deal with temporary help workers located in various tiers of the industry and revealing how, and to what extent, they are treated like commodities at the micro-level of the firm.

Shifting to the regulatory level, Chapter Six examines the fundamental challenge that the TER poses to the framework of social protections for workers that grew up alongside the SER in Canada and elsewhere in the post-World War II period: the challenge to preserve protections, benefits and security for workers in employment relationships where responsibility does not rest squarely with one entity. Probing developments at the provincial, national and supra-national level, this chapter explores the prospects for regulating the TER in the late 1990s. It finds that, even though many States

recognize the depth of the challenge posed by the spread of the TER, there is a growing movement among advanced capitalist welfare states to legitimize temporary help agencies without instituting a comprehensive package of social protections for temporary help workers. Events at the supra-national level in June of 1997, when the lengthy stalemate between workers, employers and governments over how to treat private employment agencies ended with the ILO adopting a new international labour convention on private employment agencies, are a case in point. The chapter devotes special attention to these recent developments since they point to the gradual breakdown of the original sentiments behind the ILO's foundational principle "labour is not a commodity".

Chapter Seven brings together the central finding of Chapters Four, Five and Six to speculate about the future by examining the design and delivery of *Workfirst*, an Ontario-based welfare-to-work initiative requiring "employable" social assistance recipients to register with temporary help agencies in the job-search process and to accept whatever forms of temporary help work are on offer. It argues that the policies and practices associated with *Workfirst* offer important insights into the provincial government's perception of the TER and the future status of workers at the expanding margins of the expanding labour market. The shape of this initiative also exposes the nature and direction of the Canadian State's broader policy response to prevailing employment trends, which entails a movement away from welfare-oriented towards workfare-driven social policy that increases the degree of compulsion for social assistance recipients, as well as other segments of the unemployed and the underemployed, to enter

the labour market to fulfill their basic subsistence needs. The example of *Workfirst* provides the clearest evidence to date of the Canadian State's role in legitimizing the TER as one viable alternative to the contracting SER and thereby increasing the level of coercion in the labour market.

The Conclusion returns to the questions posed at the outset of the study. After recalling the argument advanced in Chapter One and further elaborated in subsequent chapters, it synthesizes the central findings of the study by sketching the shape of the early precursors, the immediate forerunners and the current manifestation of the TER.

Finally, the Postscript outlines areas where further feminist research and intervention is necessary. It focuses its attention on examining the challenges and prospects for organizing temporary help workers. This discussion takes the precarious character of the TER (and its precursors) established in the Conclusion as its point of departure. It argues that, beyond adapting outmoded modes of regulation, the only way to improve the substandard conditions of employment associated with temporary help work, as well as other non-standard forms of employment where women and other marginalized groups of workers predominate, is through embracing broader-based bargaining initiatives that make collective representation possible for these workers. Still, it recognizes that building more inclusive structures of representing workers is a monumental task, one that necessitates a shift in political emphasis and priorities not only among State actors but among various segments of organized labour and civil society as a whole.

### Notes

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<sup>1</sup>The SER typically entails, "the employment of workers for wages by another person or firm, where the worker has only one employer, works full-time on the employer's premises and expects (or is expected) to be employed indefinitely" (Schellenberg and Clark, 1996: 2). Evolving in the post-World War II era, this employment relationship "incorporated a degree of regularity and durability in employment relationships, protected workers from socially unacceptable practices and working conditions, established rights and obligations, and provided a core of social stability to underpin economic growth" (Rogers and Rogers, 1989: 1).

It is essential to emphasize that even at its height the SER was merely the *normative* model for employment, a model against which to measure all other forms of employment. It did not reflect the reality of *all* workers in advanced capitalist welfare states even in the post-war period. While scholars often claim that it was once the norm for most workers, the SER represents a (white) male standard. Women, immigrants and people of colour largely lacked the social entitlements associated with the SER in the post-World War II period. In Chapter One, I address the *normative* character of the SER and its highly gendered underpinnings in significant detail.

In sharp contrast, the TER normally entails a triangular relationship between a worker, a temporary help agency and a client firm that violates all the central features of the SER. The worker establishes occupational connections with several employers rather than one, is rarely party to an open-ended employment contract and is often engaged in part-time or casual employment (Carré, 1992; ILO, 1997; Mangum, Mayall and Nelson, 1985; OECD, 1995). I describe the shape of the contemporary TER in Chapter One as well and trace its evolution in subsequent chapters.

<sup>2</sup>At the end of World War I, Part XVIII of the Treaty of Versailles entrenched several principles designed to delineate fundamental workers' rights. Known as the "workers' clauses," these principles, which were subsequently modified and included in the Constitution of the International Labour Organization (ILO), included the affirmation that "labour is not a commodity". This principle suggested quite literally that "workers should not have to pay for work"; ILO Member States therefore used it to devise a framework for regulating the activities of fee-charging employment agencies, early precursors to the contemporary temporary help agency (ILO, 1992a, 1992b; ILO, 1997: 5; Labour Gazette, December 1919: 1425; O'Higgins, 1997). However, the precept "labour is not a commodity" and the sentiments behind it also gradually led many national governments to formally extend to workers the right to circulate freely in the labour market. Chapter One addresses the significance of this maxim in greater depth.

<sup>3</sup>The theoretical literature on segmented labour markets is quite extensive. In subsequent chapters, I draw primarily on "third generation" Segmented Labour Markets Theory. This

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body of literature departs from early dual labour market models adopting a multi-causal analysis of segmented labour markets. Unlike many first and second generation segmented labour markets theorists, third generation theorists distance themselves from neo-classical economic theory. Positing that, "segmentation is the outcome of the contingent and dialectical interaction of several causal tendencies," third generation theorists are acutely sensitive to the relationship between institutional and social forces (Peck, 1996: 75). Thus, as addressed in Chapter One, processes of social reproduction, actions of the State and the struggles of labour and social movements are central to their understanding of the nature and origins of segmented labour markets (see for example: Rubery, 1989; Rubery and Wilkinson, 1994; Picchio, 1992).

<sup>4</sup>While the Regulation approach is normally identified with the work of French political economists such as Michel Aglietta, Robert Boyer and Alain Lipietz, this school of thought has become very diverse since its inception in the 1970s and many other scholars, such as David Harvey (1989), Jane Jenson (1989b) and Bob Jessop (1990), have begun to engage with their work. Chapter One critically engages with several theorists associated with the French Regulation School.

<sup>5</sup>In delineating these stages, I am drawing on the early theoretical insights of David Gordon, Richard Edwards and Michael Reich advanced in their book Segmented Work, Divided Workers (1987).

Following Gordon, Edwards and Reich, I acknowledge at the outset that each of these successive phases undoubtedly has a distinctive character. However, in extending their original claims, it is essential to stress that forces of extension, stabilization, expansion and decay co-exist within every stage. As well, each phase is geographically and historically contingent.

<sup>6</sup>Statistics Canada only began to collect data on personnel suppliers at the four-digit Standard Industrial Classification level in 1985.

<sup>7</sup>I label this part of my research a branch observation in attempt to distinguish it from participation and participant observation. Like Sandra Kirby and Kate McKenna (1989), I appreciate the notion of the invisible continuum between participation and research as an observer. In these scholars' view, research as a participant involves becoming totally immersed in the experience that is being observed with the aim of understanding the experience as completely as possible as a full participant (Kirby and McKenna, 1989: 77). In contrast, research as an observer may involve an interactive relationship with those individuals being observed but the observer is largely outside the situation being observed. Finally, participant observation involves a combination of participation and observation (Kirby and McKenna, 1989: 79). It combines several ways of gathering information such as surveys, personal accounts, chronicles and document analysis with direct observation.

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The branch observation that I undertook most closely resembled research as an observer due to the kind of information that I sought to obtain and the type of data gathering that I undertook (i.e., direct observation and document analysis) (Appendix A).

<sup>8</sup>In subsequent chapters, I refer to the prototypical temporary help agency of the 1950s and 1960s, centred around the image of the “Kelly Girl” (i.e., the young woman clerical worker seeking some “extra pocket money”) as the ‘classic’ temporary help agency.

## Chapter One

### **"Labour is not a Commodity"?: Shifting Employment Norms and the Modern Labour Market Intermediary**

It feels like you're supposed to conduct yourself like a regular employee with none of the advantages of it. It is a bit odd to be in a situation where you recognize that more than the work you do for the company, your real worth to them is your disposability. They don't want me because I am good at what I do. They want me because they can get rid of me easily (T7).

More than perhaps any other category of workers, temporary help workers have the appearance of being listed, bought, sold and traded in the labour market. Given that temporary help agencies are "labour suppliers", temporary help workers are treated like commodities even though they freely enter into a relationship with a particular temporary help agency and, therefore, choose to sell their labour power. Thus, it is worth probing labour power's commodity status under capitalism to locate and understand fully the situation of temporary help workers in contemporary Canadian society, how their status has changed over the twentieth century and the gendered underpinnings of these changes.

This chapter introduces the three main lenses of theoretical inquiry in this study: the investigation of labour power's *peculiar* commodity status; the exploration of the rise and decline of the SER as the *normative* model of employment; and the examination of the gendered character of prevailing employment trends. To this end, it contributes to the large but rather gender-blind body of scholarship exploring the nature of labour power as a commodity by probing its status under capitalism at a conceptual level and describing the gendered ways in which States have dealt with it historically. The central aim of the chapter is to give theoretical sustenance to the following argument. In the aftermath of

World War I, States involved in crafting the post-war settlement ushered in the modern labour market by, among other things, advancing the maxim "labour is not a commodity" in the founding Charter of the International Labour Organization (ILO). Responding to pressure from organized labour and other segments of civil society seeking to minimize the social and economic devastation that followed the war, many countries took direction from the sentiments behind this maxim by curtailing the activities of private employment agencies, establishing free public employment services and introducing other measures aimed at protecting workers at the national level. Their efforts at limiting labour power's *peculiar* commodity status, which entailed introducing these and other social protections for workers, were particularly successful in the post-World War II period when the SER rose to dominance as a *normative* model of employment. However, with the shift away from the SER since the early 1970s and the corresponding spread of the TER, two trends that are indicative of the feminization of employment, workers situated at the expanding margins of the labour market are increasingly treated like commodities. This most recent set of developments, which is the focal point of this study, underscores the conflict-ridden attempt to mask the commodity status of capitalist wage-labour in the ILO's founding Charter. Labour power is inevitably a most *peculiar* commodity under capitalism; while the extent of its commodification may vary, this fact is increasingly evident with the decline of security and freedom in the wage relation.<sup>1</sup>

To develop the preceding argument and introduce the theoretical lenses operating throughout this study, this chapter consists of three sections. Section I begins at a

conceptual level by describing labour power's *peculiar* commodity status and relating it to a central tension in capitalist labour markets. Section II first identifies the primary means by which States have attempted to mediate this tension and, thereby, prevent labour power from being hyper-commodified; in so doing, it characterizes the SER, a masculine employment norm that evolved largely out of an entente between capital and organized labour in the post-World War II period, as a product of perhaps the most profound effort to minimize labour power's *peculiar* commodity status to date. It then outlines the gradual erosion of the SER and introduces the notion of the TER, characterizing it as a feminized employment relationship based on the triangular employment relationship associated with the THI. To further probe the process of employment-change related to the spread of the TER in the late 1990s, Section III examines scholarly literature on the global feminization of employment and evaluates its utility at a descriptive and an explanatory level. The chapter concludes by presenting the preliminary synthesis driving the organization of the remainder of the study.

#### **I. Labour Power's 'Peculiar' Commodity Status**

The notion of labour power as a commodity is highly contested among social thinkers.<sup>2</sup> Still, many contemporary *critical* thinkers associate the commodity status of labour power with a central tension in capitalist labour markets, one that must be mediated to preserve their legitimacy (see for example: Peck, 1996; Picchio, 1992). This tension revolves around the fact that capitalist labour markets require the circulation of labour power but the production of labourers (the embodiment of labour power), which differs

from the production of *all* other commodities, requires constraints on the market circulation of labour power. The *peculiar* commodity status of labour power underpins this tension and gives rise to important contradictions in capitalist labour markets: on the one hand, the power to work is bought and sold but, on the other hand, the free person is attached to the commodity.

Labour power's *peculiar* commodity status represents a central axis in this study at both a theoretical and a historical level. At a theoretical level, it is central to the unique character of the capitalist labour market and the contradictions inherent within it. That is, it lies at the heart of the profound conflict between the standard of living of workers, which is never determined by the market mechanism exclusively but affected by historical, institutional and moral forces (Marx, 1976: 275), and the drive for accumulation. This conflict makes capitalism perpetually unstable and requires mediation on the part of the State (Picchio, 1992). For this reason, and since temporary help workers are treated like commodities by the agencies that place them on the market as well as by the firms that use them to increase their "labour flexibility", this section describes the nature of labour power, examining both its "peculiar" character and its persisting "commodity" status. It specifically addresses those features that distinguish labour power from other commodities and, thus, what makes the labour market distinct from other markets, extending the early insights of thinkers, such as Marx and Polanyi by drawing on those of contemporary feminist scholars.

There is, of course, considerable debate over the most appropriate means of characterizing labour power as well as ascribing its most important attributes. Even critical social thinkers variously label labour power as a "peculiar" commodity, a "fictive" commodity (Polanyi, 1957), a "pseudocommodity" (Storper and Walker, 1983) and a "problematic category" (Bloc, 1990). Still, they tend to agree on one central issue: following Marx (1976), who demonstrated that under capitalism the sale and purchase of labour power did not imply the ownership of the worker but rather his or her capacity to work and, therefore, required the worker to be free 'in the double sense' (272), they concur that labour power is not of the same order as other commodities due to its inherently social character. Thus, there is danger in treating it like a typical commodity.<sup>3</sup>

As Storper and Walker note:

To confuse labour [power] with true commodities means adopting the following incorrect assumptions: the worker is the same as objects of work...The production process is devoid of all social relations and social life that affect worker behaviour; wage work equals slavery, i.e. the purchase of labour [power] gives the capitalist complete ownership of the worker, rather than merely the right to employ the worker for a limited period of time; children are raised solely for the purpose of becoming workers for hire; labour [power] has a fixed, objective cost of reproduction; the ownership of the means of production is the same as the "ownership" of one's own person; and the former confers no special power or benefits to the capitalist (Storper and Walker, 1983 as cited by Peck, 1996: 25).

These remarks suggests that labour power's social character makes it distinct from all other commodities in, at least, six basic ways. First, the labourer may sell his or her labour power, echoing Marx's crucial distinction between labour (the activity of work) and labour power (the capacity to work), but s/he has no price (Marx, 1976: C.1; Mandel, 1976: 50). Second, unlike other commodities, except living commodities, it is impossible to separate

the labourer from his or her work even though the sale of labour power often alienates the worker from his or her creative capacities. Third, in the case of the commodity labour power, socio-demographic processes control the volume of supply, processes that have their own logic: the only (indirect) means of controlling the labour supply is through political regulation since, as feminist and other critical scholars demonstrate, the pure logic of capitalist relations cannot assure the production and reproduction of labour power (Barret, 1988; Offe 1985). Fourth, labour power is a perishable good. Fifth, the seller of labour is always at a disadvantage, relative to capital, in the bargaining process because, "the supply side has no way of controlling its own volume in a market-strategic manner," as Offe notes (17). Sixth, and finally, the extraction of labour from labour power creates numerous points of conflict between the buyer and the seller; in addition to negotiations over price (i.e., over wages) conflicts arise over intensity, pace and conditions of work (Foley, 1991: 297).

The central reason that labour power is a *peculiar* type of commodity under capitalism is because it is attached to the worker. The worker has agency, s/he has some capacity to resist oppressive conditions of work, and, therefore, the allocation and control of labour power has definitive limits, although these limits vary historically (Peck, 1996). Still, the fact that labourers are produced outside the labour market, normally through highly gendered divisions of labour, is frequently underplayed in discussions examining the commodity status of labour power. This omission is not surprising since Marx himself excludes the dimension of social reproduction in his examination of labour power's

peculiar commodity status (Marx, 1976: 655). However, as feminist scholars demonstrate, if we are truly to understand labour power's peculiar commodity status as well as the gendered and racialized underpinnings of capitalist labour markets and the central tensions within them, it is essential to address this shortcoming (see for example: Picchio, 1992; Rubery and Humphries, 1984).

The fact that labour power is produced outside the labour market through affective ties, usually in families and based largely on women's unwaged domestic labour (Armstrong and Armstrong, 1983; Elson, 1995; Luxton, 1990; Picchio, 1992; Rubery and Humphries, 1984), makes it subject to a very different logic than other commodities. Indeed, it reinforces the limits that employers confront in allocating and controlling labour power and workers themselves and it also affects the circulation of labour power that is so central to the smooth operation of the capitalist system. More than any other dimension of labour power's *peculiar* commodity status, the means by which workers are produced also makes the labour market distinct from all other markets. Since labour power is produced in the non-market sector, the labour market must serve as a dividing line between the system of social reproduction and the market sector, where production largely takes place (Picchio, 1992; Rubery and Humphreys, 1984). It must also perform a twofold allocative function: distribute the labour power of individual workers among concrete production processes and provide monetary (income) and social (status) means of subsistence to people engaged in both the market and the non-market sectors (Offe, 1985: 14, 52-53; Picchio, 1992).<sup>4</sup> Thus, unlike commodity markets, the labour market is

not a self-sustaining institution, whereby all labour power is produced, disposed and consumed. Nor does its existence make all workers free (i.e., as free as possible given that labour power is bought and sold) under capitalism. Rather, as Antonella Picchio (1992) notes, "because it [the labour market] is necessarily based on collective insecurity and on subordination of the process of social reproduction to the process of accumulation" and because it poses as a "dividing line", the shape of the labour market reveals that capitalism involves the generalization of (relatively) free wage labour but workers' freedoms are never total under this system. The *peculiar* status of labour power as a commodity is certainly underpinned by a degree of freedom -- indeed, what is unique about the capitalist labour market is that workers have a host of unprecedented legal-politico rights and entitlements -- but its *commodity* status and, thus, a degree of unfreedom, still remains.

In contemporary discussions of labour power's *peculiar* commodity status, considerable emphasis is placed on its free character; indeed, this is what leads Picchio (1992: 6), for example, to characterize the capitalist labour market as the "best among historically existing systems for commanding labour and distributing the means of subsistence." This emphasis, however, which underscores the success of States' attempts at obscuring the commodity status of labour power since World War I, has significant consequences. Most centrally, it makes the generalization of free waged labour appear total, obscuring persisting forms of unfree (waged and unwaged) labour in twentieth century as well as the different degrees of free and unfree waged labour in capitalism.

In their respective works, Robert Miles (1987) and Vic Satzewich (1989) aim to demonstrate that unfree labour is an "anomalous necessity" in capitalism and, in so doing, point to several categories of unfree labour that are of particular relevance to this study of the history and evolution of the TER. They also demonstrate that the degree of freedom experienced by workers in the contemporary labour market has highly racialized underpinnings.<sup>5</sup> Miles and Satzewich arrive at two common categories of unfree labour: namely, unfree unwaged labour and unfree waged labour. In defining unfree unwaged labour, they acknowledge that this is the category of unfree labour to which Marx himself primarily referred. Following Marx, both Miles and Satzewich consider serfdom and slavery as the primary examples of unfree unwaged labour. It is interesting to note here that both types of unfree unwaged labourers are viewed as the property of their masters; bought and sold, the status of the serf and the slave is somewhat akin to that of other commodities. In other words, the labourer, not only her or his labour power, is commodified. Miles and Satzewich also note that unwaged domestic labour may indeed represent an additional form of unfree unwaged labour (Miles, 1987: 52-53; Satzewich, 1991: 40). Unfortunately, however, like Marx (1976: 655), neither scholar takes this important observation forward within their work.<sup>6</sup>

In developing the concept unfree *waged* labour Miles and Satzewich extend Marx's insight that capitalist relations of production involves a form of 'economic bondage' and, hence, embody a substantial degree of coercion (Marx, 1976: 723). According to Marx (1976: 415):

It must be acknowledged that our worker emerges from the process of production looking different from when he entered it. In the market, as owner of the commodity 'labour-power', he stood face to face with other owners of commodities, one owner against the other owner. The contract by which he sold his labour-power to the capitalist proved in black and white, so to speak, that he was free to dispose himself. But when the transaction was concluded, it was discovered that he was no 'free agent', that the period of time for which he is free to sell his labour-power is the period of time for which he is forced to sell it.

Here, Marx argues that free wage labourers lose access to the ownership of the means of production in gaining access to the labour market and, more centrally, he demonstrates the inherently coercive nature of labour market relations. He therefore shows that, while free wage labourers possess their labour power as a form of private property, and are both free to dispose of it and to choose how their wages are spent, their arena of personal determination is severely constrained by market conditions as well as the need to sustain themselves. However, while they build on these insights, Miles and Satzewich move beyond Marx to assert that unfree labour is not only characterized by the absence of the wage-relation and physical forms of compulsion but also by the imposition of politico-legal constraints affecting the labourer's ability to circulate freely within a given labour market (Miles, 1987: 32). They define forms of unfree waged labour as occurring when "the circulation of labour power as a commodity is subject to politico-legal constraints which restrict the individual's ability to determine the allocation of his or her labour power subject to the conditions of the labour market" (Miles, 1987: 32).<sup>7</sup>

With respect to this inquiry, the most relevant examples of enduring forms of unfree waged labour to which Miles and Satzewich refer are contractual servitude and contract migrant labour, where the existence of a contract forces the worker to *give up* the

right to return to the labour market for a specified period of time (Miles, 1987: 32). In contemporary Canada, foreign domestic workers and migrant farm workers represent the majority of contract migrant workers (Arat-Koc, 1990; Bakan and Stasiulus, 1997; Silvera, 1983). What makes these forms of unfree waged labour so difficult to uncover and so highly contested is the appearance of a direct exchange relationship alongside a coercive form of legal domination that obstructs the free operation of the labour market. However, both Miles and Satzewich identify several means of revealing the unfree character of contractual servitude and contract migrant labour. For example, Miles makes the following comment about their intrinsically unfree nature:

... the primary significance of the contract to the designation of relations of production as unfree lies not only with whether or not the contract was freely entered into by both parties, *but also with its effects upon the labourer's use and control over labour power* (Miles, 1987: 178-9, my emphasis).

This assertion, highlights the potential for the employer to exploit the worker once the contract commences. Satzewich deepens the political dimension of unfreedom common to contractual servitude and contract migrant labour by noting:

It [unfree waged labour] can also occur in instances where *political and legal relations prevent people from taking up certain positions within the division of labour*. In such instances, the conditions of unfreedom are determined by the inability to *circulate freely within a national labour market...* the common determinant of unfreedom is that workers face formal-legal restrictions over the disposal of their labour power (Satzewich, 1991: 42-43, my emphasis).

In making these related claims, Miles and Satzewich emphasize the role of the State in delimiting the terms and conditions of unfreedom. Satzewich isolates the distinction between immigrant and migrant labour as a case in point; here, the State

deploys political and civil divisions to determine the relative status of each group (Satzewich, 1991: 41). On a broader conceptual level, Miles argues that the State sets out the *conditions* under which labour can be used and exploited in the national labour market, *enforces* and *arbitrates* relations of production (including relations of unfreedom) to ensure their reproduction, *controls* mechanisms of labour recruitment and, as in the case with convict labour, may even *exploit* labour itself (Miles, 1987: 182-83). Thus, the unfree character of contract migrant labour, for example, is not determined solely by the desire among employers to recruit highly exploitable workers but also reflects the attempt on the part of States to mediate uneven capitalist development within and across national borders through politico-legal means (Miles, 1987: 185).

As the ensuing case study shall demonstrate, the means by which States have historically managed uneven capitalist development within and between national labour markets, as well as the tensions inherent in capitalist labour markets, have often involved an attempt to mask the *peculiar* commodity status of labour power. However, at the same time, they have also contributed to legitimizing labour market entities that treat labour power and often workers themselves, as mere commodities, such as private employment agencies, and employment relationships, such as the TER, that take advantage of labour power's *peculiar* commodity status, particularly the fact that it is produced outside the labour market based largely on women's unpaid domestic labour. This brings us to one of the central questions driving this study of the history and evolution of the TER in Canada: namely, how do the experiences of temporary help

workers differ from other categories of workers in the contemporary Canadian labour market? More specifically, is the commodity status of the temporary help worker's labour power more pronounced than other types of workers, especially that of the standard worker? If this is the case, then a study of the evolution of the TER not only has explanatory potential in establishing the current direction of employment change but also in deepening our understanding of labour power's *peculiar* commodity status in the contemporary context.

There is little doubt that most temporary help workers are not unfree waged labourers as defined by Miles and Satzewich. While some of these workers (e.g., *Workfirst* participants) may experience economic compulsion of a similar magnitude to contract migrant labourers and labourers engaged in contractual servitude, the State does not actively curtail their labour market mobility rights. Moreover, even though many temporary help workers are effectively confined to a particular location within the division of labour, they retain the right to select an employer. Thus, while their conditions of employment differ significantly from the prototypical standard worker, it is inappropriate to compare them with contract migrant labourers for example. Nevertheless, the conditions of employment surrounding temporary help work and the shape of the TER in operation differentiate temporary help workers from other categories of workers, making these workers particularly vulnerable to being *treated* as mere commodities, a danger that is present in all capitalist labour markets to varying degrees.

Although temporary help workers are not engaged in fixed-duration contracts that formally limit their mobility in the labour market, in registering with a temporary help agency, they surrender their right to choose both their work site and their direct-employer. They also yield their right to select freely their place within the division of labour because, in signing an employment agreement with the temporary help agency, temporary help workers forfeit their ability to choose their preferred type of work. Indeed, the temporary help agency not only assigns workers to a specific work site but also to a particular location within the occupational division of labour, frequently disregarding the skill set claimed by the individual worker (Chapter Five). Additionally, the triangular shape of the TER prevents many temporary help workers from benefiting from standard labour protections (both minimum standards laws and collective bargaining legislation) accorded to workers in bilateral employment relationships, such as notice of termination and severance pay, and social insurance coverage comparable to their counterparts engaged in SERs (Chapters Five and Six). These central facets of the contemporary TER, as well as others to be described in succeeding chapters, highlight the declining legal-political freedoms amongst workers at the expanding margins of the labour market. They also reveal the persistence of outmoded customs, habits and practices in the labour market and labour market entities, whose roots go back at least a century, as well as the decline of public employment services and other measures designed to minimize labour power's *peculiar* commodity status.

Given that we have now begun the process of probing labour power's *peculiar*

commodity status under capitalism conceptually and investigating how the contemporary temporary help worker fits into this picture, it is now useful to move from the conceptual level to the historical level. To this end, the next section turns to examine the attempt on the part of States, which began after World War I and intensified after World War II, to advance the maxim "labour is not a commodity" and the concrete measures following directly from it (ILO, 1994a; Lee, 1997; O'Higgins, 1997).

## **II. "Labour is Not a Commodity": Early Efforts at Obscuring the Commodity Status of Labour Power**

The maxim "labour is not a commodity" underpinned one of the earliest collective attempts on the part of States to stimulate the emergence of the modern labour market. As indicated in the Introduction, the origins of this declaration may be traced to the end of World War I. At this juncture, the Treaty of Versailles (Part XVIII) entrenched seven core principles designed to delineate fundamental workers' rights in what became known informally as the "Labour Charter". These principles included: the right of association; payment of an adequate wage to maintain a reasonable standard of living; equal pay for equal work; an 8-hour day or 48-hour week; a weekly rest of at least 24 hours; abolition of child labour; equitable economic treatment of all workers in a country; an inspection system to ensure the enforcement of laws and worker protections; and the maxim that "labour is not a commodity" (Lee, 1997).<sup>8</sup> The ILO became the guardian of these principles when it was founded in 1919 (ILO, 1994a: 6-7; Lee, 1997: 468). Although the Charter as a whole contributed to the development of a host of core international labour standards, the idea that "labour is not a commodity" was a particularly important theme in

this period. Indeed, the international community first embraced this maxim at a time of tremendous social and economic turmoil and, most notably for the purposes of this study, in an era when private employment agencies faced harsh criticisms for perpetrating abuses in the global labour market (ILO, 1994a).

In proclaiming that labour must not be treated as a mere commodity, spurred by pressure from several national governments, workers' organizations and social reformers alike, the ILO effectively called on national governments to extend formally to all workers the right to circulate freely in the labour market. In effect, the ILO sought to create a new type of labour market. But, beyond encouraging States to support the formation of modern (i.e., free) labour markets, the ILO had several more specific aims. It crafted this maxim as a first step in establishing a coherent set of international labour standards designed to minimize the degree of 'economic bondage' endured by workers by introducing rules that would more sharply distinguish the labour market from all other commodity markets.

When the ILO first became an international voice on labour issues, one whose mandate was to address workers' interests within the confines of the modern capitalist labour market, the leading principle in its Charter came to be interpreted narrowly as suggesting that "workers should not have to pay for work" (ILO, 1997a). Therefore, beginning in 1919, the ILO used this principle as a justification for devising two specific types of regulatory measures that are of foremost importance in this study: first, measures designed to regulate fee-charging employment agencies and second, to encourage the

establishment of free public employment services nationally (ILO, 1923; ILO, 1933a; ILO, 1949; ILO, 1994a). Later in the century, particularly in the aftermath of World War II, the declaration also became key to establishing a host of new measures designed to stimulate the creation of the modern capitalist welfare state, whereby all people were entitled to basic social programs ranging from medical care to maternity protections to education and training (Lee, 1997).

In serving as an emblem of the post-war welfare state, the maxim "labour is not a commodity" also encouraged the emergence of the SER as a *normative* model of employment, albeit one that only extended to a narrow group of male workers primarily in core sectors of the economy. This *normative* model of employment was arguably the product of the most successful effort at brokering a central tension in capitalist labour markets by obscuring the *peculiar* commodity status of labour power in this century: the decline of the SER signals the breakdown of this effort at mediation. Given the importance of these developments, the remainder of this section traces the emergence of the SER, identifying the legal, social, and political institutions upon which it is based, and probes its recent erosion, isolating several common explanations for contemporary employment trends by critically engaging with the insights of Regulation Theory<sup>9</sup> and Segmented Labour Markets Theory.<sup>10</sup> It then introduces the TER, an employment relationship which has its basis in the THI but is becoming increasingly common in the Canadian labour market, developing another central lens of analysis in this study.<sup>11</sup>

### *The Rise of the SER*

The origins of the SER may be traced to developments at the turn-of-the-century. However, as a normative entity, it is largely a product of the post-World War II reconstruction period. Various international and national developments may be credited with precipitating its accelerated rise in the aftermath of World War II. Chief among these stimuli were the formal recognition of the link between unemployment and social and political ills pervading the post-war period, and the related acknowledgment that, "the interplay of blind economic forces" could not ensure the fulfillment of the social objectives deemed necessary for reconstruction (ILO, 1944: ii). Both these realizations were grounded in the lessons of the Great Depression, when the free market system had failed on a grand scale and massive unemployment and poverty abounded (Armstrong and Armstrong, 1989: 67). Together, they contributed to a coordinated international effort, spearheaded by institutions such as Bretton Woods, the ILO and the United Nations, and the Roosevelt government in the United States, to stimulate sustained economic growth through the formation of the modern welfare state (Spero, 1990: 21-27; Gill and Law, 1988: 127-158, 170-172; Gilpin, 1984: 132-33). At the level of the nation state, the goal of full-employment was at the centre of the agenda; after all, the war had shown that full-employment was indeed possible given the unprecedented strength of core industries and the growth of mass production. But, even more important, after the war, large segments of the populace viewed full-employment as a moral imperative. The text of the Official Record of the International Labour Conference (1944), which set the terms of the

Philadelphia Declaration and re-affirmed the maxim "labour is not a commodity"

communicates the depth of this sentiment:

... the right to subsist, the right not to die of starvation, can no longer be regarded as exhausting the claims of the individual upon the modern state. Men and women will no longer tolerate an organization of society under which those who are willing and anxious to work are obliged to forfeit their self-respect by remaining idle (ILO, 1944: i).

At a domestic level, this moral imperative translated into a fundamental challenge to re-integrate World War II troops into the economy and, equally significant, to re-establish groups of workers that were formerly either part of the non-market sector or the marginal labour force, primarily women, young people and the elderly, who took over adults men's jobs during the war. In the Canadian context, 're-establishment' involved creating new universal social programmes that "would help maintain demand [and, hence, consumption] while encouraging women to drop out of the labour force, leaving places for men demobilized from the armed forces" (Armstrong and Armstrong, 1989: 69). It also involved the creation of explicitly exclusionary policies that barred married women from entering specific professions, such as teaching, and large segments of the labour market, including the Federal Public Service (Cuthbert-Brandt, 1982: 247; Pierson and Light, 1990: 260; Morgan, 1988). Hence, the reference to full-employment had a particular connotation in Canada and elsewhere: that is, full-employment for men.<sup>12</sup>

War-time devastation and the resulting cross-national desire to create effective reconstruction machinery contributed to a spirit of compromise internationally. Led by the increased power of the United States, which held the balance of power militarily and

monetarily after World War II, a series of bargains and repositionings was struck between two normally antagonistic actors in the capitalist labour market -- corporate capital and organized labour -- and arbitrated by nation states. David Harvey (1989: 133) nicely sums up the character of this entente noting:

The state had to take on new (Keynesian) roles and build new institutional powers; corporate capital had to trim its sails in certain respects in order to move more smoothly on the track of secure profitability; and organized labour had to take on new roles and functions with respect to performance in labour markets and in production processes.

To reach a rapprochement, the core of the organized working class had to abandon its historic attachment to craft-based production for a secure place in the mass production system: this side of the compromise translated into real wage gains in exchange for factory discipline. Corporate capital had to accept steady rather than accelerated growth in investments brought about by enhanced efficiency: this side of the compromise translated into raised standards of living for a large segment of wage earners in exchange for more or less guaranteed growth for corporate capital (Gordon, Edwards and Reich, 1987). Most centrally, however, the post-war compromise demanded that governments, through building social security, health care, education and housing systems and policies, provide a reasonable social wage. As Bob Jessop (1994: 16) argues, "securing institutional integration and social cohesion of the social formation," became the central objective of the advanced capitalist welfare state.

The post-war compromise is often associated with Fordist-Keynesianism. While the roots of Fordism may be traced to Henry Ford's deployment of Taylorist techniques as

early as 1914, what made this bargain *Fordist-Keynesianism* was Ford's belief that mass production meant mass consumption and, hence, a new means of reproducing labour. The notion of the SER, initially symbolized by the \$5 eight-hour work-day espoused by national corporate figures like Ford, international figures like Keynes, and institutions such as the ILO, arose out of this compromise. The SER was intended to provide a narrow group of male workers and their families with sufficient funds and leisure time to consume the mass-produced goods that they were producing. As Michel Aglietta (1979: 154-59) initially argued, for the first time Fordism created a *norm* of working class consumption where individual ownership of commodities -- specifically standardized housing (the site of private consumption) and the automobile (which allows for a separation between the home and the workplace) -- governed the concrete practices of consumption. Indeed, the SER, and its associated reference wage, served as the basis for this new consumption norm. However, as scholars such as Aglietta and other proponents of French Regulation Theory do not sufficiently acknowledge, this norm only extended to workers in high-wage and high value-added sectors where mass production techniques took hold. The SER was indeed a *norm* but, as Ann Porter (1996) argues, its benefits did not extend to workers in female-dominated sectors; her claim may also be extended to immigrant workers in a range of sectors. Since Fordism clearly involved increased polarization between the high- and the low-wage working-class, the *norm* of working-class consumption to which Aglietta refers only reflected the consumption practices of workers in core sectors.

With the gradual, although partial, materialization of Ford's vision, specifically the idea that sustained economic growth could be achieved through the twin forces of mass production and domestic consumption, the SER came to be characterized as a life-long, continuous, full-time employment relationship where the worker has one employer and normally works on the employer's premises or under his or her direct supervision (Butchetmann and Quack, 1990: 315; Muckenberger, 1989: 267; Schellenberg and Clark, 1996: 1). Thus, its essential elements came to include an indeterminate employment contract, adequate social benefits that complete the social wage, the existence of a single employer, reasonable hours and full-time, full-year employment frequently, but not necessarily, in a unionized sector. The high level of compensatory social policies, such as pensions, unemployment insurance and medical coverage, associated with the SER are particularly worthy of emphasis. According to Rogers and Rogers (1989: 1), this *normative* model of employment initially "incorporated a degree of regularity and durability in employment relationships, protected workers from socially unacceptable practices and working conditions, established rights and obligations, and provided a core of social stability to underpin economic growth". Thus, the SER operated most effectively within the framework of the post-war welfare state where workers successfully secured associational rights, where collective bargaining rights were becoming the norm, and where rates of unionization were relatively high. Notably, in the Canadian case, the SER first rose to normative pre-eminence in a period (1940-45) when organized workers' militancy was at a high point.<sup>13</sup> Workers' collective strength -- evidenced by the fact that

union membership quadrupled between 1940 and 1956 in Canada -- and the fear of revolt that it generated clearly affected the SER's ascendancy (Garlarneau, 1996: 43).

In examining the spread of Fordism (and the coincident rise of the SER) and evaluating it as a development model, many limitations inherent within this model become apparent. Not only was Fordism geographically limited to advanced capitalist welfare states, only emerging in industrializing countries in so-called peripheral forms, and temporally isolated to the twenty-five year period between approximately 1945 and 1970, but the generalization of its social wage through the SER excluded many people within leading welfare states, particularly those outside core unionized sectors (Armstrong and Armstrong, 1989: 68; Gordon, Edwards and Reich, 1987: 215-16; Harvey, 1989: 137-38; Jenson, 1989b; MacDonald, 1991; Porter, 1996). Correspondingly, welfare states endorsed (or failed to endorse) the Fordist-Keynesian compromise and implemented its related commitment to full-employment to varying degrees.<sup>14</sup>

The geographic and temporal limits of Fordism, and its apparent deficiencies as a sustainable economic development model where it took hold, justify characterizing the SER as primarily a *normative* model of employment. They also underscore an important analytic critique of Regulation Theory, as applied by its early proponents, for its failure to acknowledge the significance of the balance-of-class-power, both at the national and the international level, in shaping the terms of the post-war entente (see for example: Botwinick, 1993; MacDonald, 1991). Even more central for our purposes, they reveal a myth of the so-called Fordist period. After World War II, welfare state governments, like

Canada, did not extend the social wage to *all* workers. Rather, they encouraged employers to differentiate among the labour supply. There have always been segmented labour markets: in the public sphere of production, Fordism relied on many types of production (small-batch and unit production, large-batch and mass production), many technologies, many work forces and, most notably, many forms of employment that differed from the SER (Pollert, 1988: 58). In this sense, dualism, however masked by the normative pre-eminence of the SER, existed in the labour market under Fordism as in many other pre-existing capitalist social formations (Broad, 1991).

The understandings of Segmented Labour Markets Theory are particularly instructive here.<sup>15</sup> At a general level, they contribute to a thorough-going critique of several of the core claims of Regulation Theory, revealing the internal inconsistencies within so-called Fordist labour markets (Peck, 1996). At a more specific level, they contribute to an analysis of the means through which capital divides the labour supply, an understanding that is useful in examining the many forms of capitalist development and, equally important, the variation within and among capitalist labour markets.<sup>16</sup>

Segmentation theorists examine, describe and attempt to explain dualism in the labour market largely at the level of the firm. Their origins may be traced to the first generation work of Doeringer and Piore (1971) who developed the concepts 'primary' and 'secondary' sector and isolated their roots to technical imperatives and industrial structures while retaining classical frameworks. Of particular relevance to this study is the work of third generation theorists, who place greater emphasis on the role of social forces and workers'

organizations<sup>17</sup> in seeking causes for segmentation and also critique early variants of Segmented Labour Markets Theory, such as dual labour markets analysis, for their ahistoricism and for positioning sex as a variable of the same order as age, ethnicity, race etc (see for example: MacDonald, 1982: 187-189; Rubery, 1978: 18-19).<sup>18</sup> Taking an historical approach, many of these theorists link dualism in the labour market to capital's use of ascribed characteristics to segment the labour supply (see for example: MacDonald, 1982; Peck, 1996; Picchio, 1981 and 1992; Rubery and Humphries, 1984). Some even focus on the important, but often ill-acknowledged, relationship between segmentation and social reproduction in identifying how employers, often backed by the State, use socially ascribed characteristics to create divisions in the labour market. For example according to Jamie Peck (1996: 31):

those social groups placed at a disadvantage in the labour market -- young people, women, older workers, the disabled, migrant workers -- also tend to be the bearers of characteristics which, in political and cultural spheres, are used in the granting of access to forms of unwaged subsistence. It is seen as both normal and legitimate for such groups to participate in the labour market on a discontinuous basis. The fact that the members of such groups supposedly have access to a socially-sanctioned alternative role outside the labour market tends to undermine their position in the waged sphere.

These insights provide one important, although limited, explanation for why people belonging to marginalized groups did not benefit from the post-World War II compromise through direct access to the SER package -- that is, through the extension of the social wage -- the capitalist welfare State's unprecedented success at using the wage to distribute subsistence to market, sub-market and non-market groups (Offe, 1985).

On the basis of the claims of third generation Segmented Labour Market theorists, we can see how, if only at an institutional level, employers (backed by the State) denied women, migrant workers, the disabled, the elderly and other marginalized groups access to the SER and, instead, made wage-earners in prototypically "Fordist" sectors its classic beneficiaries (Hobson, 1990; Porter, 1996).<sup>19</sup> Still, it is important to acknowledge that even third generation Segmented Labour Markets Theory, although it offers many instructive descriptive insights, fails to provide a deep causal explanation for the shape of dualism persisting in any given post-World War II labour market or other pre-existing capitalist labour markets for that matter; despite this important weakness, it is useful to harness the work of third generation Segmented Labour Markets Theory to feminist ends, following MacDonald (1982), Picchio (1992) and Rubery and Fagan (1994), which is a central theme of this chapter and this study as a whole.<sup>20</sup> Like other variants of Segmented Labour Markets Theory, its strength lies primarily in explaining employer strategy (and corresponding forms of worker resistance and State policy measures) which is, of course, a central focus of inquiry in this study.

*The Decline of the SER and the Growth of Non-Standard Forms of Employment*

Even in the face of these well-founded critiques of Regulation Theory, the insights of specific variants of Segmented Labour Markets and the questionable notion of "Fordism" as a coherent economic development model, it is still useful to reflect on Fordism historically, and examine the extent of the "golden age" of the SER. In retrospect, when we begin to consider its decline, we see that the Fordist-Keynesian

compromise and the growth of the SER as the *normative* model of employment only represented a victory for a narrow group of workers. In the case of the SER, Muckenberger (1989: 267) insightfully observes that, "de-standardization has made us conscious of the standard which was formerly implicit". To this I would add that de-standardization has *also* made visible the features of the SER as the central emblem of Fordism.

Cracks and fissures in Fordism, and hence in the SER as a normative model of employment, first became apparent in the late 1960s when labour market rigidities became obstacles to global economic growth and when nation states began to use monetary policy as a tool to perpetuate the post-war boom in the face of rising inflation, slower growth and the newly identified problem of "stagflation" (stagnant output of goods and high inflation of prices) (Gill and Law, 1988: 171-174; Lee, 1997: 482). These fractious tendencies intensified between 1970 and 1973, a period which many scholars label the beginning of the end of Fordism and some associate with the rise of 'competitive austerity' (Albo, 1994: 144). Chief among these events were the world property crash, the decision by the Oil Producing and Exporting Countries (OPEC) to raise oil prices and the Arab countries' decision to embargo oil exports to the West, which contributed to drastically raising the cost of energy (Harvey, 1989: 145). The breakdown of the Bretton Woods Agreement, in favour of floating exchange rates, and emerging debt crises also contributed to these tensions. Almost simultaneously, a new monetarist ideology, which blamed supply-side factors for the lack of labour market flexibility, began to gain credence as

countries abandoned the post-war objective of full-employment. Welfare-oriented social policy became subordinate to demands for labour market flexibility<sup>21</sup> and, in many advanced capitalist welfare states, workfare-driven policy initiatives began to emerge (Jessop, 1990: 15).

The mid-1970s, which were marked by several of the preceding features, have led some scholars who identify with Regulation Theory to associate the period with the beginning of neo-Fordism (Aglietta), flexible accumulation (Harvey) or post-Fordism (Jessop).<sup>22</sup> Rejecting these labels, others suggest instead that the accelerated drive for “flexibility” in the labour market neither represents a 'radical break' from the past nor a 'surprise development' because the labour market -- as well as States' mediation of the inherent conflict within it -- had shown signs of decay for decades (Broad, 1993; Gordon, Edwards and Reich, 1987; MacDonald, 1991; Pollert, 1988). The findings of this case study largely confirm the insights of the latter group. Indeed, as Chapters Two through Seven shall illustrate, the history of the TER (and the set of actors involved in this employment relationship) highlights the importance of studying continuities in the evolution of capitalist labour markets. In the context of this study, Fordism is a useful historical label but post-Fordism and its emphasis on radical change has less salience.<sup>23</sup> Rather, this study suggests that it is preferable to think in terms of “continuity through change”, to use the words of Martha MacDonald (1991). Indeed, the history and evolution of the TER (and the SER) is very much about how States mediate *persisting* tensions and contradictions in capitalist labour markets, the means by which employers

modify their practices to suit different regulatory environments and the way in which labour resists coercive employment practices and, in so doing, continually attempts to minimize the *peculiar* commodity status of labour power.

Still, while emphasizing that this work focuses on understanding persisting dualism in the labour market, there is considerable evidence that the growth of non-standard forms of employment began to outpace the growth of the SER in many advanced welfare states beginning in the late 1970s, and this study takes these developments very seriously, scrutinizing how they mirror (and perhaps even pre-figure) the forms of mediation that States are now taking (Economic Council of Canada, 1990; Advisory Group on Working Time and the Distribution of Work, 1994; ILO, 1996; OECD, 1993, 1994). For example, while patterns and trends vary nationally and locally, most OECD countries have experienced substantial increases in at least one form of non-standard employment since the 1970s (ILO, 1996). Self-employment grew considerably in the United Kingdom, Portugal, New Zealand, Canada and Australia between 1973 and 1993. Similarly, temporary employment grew rapidly in France, the Netherlands and Spain, and remained steady in the United Kingdom, Japan and Germany, as a share of waged employment between 1983 and 1993. Most notably, the growth of part-time employment has been consistent across the OECD since the 1970s. With the decline, but not the disappearance, of the SER, greater income and occupational polarization also began to emerge as a product of de-industrialization in core male-dominated sectors and professionalization in

the service sector in the late 1970s and early 1980s (Brodie, 1994: 50; Cohen, 1994: 112; Economic Council of Canada, 1990: 15; Shea, 1990: 5).<sup>24</sup>

While they differ drastically in a number of respects, many non-standard forms of employment demonstrate a common tendency: the absence of security. Not surprisingly, many also involve atypical employment contracts (ILO, 1996).<sup>25</sup> Thus, one of the fundamental questions first raised by Segmented Labour Markets Theorists in the early 1970s -- namely, to what extent will the new forces of competition lead to changes in the terms and conditions of employment, particularly in the form of the labour contract? -- is especially applicable here (Rubery, 1994: 5). Unlike the SER, the features of which are quite easily discernible, non-standard forms of employment are more easily defined by what they are not, than by what they are: in 1991, the Economic Council of Canada defined non-standard forms of employment as simply, "those which differ from the traditional model of a full-time job," and further indicated that they include all forms of employment falling below a thirty-five hour per week threshold (Economic Council of Canada, 1990: 12; Rogers and Rogers, 1989: 2).

Perhaps because of the lack of coherence among non-standard forms of employment, as well as the material and ideological force of the post-war welfare state's mediation of central tensions in capitalist labour markets, the SER remains a pivotal reference point in defining non-standard forms of employment and their associated entitlements (e.g., unemployment insurance, pensions, maternity and paternity benefits, sick leave etc.). In contrast to the core features of the SER, non-standard forms of

employment are structurally heterogeneous (Polivka and Nardone, 1989). Viewed collectively, therefore, non-standard forms of work do not offer a new *normative* model of employment of the same order as the SER even though they seem to be replacing full-time, full-year employment as the norm.

### *Towards a TER?*

Undeniably, the SER only represented the *normative* model of employment in the post-war period and many scholars argue quite convincingly that the degree of economic expansion in this period represents an exception rather than a rule (Broad, 1993; Pollert, 1988). However, the SER has played a central prescriptive role since the post-World War II era, as the model for wages' policy, labour legislation and social policy in Canada and abroad. Hence, its significance cannot be overstated: admittedly, the material form of the SER never extended to the entire wage-earning population but it was, and in some respects still is, a template for the organization and regulation of the contemporary labour market. Therefore, given the apparent erosion of the SER as a norm and in real terms, the task of identifying what types of employment relationships will supplement and/or displace it at a *normative* level is increasingly important.

One of the central themes of this study is that the TER, epitomized by the employment relationship associated with the contemporary THI,<sup>26</sup> represents a model of employment that is gaining increasing *normative* prominence in the current period for two distinct reasons. First, and most concretely, the THI, its sectoral reference point, has experienced considerable growth over the last two decades both in Canada and other

industrialized countries internationally (Carré, 1992; Hamdani, 1996; Mangum, Mayall and Nelson, 1985).<sup>27</sup> While industry analysts attribute the THI's initial emergence to the mass entry of married women into the labour market in the 1950s and 1960s with the arrival of labour-saving technologies in the home and women's displacement from their location in the war-time division of labour, they credit the THI's recent growth to firms' desire to abdicate responsibilities conventionally associated with the SER such as those pertaining to hiring, administration of benefits and dismissal (Hamdani, 1996). Consequently, the buoyancy of the THI does not translate into increased security for temporary help workers. In sharp contrast to the SER and regardless of the revenues generated by the THI, the TER is based on a more precarious model of employment partly due to its origins as a female-dominated industry.

Second, due to its triangular nature, the employment relationship typically associated with the THI contradicts all three core features of the SER: the worker establishes occupational connections with several employers rather than one, is rarely party to an indeterminate contract of employment and often may be dismissed with little notice (Cordova, 1986: 641). Furthermore, in many advanced welfare states, workers engaged in TERs (e.g., temporary help workers) are rarely unionized and/or covered by collective agreements in contrast to many of their counterparts engaged in SERs.<sup>28</sup> Prospects for organizing these workers in the future also appear quite bleak given the nature of the regime of collective bargaining currently operating in Canada. In essence, the rise of the THI, and the related spread of the TER, reflects profound shifts in the

balance-of-class-power or, more specifically, the declining power of the organized labour movement: it also signals the growing pressure that employers are placing on workers to concede to their demands for greater "flexibility", a development that contrasts sharply with the tenor of struggles in the post-World War II era when the SER rose to dominance alongside the establishment of legal rights for organized labour.<sup>29</sup>

Indeed, the notion of a TER fits nicely with the increasingly contingent nature of employment in advanced capitalist labour markets. However, it is important to emphasize that individual employment relationships reflecting the TER are not necessarily precarious. Nor is the TER inherently insecure since it cuts across a range of sectors and occupations, making it of a different order than the SER. As Gottfried (1992: 447) notes, "temporary [help] work occupies an institutional space that spans multiple locations". At one end of the spectrum, a small but significant percentage of workers engaged in TERs are high-paid "consultants" in burgeoning fields such as computer programming where the demand for workers significantly outweighs the available supply. At the other extreme, reflecting the historic origins of the THI, a majority of temporary help workers are low-paid, part-time or casual workers, engaged largely in clerical or light industrial work (Rubery and Fagan, 1994: 157). Both sets of workers lack an indeterminate contract of employment, reflecting the erosion of job security across the labour market as a whole over the last several decades, yet they inhabit opposite poles of the income and occupational hierarchy (Fudge, 1995: 5). Thus, as a purely conceptual tool, the notion of a TER has the potential to capture growing dualism in the Canadian labour market evidenced by the diversity of

non-standard forms of employment but, at the same time, convey the expansion of precarious forms of employment at the bottom of the labour market.

### **III. Global Feminization of Employment?**

While the SER and the TER are valuable analytic concepts, they are useful primarily in describing and identifying *normative* models of employment and periodizing employment change. At this juncture, therefore, it is instructive to probe more deeply into the current process of transformation at the level of the labour market. To understand fully the complex nature of shifting employment norms, this section examines scholarly literature positing the global feminization of employment. It begins by describing and critiquing the original global feminization thesis, identifying its strengths and weaknesses. After revealing the central merits of this thesis, it expands upon the insights of its early adherents. Finally, it offers a synthesis of the core facets of feminization by examining its central elements in relation to the rise of the TER. The section concludes by suggesting that the shift away from the SER takes us beyond an understanding of the significance of sex-typing inherent in the labour market to viewing gender as a necessary constituent element in labour market analysis (Scott, 1988: 1067).<sup>30</sup> Undeniably, both the SER and the TER represent highly gendered employment norms. But, while the material referent for the SER is clearly the (white) male breadwinner engaged in full-time, full-year employment in a core sector of the economy, the TER lacks an equivalent (unitary) reference point in the contemporary period.<sup>31</sup> For this reason, the *process* of feminization is particularly integral to this study.

### *The Conventional Global Feminization of Employment Thesis*

Scholarship theorizing the "global feminization of employment" is rich in both descriptive and explanatory potential. At the descriptive level, it captures the highly gendered nature of a wide range of international employment trends. At the causal level, it links prevailing employment trends to the macroeconomic policy outcomes of a supply-side politico-economic agenda first emerging in the early 1970s (Standing, 1989: 1079). In his article "Global Feminization through Flexible Labour" (1989), Guy Standing presents one of the earliest,<sup>32</sup> most comprehensive and most widely-criticized versions of the global feminization of employment thesis.<sup>33</sup> Standing's summarized version of feminization is that, "women are being substituted for men and many forms of work are being converted into the kinds of jobs traditionally geared to women" (Standing, 1989: 1077).

According to Standing, the global feminization of employment encompasses four core features. First, and least contested, it involves women's mass entry into the labour market on a global scale; more specifically, for industrializing countries, it means that women are entering into the formal labour market on an unprecedented scale and, for both industrializing and industrialized countries, it means that women's unemployment rate is falling to the extent that "their unemployment rate becomes lower than the male equivalent" (Standing, 1989: 1086). Second, it entails women appropriating jobs traditionally occupied by men, such as those in primary manufacturing industries. Third, it involves a decline in the sex segregation of the labour force since many women are taking

jobs formerly held by men (Standing, 1989: 1084). Finally, it entails an increase in so-called static jobs with limited potential for mobility over so-called progressive jobs that encourage occupational mobility (Standing, 1989: 1084, 1086). When scholars refer to the feminization of jobs, they are usually citing this last feature of the conventional thesis.

Standing ties the global feminization of employment to capital's desire for a more disposable labour force with lower fixed costs (Standing, 1989: 1086). At the level of macroeconomic policy, he views this phenomenon as a direct consequence of the rise of a supply-side politico-economic agenda. This agenda generally involves the introduction of structural adjustment and stabilization programs; accompanied by the decline of a "social adjustment model", these programs emphasize privatization, de-regulation, trade liberalization and export-led industrialization. Standing also suggests that the typical distinction between "modern" and "traditional" sectors is increasingly blurred on a global scale, both within and between nations, due to the growing prevalence of subcontracting and homework (Standing, 1989: 1080). His assertions regarding the effects of global employment trends are less nuanced, however, since they imply a uni-directional shift in economic "leadership" from industrialized to industrializing countries. According to Standing (1989: 1078):

It is scarcely an exaggeration to say that *the leaders have become the led*; international competition from low-income countries where labour costs and labour rights are least developed has been instrumental in weakening the rights and benefits of those in the lower end of the market of many industrialized economies (my emphasis).

This statement represents a clear articulation of a dominant position in the field of development studies in the early 1980s, whereby scholars argued that the *relocation* of production was occurring on an international scale (Frobel, Heinrichs and Kreye, 1980; Sanderson, 1985). However, many scholars have since scrutinized, enlarged, and deepened this assessment of the changing nature of global production suggesting that it is more appropriate to characterize shifts in production as amounting to the *reallocation* of production both within and across national borders; the service sector is a case in point since many jobs in this domain of employment cannot move (Fernandez-Kelly and Garcia, 1989; Mitter and Rowbotham, 1994). Some also question the causal connection between feminization and the rise of a supply-side politico-economic agenda that Standing poses, tracing rising female labour force participation rates to the early 1900s.

### *A Critique of the Conventional Hypothesis*

After Standing first published "Global Feminization Through Flexible Labour", scholars began to test his thesis. The resulting studies are highly instructive in criticizing its core components, synthesizing its insights, and enlarging its scope. Scholarship examining feminization within industrializing countries and regions generates strong criticisms of three of Standing's initial claims as well as questioning his general emphasis. First, it illustrates that the feminization of the labour force need not entail the substitution of women for men in formerly male jobs.<sup>34</sup> This facet of feminization often results when new jobs open up in regions where the majority of men are otherwise employed, and intensifies when families face difficulties in reproducing themselves.<sup>35</sup> Additionally, in

contrast to Standing's second claim, scholars focusing on industrialized and industrializing nations also repeatedly demonstrate that declining sex segregation is not a *necessary* feature of feminization.<sup>36</sup> Third, emerging scholarship also challenges the notion that women's rising labour force participation rates necessarily lead to lower official unemployment rates for women than their male counterparts. For example, in Turkey, when women's share of the urban labour force was at its highest level in 1989, women still constituted over one third of the urban unemployed (Catagay, 1994: 132). Hence, Nilufer Catagay (1994: 133) aptly notes that:

The increase in urban women's labour-force participation rates supports Standing's feminization thesis. *But this increased participation contributed more to feminization of unemployment than feminization of employment*: while Standing predicted a fall in female unemployment rates and a rise in male unemployment rates, in the Turkish economy the opposite occurred (my emphasis).

More generally, studies examining feminization in industrializing countries also suggest that the emphasis of the conventional thesis is somewhat misplaced. It focuses too narrowly on women's rising labour force participation rates. While Standing is correct to suggest women's rising labour force participation rates are an important facet of feminization, what is perhaps more significant is women's so-called "triple shift" (Tiano, 1994: 214; Ward, 1994: 6).<sup>37</sup> In many industrializing countries, women entering the formal labour market do not represent a "new" category of workers but groups of workers whose primary location of work has shifted largely from the informal to the formal sector and whose workload (paid and unpaid) is intensifying due to the increasing marketization of

tasks associated with social reproduction and the absence of adequate State supports in this sphere.

Country-specific studies further substantiate criticisms raised by scholars focusing on industrializing countries. Questioning several core aspects of the conventional thesis, a recent Canadian study by Marjorie Cohen (1994) is a case in point. In her study, Cohen argues that the concept of feminization is only useful in the Canadian context if it incorporates the *entrenchment* of sex segregation in female-dominated sectors, "the intensification of the feminized character of jobs that have always been important to women" (Cohen, 1994: 111). While she finds Standing's argument regarding the prospect for declining sex-segregation provocative, Cohen maintains that, "[i]t seems equally plausible to argue that intensified international competition could bring about a sufficient repression of wages in general so that the cost advantage of hiring women over men would not be sufficient to change the gender-typing of jobs" (Cohen, 1994: 105-106). Thus, her study demonstrates that when unemployment is widespread, declining sex segregation will not necessarily accompany rising female labour force participation rates.

Supplementing Cohen's macro-level analysis of gendered employment trends in Canada, other scholars explore the nature of feminization in particular sectors. Monica Boyd, Marianne Mulvihill and John Myles (1991: 412) define feminization rather loosely as the increase of women in the labour force and associate it with the shift to a post-industrial economy. Using the example of the service sector, like Cohen, Barron and Catagay, they also illustrate that sex-segregated labour markets and the feminization

of employment are potentially mutually-reinforcing developments. They further indicate that an economy can respond to women's increased labour force participation in one of two ways: "by a decline in the number of sex-segregated work environments or by an increase in the number of work environments that are exclusively female" (Boyd, Mulvihill and Myles, 1991: 413).<sup>38</sup>

One female work environment that grew rapidly in Canada between 1941 and 1986 was the service sector. During this forty-five year period, women's participation rates in services rose from 31 percent to 58 percent. Along with the major manufacturing employers of women, the service sector absorbed many women entering the labour force in the post-World War II period. Thus, since this sector, to which the Canadian THI now increasingly caters, is considered a highly feminized domain in Canada and abroad, it is important to consider service sector growth in revising the conventional thesis.

### *Towards a Revised Definition of the Global Feminization of Employment*

On a case-by-case basis, many scholars have challenged specific facets of the conventional thesis, particularly the arguments that sex segregation will decline with the feminization of employment and the assumption that male unemployment rates will rise in the face of women's growing labour force participation.<sup>39</sup> Others have also introduced supplementary dimensions central to revising this thesis such as service sector growth and the issue of social reproduction. Consequently, while it still has resonance, the conventional global feminization of employment hypothesis requires substantive revisions to reflect the challenges posed by recent empirical research.

A review of recent case studies indicates that the global feminization of employment is genuinely marked by four central features that only partially resemble the conventional thesis. Even more important, recent case studies indicate, both implicitly and explicitly, that prevailing global employment trends have a 'feminine' face because of women's historic and continuing role in social reproduction (i.e. the daily and generational maintenance of the labour supply) and, in so doing, they may contribute to cultivating a partial explanation of prevailing employment trends.<sup>40</sup>

To begin with a description of the central dimensions of feminization, the first feature closely mirrors Standing's primary claim that women's *formal* labour force participation rates are generally rising globally.<sup>41</sup> However, recent case studies further indicate that, for many women, entering into the formal labour force signals the introduction of a third shift rather than a shift from economic inactivity to economic activity. The second feature, related to the increasingly "feminized" character of a range of job-types, is the casualization of employment. Pat Armstrong (1996: 30) characterizes the gendered nature of casualization, or the "gendering" of jobs, as follows:

the restructuring that is part of globalization has created more *women's work in the market*.... This kind of feminization of the labour force does not mean that the position of most women has improved. Instead, it means that the position of some men has deteriorated, becoming more like that of women. While some women and men do have good labour-force jobs, many more women and men have bad jobs (my emphasis).

Armstrong is making two related claims here: first, by referring to the appearance of more "women's work" in the market, she is highlighting the gendered underpinnings of prevailing employment trends and, therefore, justifying why the sum of these trends

amounts to the “gendering” of jobs rather than simply casualization loosely-defined. Second, she is suggesting that the type of feminization that is occurring in the labour market is also prompting more men to compete for jobs, particularly “good jobs”, traditionally held by women; this is not to suggest that the gender order in the labour market is changing drastically but rather, to cite Armstrong (1996: 30) once again, to indicate that:

the increasing similarity between women and men can be explained in terms of a *harmonizing down for some men* and *greater economic pressure on many women*. Most of the good jobs are still dominated by men, but few women have jobs that offer the kind of rewards and opportunities that many men became accustomed to after the Second World War (my emphasis).

While the significance of casualization is somewhat underplayed in the conventional thesis, data documenting the rise of highly precarious forms of non-standard employment in industrialized nations underline the force of this facet of feminization and Armstrong’s twin claims more specifically (Cohen, 1994; Walby, 1989). Third, contrary to Standing’s initial claims, with women’s rising labour force participation rates, sex-segregation still persists both across occupational groupings and within specific sectors and industries in disparate countries: witness the continued sex-segregation within the Canadian service sector and the situation with the Turkish clothing industry (Catagay: 1994; Boyd, Mulvihill and Myles, 1991). The same is true of the THI as will be demonstrated in Chapters Four and Five. Increased income and occupational polarization both between women and men and among women and men themselves represents the fourth feature of the revised global feminization of employment thesis. Although few studies formally

address the growing income and occupational polarization among women and men themselves, empirical evidence suggests that it is an important trend to highlight and that it is shaped primarily by variables pertaining to race, age and immigration status.<sup>42</sup>

### *Global Feminization and Social Reproduction*

While the evidence presented in recent case studies indicates that the global feminization of employment is marked by four central facets, few offer deeper explanations for the current shape of global employment trends. Still, empirical work in this area implicitly points to women's continuing role in social reproduction as a partial explanation for the gendered character of prevailing employment trends. For example, the fact that women increasingly engage in a triple shift is intricately related to the growing marketization of tasks associated with social reproduction and, equally significant, the growing inadequacy of State supports in this area (see for example: Barron, 1994; Catagay, 1994; Elson, 1995; Ward, 1994). Similarly, persisting occupational segregation by sex and income polarization between men and women reflects the gendered organization of social reproduction: women tend to be confined to jobs in the labour market that reflect tasks associated with domestic labour, such as paid domestic work and service occupations, and women's assumed access to forms of subsistence outside the labour market (i.e., their presumed dependence on men's wages as daughters, sisters, wives and mothers) structures their location within it and the types of employment contracts to which they are subject (Acker, 1988; Arat-Koc, 1990; Armstrong and Armstrong, 1994; Bakan and Stasiulis, 1997; Boyd, Mulvilhill and Miles, 1991; Elson,

1995: 169-171; Jenson, 1997). Indeed, social reproduction is central to the feminization process in its entirety. It therefore operates at a higher level of causality than any of the central manifestations of this phenomenon.

Following Diane Elson (1989, 1995), Antonella Picchio (1981) and Jill Rubery and Collette Fagan (1994), this study defines the system of social reproduction to include the family structure, the structure of waged and non-waged work, the role of the State in the reproduction of the labour force and organizations, social and political, of waged and non-waged labour. As Picchio notes, "social reproduction is central to labour market analysis; it determines the position of individuals within the labour market, provides the basis for standards of living (and is thus the reference point for wage bargaining), structures inter- and intra-class relationships and the distribution of the product [i.e. labourers]" (Picchio, 1981: 194). It occurs at an intra-State level, involving the daily and generational maintenance of the national population, and at an inter-State level, involving the processes of migration and immigration.<sup>43</sup>

Feminist scholars argue that women's role in social reproduction is of paramount importance to their frequently subordinate location in divisions of labour in the labour market and the domestic sphere. However, there is considerable disagreement over the roots and origins of women's role in social reproduction, leading scholars to stress both material and ideological dimensions. For example, Armstrong and Armstrong (1983) argue that "the existence of a sexual division of labour, although not its form and extent, is crucial to capitalism" at the highest level of abstraction (28). Emphasizing the role of

biology, while identifying the interpretation of this biological dimension as a historical construct, they suggest:

That women have the babies, albeit under a variety of conditions, does not necessarily mean that they will rear the children or clean the toilets. Nor does it mean that they must live in nuclear families. However, *because capitalism is premised on the separation of most aspects of workers' reproduction from the commodity production process, and because women have the babies, women will at times be limited in their access to the production process.* Such limitations permit the elaboration of the sexual division of labour (itself not without contradictions) just as they encourage women's dependence on men for financial support and the dependence of higher wage-earning men on women for domestic services (Armstrong and Armstrong: 38, my emphasis).

Alternatively, Michelle Barret (1988) argues that familial ideology and, hence, gender relations rather than *sex per se*, is most central to women's role in social reproduction; she prefers to adopt a historical approach which de-emphasizes the biological. Patricia Connelly (1983) and Jane Jenson (1986) critique both approaches concurring that gender relations cannot be reduced to material conditions. Still, they each acknowledge the 'inevitably gendered' character of perhaps the most fundamental aspect of social reproduction, that is, childbirth.

Much of the historic debate among feminist scholars over the roots of women's subordination has centered around these three types of explanations (Jenson, 1986: 24). This study does not set out to evaluate these arguments; however, given its emphasis on the interplay between labour market relations and social reproduction, it rejects a dual systems analysis, which engages a separate spheres model using the concept patriarchy to parallel the concept class and, therefore, inhibits the specification of the character of women's oppression outside the family (see for example: Ursel, 1992). It is nevertheless

crucial to emphasize, without falling prey to biologist arguments, that gender has an ontological basis (i.e., sex) that institutions like the State, firms, unions and the family employ as a tool to create and perpetuate labour market segmentation and to reinforce socially constructed gender divisions of labour within the domestic sphere. Even more important, the significance of the supply-side of the labour market, where the daily and generational maintenance of both its core and peripheral workers is assured, cannot be overstated in exposing the gendered underpinnings of prevailing employment trends as well as labour power's *peculiar* commodity status at the most fundamental level. Thus, the revised global *feminization* of employment hypothesis is not only salient in describing the process of employment change but in further accentuating the relationship between women's role in social reproduction and the gendered character of this process.

### ***Global Feminization and Shifting Employment Norms***

Flowing from this deeper understanding of the global feminization of employment and its roots, an important question still remains largely unanswered: does the concept of feminization have resonance in characterizing the decline of the SER as a *normative* model of employment in advanced capitalist welfare states? This case study argues that it does. In contradistinction to the SER, which is a masculine employment norm, one of the types of employment relationships that is contributing to displacing it (i.e., the TER) as a norm embodies several core features that resemble stereotypically "women's work" and the feminization of employment more generally.

Most concretely, the TER is modeled on an employment relationship associated with the historically female-dominated THI. Indeed, with its formal inception in the 1950s, this industry geared itself explicitly to placing white middle-class married women, many of whom had been absent from the labour market for a lengthy period of time or had been displaced from war-time industries with the return of the World War II troops, with client firms requiring temporary clerical supports. Backed by State policies and practices that limited women's participation in the labour market, the industry encouraged married women to re-enter the labour force, adjusting the terms and conditions of the TER to accommodate the reproductive demands placed on women. While it has since expanded its marketing strategy to target a broader range of potential workers and client firms, the industry continues to use women's "necessary" role in social reproduction in selling temporary help work as a viable option for women with dependent family members, offering "flexible work arrangements" suitable to workers with significant care giving responsibilities.

Another central defining feature of the TER is the absence of stability and security with respect to duration and benefits; therefore, the shift away from the SER clearly reflects the casualization of employment, alternatively termed the 'gendering' of jobs. As discussed earlier, the central strength of labeling the TER as one among several potential normative alternatives to the SER, while fully acknowledging that it is of a different order, lies in its capacity to reflect growing contingency across the economy and persisting dualism, marked by the expansion of the bottom of the labour market, within it (i.e.,

casualization). Notably, however, an investigation into the decline of the SER also challenges us to deepen prevailing understandings of casualization and expose its potentially gendered underpinnings. The changing shape of the THI offers an interesting view of this core facet of feminization. Although this industry was once highly female-dominated, and continues to be marked by a feminized employment relationship and sex-segregation, its gender composition is changing to incorporate more men as well as a more diverse range of occupational groupings and sectors.<sup>44</sup> Thus, its transformation illustrates that casualization is not simply an aspect of the feminization of employment but that shifting gender relations themselves are central to the casualization process (Jenson, 1996).<sup>45</sup>

Finally, given that the THI is its sectoral reference point, if the TER were partially to replace the SER, intensified sex-segregation and growing income and occupational polarization (both between women and men and among women and men themselves) would likely follow in its trail. Recall that the contemporary THI places workers across a range of occupational groupings and sectors mirroring the growing dualism and, hence, sex segregation, in the labour market documented in recent studies by Barron, Catagay, and Cohen. While it was a highly female-dominated industry for much of its history due to its original focus on clerical work, women no longer represent a disproportionate percentage of temporary help workers since the THI now also caters to customers requiring workers at higher ends of the income and occupational spectrum. Nevertheless, internal sex segregation persists within the THI, with women, immigrants and people of

colour frequently occupying the bottom end of the occupational hierarchy where jobs stereotypically associated with "women's work" exist and specific groups of men dominating at the higher end.<sup>46</sup> Correspondingly, income and occupational polarization is also increasingly evident across the industry as a whole (Statistics Canada, 1996: Cat. No. 7100MPGE; see also Chapters Four and Five).

For the four reasons raised above, the accelerated rise in the THI that began in the late 1970s and early 1980s and the spread of the TER that now is taking place in the Canadian labour market reflect the feminization of employment norms (Chapter Five). Accordingly, given that it is abstracted from the employment relationship conventionally associated with THI, the gender of the TER is female and the erosion of the SER reflects the feminization of employment broadly-conceived.

### **Conclusion**

Beginning with the observation that temporary help workers look more like commodities than most other types of workers in the contemporary labour market, this chapter introduced the three theoretical lenses operating in this study and elaborated its central argument. With the objective of grounding discussions in subsequent chapters, Section I probed labour power's commodity status at a conceptual level, relating it to a central tension in capitalist labour markets and initiating the process of distinguishing temporary help workers from the prototypical standard worker. Its foremost aim was to demonstrate that labour power is a most *peculiar* commodity under capitalism. However, it also described those employment practices which tend to hyper-commodify temporary

help workers; in so doing, it revealed that the danger of reducing labour power (and even workers themselves) to the status of mere commodities -- although it is ever-present in capitalist labour markets -- is particularly acute at present with the decline in the SER and coincident rise of the THI and its associated employment relationship. Harnessing this discussion to an examination of shifting employment norms, Section II then theorized the rise and decline of the SER historically and the corresponding emergence of the TER. Its findings indicate that the SER was the product of a relatively successful effort to minimize labour power's *peculiar* commodity status and that the rise of the TER signals the erosion of the forms of mediation that many advanced capitalist welfare states used to broker tensions in the labour market after World War II. Finally, Section III reviewed the literature on the global feminization of employment and, after expanding and deepening the insights of its earliest adherents, it demonstrated that the notion of feminization broadly defined is useful in conceptualizing the *process* of employment change. It also addressed the special salience of this concept in explaining the recent shift within the THI, which is increasingly characterized by a greater balance between the sexes but still rests on a "feminized" employment relationship and, therefore, stressed the value of studying the transformation of the female-dominated industry into an industry where sex-parity is emerging. Building on this preliminary discussion, later chapters raise questions about the relationship between the feminization of employment and the erosion of the post-World War II entente that minimized the *peculiar* commodity status of labour power.

As a whole, the chapter developed the argument introduced at the outset, which relates the spread of the TER to the emergence of a modern labour market intermediary and the shift away from the SER, two developments consistent with our revised conception of the feminization of employment. It also linked historical attempts to limit the spread of precarious employment to the well-known maxim “labour is not commodity” and the sentiments behind it. What is more important, all three streams of inquiry in the chapter pointed to the contradiction inherent in the ILO's founding Charter, suggesting that labour power is inevitably a most *peculiar* commodity under capitalism and that this is apparent as security is increasingly eliminated from the wage-relation. They also delineated the theoretical framework for the succeeding historical investigation, based on the evolution of the TER in Canada, into the range of means by which the State and employers have differentiated between workers in the twentieth century, how workers have resisted coercive employment practices and why labour power's *peculiar* commodity status is relevant to the spread of the TER.

Chapter Two initiates this inquiry into the evolution of the TER in Canada by tracing the roots of early precursors and immediate forerunners to the ‘classic’ temporary help agency, describing the shape of their associated employment relationships and identifying the types of workers that these distinct labour market entities targeted. At a more general level, it also begins to examine what types of employment relationships predated the rise of the SER as a norm, exposing the striking dualism in the late nineteenth and early twentieth century Canadian labour markets. To this end, the chapter contributes

to deepening our understanding of what motivated emerging capitalist welfare states to advance the maxim “labour is not commodity” in the founding Charter of the ILO, illustrating that before Member States of the ILO attempted to curb the activities of private employment agencies, the commodity status of labour power was clearly apparent in labour market relations. On the surface, many national labour markets looked much more like commodity markets than they do in the late 1990s and precarious employment relationships were quite prevalent. It was only in the late 1910s, with the post-World War I settlement, that countries like Canada began to attempt to minimize labour power's commodity status (and mediate the contradictions that it generates) by curtailing the activities of some labour market intermediaries, such as private employment agencies operating abroad, but still allowing more reputable types of agencies to exist, such as those run by typewriter companies and targeting young, well-educated women presumably dependent upon a male wage.

### Notes

<sup>1</sup>Prior to introducing the theoretical discussion of labour power's *peculiar* commodity status, a brief note on terminology is in order.

In this study, I adopt Marx's definition of the terms "labour" and "labour power" and I also subscribe to his conception of the commodity form, understanding that "to become a commodity a product must be transferred to another, whom it will serve as the use-value, by means of an exchange" (Marx, 1913: 41). It is not my project to engage with debates within Marxian philosophy over the precise meanings any of these terms; rather, I take them as my point of departure. Still, for the sake of conceptual clarity and to highlight the significance of the ILO's usage of the term "labour" in its founding Charter, it is essential to emphasize the crucial distinction between "labour" and "labour power" at the outset.

For Marx, labour is the activity of work and labour power is the capacity to work, although many contemporary scholars elide the distinction between labour and labour power (Marx, 1976: C. 1, 6, 9; Mandel, 1976: 50; Foley in Bottomore, 1991: 296-8). Thus, labour power is what workers sell to employers in exchange for a money wage under capitalism. In conventional Marxist terms, it is a "commodity whose use adds value to other commodities" (Foley, 1991: 296).

The historical pre-condition for the appearance of labour power in the market (to be elaborated in Section I) is the emergence of the class of 'free wage labourers' that are free in a double sense: they have the legal right to dispose their labour power and they are free from the ownership of the means of production. In other words, the appearance of free labour and, hence, the emergence of labour power for sale on the labour market, involves the dissolution of slavery and serfdom and *all* limitations on the rights of people to dispose of their own labour power in exchange (Miles, 1987; Satzewich, 1991). It also requires the separation of workers from direct ownership of the means of production so that they cannot produce and sell the products of their labour and, therefore, are compelled to sell their labour power.

In advancing the maxim "labour is not commodity," Member States of the ILO initially attempted to consolidate the modern labour market; in the early part of the nineteenth century, they used this maxim as a means of securing the necessary pre-conditions for the appearance of labour power in the market. As the twentieth century progressed, however, many Member States and the ILO itself used this maxim (and the elision between labour and labour power inherent within it) to obscure the *peculiar* commodity status of labour power and the important tensions that it gives rise to. For this reason, I view the ILO's maxim "labour is not a commodity" to be highly contradictory.

<sup>2</sup>The debate over the nature of labour power as a commodity is rooted in the different assumptions of classical and neo-classical economists and more critical economists such as feminists and Marxists. Classical and neo-classical economists often presume that labour is a commodity like all others (making an elision between labour and labour power) while

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more critical economists tend to characterize labour power as a peculiar commodity because it is attached to the worker. Often relying on the insights of Karl Polanyi (1957: 72-73), contemporary critical scholars also frequently suggest that a "commodity fiction", which minimizes all of labour power's social peculiarities, must be sustained in order to effectively treat labour power as a commodity. This section limits its discussion to examining debates among those who question the commodity status of labour power.

<sup>3</sup>Polanyi (1957) offers a dramatic description of the significance of the social character of labour power:

... the alleged commodity 'labour-power' cannot be shoved about, used indiscriminately, or even unused, without affecting also the human individual who happens to be the bearer of this peculiar commodity. In disposing of man's labour power the system would incidentally dispose of the physical, psychological moral entity of 'man' [sic] attached to that tag. Robbed of the protective covering of cultural institutions, human beings would perish from the effects of social exposure; they would die as the victims of acute social dislocation through vice, perversion, crime and starvation (73).

<sup>4</sup>The labour market does not include people engaged in non-market activities such as the "inactive" population, the hidden unemployed (i.e., the labour reserve), the self-employed and the registered unemployed. However, it relies upon those engaged in non-market activities, especially women, youth and older workers (who are presumed to have access to other forms of subsistence), to reproduce the labour supply.

<sup>5</sup>While this section briefly reviews Miles' and Satzewich's conception of unfree labour, this study also takes direction from their compelling conception of racialization in subsequent chapters (see: Chapters Two and Seven).

Miles (1982: 7) defines racism as "an ideology which ascribes *negatively* evaluated characteristics in a deterministic manner (which may or may not be justified) to a group which is additionally identified as being in some way biologically (phenotypically or genotypically) distinct" (*my emphasis*). In contrast, he defines racialization as "a process of signification in which human beings are categorized into 'races' by reference to real or imagined phenotypical or genetic differences" (7) Thus, for Miles racialization is a broader and less normative/value-laden concept than racism. Given that it involves "the delineation of group boundaries by reference to biological criteria, and where such groups constitute a discrete breeding population and which therefore subsumes a pattern of gender differentiation," Satzewich further suggests that the process of racialization "can be said to occur even in the absence of the term 'race' from discourse" (Satzewich, 1991: 50). Miles and Satzewich concur that, although the processes of racism and racialization have been historically intertwined, the two concepts need to be analytically separated (Satzewich, 1991: 51). Most centrally, for the purposes of this study, Miles and

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Satzewich demonstrate that the process of racialization is historically linked to "other forms of labour exploitation [not only slave labour] where labour power is not commodified (or only partially commodified) or is recruited and exploited primarily by means of political legal compulsion" (Miles, 1987: 8).

<sup>6</sup>Obviously, this is a notable shortcoming because the creation of relatively free wage labour in capitalism depends upon the reproduction of labour power in a location outside the labour market. Indeed, unfree unwaged domestic labour is a necessity in capitalism, one that is historically demonstrable. Referring to the case of the housewife Armstrong and Armstrong (1983: 23) demonstrate that domestic labour is not free labour:

For the housewife, there is little distinction, in terms of either time or space, between her work or leisure. Since she is not paid a wage and thus does not produce surplus value directly, there is little interest on the part of the capitalist in reducing the necessary labour time by increasing her productivity. Since her work is based on social and emotional as well as economic commitments, it is difficult for her to change "employers" freely. And the relationship between husband and wife is different from that between employer and employee both because it is seldom a strictly economic relationship and because it involves all, rather than part of, the housewife's daily life. Finally, because the relationship is a binding one, there is no tendency towards the equalization of labour that occurs in capitalist commodity production.

<sup>7</sup>For both scholars, forms of unfree waged labour include: labour tenancy, where the labourer is bound to the non-producer by force or other politico-legal means but where s/he retains a significant degree of economic independence by remaining responsible for the production of the means of production and by owning the necessary tools of production; contractual servitude, in which the labourer is bound by legal means to the non-labourer for varying periods of time; and contract migrant labour, where the contract serves as a mechanism to provide the labourer access to a named non-producer in a region where the labourer is formally denied free entry. When it involves the payment of a cash wage, indentured labour, a form of labour exploitation involving temporally limited servitude, also falls within the confines of unfree waged labour (Miles, 1987: 170-76). The latter examples of unfree waged labour imply a recruitment system based on individual free choice but, as Miles suggests, economic compulsion is the primary determinant (Miles, 1987: 178).

<sup>8</sup>Although this study limits itself to tracing the roots of this maxim from the inception of the ILO onwards, several scholars have illustrated that the origins of discussions surrounding deploying this maxim at the supra-national level lie with the Irish political economist John Kells Ingram (O'Higgins, 1997; Shotwell, 1934). A follower of Marx, Ingram used this maxim in his 1880 address to the British Trades and Labour Congress.

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Entitled “Work and the Workman” and focused on the problem of wages, he made the following call to the Congress:

Our views of the office of the workman must also be transformed and elevated. The way in which his position is habitually contemplated by the economists, and indeed by the public, is a very narrow, and therefore a false, one. Labour [power] is spoken of as if it were an independent entity, separable from the personality of a workman. It is treated as a commodity, like corn or cotton – the human agent, his human needs, human nature, and human feelings, being kept almost completely out of view. Now there are, no doubt, if we carry our abstractions far enough certain resemblances between the contract of employer and employed and the sale of a commodity. But by fixing exclusive, or even predominant, attention on these, we miss the deepest and truly characteristic features of the relation of master and workman – a relation with which moral conditions are inseparably associated. By viewing labour [power] as a commodity, we at once get rid of the moral basis on which the relation of employer and employed should stand, and make the so-called law of the market the sole regulator of that relation [sic] (Ingram as cited by O’Higgins: 226).

In making these remarks, Ingram was clearly arguing that labour power is far too important for its price to be left exclusively to market forces. Therefore, its social character must be taken into consideration in determining wage levels and other measures central to the reproduction of the working population.

Building on his remarks, drafters of the articles pertaining to labour in the Treaty of Versailles, such as American Trade Union Leader Samuel Gompers, lobbied to have this principle included in the “Labour Charter.” It was based on their efforts that the ILO proclaimed the guiding principle that “labour should not be regarded as merely a commodity or article of commerce” in its founding Constitution in 1919 (for further discussion on the life of John Kells Ingram, see: O’Higgins, 1997; Shotwell, 1934).

<sup>9</sup>As the Introduction noted, while the Regulation School is generally identified with the work of French political economists such as Aglietta, Boyer and Lipietz, this school of thought has become very diverse since its inception in the 1970s. According to Jessop, currently it encompasses at least seven different schools and/or individual approaches including the three variants of the French Regulation School, Grenoblois, Parisian and PCF-CME, the Amsterdam School, West German Regulationists, the ‘Nordic models’ group and the American Radicals (Jessop, 1990: 155). This section refers primarily to the insights of the French Regulation theorists and their critics.

<sup>10</sup>As indicated in the Introduction, this section draws primarily on the insights of third generation Segmented Labour Markets Theory, which is highly critical of dual labour markets theory as it was initially proposed by Piore and Sabel (1984).

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<sup>11</sup>I intentionally label the SER the *normative* model of employment of the post-World War II period, placing “normative” in italics, for two reasons. First, by characterizing these employment relationships as norms, or potential norms, I am attempting to avoid making sweeping generalizations about the character of employment in either the post-war era or the changing nature of employment at present. Depicting key developments epitomizing the changing nature of employment -- beyond the spread of non-standard forms of employment -- is not the main objective of this study. Rather, interpreting broader employment trends and the social forces related to change is more central. Second, I intentionally use the term “normative” as an interpretive device, helpful in examining the nature and form of prevailing employment trends.

Given that norms are “conventions of behaviour and standards of value which exist independently of individuals and which exercise a *coercive* influence,” they encompass descriptive and prescriptive dimensions. They both mirror and construct reality (Holy and Stuchlik, 1983). Thus, this study does not engage the concept of the SER to represent a singular material employment relationship, or even the most common employment relationship in the post-war period, but as an ideal-type model upon which policies and practices pertaining to employment were based in the post-war period. Indeed, in the Canadian context, large groups of workers, including women and immigrant workers, lacked the social entitlements associated with the SER, even when it was at its height; thus, the SER was both the product of a peculiar global political environment and economic growth conjuncture and the outcome of an unusual balance of power that produced a particular set of inequalities in the labour market. Similarly, the notion of a TER is simply used to capture certain concrete developments and ideological factors to be described below.

<sup>12</sup>In their book No Easy Road (1990), Ruth Pierson and Beth Light document how Canadian economists and other experts defined the concept of full-employment after World War II. In so doing, they develop a compelling argument suggesting that experts believed that full-employment should naturally translate into lower rates of labour force participation among women, and other marginalized groups, than those that were reached during the war. To make this argument, they cite a study that notes:

Full employment before and after the war is bound to be less than the highest level of employment attained during the war. At present [August, 1943] there are probably hundreds of thousands of persons in gainful occupations who would not ordinarily be so employed. Such persons include (a) young people of both sexes who would otherwise be at school or college, (b) unmarried young women who would otherwise be living with their parents and assisting in purely household duties pending marriage, (c) young women already married would otherwise be keeping house and rearing children, (d) older able bodied women, single and widowed, who ordinarily depend on their relatives or live partly on their own means, (e) young war widows most of whom will marry again and become

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homemakers, (f) married women who are going out to work for patriotic reasons or to maintain their standard of living in the face of higher taxes and living costs, and (g) persons of advanced age who would ordinarily have retired or been laid off (D. C. MacGregor as cited by Pierson and Light, 1990: 256).

They interpret this checklist as a "sweeping denial of women's right to work" (Pearson and Light, 1990: 256).

<sup>13</sup>According to Leo Panitch and Donald Swartz (1988: 19), an "unparalleled shift in the balance of class power" took place in Canada in this period. Labour unrest was so prevalent that one in three trade union members engaged in strike action in 1943 alone.

<sup>14</sup>Since this study focuses on the history and evolution of the TER in Canada, it is instructive to mention briefly some of the central aspects of the unique variant of Fordism operating in Canada between approximately 1945 and 1970 (see for example: Albo, 1990; Campbell, 1991; Jenson, 1989b).

Variouly characterized as "permeable" (Jenson, 1989b), "exceptional" (Albo, 1990) and "specific" (Campbell, 1991), the Canadian variant of Fordism rested on a limited and, as history would demonstrate, tenuous set of compromises between business labour and the State. While it was shaped by the horrors of the Great Depression as well as pre-war and war-time labour unrest in core male-dominated sectors, Canada's version of Fordism was also profoundly affected by factors such as American ownership of the means of production in resource sectors, regional unevenness in economic activity, federalism and a reliance on export-led growth (Albo, 1990; Jenson, 1989b).

From the perspective of workers in core sectors of the Canadian economy, Privy Council Order 1003 (February 1944) represented the positive side of the Fordist compromise since it conformed with the sentiments behind the maxim "labour is not a commodity" and the right of association for both workers and employers enunciated in the Constitution of the ILO (1919). It amounted to the following gains for organized labour: union recognition, standard wages, association rights and collective bargaining rights at designated sites. On the downside, however, even though P.C. 1003 and its successor (i.e., the Industrial Relations Disputes Act, 1948) gave workers' rights permanency, these instruments still secured capital's long-run dominant position by banning strikes during the term of a collective agreement, constructing legitimate (i.e., 'reformist') and illegitimate (i.e., 'radical') trade unionism, and encouraging labour leaders to adopt a self-policing role (Panitch and Swartz, 1988: 22-23). For the purposes of this study, what is even more central is that the legalistic collective bargaining framework endorsed at both federal and provincial levels, combined with Canada's lukewarm pledge to advance policies aimed at full- (male) employment, evidenced by its reference to "stable" and "high" levels of employment in its White Paper on Employment and Income (1945), failed to improve conditions for workers outside designated sectors (Cameron, 1995; Campbell, 1991: 4-5; Fudge, 1991). Hence, the type of Fordist economic growth model adopted in Canada, and

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the policy measures emerging out of this model, provides insight into the range of forces perpetuating labour market inequalities in the post-war era. (For more detailed accounts of the merits and shortcomings of P.C. 1003 and the Industrial Relations Disputes Act (1948), see: Albo, 1990; Finkel, 1995; Gonick, Phillips and Vorst, 1995; McCrorie, 1995; Panitch and Swartz, 1988).

<sup>15</sup>By highlighting the contribution of third generation Segmented Labour Markets theory below, I do not intend to underplay the merit of arguments advanced by several contemporary critics of early Segmented Labour Markets Theory (particularly its 'dualist' and 'radical' variants) who emphasize the complexity of forces contributing to persistent inequalities in the post-war era (see for example: Botwinick, 1993; Rubery and Wilkinson, 1981). Rather, I am drawing on the descriptive and causal insights (at least at an intermediate level) of third generation theorists, in particular, to emphasize how employers use various forms of discrimination to preserve labour market inequality.

<sup>16</sup>In this study, the insights of Segmented Labour Markets Theory are quite useful in suggesting that “family wages only became the reality” in what early segmentation theorists label the primary labour market (MacDonald, 1982: 197). They are also helpful in examining the relationship between the efforts of male workers in core sectors of the economy in securing a family wage and the capitalist accumulation process as a whole. Alternatively put, the tools of segmentation theory contribute to improving our understanding of the SER as a *norm* that was never the reality for all workers even in the post-war era in advanced capitalist welfare states.

<sup>17</sup>Early works by Rubery (1978) and Wilkinson and Rubery (1992) are particularly effective in demonstrating that groups of organized workers act defensively to protect themselves from the competition of the external labour market, to obtain job security and higher wages, to the exclusion and possible detriment of those remaining in the unorganized sector. Indeed, although these scholars focus on the British case, their insights resonate in the Canadian context where, in the post-World War II period, married women were excluded from certain spheres of employment partly due to the efforts of organized male workers (see for example: Pierson and Light, 1990; Morgan, 1988). Chapter Three further develops this observation.

<sup>18</sup>As scholars such as Martha MacDonald (1982: 188) have noted, early variants of segmentation theory were very weak in addressing the issue of social reproduction. However, more recently, a number of scholars have taken such critiques forward and expanded and deepened segmentation analysis by considering the dimension of social reproduction (see for example: Picchio, 1992).

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<sup>19</sup>As the discussions in Chapters Three and Five suggest, segmentation theory points us in important directions in examining how sheltering vehicles, such as unions, protective legislation and even marriage bars, operate to create divisions within the labour supply.

<sup>20</sup>Since the segmentation literature focuses on how "...the marginalization of women is similar to the marginalization of non-whites, youth, immigrants and rural/urban migrants in capitalism, and how this marginalization is necessary to the system" (MacDonald, 1982: 189) and feminist work, especially feminist analyses of women as a reserve army, focuses on how women's relationship to capitalism differs from men's, they are suitable complements in probing how women's inequality relates to capitalism (Armstrong and Armstrong, 1994: 82-83).

<sup>21</sup>The term "flexibility" is normally deployed to describe two distinct, yet compatible, strategies linked to labour market restructuring at the macro, meso and micro levels.

It is used to refer to "labour market flexibility" in discussions of economic policy measures that involve State de-regulation in the labour market. Taking the Canadian case as an example, Jim Stanford (1996) demonstrates that "flexibility-enhancing" labour market policies contribute to weakening labour market regulations (such as those governing minimum wages, employment security, collective agreements etc.) and, hence, facilitate the spread of precarious forms of employment. In referring to "labour market flexibility" here and elsewhere, I subscribe to Stanford's critical definition.

In the industrial relations literature, the term is also used to denote the rise of a new "innovation-driven" production system known as "flexible specialization" and to designate a set of firm-level practices – including practices designed to facilitate "numerical flexibility" (i.e., measures used by employers to alter the size of work forces to accommodate fluctuations in demand and to abdicate employment-related responsibilities such as the provision of benefits), "functional flexibility" (i.e., practices that require workers to be capable of performing multiple tasks) and pay flexibility – that are emerging alongside this "new" system. Michael Piore and Charles Sabel (1984: 6) first advanced (and advocated) the notion of "flexible specialization", which involves reinventing and combining production techniques derived from both artisanal and mass production systems, describing it as a means of halting the "deterioration of economic performance" in Western industrialized countries originating in the early 1970s. Their work, as well as the subsequent work of John Atkinson (1988) on the flexible firm, has been highly criticized by feminist scholars who reject what is presented as the positive side of this strategy (i.e., that it has the potential to offer workers more variety in their work lives) and argue, instead, that defenders of flexible specialization de-emphasize the ongoing "struggle between capital and labour in the workplace and the continual threat of the 'degradation' of work and de-skilling of labour" (MacDonald, 1991: 180; see also: Pollert, 1988) and overlook its highly gendered underpinnings (Jenson, 1989a; Vosko, 1998; Walby 1989). Many also question whether the firm-level practices associated with flexible specialization

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are really “new”, casting them as demarcating a complex material and ideological strategy that has strong prescriptive elements that are complementary to labour market de-regulation (Pollert, 1988: 43; see also: Stanford, 1996).

<sup>22</sup>The labels that these authors attach to shifts in the evolution of capitalism reflect their different interpretations about the nature of change. Scholars referring to neo-Fordism often emphasize continuity over change, those labeling the emergent regime of accumulation “flexible accumulation” often examine the dynamic interaction of continuity and change and those proclaiming the arrival of post-Fordism tend to view change as most relevant.

<sup>23</sup>However, it is essential to emphasize that examining and evaluating important disagreements about how to characterize the current era is not central to this work.

<sup>24</sup>Chapters Four and Five detail statistical trends in Canada in these areas.

<sup>25</sup>In depicting how atypical employment contracts deviate from the employment contract associated with the SER, a study conducted by the ILO (1996: 42) illustrates that they: may take the form of temporary employment contracts, offering no more security than would follow from one large order for work placed with a worker who is classified as self-employed. They may be part-time, leaving the worker with the need to find more than one such job in order to earn a full-time wage. The hours of work may even be unspecified with the worker being paid only when work is available and the business risk thus shifting from the employer to the employee, as it would if the employee were running a separate business.

This study also demonstrates that these contracts are increasingly common in nations where law permits and suggests that private employment agencies, especially temporary help agencies, that “act as brokers or market-makers... trading in contracts of short duration,” are growing up along side them (ILO, 1996: 42).

<sup>26</sup>This employment relationship involves three central actors: a temporary help agency that acts as the formal employer, a client firm that supervises worker's on-site and a temporary help worker.

<sup>27</sup>Between 1980 and 1989, the THI grew by approximately 240 percent (Akyeampong, 1989). After its rate of growth peaked in 1989, growth in revenue slowed slightly but the industry has remained strong throughout the 1990s. The level of revenue generated by the THI reached upwards of \$1.4 billion in 1993 (Hamdani, 1996: 75).

Beginning in the late 1980s, the industry also started to diversify. It now caters to a wide variety of customers ranging from the transportation and manufacturing sectors to the retail trade. Its “products” range from general labourers to clerical workers to highly

specialized professional workers (Statistics Canada, 1996: Cat. No. 7100MPGE). While general labour, clerical work and construction work are the mainstay of the industry, the number of temporary help agencies specialized in providing workers for the transportation, construction and health-care sectors is growing. Chapter Four addresses industry trends in greater detail.

<sup>28</sup>Moreover, the virtual absence of unionization among temporary help workers and their relatively low rates of coverage under firm-based collective agreements reflect stagnating union density and the shifting demographic profile of unionized workers in Canada.

Although Canada did not experience a decline in union density akin to the sharp decline in the United States in the last thirty years, with the shift in employment from the goods-producing sector to the service sector, union density has stagnated in Canada since the mid-1960s (hovering between 31 and 33 percent from 1967-1997) (Akyeampong, 1997: 45; Galarneau, 1996: 43; Table 1).

**Table 1**  
**Union Membership and Density by Sex, selected years 1967-1997**

|        | <u>Union Membership</u><br>(000s) |       |       | <u>Union Density*</u><br>(percentage) |      |       |
|--------|-----------------------------------|-------|-------|---------------------------------------|------|-------|
|        | Both sexes                        | Men   | Women | Both sexes                            | Men  | Women |
| 1967   | 2,056                             | 1,654 | 402   | 33.2                                  | 40.9 | 15.9  |
| 1972   | 2,355                             | 1,780 | 575   | 31.9                                  | 37.9 | 21.4  |
| 1977   | 2,785                             | 2,003 | 781   | 31.2                                  | 37.4 | 22.6  |
| 1982   | 2,997                             | 2,016 | 981   | 31.0                                  | 37.8 | 24.0  |
| 1987   | 3,614                             | 2,261 | 1,353 | 32.0                                  | 36.0 | 27.0  |
| 1992   | 3,803                             | 2,216 | 1,587 | 33.2                                  | 36.1 | 29.8  |
| 1997** | 3,547                             | 1,949 | 1,598 | 31.1                                  | 32.4 | 29.6  |

Sources: Akyeampong, 1997; CALURA (1967-1992); Labour Force Survey (1997).

\*Union density is the ratio of the number of employees who belong to a union to the number of paid employees.

\*\*Average for January-September 1997.

Behind the stability in union density lie a number of changes in the demographic and labour market characteristics of unionized workers over the last three decades. Chief among the variables stabilizing union density in Canada are growing labour force participation rates among women, who have increased their presence in the unionized labour force in every decade since the 1960s, and the growth in unionization in the public

sector (Galarneau, 1996: 45; Akyeampong, 1997: 47). Still, a snapshot of the shape and composition of the unionized work force in 1997 calls into question prospects for continued stability in union density in Canada. Three variables related to the shape of the unionized work force are particularly key to this observation: age distribution; work arrangements and job tenure; and unionization rates in the public sector versus the private sector (Tables 2 and 3).

**Table 2**  
**Union Membership and Coverage of Employees by selected characteristics, 1997\***

|   | <u>Union membership</u>  |                 |                         | <u>Union coverage **</u> |                      |                        |
|---|--------------------------|-----------------|-------------------------|--------------------------|----------------------|------------------------|
|   | Total employed<br>(000s) | Total<br>(000s) | Density<br>(percentage) | Total<br>(000s)          | Rate<br>(percentage) | Non-union<br>(000s)*** |
| <b>Total<br/>Public/<br/>Private<br/>Sector****</b> | 11,414                   | 3,547           | 31.1                    | 3,881                    | 34.0                 | 7,533                  |
| Public Sector                                       | 2,070                    | 1,501           | 72.5                    | 1,604                    | 77.5                 | 466                    |
| Private Sector                                      | 9,344                    | 2,046           | 21.9                    | 2,277                    | 24.4                 | 7,067                  |
| <b>Sex</b>  |                          |                 |                         |                          |                      |                        |
| Men   | 6,010                    | 1,949           | 32.4                    | 2,132                    | 35.5                 | 3,878                  |
| Women   | 5,404                    | 1,598           | 29.6                    | 1,749                    | 32.4                 | 3,655                  |
| <b>Age</b>  |                          |                 |                         |                          |                      |                        |
| 15 to 24  | 1,888                    | 202             | 10.7                    | 244                      | 12.9                 | 1,644                  |
| 25-54   | 8,640                    | 3,029           | 35.1                    | 3,297                    | 38.2                 | 5,343                  |
| 25-44   | 6,350                    | 2,019           | 31.8                    | 2,214                    | 34.9                 | 4,137                  |
| 45-54   | 2,289                    | 1,009           | 44.1                    | 1,083                    | 47.3                 | 1,206                  |
| 55 +  | 887                      | 317             | 35.7                    | 340                      | 38.4                 | 546                    |
| <b>Work Status</b>                                  |                          |                 |                         |                          |                      |                        |
| Full-time   | 9,336                    | 3,096           | 33.2                    | 3,383                    | 36.2                 | 5,953                  |
| Part-time   | 2,079                    | 451             | 21.7                    | 498                      | 24.0                 | 1,580                  |
| <b>Industry</b>                                     |                          |                 |                         |                          |                      |                        |

|                   |       |       |      |       |      |       |
|-------------------|-------|-------|------|-------|------|-------|
| Goods-producing   | 3,003 | 957   | 31.8 | 1,043 | 34.7 | 1,961 |
| Service-producing | 8,411 | 2,590 | 30.8 | 2,838 | 33.7 | 5,573 |
| <b>Occupation</b> |       |       |      |       |      |       |
| White-collar      | 8,248 | 2,361 | 28.6 | 2,604 | 31.6 | 5,644 |
| Blue-collar       | 3,166 | 1,186 | 37.5 | 1,277 | 40.3 | 1,890 |
| <b>Job Tenure</b> |       |       |      |       |      |       |
| 1-12 months       | 2,641 | 340   | 12.9 | 410   | 15.5 | 2,231 |
| 1-5 years         | 3,293 | 660   | 20.1 | 745   | 22.6 | 2,548 |
| 5-9 years         | 1,883 | 676   | 35.9 | 735   | 39.0 | 1,148 |
| 9-14 years        | 1,312 | 554   | 42.2 | 598   | 45.6 | 714   |
| 14 years +        | 2,285 | 1,316 | 57.6 | 1,393 | 61.0 | 892   |

Sources: Akyeampong, 1997; Labour Force Survey.

\* Average for January-September 1997 period.

\*\* Includes both union and persons who are not union members but covered by collective agreements.

\*\*\* Includes employees who neither union members nor covered by collective agreements.

\*\*\*\* Public sector employees are those working for government departments or agencies, crown corporations or public schools, hospitals or other institutions. Private sector employees are all other wage and salary earners.

| Work Arrangements                        | Union Employees* | Non-Union Employees** |
|--|------------------|-----------------------|
| Percentage of employees:                 |                  |                       |
| in full-time jobs                        | 87.4             | 76.7                  |
| in permanent jobs                        | 91.1             | 86.9                  |
| in temporary jobs                        | 8.9              | 13.1                  |
| with flexitime arrangement option        | 16.7             | 27.1                  |
| who work Monday to Friday inclusive only | 65.2             | 58.2                  |
| who work both Saturday and Sunday        | 5.8              | 8.4                   |
| who do some/all of the work at home      | 8.9              | 9.1                   |
| in job-sharing arrangement               | 12.1             | 6.8                   |

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Sources: Akyeampong, 1997; Labour Force Survey, 1995; Survey of Work Arrangements, 1995

\*Employees who are union members only.

\*\* Employees who are neither union members nor covered by a collective bargaining agreement.

To begin with age distribution, only 10.7 per cent of workers aged 15-24 years were union members in 1997. This figure contrasts sharply with workers aged 45-54, 44.1 percent of whom were union members in the same year; high union density ratios among older workers are a clear reflection of the aging blue-collar and public sector work forces (Akyeampong, 1997: 47-48). Regarding work arrangements and job tenure, a high percentage of unionized employees still held full-time, permanent jobs in 1997, although few unionized workers held temporary jobs or engaged in some type of flexible work arrangement. For example, the union density ratio for workers with job tenures of 1 to 12 months was only 12.9 per cent in 1997, a figure that is consistent with the low rates of unionization among *temporary* workers. Finally, even in the face of declining employment in the public sector, union density ratios were 72.5 per cent among public sector employees and only 21.9 per cent among private sector employees in 1997.

Combined with the rise and spread of the TER, and the dim prospects for organizing workers engaged in TERs, such as temporary help workers, these statistics suggest that union density may continue to stagnate or even decline in Canada in the near future. They also reinforce the magnitude of the challenge of organizing workers engaged in TERs, which the Postscript addresses in considerable depth.

<sup>29</sup>For an informative discussion of the tenor of the prevailing shift in class power, see: Panitch and Swartz, 1988: Chapters 2-4.

<sup>30</sup>As indicated in the Introduction, in the context of this study, viewing gender as a *constituent* element in the labour market enables us to scrutinize "an entire system of relationships that may include sex, but is not [necessarily] directly determined by sex" (Scott, 1988: 1057). It allows us to examine the *social relations* of gender as well as the *biological relations* of sex in probing the underpinnings of prevailing employment trends. Chapters Four and Five elaborate this claim more fully.

<sup>31</sup>The standard worker is routinely assumed to be male even among some critical social thinkers. For example, Pat and Hugh Armstrong (1983: 11) make the following remarks in referring to the masculinist bias inherent in Marx's own writing: "It is perhaps not accidental that for Marx, it is *men* who make their own history, albeit not under conditions of their own choosing. *The standard worker was for him at best sexless, at worst always male*" (my emphasis).

<sup>32</sup>Prior to the publication of Standing's article, a group of scholars in the field of development studies were beginning to identify the gendered nature of international

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employment trends (Frobel, Heinrichs and Kreye, 1980; Sanderson, 1985). However, they did not characterize these trends in terms of the global feminization of employment.

<sup>33</sup>Throughout this study, I shall refer to Standing's thesis as the "conventional thesis".

<sup>34</sup>Moreover, growing evidence suggests that feminization does not necessarily involve women's rising labour force participation rates. While accelerating rates of labour force participation among women initially correlated with the introduction of free trade and export-led growth strategies in many industrializing countries, many occupations that were formerly female-dominated are now becoming male dominated because "women tend to be disadvantaged in the processes of production which are capital-intensive and rely on skilled labour" (Joekes, 1987: 329). Hence, some scholars now use the term de-feminization to describe recent developments in specific countries, such as Singapore and Mexico (Joekes, 1987). Rather than weakening the force of the notion of feminization, however, evidence of so-called de-feminization points to the importance of understanding the gendered underpinnings of the *process* of employment change as well as its material effects which may, but do not necessarily, include the substitution of women for men in formerly male jobs.

<sup>35</sup>The work of Antonieta Barron (1994) on the Mexican vegetable sector is particularly instructive here. In the case of this sector, she demonstrates that, with the emergence of export-led growth models in the 1970s, women initially entered this sector because few men were available for work and because land reforms were making families more reliant on the market.

<sup>36</sup>To cite Barron (1994) once again, even in the increasingly female-dominated Mexican vegetable sector, sex-segregated job categories persist. For example, women continue to perform the labour-intensive task of picking and, when local men are not available for packaging, employers often ship fresh vegetables to export-processing zones where, paradoxically, both men and women work at this greater-skilled job (Barron: 141).

Trends in Turkey also undermine the argument that declining sex-segregation necessarily accompanies feminization. While there is evidence of women's rising participation rates in core manufacturing industries in Turkey, growing feminization is promoting *intensified* sex-segregation since women's increased entry into the formal labour force is concentrated in historically female-dominated industries (Catagay: 1994). Thus, Nilufer Catagay (1994) aptly notes:

To the extent that the activities involved, such as knitting, embroidery, ready-made clothes production, are typically female dominated activities in the formal manufacturing sector, they do not represent a feminization of the type conceptualized by Standing via the substitution of women for men (Catagay: 134).

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In a recent study on the British case, Rubery and Fagan (1994: 141) also report similar findings.

<sup>37</sup>Ward (1994: 6) refers to a "triple shift" in describing the impact of global restructuring on women's work. She identifies formal labour force participation as the "third shift" for women in industrializing nations, since most women perform disguised waged work as well as domestic work before entering transnational factories.

<sup>38</sup>Notably, contrary to the conventional thesis, Boyd, Mulvihill and Myles (1991: 427) suggest that women's mass entry into the labour force was marked by an increase in exclusively female work environments in the Canadian case; thus, women's numerical strength has not eroded traditional gender hierarchies.

<sup>39</sup>Scholars assuming that a rise in male unemployment rates necessarily results from feminization generally overlook the fact that marketization often also prompts high unemployment rates for women since, with women's mass entry into the labour force, more of women's economic activities are measured in formal statistics (Catagay, 1994). Hence, formal unemployment rates more accurately reflect women's disadvantaged position in the labour force and contribute to a more accurate picture of their economic welfare. Furthermore, the problem of underemployment for women also becomes more evident since statistics begin to capture women's desire for full-time work over part-time work (Armstrong, 1995: 371; Broad, 1991: 579).

<sup>40</sup>Scholars from a range of perspectives show that sex/gender divisions of labour in both reinforces the domestic sphere and the labour market are inseparable and the nature of prevailing employment trends only reinforce this insight (see for example: Acker, 1988; Armstrong and Armstrong, 1993; Barret, 1988; Seccombe, 1983). Consequently, one cannot adequately revise the conventional hypothesis without emphasizing the significance of women's roles, however historically and geographically variable, in social reproduction.

<sup>41</sup>Still, since patterns of feminization differ from country to country and sector to sector, women's mass entry into the labour force cannot be traced to a specific year or decade.

<sup>42</sup>The fact that women of colour represent a disproportionate percentage of workers in low-wage, labour-intensive manufacturing industries worldwide, such as clothing, textiles and footwear and ill-remunerated service work, such as domestic work, contributes to the racialized nature of income and occupational polarization (Arat-Koc, 1990; Armstrong, 1996: 35; Fernandez-Kelly and Garcia, 1989).

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<sup>43</sup>Acknowledging the centrality of both of these means of securing social reproduction is integral to understanding the evolution of the THI and the history of the TER as will be demonstrated in subsequent chapters.

<sup>44</sup>Few industries have endured this type of shift. Usually when men enter highly female-dominated industries in significant numbers, the industry's status is rising and, when they exit, the industry is in decline (see for example: Lowe, 1987).

<sup>45</sup>Chapter Five addresses this issue in depth.

<sup>46</sup>Even though sex segregation persists in the THI in the late 1990s, this trend does not undermine Armstrong's (1996) claim that the type of feminization that is occurring in the Canadian labour market is leading more men to compete for jobs, particularly "good" jobs, traditionally held by women. Nor does it reduce the force of her hypothesis that some men are facing downward harmonization and many women are enduring increasing economic pressures in the labour market. Rather, given the racialized character of employment in the THI to be addressed in Chapter Five, persisting sex segregation and the apparent preponderance of women, immigrants and people of colour at the bottom end of the occupational hierarchy in the THI raises the following questions: which men are competing for jobs stereotypically characterized as "women's work", particularly those characterized by low-wages and limited security? To what extent does Armstrong's (1996: 53) hypothesis that prevailing labour market trends (precipitated by globalization) are leading to "increasing control for a few, mostly white, men" reflect prevailing trends in a THI? This last question is difficult to address at an empirical level given the dearth of employment data disaggregated by race and immigration status. Still, an examination of the policies, practices and processes at the intra- and inter-firm level in the THI (Chapter Five) brings us closer to a suitable response.

## Chapter Two

### **Putting Workers in their Place: The Early History of Private Employment Agencies in Canada**

The roots of the Canadian THI lie in the history of labour market intermediaries, specifically private employment agents operating in the labour market in the late nineteenth and early twentieth centuries. In this era, TERs did not exist in their present form; nor did temporary help agencies. Nevertheless, several precursors to this type of employment relationship and the 'classic' temporary help agency merit investigation in light of this study.

This chapter traces the pre-history of the contemporary TER, identifying the complex set of actors involved in its early precursors. Operating in the labour market as early as the 1860s, private employment agents acting abroad, such as padrones<sup>1</sup> and general labour agents, were at the hub of these relationships. As a result of their widely-publicized and often unethical practices, which ranged from charging exorbitant fees and making false representations to colluding with their customers, they were also the initial target of regulation at the national, provincial and, subsequently, at the international level. The chapter also describes the activities of private employment agencies operated by typewriter companies, the immediate forerunners to the 'classic' temporary help agency that contributed to filling the growing demand for clerical workers in the provincial labour market in Ontario. Even in the face of growing disapproval of the padrone system and the private employment agency industry as a whole, this small, but cohesive, new branch of the industry managed to carve out a space and create a positive image for itself in the

office sector. It escaped regulation because government officials, unchallenged by social reformers or labour leaders, viewed employment agencies run by typewriter companies as legitimate entities; not only did they recruit and place women stenographers and typists in temporary work, they sold typewriter equipment rather than simply the services of their workers.

The analysis developed in this chapter deepens two larger themes introduced in Chapter One. First, it suggests that many workers engaged by private employment agents at the turn-of-the-century resembled unfree wage labourers, specifically what Miles (1987) and Satzewich (1991) label "contract migrant workers." Indeed, a sizable number of immigrant and migrant workers put to work by padrones, general labour agents and even agents employed by philanthropic organizations in the late nineteenth and early twentieth centuries not only came to Canada under false pretenses but were unable to circulate freely in the labour market upon their arrival because of the employment contracts that they entered into outside the country. Moreover, private employment agents used highly racialized nation-building discourses to relegate these workers to the bottom of the labour market. Second, it demonstrates that employment agencies run by typewriter companies in the province of Ontario emerged out of the private employment agency industry, even though they consciously distanced themselves from agents operating at the fringes of the labour market. While their primary workers, stenographers and typists, enjoyed greater freedom of mobility in the labour market, these immediate forerunners to the early THI crafted employment relationships very similar to those associated with their more

unscrupulous precursors. What gave employment agencies run by typewriter companies legitimacy was their practice of targeting young Canadian born, well-educated, middle-class women widely presumed to be dependent upon a male wage; this same strategy also laid the groundwork for the emergence of the THI later in the century as well as the feminized employment relationship upon which its' early success was based.

Sketching the evolution of the private employment agency industry in Canada, the chapter is divided into five sections. Section I provides a focused overview of the situation in the Canadian labour market just prior to the turn-of-the-century that centres on the federal government's early campaign to promote immigration and the role of private employment agencies in this context. Section II describes early national opposition to private employment agencies and the tenor of federal, provincial and municipal legislation responding to public concerns. Section III details the first coordinated international efforts to regulate private employment agencies originating in the Treaty of Versailles, renewed at the inception of the ILO and later entrenched in international labour conventions. Section IV investigates how one narrow segment of the private employment agency industry adapted to change in the Canadian context. Focusing on the case of employment agencies operated by typewriting firms in Ontario, it begins to identify the similarities between these agencies and the 'classic' temporary help agency of the post-World War II era in order to prefigure a discussion of the emergence of the THI in Chapter Three. The chapter concludes by comparing the character of employment relationships common to the Canadian private employment agency industry at the turn-of-

the-century versus those that became prevalent after federal and provincial governments and the ILO began to regulate private employment agencies.

**I. The Canadian Labour Market at the Turn-of-the-Century: The Antagonistic Relationship between "Nation-Building" and the Activities of Private Employment Agents**

Beginning in 1880, with the aim of populating the country and providing workers to fill the labour market, the Canadian government drastically altered the immigration campaign that it had initiated to attract permanent settlers upon the formation of the Dominion. As countless scholars demonstrate, Canada's original nation-building goals reflected the ideal of creating an ethnically-pure British settler colony (see for example: Bakan and Stasiulis, 1997; Calliste, 1993; Roberts, 1988, 1990; Satzewich, 1991). However, in the forty-year period between 1880 and 1920, employers' labour needs in key areas of expansion, particularly in agriculture, industry and domestic service, conflicted with the dominant Eurocentric and gendered nation-building discourses and policies aimed at establishing a morally and physically "pure" settler population loyal to the British Empire. Consequently, the twin demands for an industrial and agricultural proletariat and a core of female domestic workers altered the shape of Canadian immigration policy and, hence, the influx of immigrants into the country. Developments in this era reflect Sedef Arat-Koc's (1997: 55) incisive observation that:

Historically, immigration policies in Canada have been determined by several, at times conflicting, objectives. These have included the development of a white British settler society in Canada, establishing settler colonies in certain regions of the country (with previously sparse European populations), and meeting the needs of the labour market.

At the end of the nineteenth century, the profound conflict between the Dominion government and the emerging capitalist class over the "desirable" immigrant eventually caused the government to alter its long-standing campaign for a specific group of permanent settlers. The new policies aimed to secure a consistent supply of expendable male and female labourers (Roberts, 1988: 8; Avery, 1995).

*Male Agricultural and Industrial Workers*

Promoting immigration was essential to fulfilling the late nineteenth century Dominion government's expansionary project. In advertising for immigrants, first largely in Britain and then in other parts of Europe, the government emphasized the possibility of upward class mobility, suggesting that male immigrants could easily become land-owning farmers in Canada, even when the reality was that employers wanted farm-hands and day labourers. As Barbara Roberts (1988: 5) notes:

The stated ideal of Canadian Immigration Policy was to attract a permanent agricultural population. Behind this ideal, thinly concealed and little denied, lay a more-or-less Wakefieldian system... Hidden behind that bitter but still palatable modification of the ideal lay yet another reality: a massive system of importing industrial workers who could hardly claim to be farmers even potentially.

Of course, for the many stalwart peasants willing to risk coming to Canada with the hope of gaining an improved standard of living, immigration did not result in upward class mobility even though the Dominion government implied otherwise (Cunningham, 1991; Avery, 1979, 1995; Harney, 1979). As a consequence, while immigration figures were quite high at the turn-of-the-century, more people left than entered Canada for five of the

eight decades between the 1860 and 1940 due to poor working conditions and economic crises (Table 4).

**Table 4**  
**Net Immigration in Canada, 1861-1941 (000s of persons)**

| <b>Years</b> | <b>Immigration</b> | <b>Emigration</b> | <b>Net Migration</b> |
|--------------|--------------------|-------------------|----------------------|
| 1861-1871    | 183                | 375               | -192                 |
| 1871-1881    | 353                | 440               | -87                  |
| 1881-1991    | 903                | 1,109             | -206                 |
| 1891-1901    | 326                | 506               | -180                 |
| 1901-1911    | 1,759              | 1,043             | 716                  |
| 1911-1921    | 1,612              | 1,381             | 231                  |
| 1921-1931    | 1,203              | 974               | 229                  |
| 1931-1941    | 150                | 242               | -92                  |

Source: Avery, 1979: 193.

The new corporate capitalist class desired temporary male labourers, contractors and so-called guest workers (preferably migrating without their families) to engage in day labour, construction and other forms of industrial work, building railways and physical infrastructure in industrial centres and performing seasonal agricultural work at very low wages (Avery, 1995: 32; Bradwin, 1972: 55-58). They perceived male contract migrants and/or guest workers as ideal sources of labour since the costs of renewing the work force rested almost completely with the sending economy (Roberts, 1988: 7). As well, because they did not pose a threat of labour unrest, many employers also used male migrant contract workers as strike-breakers even though such practices were even at that point highly controversial among the public at-large (Avery, 1979: 37; Canada, May, 1906; Labour Gazette, 1901: 213). Hence, the goals of the capitalist class conflicted with the official policies of the Dominion government for a lengthy period, at least on the surface,

and the reality of the conditions of employment endured by immigrants and migrants in Canada contrasted sharply with the images of Canada as a "civilized" white settler society depicted in the government's early advertising campaigns.

Although the tensions between the Dominion government and the emergent capitalist class were quite serious until the end of the century, the demands of employers, many of whom viewed Southern and Eastern European male immigrants as highly desirable industrial workers, eventually won over those of the nation-builders. As Donald Avery (1979: 37) asserts:

Between 1896 and 1914 Canadian immigration policy served, above all else, the dictates of the capitalist labour market. Under the banner of economic growth thousands of immigrant workers were encouraged to enter the country to meet the labour needs of commercial agriculture, railroad construction, lumbering, and other labour intensive industries. Increasingly the long-standing goal of bringing into the country only the settler labour type of immigrants was displaced by a policy of importing an industrial proletariat.

Immigration statistics substantiate Avery's claims. In 1896, only 13.3 per cent of the Canadian population was foreign-born; of this figure, 76 percent were of British origins. However, while British immigrants still remained the majority of the foreign-born population for the next thirty years, Canada experienced a dramatic increase in the number of immigrants from Eastern and Southern Europe (Avery, 1995: 22). For example, in 1921, 22.2 per cent of the population was foreign born and 46 per cent was non-British (Avery, 1995: 33).

Geographically, urban centres, such as Montreal and Toronto, and rural areas in Western Canada attracted the bulk of male Southern and Eastern European immigrants

due to pressure from local capitalists. Railway companies were particularly vocal in their demand for a specific type of industrial worker and they did not visualize the typical white British settler as a desirable day labourer. As Canadian Pacific Railway President Shaughnessy noted in 1897:

Men who seek employment on railway construction are, as a rule, a class accustomed to roughing it. They know when they go to the work that they must put up with the most primitive kind of camp accommodation. I feel very strongly that it would be a huge mistake to send out any more of these men from Wales, Scotland or England.... it is only prejudicial to the cause of immigration to import men who come here expecting to get high wages, a feather bed and a bath tub (IB, 39501, Shaughnessy to James A. Stewart, 1897 as cited by Avery, 1995: 29).

The Grand Trunk Pacific, the Canadian National Railway and the Canadian Pacific Railway all perceived British immigrants, as well as Slavic and Scandinavian immigrants, as undesirable for menial forms of railway work because they sought workers that were willing to commit themselves to railway work (Bradwin, 1972: Chapter 4). As a consequence, in the early part of the twentieth century, they repeatedly contravened the Alien Labour Act (1897), which made it illegal to "pre-pay the transportation of, or in any other way to assist or solicit the importation or immigration of any alien or foreigner into Canada under contract or agreement..." by importing Southern and Eastern European men to Canada as de facto guest workers (R.S.C., 1897, 60-61, v, C.11:1; Avery, 1995: 38; Bradwin, 1972: 55). As a result, by the turn-of-the-century, a highly racialized division of labour operated in railway construction. In describing the "ethnic groupings" among the camp men of this period, Edwin Bradwin (1972: 92) notes: "[t]here are two distinct groups of workers at once apparent in camps on a piece of railway work, the

'whites' and the 'foreigners'. This semi-racial demarcation is not a pleasant distinction; it may not even be just, but it is always in evidence on any hundred mile piece of new construction." In his study, The bunkhouse man (1972), Bradwin illustrates that white male workers either born in Canada, from the British Isles, the United States or Scandinavia held positions in the camps that "connote[d] a 'stripe' of some kind" (92). Indeed, they were "officials in one capacity or another -- walking-bosses, accountants, inspectors, the various camp foremen, cache keepers, as well as clerks to perform the more routine works of checks and time keepers" and they belonged to "the most remunerated part of railway construction" (Bradwin: 92-93). In contrast, the "foreigners" were said to "stolidly engage in muckering and heavier tasks" and to be poorly paid (Bradwin: 105).

Although the federal government threatened the railway companies with prosecution under the Alien Labour Act, partly due to pressure from the Trades and Labour Congress, it typically ignored the often coercive practices of the railway companies who were importing labourers in this period.<sup>2</sup> By the 1910s the federal government also ignored similar practices by mining companies operating in Western Canada. As works by Avery (1979, 1995), Bradwin (1972), Harney (1979) and Ramirez (1991) show, the federal government tolerated the unethical and unlawful practices of the railway companies and other companies in the resource sector because the bulk of the workers that they recruited either came as guest workers or, by virtue of their occupation, were not fully protected as citizen-workers in Canada.

Even though the federal government tolerated their unscrupulous activities, companies, such as the Canadian Pacific Railway, the Canadian National Railway, and industrialists in construction, forestry, mining and smelting, registered their resentment towards its much-publicized drive to encourage permanent agricultural immigrants until the early 1920s. Some industrialists even claimed that they, "did more work on enticing industrial immigrants than the Dominion ever did" (Avery, 1979: 38-39). Ironically, heads of railway and steamship companies were the most vocal spokespeople for an open-door immigration policy, although many of them were later implicated in deportations and making false representations to immigrants (Avery, 1979: 30; Roberts, 1988: 8). By no coincidence, agents employed by these companies constitute the earliest group of private employment agents scrutinized in both the popular press and in government circles (Avery, 1995; Harney, 1979: 63-64; Labour Gazette, June 1906).

### *Female Domestic Workers*

Alongside the demand for male agricultural and industrial immigrants, the other side of the nation-building process involved the recruitment of female domestic workers: "...from the point of view of labour and immigration policy, domestic labour was to women what agricultural labour was to men" (Pierson and Light, 1990: 258). However, at the turn-of the century, the recruitment of women domestic workers represented a less controversial terrain than that of the dominant categories of male immigrants since government officials and social reformers agreed on the class of preferred women immigrants. First cast as "mothers of the nation" and later reduced to the status of

"migrant workers", these women were initially recruited to care for Canada's growing population and to balance-out the rapidly expanding immigrant male population that resulted from the influx of single male workers hailing from various parts of Europe.

With the passage of the British North America Act (1867), the lengthy period between 1867 and 1940 involved the mass immigration of women domestic servants to Canada. The majority of women immigrating to Canada as domestic workers in this period came from Britain. However, from 1900 onwards, a substantial proportion of domestic workers also came from Scandinavia, Germany, Austria, Bavaria, Bohemia, Northern Italy, Switzerland and France and, between 1914 and the early 1930s many Finnish women immigrated to Canada as domestic workers (Cunningham, 1991: 54-55; Lindstrom-Best, 1986).

**Table 5**  
**Background of Female Domestic Workers Coming to Canada, 1904-1930**

|           | Total   | British | Western European | Eastern European | Southern European |
|-----------|---------|---------|------------------|------------------|-------------------|
| 1904-1914 | 117,568 | 90,028  | 8,094            | 15,387           | 1,110             |
| 1919-1930 | 123,983 | 74,179  | 14,179           | 30,814           | 1,989             |

Source: Barber, 1991: 2.

In the early twentieth century, small numbers of women from outside Europe also immigrated to Canada to work as domestics; for example, in 1910-1911, the Caribbean Domestic Scheme brought one hundred women from Guadeloupe to work in Quebec (Calliste, 1993). However, since their numbers were so limited, official statistics fail to document the presence of non-European immigrant women domestic workers in Canada.

Due to the aggressive overseas recruitment campaign launched by the Dominion government and supported by the social reformers, the 1890s marked a particular high point for domestic service among immigrant women because female domestics became the only independently "desirable" category of immigrant women workers in Canada during this decade (Cunningham, 1991: 16); the leading occupations among women in 1891 corresponded to this development (Table 6).

**Table 6**  
**Leading Occupations for Women, 1891**

| <b>Occupation</b> | <b>Numbers</b> |
|-------------------|----------------|
| Servant           | 77,644         |
| Dressmaker        | 22,686         |
| Teacher           | 14,803         |
| Farmer            | 11,590         |
| Seamstress        | 10,239         |
| Tailoress         | 7,834          |
| Saleswoman        | 4,409          |
| Housekeeper       | 4,035          |
| Laundress         | 3,679          |
| Millner           | 3,277          |

Source: 1891 Census of Canada as cited by White, 1983.

Still, studies by Arat-Koc (1990, 1997), Cunningham (1991) and Calliste (1993) indicate that even though the government singled-out women domestic workers as so-called "desirable" immigrants under the regime of immigration law, domestics were subject to constant State scrutiny since they were charged with the central, yet undervalued, task of social reproduction in the new nation: as Nicola Cunningham (1991: 31) cogently observes, "immigration law functioned as a means of reproducing a working population in a new locale by importing working classes with an established sexual division of labour."

Government officials and social reformers took great care in recruiting and placing female domestic workers in Canadian homes. For example, philanthropic organizations sent matrons aboard steamships crossing the Atlantic to ensure that the steamship operators obeyed the protective immigration laws adopted at the turn-of-century, to guarantee that the women arrived in Canada in "pristine" condition and, most importantly, to segregate domestics from other immigrants so that they would not acquire notions about better employment opportunities (Arat-Koc, 1997; Barber, 1991; Roberts, 1976). Once they were deemed safely placed in Canadian homes, however, neither federal immigration policy nor provincial labour legislation accorded this group of workers an equivalent set of protections to those extended to most other categories of workers in this era (Cunningham, 1991).<sup>3</sup>

### ***Early Private Employment Agents Engaging Male and Female Immigrants and Migrants***

Although the Dominion government encouraged immigration among a narrow group of women workers (i.e., domestics), social reformers carried out recruitment and placement. In this sense, mirroring the roles of private employment agents engaging male agricultural and industrial workers, social reformers took on the role of intermediaries at least until domestics were placed in Canadian homes permanently. Hence, female and male immigration remained largely in the hands of the private sector on both sides of the Atlantic until almost a decade after World War I: at that point, Canadian and British laws pertaining to the recruitment and placement of immigrants were introduced.

The private sector employment agents who handled the recruitment and placement of female domestic workers were normally matrons and social workers engaged by private philanthropic organizations. Unlike the profit-driven private employment agents recruiting male agricultural and industrial workers, the female agents recruiting, housing and placing immigrant women domestic workers were largely unpaid volunteers driven by the ideology of domesticity.<sup>4</sup> This is not to suggest that philanthropic agencies such as the Salvation Army and the British Women's Emigration Association did not benefit financially from their involvement in recruiting and placing domestics; indeed, the Canadian government not only gave generous bonuses to steamship companies and labour agencies recruiting immigrant domestics, they also provided subsidies for these types of philanthropic organizations (Avery, 1995; Barber, 1991; Roberts, 1976).

Focusing at first on Britain, women engaged by philanthropic organizations targeted a pool of women domestic servants abroad, drawing up employment contracts and providing assisted passage and subsidized housing for the domestic workers upon arrival to Canada. These agents of social reform agitated for stricter and more protective immigration policies for domestic workers and the effective implementation of existing policies. But, they did little to support domestic workers once they were placed in Canadian homes. For example, even though provincial master-servant legislation supposedly protected immigrants from exploitative contracts that they may have signed abroad, philanthropic agencies usually failed to monitor the conditions of employment of the women that they recruited for domestic work; consequently, many female immigrant

domestic workers became quasi-indentured servants upon arrival to Canada, at least until they paid back the money owed for assisted passage (Arat-Koc, 1997: 66).

For male agricultural migrants and industrial workers, private profit-seeking employment agents and agencies acted as "middlemen" in the recruitment and placement process. Devoid of a moral imperative comparable to the social reformers, these agents were often engaged by railway, mining or steamship companies with large contracts with Canada's emerging class of industrial capitalists.<sup>5</sup> Like the social reformers, private employment agents often provided assisted passage and arranged lodging for workers upon their arrival to Canada and they demanded reimbursement in either the form of a portion of a given worker's wages, direct payment with interest or work in return for the money owed to them. The numerous philanthropic societies geared to recruiting women domestic workers objected to the activities of private profit-driven employment agents in principle; they particularly disapproved of the "padrone" (or gang) system of placing male immigrant workers and the government's bonus system for private profit-driven employment agents recruiting "desirable" immigrants. Social reformers considered fee-charging private employment agents "unscrupulous characters who were preoccupied with profit from immigration work and who were not deemed to have the best interests of Canada at heart," characterizing themselves as having more worthy nation-building aims (Cunningham, 1991: 97).

Despite the protestations of reformers, immigrant women domestic workers recruited by these social reformers and male industrial and agricultural immigrants

recruited by private employment agents shared several characteristics. Often faced with large debts to their sponsors, both groups effectively became unfree wage labourers upon arrival to Canada, at least for a limited period. More concretely, government policies, such as The Railway Agreement (1925), engaged Canada's two largest railway companies to recruit male immigrants into agricultural and industrial work and women immigrants into domestic service and to transport both groups of workers to Western Canada, where they were desperately required. These companies embraced this agreement since it increased railway travel and, more notably, they received a bonus for these newly "desirable" immigrants, many of whom now emigrated from Western and Eastern Europe.

*Private Employment Agents and Agencies: Form, Function and Common Abuses*

For both the male immigrant workers, comprising the growing agricultural labour force and the newly emerging industrial proletariat and female domestic workers, both the "daughters of the empire" and the less "desirable" women domestic workers from other parts of Europe, employment relations were tenuous. Upon arrival in Canada, the jobs that they were promised were often non-existent, inaccurately described or short-lived. Consequently, their employment histories were characterized by long bouts of unemployment, poor working conditions at low wages, with the low wages made worse by deductions for transportation, placement in employment and room and board (Bradwin, 1972: 73-76). Private employment agents acting in the labour market exacerbated the uneven pattern of employment, especially among male migrants and immigrants, through their methods of recruitment and placement. Given that employment relationships

involving private profit-driven employment agents represent the early precursors to the contemporary TER, it is instructive to probe the activities of these labour market actors.<sup>6</sup>

There were two dominant types of private fee-charging employment agents operating on the labour market in the early 1900s: the general labour agency, which operated for a fee and confined its business to the exchange of labour, and the *padrones* who made their business furnishing gangs of workmen to an employer for a set fee.<sup>7</sup> According to one early North American study of employment agents and agencies, both types of agencies placed contract labourers, general labourers, miners, lumbermen, brick makers, railroad hands, cattlemen, farm-hands and cattle labourers during this era (Kellor, 1915). However, while some general agencies recruited workers from abroad, the majority recruited workers domestically, catering to businesses in a wide-range of sectors in both urban centres and rural areas. In contrast, the *padrones* drew labourers from a specific country, region or ethnic background. Normally, they had strong ties with sending agents in local labour markets in countries, such as Italy and Greece, and transportation companies, such as steamship companies operating across the Atlantic and railway companies operating in Canada; they often used ties based on ethnicity and nationality to cultivate and solidify complex labour-contracting chains. There is considerable evidence of abuse among these types of private employment agents in both Canada and abroad.

Capturing the menacing image of the padrones on the North American labour market in the early twentieth century and employing the highly racialized nationalist discourse of the period, Frances Kellor (1915: 184-85) noted:

The padrone, that most vicious anti-American institution among the foreign workmen to-day, still flourish. Their stronghold is the labour camp, the general contractor is their backer...The padrone, who used only to deal with countrymen from his home town or province, now has a comprehensive system for getting all of his countrymen. He frequently has men on the other side who "drum up trade" and who consign laborers to him like so many bales of hay. He is frequently the only man that they know in America, their only friend when they arrive, and they are to him so many shares of stock out of which he must squeeze the utmost profit. When the immigrant does not come addressed to his care he has runners and others who keep in touch with his fellow laborers....He gets copies of the ships' advices so he knows when and where they land and he has many other methods by which he brings these laborers under his influence [sic].

Because of the unsavoury image of the padrone, which undoubtedly reflected the racialized characterization of this type of private employment agent as a "foreigner" involved in recruiting and placing other "foreigners", it was the padrone system that was the initial target of government investigation in both Canada and the United States, even though their practices and those of general labour agencies were often indistinguishable.<sup>8</sup> Eventually, general labour agencies also became subject to State scrutiny. However, the appearance and spread of the padrone system spurred the earliest reaction from the government due to the outcry in immigrant communities. Most notably, growing discontent in the Italian community in the early 1900s led the federal government to establish a Royal Commission appointed to inquire into the Immigration of Italian Labourers to Montreal and the alleged Fraudulent Practices of Employment Agencies.

1905, which made piercing criticisms of the private employment agency industry as a whole and generated the first coordinated campaign aimed at its regulation in Canada.<sup>9</sup>

In the early twentieth century, the City of Montreal was the hub of the Canadian padrone system, where the "King of Italian Labour", Antonio Cordasco, first became famous (and then infamous) for his business practices involving the recruitment of male Italian workers for seasonal labour in the construction trade (Canada, May 1906: 295-6; Labour Gazette, November, 1907: 212).<sup>10</sup> While press reports indicate that Cordasco was one of the most known padrones in Canada in this period, he worked in a fiercely competitive local labour market, where his direct competitors (especially his primary competitor Antonio Dini) spearheaded his downfall. As Robert Harney (1979: 58-59) suggests, "Cordasco's career and the public assault upon him affords us a rare entry into the world of the *padrone*, the exploitative Italian brokers who were stock -- but little understood -- villains in the drama of immigration". To this I would add that it was the burgeoning "commerce of migration" at the turn-of-the-century that brought the coercive activities of private employment agents like Cordasco into the public eye.

In this period, there was a convergence between capital's desperate need for labourers (particularly in industries like construction, mining and smelting), xenophobic Canadian immigration policies like the Alien Labour Act (1897) and rising rates of unemployment internationally (Harney, 1979: 59; ILO, 1994a). This combination of factors initially led many Canadian employers to circumvent immigration policy and other legislative measures and enlist the assistance of either private agents engaged by steamship

and railway companies or padrones to transport migrants and immigrants to furnish them with a consistent supply of expendable workers.

Tracing the rise and fall of padrones like Cordasco, and lesser known general labour agents operating under false pretenses in countries like Britain, exposes the host of abuses perpetuated by labour market intermediaries (Canada, May 9, 1906: 295).

Cordasco's well-known case contributed to widespread documentation of the activities of labour market intermediaries and later led to the criminalization of a number of practices.

After Cordasco's activities became public, the Labour Gazette provided graphic reports of common abuses amongst labour market intermediaries of all sorts across Canada at the turn-of-the-century (see for example: Labour Gazette, June 1906: 1346-51; November 1907: 212; February 1908: 1024, 1026; March 1908: 1161-2, 1165). These reports indicate that, with rising rates of unemployment, a rapidly-expanding group of Canadian-born workers also resorted to labour market intermediaries even though private employment agents targeted primarily recent immigrants.

Private employment agents were charged with committing a host of abuses in the Canadian labour market in this period, the majority of abuses falling into the categories of misrepresentation, collusion and extortion.<sup>11</sup> Interestingly, ill-treated workers rarely charged the customers of early private employment agencies with committing abuses, thereby blurring the existence of the complex labour contracting relationships. Indeed, the focus on the unscrupulous practices of padrones and other disreputable employment agents, driven by the racialized discourses surrounding their image as "foreigners"

apparent in the Royal Commission appointed to inquire into the Immigration of Italian Labourers, reports in the Labour Gazette and the much-publicized xenophobic views of labour leaders, led federal and provincial governments to shape legislation to target the private employment agent industry as a whole. Hence, workers, as well as representatives of the Crown, took private employment agents to court for failure to pay wages, making false representations and a host of other abuses.

The most widely documented abuses by private employment agents in this period surrounded the issue of misrepresentation, ranging from false promises of work to misleading advertisements that often distorted the position of the agent. Agents advertising abroad often provided inaccurate descriptions of available work, misrepresented the duration (i.e., permanency) of available work and falsely communicated rates of pay. Many also indicated that "no fees" to workers, either direct or indirect, were involved in the transaction. With respect to conditions of work, one advertisement by Cordasco in a prominent Italian Montreal Newspaper, which was "sent in large quantities for distribution in Italy," read as follows:

A. Cordasco.  
Sole Italian Agent of the Canadian Pacific Ry. Co. and other Companies,  
441 St. James St., Montreal

Notice

Do you want to be employed in the Railway Works, Water Works and other kinds of work, -- last long time and guaranteed -- payment sure -- at the price of \$1.25 to \$2.00? Do you want to be respected and protected either on the work or in case of accident or other annoyances, which may be easily met?  
Apply personally or address letters or telegrams to: Antonio Cordasco, 441 St. James St., Montreal

Sole agent who will find every security, and guarantee employment for labourers and foremen who know how to do their duty. He is fully trusted by all the greatest companies and contractors who continually request his services. Whoever has claims against any company, Mr. Cordasco is the only man who can succeed to have the satisfaction of the said claims made with profit and promptitude (Labour Gazette, June 1906: 1349).

Here, Cordasco is appealing to both Italian immigrants in Canada and abroad, claiming to be the "sole" employment agent of the Canadian Pacific Railway. His advertisement makes a promise of work without specifically indicating the positions available and it over-estimates wages.<sup>12</sup> In another advertisement, he cautions workers not to deal with other agents stating:

Do not believe that with your dollar or dollars you will be able to get work like your comrades who were faithful. No, never! We shall inspect our books as to the money orders and the passage tickets and those who will not have their names entered in them will put their hands in their hair and will call Mr. Cordasco: 'Lordship, Don Antonio, let me go and work! 'No never!' will be answered to them; go to those through whom you sent your money away... (Labour Gazette, June 1906: 1349).

In Cordasco's case, community newspapers were the primary medium used to convey the image that he was a man of great power and influence in Canada. However, he also used celebrations for his workers to legitimize his business, such as a parade on January 23, 1906, where he was crowned 'King of the Workers'. On this occasion, Cordasco, "was presented with a crown, in shape not unlike that worn by the King of Italy, and this crown was publicly placed on his head..." (Labour Gazette, June 1906: 1349). Additionally, he provided stamped and sealed envelopes, containing literature promoting his services, to the workers that he placed in employment and required them to send these letters to their families and friends in Italy.

In some prominent cases of misrepresentation reported in the Labour Gazette, private employment agents or agencies were found to have inaccurately depicted the nature of the work available. In many of these cases, collusion was very clearly a factor but there were few mechanisms for penalizing customers and private employment agencies together (i.e., for collusion) in either the provincial or federal legislation that regulated private employment agencies (see for example: Labour Gazette, 1908: 1161-1162). For example, in November 1906, two newspaper reporters visited the New Method Employment Bureau, a general labour agency in Toronto. First, one went to the Bureau to ask for a position. He paid a registration fee of \$1 and was sent to a firm on Wellington Street to take up a bookkeeper's job but, upon arrival for work, he was told that the position had been filled. One week later, the other reporter went to the Bureau and specifically requested a book-keeper position. He paid the \$1 fee and was sent to the same Wellington Street firm, which again did not have an opening (Labour Gazette, March, 1908: 1162). In this type of case, one of many reported in the Labour Gazette, the agent and the employer colluded to collect fees for fictitious jobs. Consequently, in early court cases, several judges deemed that fees (both direct fees to workers and indirect commissions) were only acceptable if the workers remained in employment for a reasonable duration (Labour Gazette, May, 1909: 1272).<sup>13</sup> Similarly, when they were found guilty of abusive practices, early employment agents were often convicted of fraud if they gave positions to the highest bidder, a common practice in the early part of the century (Labour Gazette, 1908: 1024).

## II. Early National Opposition to Private Employment Agencies

Beyond the many individual workers and/or workers' organizations that took private employment agents to court for their unlawful practices, other interest groups also objected vocally to the underhanded practices of private employment agents, particularly those involved in importing "foreign" labour. In particular, two distinct groups, with seemingly conflicting goals, took the lead in initiating complaints against padrones and other private employment agents/agencies: one was the Trades and Labour Congress, which first deployed highly racialized nation-building discourses in objecting to the importation of "alien" workers, and the other was primarily composed of representatives from the Italian immigrant community, who objected to the highly racialized nation-building discourses and their effect on communities of immigrants (Avery, 1995; Labour Gazette, October, 1900, October 1901, October, 1904; Ramirez, 1991: 98-109).

In the decade between 1900 and 1910, the Trades and Labour Congress and its provincial executives lobbied the federal government to enforce the Alien Labour Act (1897) and prevent the importation of "alien" labour by railway, steamship and mining companies. The Congress' opposition to private employment agents acting abroad was most fierce under President Ralph Smith (1900-1902), who was once leader of the Independent Mineworkers' Union which vehemently opposed the use of immigrant workers' imported by mining companies as strike-breakers and who later became a Member of Parliament (MP) representing Vancouver (Mouat, 1995: 93-96). Under Smith, the Congress lobbied for amendments to the Act, including the right "to sue for the

infringement of the Act by any person," and for the Department of Labour to "assume the deportation of aliens rather than the recovery of a fine" (Labour Gazette, 1901: 213; Mouat, 1995: 86-87). In 1901, Smith even went as far as asserting: "What organized labour wants, however, is an anti-contract law of general application -- a law prohibiting as well as voiding the importation under contract, from any country, of labourers of any kind" (Labour Gazette, 1901: 213). Alongside its call for the effective enforcement of the Alien Labour Act (1897), the Congress also expressed its opposition to the government's increase of the Chinese Head Tax from \$50 to \$100. Accordingly, Smith noted in October 1900:

I do not think that this will accomplish much good, but *will serve only to increase the bonds* of these Chinese whose admission fee is paid by the Chinese Companies, and as this has to be returned out of their wages it only results in *enslaving* them for a longer period (Labour Gazette, October: 1900: 213, my emphasis).

In making these remarks, Smith was objecting to the importation of Chinese labourers by "Chinese Companies" by stating "I don't think that this [i.e. the Chinese Head-Tax] will accomplish much good [i.e. will limit the influx or "foreign" workers to Canada]". His comments, on the one hand, reflect an anti-foreigner sentiment common amongst leaders of the Congress in this period and the Congress' more general objective of limiting immigration in the context of high unemployment. On the other hand, he was also objecting to the servile conditions of employment that workers immigrating from China were being forced to endure in Canada and, therefore, calling on the then Liberal federal government to be accountable to liberal principles and eliminate forms of unfree labour in Canada.

The other group that lobbied for regulation (i.e., the Italian immigrant community) expressed its opposition to the activities of padrones and other private employment agents in the early 1900s. Predictably, the Italian community of Montreal did not side with the Trades and Labour Congress on limiting the immigration of workers from abroad. Rather, as Ramirez (1991: 108) notes, after encountering the elaborate mechanisms of exploitation used by padrones, many Italian immigrants, "who in their own native villages had rarely raised their voice against an exploiting *galantuomo*, in the Canadian city drew up civil suits and took *padrones* to court". Subsequently, many became vocal proponents of an open-door immigration policy. For example, a sizable group of Italian immigrants sued Antonio Cordasco and the Canadian Pacific Railway for failure to pay wages, collusion and other illegal practices, spurring the creation of the Royal Commission appointed to inquire into the Immigration of Italian Labourers to Montreal. When this Royal Commission undertook its investigation in 1904, many of these same immigrants took the witness stand, pointing to padrones and other labour agents like Cordasco and calling for their punishment (Ramirez, 1991; Avery, 1995: 38-39; Harney, 1979).<sup>14</sup> Hence, they brought the fraudulent practices of these labour market intermediaries into the public eye.

Along with complaints and court cases brought by individual workers in the early twentieth century, both the Italian community and the Trades and Labour Congress heightened public awareness and concern about the maltreatment of new immigrants, although the two groups initially sought different ends. Consequently, federal and provincial government officials were forced to acknowledge and confront the problem of

abuse amongst private employment agents in earnest as early as 1905-1906, leading to the kind of regulations still persisting in the 1990s.

With the growing number of reports documenting abuses by private employment agents and dramatic calls for State intervention from the organized labour movement and immigrant communities, government officials began to raise concerns about the agents' activities at the turn-of-the century. In their early discussions surrounding the need for effective regulation, leading MPs, some of whom had roots in the labour movement, opposed an unregulated private recruitment and placement system. Aiming to hold the Laurier government accountable to its principles, they articulated their concerns on three grounds in House of Commons Debates of 1905 and 1906.<sup>15</sup> First, they expressed concern about how the practices of private employment agents acting abroad contributed to damaging Canada's reputation internationally. MPs were especially disturbed by the growing trend among private employment agents to depict themselves as representatives of government either through using the national coat of arms on their official letterhead, locating their business offices in the same buildings as government offices or even falsely claiming to be government officials (Canada, May 1906: 2955-56). In the words of Ralph Smith, former President of the Trades and Labour Congress and eventually an MP who argued desperately for remedial legislation, this type of false representation led many immigrants to come to Canada "believing in a way that they were coming under some sort of royal protection" (Canada, May 1906: 2956). Second, many MPs agitating for legislation feared that these agents were not communicating the official employment needs

of the country (i.e., attracting permanent agricultural settlers) and, instead, were attracting "undesirables" under pressure from transportation companies (Canada, May 1906: 2958).

Third, many MPs and government officials argued that the covert activities of some private employment agencies undermined Canada's nation-building goals. Several also objected to the use of migrant contract workers as strike-breakers (Canada, May 1906: 2964).<sup>16</sup> Supporting a motion advanced by Ralph Smith, A. B. Aylesworth, the Minister of Labour, made the following comment:

We can never expect to build up out of the immigrants from foreign nations a people who will be loyal to our institutions, who will be animated by a proper feeling for their adopted home, or who will be found contented and at peace in the ordinary relations of life if they are settling down in this country under a fixed conviction that they have been brought here under false pretensions and that they have been deceived upon the very vital business considerations which have induced them to come at all (Canada, May 1906: 2964).

In the spirit of domestic expansion and improving channels of communication internationally, Aylesworth went on to propose that ancillary legislation be adopted to regulate the activities of private employment agents acting abroad.

Indeed, federal government officials began to reject the quasi-servile character of workers engaged by private employment agencies around the turn-of-the-century. Hence, their nation-building concerns and their desire to encourage modern labour market practices eventually led them to craft legislation and regulations to curb abuses perpetrated by private employment agents.

### *Federal Measures*

Spurred by growing documentation on the horrors of the padrone system and the link between private employment agents and immigration, the federal government used immigration policy as the vehicle for coordinating its initial efforts at regulation.

Legislative measures were already in place in various provinces, such as British Columbia, Manitoba, Ontario and Quebec, by the early 1900s and thus provincial and municipal labour legislation regulating private employment agencies was useful in crafting immigration regulations at the federal level.

Intense debate over the role and function of private employment agencies acting abroad occurred in the House of Commons between 1905-1910. Debates initially centred on what type of agency should have the right to represent Canada overseas in employment matters. However, as MPs documented the nature of common abuses, the political focus on so-called "false representations" slowly shifted and expanded. For example, between 1907 and 1909, federal government officials became concerned with specific issues pertaining to fee-charging, licensing and records-keeping. Consequently, the government enacted basic legislation to protect immigrants against abuses by private employment agents through the Immigration Act of 1910 (Sections 55 & 56); the provisions in this Act included giving the Governor General in Council the power to issue extensive regulations. Thus, with the growing consensus that existing legislation was inadequate, the Cabinet of the government issued two important Orders-In-Council.

On the recommendation of the Minister of Labour, T. W. Crothers, the Governor General first initiated an Order-In-Council prescribing regulations for the protection of immigrants seeking employment from companies, firms, persons carrying on the business of intelligence offices and employment or labour agencies (R.S.C., 1913a). Order-In-Council No. PC 1028 (April of 1913) was an extremely important measure since, although it only applied to agents placing immigrants, it set out detailed provisions regulating the conduct of these agents that mirrored and reinforced broader provincial legislation. The government's stated objective for adopting this Order-In-Council was reported as follows:

Whilst it is not suggested in the Order-in-Council that the employment agencies throughout Canada are generally of an undesirable class, the Dominion Government has satisfied itself by investigation that conditions exist in some localities which render the passage of these regulations more desirable (Labour Gazette, May, 1913: 1275).

PC 1028 required all employment placement businesses dealing with immigrants to obtain non-transferable licenses, keep formal records, limit placement and transportation fees to \$1.00, and made written requests from employers detailing wages and the nature of work, mandatory. Additionally, it required agencies to post vacancies in several languages and imposed severe fines (\$100 or three months imprisonment maximum) for failure to comply with any of the requirements (R.S.C., 1913a). To reinforce the provisions of PC 1028, another Order-In-Council (PC 1064) extended the provision of fines to *all* persons, firms, companies, intelligence offices and/or employment agencies not complying with PC 1028 (R.S.C., 1913b).

Despite these new measures for curbing abuses against immigrants and despite the government's appointment of municipal agents to place agricultural labourers and domestic servants, the press was still filled with reports of violations of immigration regulations between 1913 and 1915 (see for example: Labour Gazette, March 1907: 1011-12, May 1914: 1359). Consequently, the federal government was forced to shift its posture from advancing a largely reactive policy program designed to quell discontent among organized labour and immigrant communities to devising a more pro-active program aimed at instituting a joint federal-provincial system of public employment offices.

Pursuing its commitment to establish a national Public Employment Service, the federal government proposed Bill No. 57 in 1918, the first Bill designed to encourage the organization and coordination of employment offices. Although the contents of this Bill mirrored the Immigration Act (1910) to some extent, they did not duplicate its measures. However, the House of Commons debates of April 23, 1918 indicate that the impetus for advancing this service came from both the federal and provincial governments' experiences with private employment agents (Canada, April 23, 1918). Notably, since provincial governments were beginning to take responsibility for most labour matters at this time, the federal government opted to address the problem indirectly through initiating a cost- and responsibility-shared Public Employment Service constitutionally. Speaking on behalf of the federal government, T.W. Crothers, who had been responsible for

immigration in his previous ministerial post, characterized the general problem of private employment agencies as follows:

There have been several references to private agencies and to the use that might be made of private labour exchanges. These have not proved themselves satisfactory, generally speaking. One hon. gentleman mentioned some frauds perpetrated upon poor people by some of these agencies which charged them large sums of money. That matter came to our attention four or five years ago when I happened, for the time being, to be in the Department of the Interior. We made regulations then governing all these private agencies so far as their treatment of immigrants went. *We had no authority to deal with them in any other respect. We cannot abolish them* (Canada, April 23, 1918: 1039).

He then indicated that, although Bill No. 57 did not address private employment agents directly, it did attempt to "facilitate the means of getting the employer and the employee together" and, hence, indirectly to lessen the power of private employment agents, whose interest lies in getting "the man [sic] out of work as often as possible so that he will come back and pay him [the agent] and other fee to get another job" (Canada, April 23, 1918: 1039).

After Bill No. 57 passed, the federal government began to expend its energies on instituting a Public Employment Service in Canada. Regulations aimed at minimizing abuse amongst private employment agents acting abroad remained in force. Still, after 1926, when the federal government reviewed its regulatory role and when the Privy Council declared labour a provincial matter, the government relinquished its remaining powers to the provinces who already had a firmer grasp in this sphere of regulation.

### *Provincial and Municipal Measures*

Before the federal government began to address the conduct of private employment agents placing immigrants, several provincial governments already had some experience regulating these labour market actors. Indeed, provincial governments had reason to be concerned since approximately one-hundred agencies existed in the Dominion by 1903. Of these one-hundred agencies, twenty-eight belonged to provincial or municipal governments operating free of charge, five were run free of charge either through municipal funds, charitable funds or labour organizations and the rest were private employment agencies (Labour Gazette, September 1904: 262-264).<sup>17</sup>

Since many private employment agencies had their roots in the period before the formation of the Dominion, municipal by-laws predated provincial legislation. For example, in the case of the Municipality of Toronto, the local government first required private employment agencies to be licensed in 1897 and then, through the Consolidated Municipal Act (1903), established the principle of fee-fixing in 1903.<sup>18</sup> It was not until 1914 that the government of Ontario took on the role of regulating employment agencies. Similarly, municipal legislation pre-dated provincial legislation in Quebec, where so-called "intelligence offices", a general term which included public, private and voluntary employment agencies, were first regulated in 1903 under An Act Respecting Cities and Towns (R.S.C., 1903, C. 38, S. 424 (8): 3004). This Act gave municipal councils the power, "to license and regulate keepers of intelligence offices, and all persons doing the business of seeking employment for or furnishing employees to others and to require such

persons to keep registers of their transactions, to make reports thereof" (R.S.C., 1903: 3004).

From 1897 forward, the priority issues of regulation were similar in most provinces that had legislation pertaining to private employment agencies. Consequently, while noting key differences between the relevant provinces, it is sufficient to specify the evolution of regulations in the province of Ontario since this province has the longest history of coordinated measures in Canada and since the regulatory trajectory in Ontario is quite typical of other provinces.

Aimed at regulating the conduct of private employment agencies, the first official version of the Ontario Employment Agencies Act (1914) defined employment agencies as businesses devoted to "procuring for a fee or reward workmen, artificers, labourers, domestic servants and other persons for the performance of skilled or unskilled labour" and to "procuring for a fee or reward employment for any class of workmen, artificers, labourers, domestic servants and other persons" (R.S.O. 1914, Ch. 38 (2): 231). Thus, the Act was designed to regulate two types of private placement services, one geared to placing the worker for a fee and the other aimed at satisfying the demands of employers for a fee.<sup>19</sup> With respect to the pre-history of the THI, this Act was precedent-setting on several grounds. It identified those businesses whose activities focused exclusively on securing workers on the basis of employer demand as employment agencies. In addition, it defined "fees" very broadly to extend beyond monetary forms of remuneration.<sup>20</sup> It also made a crucial distinction between direct and indirect fees, which eventually became the

most central distinguishing feature between temporary and permanent placement and, subsequently, the private employment agency business and the THI. In 1917, when the provincial government first revised the Employment Agencies Act, both these precedents remained. The only substantive change was that the Act now governed the activities of public and voluntary employment services as well as private employment agencies (R.S.O. 1917, Ch. 37 (2): 219). This amendment, which seemed rather benign at the time, set the stage for important changes that were introduced with the next set of revisions.

In 1927, the province introduced legislation that enabled the Lieutenant Governor in Council both to prohibit "the granting of licenses to any class of employment agency" and to "limit the class of business which may be carried out by any employment agency" (R.S.O. 1927, Ch. 56 (2): 431). Signaling serious concerns on the part of the province about the underhanded practices of labour market intermediaries, these measures had a disciplining effect even though the Lieutenant Governor in Council never invoked his power to ban employment agencies.<sup>21</sup>

In this period, most provinces considered the regulation of direct and indirect fees to workers, as well as licensing and detailed recording-keeping to be the most central areas of concern. Modeled on the approach of Ontario, many also addressed the role of both the employment agent/agency and the customer in the transaction, placing checks on fee-splitting between the agent and the customer and attempting to enforce the employment-related responsibilities of the customer. As well, by classifying business relationships whereby employment agents provided their own labourers for a fee (i.e.,

labour contracting) as a part of the private employment agency business, provincial employment agency acts also slowly began to recognize and place checks on employment relationships where responsibility did not rest with a single entity. Thus, the provincial legislators involved in crafting these regulations had a comprehensive understanding of the expanding scope of the private employment agency industry.

There is considerable evidence that provincial legislation not only contributed to framing the federal government's rather brief foray into regulating private employment agents acting abroad but also affected international debates and developments as well. Indeed, at the provincial level, this period culminated with a strong push for prohibition prompted by the widespread documentation of abuses, rising unemployment rates and organized labour's call for a national Public Employment Service. However, there is little evidence to suggest that the Employment Agency Act (1927) of Ontario, or even similar legislation in Quebec, which clearly supported prohibition for a lengthy period, eliminated abuses on a substantial scale. There has always been a high demand for day labourers and other types of temporary workers in Canada and other advanced capitalist welfare states, one which is often met by intermediaries operating at the fringes of the labour market. To some extent, federal legislation devised in early twentieth century Canada curbed abuses common among employment agents acting abroad and/or those targeting recent immigrants to Canada but many disreputable labour market actors survived this era. Provincial legislation nevertheless contributed to limiting the exploitative activities of the many more reputable private employment agencies by undermining their ability to charge

exorbitant fees to workers and by forcing them to adapt to a changed regulatory environment.

By the mid-1920s, the regulation of private employment agencies fell almost entirely out of the federal domain, with the provinces taking up virtually all the responsibility for regulation. Still, the federal government took an active role in creating a Public Employment Service in Canada, partly in response to problems generated by the private employment agency industry; indeed, its attempt to create a national Public Employment Service administered at the provincial level reflected growing international efforts to curb high levels of unemployment but it also reflected the government's desire to minimize the role of private employment agencies in the labour market.<sup>22</sup> Simultaneously, provincial measures aimed at regulating private employment agencies reflected the direction of international regulation (ILO, 1932).

### **III. Early Regulatory Interventions at the International Level**

#### ***'Labour is not a Commodity'***

Approximately a decade after Canada gradually began to devise national measures to protect immigrants engaged by private employment agents and nearly three decades after the Municipality of Toronto enacted regulations covering private employment agencies, the issue of curbing abuses amongst private employment agencies became a central focus of international discussion (ILO, 1933a; ILO, 1933b, ILO, 1932). To recall our discussion in Chapter One, the history of international debates over the role and

function of private employment agencies dates to the Treaty of Versailles and the subsequent formation of the ILO in 1919 (ILO, 1923: 409-411; ILO, 1997a: 6).

Part XVIII of the Treaty of Versailles is a suitable starting point in delineating the evolution of international measures since the Treaty entrenched the Workers' Clauses. The clauses included freedom of association, the eight-hour work day, weekly rest, the abolition of child labour, equal remuneration for work of equal value, and the maxim that "labour is not a commodity" and the ILO was named guardian of these principles upon its inception (ILO, 1994a: 4-5). Hence, the maxim "labour is not a commodity" became an important theme internationally after various States, including Canada, began to address problems related to the conduct of private employment agencies. Devised during a period of tremendous economic and social turmoil, this maxim led the ILO to initiate a policy at its first conference that States should, "establish a system of free public employment agencies under the control of a central authority" (ILO, 1923: 471). As indicated in Chapter One, ILO officials interpreted the maxim that "labour is not a commodity" quite literally to mean that placing workers should not be a commercial activity, even though the general sentiment behind this maxim is that the price of labour power should not be determined solely by market forces. Therefore, the organization promoted the establishment of free public employment services administered and controlled by Member States under the Unemployment Convention (No. 2) and Unemployment Recommendation (No. 1).

Both Convention No. 2 and Recommendation No. 1, which the Canadian government supported, were adopted alongside conventions on the eight-hour work day, the institution of unemployment insurance schemes and protective legislation for women and children in October 1919 in Washington (ILO, 1992a: 358-359). The attempt to eliminate abuses perpetrated by fee-charging employment agencies through the introduction of public employment services was key to these measures. Both conventions not only made a clear link between the activities of private employment agents and immigration, they also urged Member States to take measures towards achieving the prohibition of employment agencies which charge fees or which carry out their business for profit (ILO, 1923: 419-20; ILO, 1992a: 358, 420).

Despite early efforts aimed at coordinating regulation internationally, the ILO did not take direct action on the issue of private employment agencies until October 1930, when its Governing Body successfully proposed to place the question of the abolition of fee-charging employment agencies on the agenda of the Sixteenth International Labour Conference, 1932. At this 1932 conference, the ILO President Elect, the Hon. Senator G. D. Robertson, former Minister of Labour of Canada, reflected as follows on the unemployment crisis in his opening address:

The International Labour Conference is meeting this year in a period of profound economic and fiscal depression, at a time when the attention of the world is largely directed to a solution of financial and economic problems, and to the resulting problem of unemployment. Some of the questions with which we have to deal at this Conference, in the light of the world situation, may seem of less moment, but when we remember the important part which just and humane conditions of labour play in international trade and commerce, and realize that peace can be established only if it is based on social justice, it seems imperative that the International

Labour Organization should continue to make its contribution to solving of our present grave difficulties (ILO, 1932).

After making these remarks, he also called for general discussion on the role and function of the private employment agencies in the labour market. Other delegates at the conference also made a connection between private employment agents and the international economic crisis. When the issue of private employment agencies was discussed, various spokespeople noted that, although private employment agents were not the cause of the crisis, high rates of unemployment were contributing to conditions where abuse thrived amongst labour market intermediaries of various sorts (Labour Gazette, May, 1932: 562). Therefore, measures designed to encourage the establishment of public employment services had the potential to contribute to alleviating the economic crisis. These delegates' remarks echoed a report by the International Labour Office (1933b) which argued that public placement should be viewed both as a measure against unemployment and a move to organize the labour market to avoid economic crises in the future.<sup>23</sup>

In the context of these discussions and what the ILO called "the march of the depression," the Conference engaged in a debate centering on how to regulate fee-charging private employment agencies. An important area of concern was whether the definition of fee-charging employment agencies should exclude commercial employment agencies charging fees to employers. The eventual conclusion supporting their inclusion was a crucial one. They also agreed on the need to regulate private agencies carrying on recruitment and placement activities between nations (Labour Gazette, May 1932: 572).

Indeed, even with the deepening economic crisis and limited financial resources of emerging welfare states, an overwhelming number of Member States favoured the creation of a general framework aiming at prohibition with a view to creating free public employment services. Notable exceptions were Britain, Canada and the United States, who opposed the adoption of a framework aimed at complete prohibition because it contravened existing national legislation; in the case of Canada, some provincial legislation offered prohibition as one among several regulatory options but the federal government was unwilling to support the creation of an international labour convention aiming at full-scale prohibition (Labour Gazette, June 1935). Still, despite the objections of countries like Canada, a report issued by the ILO in preparation for the Seventeenth Session of the International Labour Conference, 1933 indicated:

While a few governments are opposed to or dubious about the abolition of commercial fee-charging employment agencies, the great majority of governments are in favour of the adoption of a Convention for the abolition of such agencies. The Office has accordingly drafted a Convention providing for the abolition, after a transitional period of three years, of employment agencies which charge fees and are carried on with a view to profit (ILO, 1933a: 12).

In the end, therefore, the Seventeenth International Labour Conference (1933a) adopted a Draft Convention providing for the abolition of fee-charging employment agencies conducted with a view to profit by a vote of ninety-one to twenty. It also passed a Draft Recommendation, by a vote of ninety-two to seven, concerning various matters subsidiary to the convention, including "the adaptation of free public employment agencies to suit the needs of occupations relying on fee-charging agencies" (Labour Gazette, August, 1933: 787; ILO, 1992a: Article 1.2)

Nine years after the province of Ontario granted the Lieutenant Governor in Council the discretionary power to prohibit private employment agencies, the ILO "Convention Concerning Fee-Charging Employment Agencies" (No. 34) was born, becoming the first international labour Convention to deal exclusively with the role and function of private employment agencies in the labour market. In the end, only eleven nations ratified Convention No. 34, due to its unequivocal call for prohibition. Still, this instrument created a framework for categorizing, monitoring and regulating the activities of private employment agencies that influenced many countries as well as various provincial and territorial jurisdictions within Canada in developing further regulations. The Convention also set the course for future initiatives at an international level by establishing a formal definition of so-called "fee-charging employment agencies", identifying criteria for exemptions, setting regulations for all employment agencies not conducted with a view to profit and, most notably, contributing to creating an international regulatory environment where prohibition was viewed as the primary long-term objective (ILO, 1992a, Articles 2 and 3: 145-146).

Convention No. 34 dictated that fee-charging employment agencies covered a wide-range of labour market actors including:

...any person, company, institution, agency or any other organization which acts as an intermediary for the purposes of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage from either the employer or the worker (ILO, 1992a, Article 1: 145).

It thus covered all profit-driven labour market intermediaries involved at every stage of the recruitment and placement process and, as future debates would demonstrate, it also covered profit-driven intermediaries involved in the employment relationship itself.<sup>24</sup> Many of the exemptions deemed acceptable under the Convention consisted of private employment agents representing artists, musicians and other professionals requiring representation by private agents. Undeniably, however, the most important feature of Convention No. 34 was its goal of gradually achieving prohibition. While it offered Member States various options for exemption, the overriding goal of Convention No. 34 was to prevent ratifying States from permitting the establishment of new private employment agencies operating for-profit and to encourage them to replace private employment agencies with public employment services (ILO, 1992a, Article 2: 145).

In this way, efforts to curb abuses by private employment agencies accelerated rapidly at an international level in the 1930s, ushering in a period when the ILO supported prohibition and/or strict regulation, a period that first reflected developments in Canada but subsequently went beyond measures adopted at the federal, provincial and municipal levels (Chapters Three, Four and Six). Few cases of abuse were documented in either the national or international press by the mid-1930s. Moreover, while charges of misrepresentation against private employment agencies had plagued the period between 1910-1930, it was only in 1933, with the adoption of Convention No. 34, that the private employment agency industry began to be adversely affected internationally. As a result, during this period, the industry began to rebuild its image based, among other models, on

the successes of a small group of private employment agencies catering to the office sector, which managed to escape regulation at the national level.

#### **IV. Industry Response: Efforts to Escape Regulation in Canada**

By the 1910s, both federal and provincial legislators in Canada, as well as the popular media, had identified several common criteria for the regulation of private employment agencies, criteria similar to those that the international community eventually embraced. There was a general consensus that fees to workers should either be prohibited or strictly regulated, private employment agents should be required to keep extensive records and that exemptions should only be possible in sectors such as the arts. Simultaneously, the government identified public employment services as the most suitable alternative to the private employment agency industry, a development that was central to the rise of the SER. In this context, the private employment agency industry faced a formidable set of challenges to its legitimacy such that it was forced to rethink what type of customers to target and which groups of workers to recruit and place in employment.

##### ***Typewriter Firms in Ontario: Immediate Forerunners to the THI?***<sup>25</sup>

While there is little evidence of a coordinated industry-wide strategy, a small but cohesive group of private employment agencies run by typewriter companies began to target customers in the burgeoning clerical sector in Ontario as early as the mid-1910s and thrived for decades thereafter. Private employment agencies operated by typewriter companies evolved in a period when clerical work vied with domestic service as the leading occupation for women and these agencies capitalized on such employment trends

(Table 7). Thus, in spite of their limited numbers, these agencies were central precursors to the THI because of their focus on the office sector and the group of workers that they engaged. On the demand side, the success of employment agencies run by typewriter firms related to employers' desperate need for workers who could operate new machinery properly. On the supply side, these agencies had access to a large pool of young women, who were largely Canadian-born<sup>26</sup> and generally well-educated, to draw on.

**Table 7**  
**Leading Occupations for Women, 1921**

| <b>Occupation</b>          | <b>Numbers</b> |
|----------------------------|----------------|
| Clerical                   | 78,342         |
| Servant                    | 78,118         |
| Teacher                    | 49,795         |
| Saleswoman                 | 35,474         |
| Housekeeper                | 23,167         |
| Nurse                      | 21,162         |
| Dressmaker/Seamstress      | 16,612         |
| Farmer                     | 16,315         |
| Textile Factory Operative  | 15,193         |
| Clothing Factory Operative | 14,470         |

Source: Women at Work, 1850-1930, Women's Educational Press: 267.

The ideology of the domesticity and growing restrictions on women's employment in both the public and private sector, evidenced by the movement towards categorizing all married women in the Federal Public Service as “temporary” in the late 1910s (regardless of the length of their job tenure), contributed to this surplus (Hodgetts, et al, 1972; Morgan, 1988). Indeed, dominant ideologies of the day made targeting this group of workers acceptable because they were perceived to have a weak attachment to the labour market.

In the provincial context, employment agencies operated by typewriter companies were most successful in urban centres such as Toronto.

In the 1910s, Canadian women experienced high rates of unemployment, particularly in nursing but also in clerical work; domestic work was the only category of female employment that went virtually unaffected during this difficult economic period. As a consequence of these employment trends, a group of private employment agencies run by typewriter companies intervened to take advantage of the imbalance between supply and demand, with the object of training women typists and stenographers and placing them in employment. As Graham Lowe (1987: 78) remarks: “the oversupply of certain kinds of typists and stenographers, at various times during the 1910s and 1920s, prompted employment agencies to inject some order into the market. The typewriter firms not only had a vested interest in marketing machines, *but also the women who could effectively operate them*” (my emphasis). As a result, these firms contributed to creating and standardizing a large female secondary labour force in clerical work (Lowe, 1980, 1987) but, what is less known, they also crafted an employment relationship that served as a template for the THI. Although these firms operated for profit, the provincial government credited them with limiting unemployment among stenographers and typists as well as women in general.

At the outset of this period, voluntary employment agencies run by philanthropic women's organizations such as the Toronto Women's Patriotic League Employment Bureau determined that clerical occupations were over-crowded and called on

unemployed women to engage in paid domestic work. However, as is evidenced by the Report of the Ontario Commission on Unemployment, private employment agencies run by typewriting companies offer a more nuanced explanation of the employment situation in the clerical sector. In their view, the occupation was particularly over-crowded with “young, inefficient, poorly trained workers” and, thus, the logical solution was simply to provide training” (Wilgress, 1916: 181). With this rationale, typewriter companies backed by business schools entered into the private employment agency industry in significant numbers arguing that, “three years at a Secondary School is too short a time to fit a girl to become an efficient stenographer...The standard spoken of as desirable in order to secure the best advantages for the occupation is university matriculation, or three years in a high school, and nine month's or a year's training in a business college” (Wilgress, 1916: 182). Linked to local business women's clubs, typewriter companies targeted young, relatively well-educated women seeking opportunities for study, “outings”, “social enjoyment” and “social improvement”. Thus, the Ontario Commission on Unemployment claimed that employment agencies run by typewriter companies standardized clerical employment as no other women's employment had been standardized, with the exception of nursing.

Catering largely to clients in Toronto, two private employment agencies run by typewriting companies dominated this segment of the labour market in Ontario by 1914. One of these agencies filled approximately 6,000 positions per year, 40 percent permanent and 60 percent temporary, and the other filled 1,200 to 1,500 positions per year, 25 percent permanent and 75 percent temporary. However, the Report of the Ontario

Commission on Unemployment noted: "[t]he work of these agencies is so thorough that a stenographer, if she prefers, can keep employed constantly in temporary work" (Wilgress, 1916: 182). Hence, as early as 1916, temporary help work through private employment agencies was defined less by duration and more by shifting sites of employment and employer demands. However, the type of employment relationships that the stenographers of this period engaged in contrasts with the contemporary TER in several respects. While this segment of the private employment agency industry was client-driven, employment agencies run by typewriter companies ostensibly employed stenographers and typists to sell their equipment. They did not extract a direct fee from customers for the services of their workers. Nor did stenographers or typists normally pay fees to register with employment agencies run by typewriter companies. Rather, women stenographers attempted to sell typewriters and/or equipment on behalf of the companies that secured their employment (Wilgress, 1916: 182). Reporting on the creative marketing and employment tactics of these companies, the Ontario Commission on Unemployment noted that in one employment agency office, a large sign read "Whose bread I eat, His song I sing," indicating that stenographers were expected to contribute to the success of the company by promoting their products (Wilgress, 1916: 183).

The employment agencies run by typewriter companies took on the role of placing stenographers and "office girls" in "well-thought of" employment and, consequently, the companies had significant control over what type of workers filled the clerical labour market and sold their products (Wilgress, 1916: 182). The primary means through which

these agencies attained control over the labour supply was by requiring business school training and testing and providing these workers with the opportunity to practice and improve their clerical skills "free of charge" on their machines. As well, these agencies exercised significant indirect control over the behaviour of stenographers by constructing a particular image of the successful stenographer such that the Ontario Commission on Unemployment reported: "[t]he appearance of the stenographer is in her favour; she has to dress well, in good taste and neatly if not smartly, and this is not without a good effect on her character and work" (Wilgress, 1916: 183). They also tended to engage women fresh out of high school, when their skills and physical appearance were at their peak. However, these firms did make some exceptions. For example, "if a woman retain[ed] elasticity" she would not lose her work in this occupation on account of her age or marital status (Wilgress, 1916: 184).

Reflecting the ideology of domesticity, the Report of the Ontario Commission on Unemployment listed high standards of health and the ability of the stenographer to remain at home with her family prior to marriage as the chief benefits of working through employment agencies run by typewriter companies. As well, this form of employment was said to encourage good housekeeping skills and teach women the value of money: "Like all other girls, it is said of the office girl that she lacks knowledge of what to eat, what to wear and of how to keep herself in health; also that more knowledge of the value of money, how to spend, and how to save would be an advantage to her" (Wilgress, 1916: 183). In contrast, the only noted disadvantages of this kind of work were that offices

could be poorly lit or the machines could be run down. The type of worker perceived to encounter the most difficulty was the untrained stenographer. For this reason, by the late 1910s, employment agencies operated by typewriter companies began to train and place "girls who have taken typing but are misfit stenographers" in forms of clerical work perceived to require fewer skills for lower wages. This move corresponded to growing stratification within the clerical labour market (Wilgress: 184). But, it also signaled the potential for extending the type of employment relationships common to women stenographers and typists to other sectors and occupations, especially given the unprecedented degree of legitimacy attained by private employment agencies run by typewriter companies in this period.

Indeed, as illustrated by the remarks of the Ontario Commission on Unemployment, government officials and social reformers did not view employment agencies operated by typewriter companies as either a threat to Canada's nation-building aims or its desire to encourage modern labour market practices. Nor were these firms seen as the tarnished labour market intermediaries since they did not charge visible fees and since the stenographers and typists were not only female, but young, well-educated and largely Canadian-born. Their ties with business colleges and philanthropic women's organizations also enhanced the reputation of this segment of the private employment agency industry. As a result these agencies escaped regulation under the Employment Agency Act of Ontario (1914) for the bulk of this period.<sup>27</sup> The only recommendations for improvement offered by the Ontario Commission on Unemployment were mandatory

licensing for business colleges and uniform-testing among employment agencies run by typewriter companies, neither of which were ever implemented by provincial legislators. Thus, these agencies thrived in Ontario at a time when many private employment agencies faced strict regulation, and thereby offered a model upon which the private employment agency industry could construct the TER and later cement the THI.

### **Conclusion**

By tracing the roots of the contemporary Canadian THI to private employment agents operating in the labour market in the late nineteenth and early twentieth centuries, the foregoing discussion offers several insights into the shape of the early precursors and the immediate forerunners to the contemporary TER. Most centrally, it illustrates that many workers, particularly immigrant and migrant workers, engaged by private employment agents at the turn-of-the-century, resembled unfree wage labourers since they were unable to circulate freely in the labour market and, therefore, lacked the same kind of civil, legal and political rights of Canadian-born workers. As well, it makes a conceptual link between early private employment agents, such as padrones and general labour agents and more reputable employment agencies run by typewriter companies. This link indicates that the latter negotiated a "new" image for the private employment agency industry beginning around 1910 and, in so doing, offered a template for the creation of the THI as well as for the highly feminized employment relationship upon which it was based.

Reminiscent of what Miles (1987) and Satzewich (1991) label "contract migrant workers," many workers engaged by private employment agents in the late nineteenth

century came to Canada under false pretenses to perform work that was undesirable to the permanent settler population. Many of these immigrant and migrant workers were unable to circulate freely within the labour market, if only for a finite period, upon their arrival in Canada. For these workers, including the many male agricultural and industrial workers arriving in Canada in the late 1910s but also a considerable group of immigrant women domestic workers, the inability to move about freely in the labour market often came as a result of contracts signed outside of Canada and debts to steamship and/or railway companies incurred from assisted passage and cash advances. If the workers refused to perform the tasks prescribed by private employment agents, they could be subject to State-sanctioned deportation carried out by the very railway and steamship agents that had transported them to Canada (Roberts, 1988).<sup>28</sup>

In response to harsh criticisms from labour leaders, social reformers and immigrant workers, as well as to scathing government reports, federal and provincial governments began to acknowledge the host of abuses committed by private employment agents and to regulate their activities around the turn-of-the-century. Even though their explicit demands amounted to calls for the regulation of private employment agencies and the establishment of free public employment services, the implicit goal behind the lobbying efforts of organized labour, immigrant communities and social reformers was intricately tied to bringing the SER into being. Subsequently, drawing insights from various regulatory models operating at the national level, including those existing in Canada, the

ILO crafted a framework aimed at the gradual prohibition of private employment agencies internationally, one that built on the maxim "labour is not a commodity".

In spite of the new national regulatory regime, a number of employment agencies managed to evade regulation. These agencies, such as those operated by typewriter companies, distanced themselves from the most disreputable segments of the private employment agency industry by adopting a strategy that made them exempt from provincial legislation designed to regulate the activities of private employment agencies. Even though, as Lowe (1987: 78) aptly observes, "typewriter firms not only had a vested interest in marketing machines, *but also the women who could effectively operate them*" (my emphasis), these agencies escaped formal regulation and the threat of prohibition at the provincial level in Ontario by not charging direct fees and by acting as employers. Still, they were particularly successful due to the well-defined group of women workers that they recruited. While the federal government enacted legislation to protect immigrants engaged by private employment agents as early as 1897 in the Alien Labour Act, young, well-educated, middle-class Canadian born women working for employment agencies owned by typewriting companies were largely exempt from protection due to the dominant ideologies of the day.<sup>29</sup> Moreover, they did not come under attack from organized labour, social reformers or immigrant communities for a similar set of reasons. The incremental rise of the SER, sustained in part by the gradual emergence of a free public employment service that had no stake in return customers, also worked in the favour of typewriter firms since employers still demanded a secondary labour force and

since the State failed to regulate this category of private employment agencies.

Consequently, at a conceptual level, by the end of this period, employment agencies run by typewriter companies in Ontario *exchanged* immigrant workers, whose cost of social reproduction was largely borne by the sending country, for Canadian born women, whose unpaid work contributed to producing and maintaining the population but whose own social reproduction presumably relied upon a male wage.

The use of unfree immigrant workers by the private employment agents at the turn-of-the-century and the use of stenographers and typists by private employment agencies run by typewriter firms a decade or so later reflect the two distinct means by which the private employment agency industry negotiated two very different regulatory environments. These contrasting pictures are also the product of the nature of the contracts between immigrant workers and early private employment agents, which tended to involve more rigid terms and conditions limiting their mobility on the labour market, versus the nature of the employment relationship between stenographers and typists and employment agencies run by typewriter firms, which did not need to set out to confine workers in a similar manner. Still, there is an important connection between the immigrant and migrant workers recruited and placed by private employment agents at the turn-of-the-century and the women workers engaged by employment agencies run by typewriting firms: both sets of workers engaged in employment relationships where intermediaries played central and often ongoing roles.

At the outset of the period between 1897-1933, the transition to a modern labour market was just beginning in Canada; coercive activities were more the norm than the exception, allowing private employment agents to deploy highly racialized and gender-specific nation-building discourses in drawing on quasi-servile migrant and immigrant labourers. By the end of the period, due to the successful struggles of labour leaders, immigrant workers and some actors within the State itself, government officials and international actors came to espouse modern labour market practices built upon the fragile notion of consent. In many instances, particularly for widows and single women, the new emphasis on consent contributed to improved working conditions for women as well as men. But, instead of extending a range of employment-related benefits associated with the emerging SER to stenographers and typists, the State, unchallenged by organized labour and other social actors, allowed certain branches of the private employment agency industry to thrive in Canada presumably, in a large part, because the workers that they engaged were women. It also simultaneously began to institute a range of exclusionary policies confining women workers to specific segments of the economy and a narrow set of employment relationships, policies that strengthened and legitimated the role of private agencies catering to the clerical sector (Chapter Three). In Ontario, employment agencies run by typewriter firms took advantage of the space created by the absence of provincial regulation and responded by embracing an early precursor of the TER in this era.

As Chapter Three demonstrates, the legitimacy first attained by employment agencies run by typewriter companies in the late 1910s enabled the THI to construct the

TER as a highly feminized employment relationship in the 1940s. Although the war-time period was a quiet one for the private employment agency industry, temporary help agencies played a pivotal mediating role in the post-World War II labour market. They upheld the SER but still contributed to preserving dualism in the labour market by constructing the TER as a necessary supplement to this normative model of employment.

### Notes

<sup>1</sup>The word “padrone” literally means contract labour boss and it is normally used to refer to labour market intermediaries or agents that exploit ethnic ties to promote the commerce of migration. In the context of this study, I follow the work of Robert F. Harney (1979) who uses the term as “a convenient word for the chief intermediaries” involved in recruiting, transporting and organizing a pool of immigrant and migrant labourers, not seen fit to be permanent agricultural settlers, to fill jobs at the bottom of the labour market.

<sup>2</sup>These practices ranged from crafting contracts with highly exploitative terms and conditions to forcibly transporting immigrant and migrant workers to distant work sites. Avery (1995: 32) recounts the following example, where two railway companies imported male workers from Russia under temporary contract:

...[I]n the spring of 1913 arrangements were made to bring immigrant workers from eastern Russia on short-term contracts that gave them a *semi-indentured* status. In fact, to prevent desertions both the Canadian Pacific Railway and the Grand Truck Pacific transported these workers from Vancouver to the Prairies in closed box cars with armed escorts (my emphasis).

Correspondingly, Bradwin (1972: 60) describes the abusive practices of employment agents transporting immigrant workers to work on the railway:

To protect themselves, the employment agents would sometimes dispatch the men that signed up with them for railway work in car lots, with two guards in charge. Separate coaches filled with navvies were sometimes attached to the regular trains on the Temiskaming Railway. The doors of the coaches bearing the labourers were locked for some hours while passing through the towns of the mining district... During those particular years cases were not frequent of men being handcuffed and thus manacled conveyed under guard to a camp, there to fill the terms of agreement for work for which they had engaged at an employment office.

These types of accounts underscore the unfree status of the many male workers (immigrant and migrants) hailing from Southern and Eastern Europe in this period.

<sup>3</sup>While the composition of the female domestic work force has changed markedly over the last century, domestic workers continue to be devoid of many occupational protections to date. There is a rich body of literature addressing the intricacies of their marginal status in the labour market (see for example: Arat-Koc, 1990; Bakan and Stasiulis, 1997; Fudge, 1997, 1998; Silvera, 1983).

<sup>4</sup>In referring to the ideology of domesticity, I follow feminist scholars such as Michelle Barret (1988) and Lenore Davidoff and Catherine Hall (1987) who use the term to describe and group ideologies that encourage women to occupy a specific location in the

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social division of labour, performing tasks associated with the domestic sphere. In the Canadian context, many women social reformers employed these ideologies to secure women's participation in paid and unpaid domestic work and, more broadly, to cement women's status as secondary breadwinners in the late nineteenth and early twentieth centuries. Chapter Three deals with this notion in greater depth.

<sup>5</sup>By 1904, there were about one hundred private employment agencies operating in Canada and their numbers had grown to over 300 by 1913. Of these 300 agencies, Ontario had the largest number (97), followed by British Columbia (45), Manitoba (36), Alberta (32) and Quebec (26). These agencies recruited workers in Europe and the United States, where they collaborated with similar labour market entities (Labour Gazette, September, 1904: 262; Report of the Ontario Commission on Unemployment, 1916: 21).

<sup>6</sup>A greater mass of historical documentation exists on the situation of male immigrant workers engaged by private employment agents than their female counterparts since men's paid work rarely relegated them to the private sphere. However, recent Canadian studies documenting the means through which immigrant women domestic workers came to Canada and found employment suggest that the practices of social reformers acting in the labour market were surprisingly similar to those of the private employment agents engaging male workers at the turn-of-the-century (Arat-Koc, 1997; Bakan and Stasiulus, 1995, 1997). This type of historical research fills several gaps in Canadian history where women are concerned; it reveals the significance of the interplay of gender relations in this period, demonstrating specifically that early precursors to both the modern labour market intermediary (i.e., the temporary help agency) and the contemporary TER existed in female- as well as male-dominated occupations and sectors. Still, the ensuing discussion focuses on abuses committed by private employment agents largely engaging male immigrant agricultural and industrial workers due to the wealth of documentation available.

<sup>7</sup>The distinction between the general labour agency and the padrone is somewhat arbitrary since, in many instances, both types of private employment agents/agencies furnished so-called gangs of workmen and individuals. As well, although general labour agencies normally operated domestically and padrones worked both domestically and abroad usually within one ethnic enclave, it is not inconceivable that general labour agencies would have had ties to similar types of agencies (or even operate branches) abroad. Nor is it inconceivable that some general labour agencies would have dealt with workers of a specific class, race and/or ethnic background. What is most crucial to stress is that the padrones came under significant attack, in both Canada and abroad, since they were reputed to *recruit* and *place* "foreigners".

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<sup>8</sup>While there is considerable documentation of abuses committed by padrones and other private employment agents focusing on transatlantic recruitment and placement and/or engaging immigrants, evidence of ill-treatment by general labour agencies operating domestically and engaging Canadian born workers is more sparse. Between 1900-1930, various issues of the Labour Gazette report on the outcome of court cases (instigated either by workers themselves or government representatives on behalf of workers issuing complaints) where general labour agents were found in breach of municipal or provincial employment agency acts, the Immigration Act (1910) and/or Privy Council Order 1028 arising out of this Act. The majority of charges relate to false promises of employment and exorbitant fee-charging and the majority of complainants were male immigrant workers; although women workers were covered by the Immigration Act (1910) and/or Privy Council Orders 1028 and 1064 as well as most provincial and municipal legislation governing employment agencies (save Quebec where agencies recruiting and placing women only were exempt from legislation pertaining to private employment agencies), their experiences of abuse failed to generate significant attention in the media (for some examples of the types of abuses committed by general labour agents, see: Labour Gazette, November, 1907; 212, December, 1907: 696, February 1908: 1024). However, there is little evidence to suggest that general labour agencies were ever prosecuted, let alone convicted, under the Alien Labour Act (1897).

<sup>9</sup>From this point onwards, I shall refer to the Royal Commission appointed to inquire into the Immigration of Italian Labourers to Montreal and the alleged Fraudulent Practices of Employment Agencies (1905) as the Royal Commission appointed to inquire into the Immigration of Italian Labourers to Montreal (1905).

<sup>10</sup>Cordasco began to operate in the Canadian labour market around 1900. In many respects, he represents the prototypical padrone in the Canadian context in this period since he had strong ties with the railway and steamship companies that provided labourers to employers in seasonal industries in Canada's North and sectors where permanent settlers did not want to work (for detailed reports on his activities and a biography of his life, see: Harney, 1979).

<sup>11</sup>At an international level, common abuses among employment agents included demanding unreasonable amounts of money in advance, taking a percentage of the wages of job-seekers, sending workers to non-existent jobs, sending workers at their own expense to non-existent jobs in another country and colluding with employers to enslave workers (ILO, 1994 a: 4; ILO, 1933a: 1-2; Gonos, 1994; Parker, 1994). In the North American context, principle forms of abuse also included, deliberate encouragement of labour turnover and refusal to return fees when no work or unsatisfactory work was found.

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<sup>12</sup>There are striking similarities between the tone of this advertisement and those common in the contemporary THI (see: Chapter Four).

<sup>13</sup>Even at this point, fees took the form of both direct fees to workers for placement in employment and a commission that the customer paid to the private employment agent for the provision of workers, prefiguring the temporary help formula adopted by the THI.

<sup>14</sup>The final report of the Royal Commission to Inquire into the Immigration of Labourers to Montreal (1905) forced the Laurier government to alter its stance on private employment agencies acting abroad and engaging immigrants in a way that satisfied Italian Immigrants and the Trades and Labour Congress only to a limited extent (Labour Gazette, October, 1904: 353-365). They forced revision to the Alien Labour Act (1897), making it illegal to import immigrants under promise or offer of employment. However, these clauses only applied to the United States. Thus, steamship and railway companies, as well as other industrial capitalists, were quite successful in their efforts to prevent the introduction of stronger legislation.

Notably, to the dismay of the Trade and Labour Congress, the Senate further eroded the Bill designed to implement these after its initial passage through parliament, where penalties applied not only to those who induced immigration by misrepresenting conditions in Canada, but also to anyone who tried to discourage immigration to Canada (Avery, 1995: 254; Labour Gazette, October 1904: 365; Senate Debates, 1904: 1223-30 as cited by Avery, 1995: 253-4).

<sup>15</sup>At this point, two federal Acts already expressly prohibited any persons, company or partnership from prepaying the transportation of any "alien" or "foreigner" under contract to Canada and provided harsh penalties for employment agents found guilty of making false representations to workers. However, the MPs claimed that this legislation was quite ineffective and ill-enforced (for example, see: Canada. (1897). "An Act to restrict the importation and employment of Aliens." Statutes of Canada. 60-61 Victoria, Chapter 11: 73-75; Canada. (1905). "An Act respecting false representations to induce or deter immigration." Statutes of Canada. 4-5 Edward VII, Chapter 16: 129).

<sup>16</sup>Still others, while they did not object in principles to the use of replacement workers, rejected many of the practices of private employment agents operating abroad. In 1906, Mr. Hance Logan, an MP from Cumberland, noted:

I do not contest the right of any one, when there is any labour trouble, to get men to take the positions of the strikers; but on the other hand I do not believe that any one has the right to go on the other side of the line or to the old country and publish misleading advertisements and by false representations induce men [sic] to sell out everything and come out to this country in the belief that they would receive \$18 a week (Canada, May 1906: 2962).

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<sup>17</sup> The first free municipal labour bureau opened in Montreal in 1896, in the beginning of the period when the padrone system was reaching its height.

<sup>18</sup>The Municipal Act (1897) granted regulatory powers to councils of counties, townships, villages and cities where there were fewer than 100,000 inhabitants and to commissions of police in cities with more than 100,000 inhabitants and it made it mandatory for employment offices to keep a license. The Act also gave municipal authorities the power to set regulations regarding record keeping, licensing fees (no more than \$10/per annum) and fees to employers and workers. In 1903, the identical regulations were re-enacted in the Consolidated Municipal Act (1903) (R.S.O., 1903, Ch. 19, S. 583: 391).

<sup>19</sup>No other provincial employment agency act addressed the two distinct types of placement until well on in the century. For example, Manitoba only acknowledge this in An Act respecting Employment Services in 1950.

<sup>20</sup>In the same year, following federal efforts to curb abuses by employment agents acting abroad, Quebec also amended the Act respecting Employment Bureaus (1914). In this Act, an amendment was made to Section 2520f to strengthen the licensing requirements such that a private bureau must go through both the Ministry of Public Works and Labour and the chief factory inspector. It indicated that, "the Minister, on favourable reports from the inspector, who has visited the premises, to open such bureau, may grant a non-transferable permit to the person mentioned therein, to open or control an employment bureau, such permit to be granted for one year or fraction of the year only, and to expire on the first day of May following its issue" (Labour Gazette, June, 1914:1421). As well, the fee paid by the workers was not to exceed \$3.00. Unlike its counterpart in Ontario, the Act also set differential yearly licensing fees for private fee-charging bureaus located in regions where a public bureaus existed (\$200.00) and regions where they did not exist (\$25.00) to strengthen the position of the emerging Public Employment Service (Labour Gazette June, 1914: 1421). The Minister was also given the power to revoke licenses at any time.

In contrast to Ontario, none of the above regulations applied to employment bureaus operating for women only, agencies that presumably catered to categories of workers such as domestic workers, clerical workers and nurses (R.S.Q, 1914, C.21, S. 2520h). This is a notable difference given that early temporary help agencies catering to the office sector targeted women almost exclusively.

<sup>21</sup>The option of prohibition also became common in other provinces, such as Quebec and Manitoba during the period under study (R.S.M., 1924; R.S.Q., 1941). However, the era in which prohibition was allowable in Ontario was relatively short, particularly in contrast to Quebec, where the option of prohibition remained in place from 1941 until 1977, the last Act where prohibitions are officially maintained (R.S.Q., 1941, C. 161; R.S.Q., 1977).

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Other provinces, such as British Columbia and Alberta, opted for strict regulation and the prohibition of direct fees as opposed to giving the Lieutenant Governor in Council the option of complete prohibition (R.S.A., 1919; R.S.B.C., 1919).

<sup>22</sup>In 1926, R. A. Rigg, Director of the Employment Service Branch, Department of Labour, delivered a lengthy address to his Department on "Canada's Experience With Private Employment Offices." In his address, he condemned the private employment agency industry, referring to evidence from several provincial Royal Commissions and a range of court cases, and suggested that the Employment Service of Canada should have a monopoly on placement and recruitment (Labour Gazette, April, 1926). Thus, his remarks confirm that the federal government viewed the creation of a co-ordinated Public Employment Service as part of the solution to the problem of abuse amongst private employment agencies. The following is an excerpt from the conclusion of his address:

The private agency system stands condemned not only because it has resulted in crimes perpetrated against workmen but also because of the fact that it creates disorganization of plant arrangements and causes unnecessary labour turnover... *There are very few services which the State can render to its citizens which are more important than that of providing a free national system of employment offices...* The sins of commission [i.e., fees] and the spirit of venality which controls the conduct of many [private employment] agencies, coupled with the inability of all of them as uncoordinated activities to so function as to meet successfully the needs of modern industry, have led the governments of Canada to indict them as being incapable of efficiently discharging the responsible duties attaching to employment service work (335, my emphasis).

In coming to this forceful conclusion, Rigg identified several weaknesses in the private employment agency system, such as the lack of coordinating and clearance facilities and the inability of the system to render adequate service to the handicapped and young people. He also linked the fact that the system "depends for its existence on fees collected either from employee or employer" to its "malignant influence upon relations existing between employers and their workpeople" (Labour Gazette, April, 1926: 334-335).

<sup>23</sup>This report asserted:

...placing work should not be considered only as a measure either direct or indirect, against unemployment, important as it is in this respect. To organize placing work is to organize the labour market, a good organization of the labour market is one of the corner-stones of general economic organization. *When considered in this light, placing work cannot be classed merely as a palliative for the relief of unemployment. It forms part of the various institutions of which it is necessary to bring more order and stability into the economic system* (ILO, 1933b: 1, my emphasis).

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<sup>24</sup>From this point forward, I shall refer exclusively to these labour market actors as “private employment agencies” since the term “fee-charging employment agency” has the potential to create confusion with respect to the issue of indirect fees, whereby the customer firm pays the private employment agency a set rate for remuneration in the administration of mandatory benefits and, thus, the fee to workers is somewhat disguised. As will be discussed in Chapters Three and Four, the nature of this indirect fee to the worker became a central subject of debate at both the international and national level with the emergence of the THI from the 1950s onward.

<sup>25</sup>The extensive Report of the Ontario Commission on Unemployment (1916) prepared by T. W. Wilgress is the primary source of information in the ensuing discussion since there is a dearth of material documenting the activities of private employment agencies operated by typewriter companies.

<sup>26</sup>In sharp contrast to other spheres of women's employment, Canadian-born women dominated the clerical sector in this period. Thus, private employment agencies run by typewriting companies engaged them in large numbers. For example, one employment agency in Toronto with a total registration of 3,212 over an eighteen-month period placed 2,663 applicants from Toronto, 484 from outside Toronto and only 65 from the “Old Country” (Wilgress, 1916: 181).

<sup>27</sup>Since they did not become a dominant force in the labour market until after the ILO adopted Convention No. 34, the role, function and character of employment agencies run by typewriter companies, which were later known as “ambulatory typing agencies,” did not receive attention at the international level until well after the THI grew up in North America and Europe, where they had a significant degree of legitimacy (ILO, 1966).

<sup>28</sup>This practice supports Miles' (1987: 185) claim that the unfree character of the contract migrant worker is not only determined by capital's desire to recruit a highly exploitable labour force but also reflects the desire on the part of States to mediate uneven economic development within and across national borders.

<sup>29</sup>This absence of labour protections for stenographers and typists placed by employment agencies run by typewriter companies mirrors the dearth of labour protections applicable to immigrant women domestic workers hailing from Britain and elsewhere decades earlier.

## Chapter Three

### **'Halfway Houses' for 'Housewives': The Birth of the Temporary Help Industry**

As housewives become aware of the labour market value of their former office skills, they cautiously seek possible work opportunities and skill measurements as a preliminary step to work life re-entry. These women are unsure of both their marketability and their real desire to work. They are inhibited in their willingness to seek or accept normal office positions but curious at the possibility. They could best be described as job market "problems" rather than job seekers. This group of women needs counseling, interviewing, testing and direction which they cannot get on regular job interviews. In many cases, their skills need updating and, in all cases, they need encouragement and assurance that they still have the ability to be productive and will be accepted in the work force. They fear the classic job interview which places a number of applicants into competition for a single job. The THS [temporary help service] offers a suitable "halfway house" to these job seekers; a modified employment procedure without commitment; a chance to have their skills measured non-competitively; and the opportunity to ask questions about the job market related to their own needs and expectations.

*— Mitchell Fromstein, Chief Executive Officer,  
Manpower Inc., 1978.*

While the origins of the Canadian THI lie with private employment agents, such as padrones and general labour agents, operating at the turn-of-the-century amidst growing criticism and, more recently, with employment agencies run by typewriting companies in the 1910s, the period between the mid-1930s and the mid-1940s was relatively uneventful for the private employment agency industry as a whole. However, the post-war boom and the dramatic changes in the labour market that accompanied it contrasted sharply with the inactivity of the preceding decade. Indeed, one vital segment of the private employment agency industry contributed to the post-war compromise. Responding to labour market policies and practices originating as early as the Great Depression, the THI emerged as a formal entity in the Canadian labour market at the end of World War II and it prospered

throughout the post-war period. During this era, its success corresponded to, on the one hand, the ascendance of the SER as the normative model of employment and, on the other hand, a particular reformulation of the ideology of domesticity.

With the end of World War II, the emerging entente between business, labour and the State led to two related developments which provide a crucial backdrop for the emergence of the THI: the advent of a male breadwinner norm, which enabled a considerable group of male workers to enjoy full-time, full-year jobs with benefits,<sup>1</sup> and the hegemony of an ideology of domesticity that dictated that the home was the "proper sphere" for women, especially for the wives of this group of male breadwinners. Despite women's active role in the war-time economy, the return of the troops stimulated a reinvigorated separate spheres ideology as well as the re-introduction of a host of measures designed to curtail women's involvement in the labour market.

Policies and practices that aimed at delineating the boundaries of women's labour force participation were debated fiercely in many circles: women themselves were divided over their "proper" role in society as evidenced by the discourse in the popular women's press of the day (Birt, 1960: 42; Sangster, 1995; Strong-Boag, 1994). As a result, various actors intervened to broker emergent tensions. For example, the federal government attempted to cushion women's expulsion from war-time industries by sponsoring programmes such as the Home-Aide Programme (Pierson, 1977). To further limit women's labour force participation, it also relied on other direct measures, such as altering the Unemployment Insurance (UI) scheme to constrain married women's access to benefits

and creating tax incentives for two-parent families relying on one breadwinner (Porter, 1993). Of course, the State could not mediate all of the wide-range of tensions prevailing alongside the post-war compromise, especially the demand among employers to maintain a consistent supply of casual workers.

The 'classic' temporary help agency, and eventually the THI as a whole, played an important mediating role in this regard. Ironically, in the Canadian context, it upheld the SER as a norm in the post-war period. During this era, it contributed to preserving dualism in the labour market by catering to individuals and firms requiring temporary clerical assistance, targeting white middle-class married women as its chief workers and claiming employer status. Its carefully-crafted strategy gave a well-defined group of women the opportunity to engage in paid employment within strict confines, while preserving the sanctity of their role in the domestic sphere. This strategy also enabled the THI to institute a *de facto* triangular employment relationship, one that allowed temporary help agencies to pose as employers and thereby evade many regulations that governed the rest of the private employment agency industry in Canada. Although the THI first adopted this so-called temporary help formula in North America during the post-World War II period, its strategy was so successful that it still resonates in Canada today.

This chapter charts the emergence of the THI from the mid-1940s to the late 1960s, detailing its dramatic rise in the clerical sector and the complex set of national and supra-national developments that facilitated its early success. It is divided into three sections. Section I describes the mixture of forces and variables that contributed to

creating a highly gendered and racialized space in the inter-and post-war Canadian labour market which the THI eventually helped fill. Section II traces the rise of the THI as an autonomous labour market entity by describing the first known temporary help agencies in North America and probing the marketing strategies key to their success. It specifically focuses on how the early THI sold the idea of temporary help work to its two clients: namely, white middle-class married women, who it argued should view temporary help work as a viable means to secure a place in the labour market without sacrificing family responsibilities, and its customers, who it initially argued should draw on the services of the THI as a stop-gap measure and later argued should use temporary help workers to cope with changes in the business cycle. Section III turns its attention to the regulatory arena, examining international developments that initially inhibited the rise of the THI and led ILO Member States to adopt three distinct approaches to regulating temporary help agencies at the end of the post-World War II period: prohibition, regulation and non-regulation. The section focuses particular attention on how international regulatory developments helped shape the THI's emergence in Canada. The chapter concludes by weaving all the pieces of the foregoing narrative together to further analyze the role of the Canadian THI in an international context from its inception in the mid-1940s to the late-1960s and to recall, once again, how it first crafted the TER as a feminized employment relationship.

## **I. The Flip-side of the SER: Women's Position in the Canadian Labour Market at the Inception of the THI**

As illustrated in Chapter One, the SER surfaced as a normative model of employment in advanced capitalist countries in the post-World War II period. Characterizing it as a product of the reconstruction era, many scholars rightly credit its emergence to the entente, however tenuous, between capital and organized labour (and mediated by the State) that was driven by the growing recognition of the link between mass unemployment and various social and political ills. There is also a common tendency among scholars to associate its rise with the formation of institutions such as Bretton Woods, the ILO and the United Nations, each of which contributed to the lengthy period of economic stability experienced by most advanced capitalist states after World War II. Hence, as noted in Chapter One, there is considerable evidence that the SER originated out of the global political-economic forces driving change in the post-war period. As well, given the wealth of feminist scholarship on the post-World War II welfare states in Canada and the United States which suggests that many women, immigrants and people of colour never enjoyed most of the benefits and entitlements associated with the SER, few would deny that it was a white male norm (see for example: Armstrong and Armstrong, 1989; Fraser and Gordon, 1994; Fudge, 1993; Gordon, 1996; Lewis, 1993; O'Connor, 1993). What is somewhat less clear is the corresponding set of employment relationships and social relations that reinforced the SER as a norm in the Canadian context, that is, the package comprising the flip-side of the post-war bargain. Indeed, there is a dearth of

scholarship that describes and assesses the range of policies, programs, and practices cultivating non-standard employment relationships common among groups of workers known to be excluded from the SER and the ideological underpinning of such initiatives. This section attempts to begin to remedy this gap, explicitly examining how a particular group of women (i.e., largely white middle-class married women) were urged to return to the domestic sphere as the SER was becoming the norm by, at times, all three parties to the post-war bargain; this group of women constituted the THI's initial pool of principal workers. The section begins with a rough sketch of female labour force trends from the early 1930s, where Chapter Two left off, to the mid-1960s. It then traces a range of exclusionary policies and practices directed at married women in this period, measures which not only contributed to upholding the SER as a norm but also created a highly gendered and racialized space in which the classic temporary help agency emerged.<sup>2</sup>

### *Female Labour Force Participation, 1930-1960: A Thumbnail Sketch*

With the exception of a few notable dips, women's formal labour force participation rates rose slowly between the 1930s and the 1960s. Following trends in the beginning of the twentieth century, women continued to dominate in sectors such as domestic work, began to fill the ranks of the rapidly-expanding clerical sector and increasingly engaged in certain manufacturing industries, such as clothing and textiles, in this thirty-year span (Arat-Koc, 1990; Armstrong and Armstrong, 1975, 1994; Calliste, 1993; Connelly, 1978; Lowe, 1987). Over the course of this period, women's participation rates varied considerably in accordance with their marital status, given the

rise of the male breadwinner norm and the related notion that married women should, where possible, take their corresponding place in the domestic sphere. As Table 8 illustrates, while married women's labour force participation rates remained relatively low until World War II, they increased dramatically during the war and then fell rapidly in the post-war era. However, factors such as race, ethnicity and class were equally central to shaping women's labour force participation in this era: they, too, structured the nature of women's exclusion from the SER. Even when policies and practices designed to spur women's exodus from the labour market reached their height in the post-war period, the State, in conjunction with employers and various segments of the labor movement, still encouraged certain groups of women to accept casual and intermittent forms of employment and still preserved several spheres of employment as female domains.

**Table 8**  
**Female Labour Force Participation Rates, Census Years 1931-1961**

| Year | Participation Rate |          |         |         |
|------|--------------------|----------|---------|---------|
|      | Married %          | Single % | Other % | Total % |
| 1931 | 3.5                | 43.8     | 21.3    | 19.3    |
| 1941 | 4.5                | 47.2     | 17.3    | 20.3    |
| 1951 | 11.2               | 58.3     | 19.3    | 24.1    |
| 1961 | 22.0               | 51.4     | 22.9    | 29.5    |

Source: Spencer and Featherstone, 1970.

Domestic work is a case in point. Thus, it is worthwhile to describe briefly the composition of the female labour force engaging in domestic work from the 1930s to the 1960s to emphasize that the situation of the narrow group of women eventually targeted by the THI differed sharply from their counterparts in other female-dominated occupations

and that racialized gender divisions of labour prevailed during this period. The point, then, is that exclusion from the SER created very different outcomes for different groups of women.

### *Immigrant Women Domestic Workers*

Between the mid-1930s and late 1960s, immigrant women, first hailing from various parts of Europe and subsequently the Caribbean, dominated the ranks of domestic service in Canada. Canadian-born women rarely pursued this form of employment, due to its low wages, live-in requirements and the common abuses committed by employers. In the 1930s, Scandinavian women, especially Finnish women, were a preferred source of domestic workers because they were known to endure extremely harsh conditions of employment (Lindstrom-Best, 1986: 34). Even during the Great Depression, when, according to Arat-Koc, "Canadian women lost the few alternative sources of employment open to them [and]... domestic work became once again the major employer of women as whole", the Canadian government still encouraged Finnish women to come to Canada to work as domestics (Arat-Koc, 1997: 69; Lindstrom-Best, 1986). Given the relatively low status of domestic work in the economy, the federal government was acutely aware that Canadian-born women would abandon domestic service with the arrival of more prosperous economic times.<sup>3</sup>

During World War II, when the federal government actively encouraged married women's entry into the labour force, Canada began to experience another shortage of domestic workers, a shortage that peaked in the post-war period. At this point,

particularly during the five-year period between 1947-1952, women refugees from Europe were recruited by the Canadian government as a primary source of domestic workers (Daenzer, 1997). Finally, in the early 1950s, with the failure of an assisted passage scheme targeting Great Britain and Western Europe, Canada began to focus on Southern European women, especially Italian women as domestic workers (Iacovetta, 1986, 1992). By the late-1950s, the government also actively recruited women from Jamaica and Barbados as domestics even though there was until 1967 a clause (originating in the Immigration Act of 1910) that allowed it to discriminate on the basis of race (Calliste, 1993; Satzewich, 1989; Silvera, 1983). Thus, as Arat-Koc (1997) argues, the dominant image of the woman domestic worker shifted dramatically over the period under study. Rather than being cast as “mothers of the nation”, a label familiar to the immigrant domestic workers from Britain in the early part of the century when there were fewer occupations open to women, women domestic workers became known as “foreign domestic workers,” a label that not only reflected their marginal status in the growing hierarchy of female-dominated vocations but that eventually came to entail an absence of citizenship rights as well.

As the ensuing discussion demonstrates, the situation of the white middle-class married women first targeted by the THI stands in stark contrast to the harsh social and economic realities faced by immigrant women domestic workers throughout this period. As the latter came to be labeled “foreign domestic workers”, the former shifted roles from “dutiful housewives” to part-time “office girls”. Indeed, the example of women domestic

workers in Canada demonstrates that the experience of the women targeted by the THI in the post-war period was by no means the norm for *all* women engaged in paid employment. Rather, the women targeted by the THI, while they were denied entry into certain sectors and occupations and clearly denied access to the SER, benefited indirectly from the location of their immigrant and working-class sisters in less desirable fields of employment such as live-in domestic work. Equally significant, while they were designed to institute a male breadwinner *norm*, and, hence, to limit some women's access to the labour market, exclusionary policies adopted by the Canadian government in this period preserved certain spheres of employment as female domains and encouraged casual and intermittent employment among specific groups of women. With these qualifications in mind, and with the objective of further revealing the complex array of forces that created space for the THI in the Canadian labour market, it is instructive to probe the shape of exclusionary policies directed at married women in this period.

#### *Exclusionary Policies and Practices Directed at Married Women, 1930-1960*

Just as the roots of the SER as a normative model of employment may be traced to the period following World War II, corresponding policies and practices designed to limit women's participation in the Canadian labour market have their roots in the decade after World War I. But, it was in the period from the early 1930s until the mid-1960s that married women endured the most formidable legislative obstacles to labour force participation and it was then also that they received little support from most segments of the organized labour movement in overcoming such barriers.<sup>4</sup>

Perhaps at no point was a woman's marital status more central to her subordinate position in the Canadian labour market than during the Great Depression. Indeed, in this era, the married woman was not seen as a "person" in her own right. According to Ruth Roach Pierson (1990: 77-78), "...if she was employed she was seen as a symbol of the cause of unemployment among men and, if she was dependent, as a symbol of the high cost of male employment to society." The married woman wage-earner even proved to be a contentious figure for women's groups during the Great Depression. Referring to the "timidity" of the National Council of Women of Canada on the question of whether married women should be permitted to participate in the labour force in difficult economic times, Margaret Hobbs (1993a: 207) notes, "many women reformers, some of whom were long time supporters of women's rights in other matters, joined in the attacks on employed women who were either married or from well-to-do families." Thus, women's "right to work" came under ideological attack from various corners of Canadian society in this period, although some attacks were more predictable than others. But, resistance to married women's participation in the labour market extended far beyond the ideological level in the 1930s. Indeed, there is considerable evidence documenting federal, provincial and municipal government policies and employer practices designed actively to encourage married women to take up their "proper" place in the home from the first signs of economic crisis forward. The nature of women's labour force attachment, therefore, was not only linked to a general climate of animosity but to genuine marriage bars. Their expulsion from employment in certain sectors upon marriage or first pregnancy and the

emergence of blatantly discriminatory UI policies underline such measures (Archibald, 1970; Hodgetts et al, 1972; Morgan, 1988; Pierson, 1990).

In the limited range of female-dominated vocations, nowhere were marriage bars more apparent than in the Federal Public Service (Archibald, 1970; Hodgetts et al, 1972; Morgan, 1988; Phillips and Phillips, 1983). Despite the fact that the Federal Public Service was designed for men in that, according to Morgan, "it constituted a sort of appendage to political authority, which at that time was, of course, male," women had made considerable inroads into this sector between 1908 and 1920 for two central reasons (Morgan, 1988: 5). First, clerical work was expanding and, as illustrated in Chapter Two, women increasingly obtained business school and apprenticeship training as typists and stenographers from the 1910s onwards. Second, and even more critically, salaries were extremely low in the Federal Public Service; thus, in the period leading up to the Great Depression, women were accepting jobs that few men would take. However, the advances made by women, particularly into permanent positions, were not only short-lived but generally limited to the lower grades of the Service because of the belief, on the part of leading bureaucrats that the higher grades should remain a male preserve. Expressing this sentiment early on, the 1908 Annual Report of the Civil Service Commission noted: "There would be difficulties... some of them, it is true, the result of prejudice, but nonetheless real, were a woman to be appointed to administer an office or section of a department involving the control and direction of a number of male clerks" (Civil Service Commission, 1909: 17).

By the 1920s, when the Federal government was still confronted with the task of re-integrating World War I veterans, fears of the feminization of the Federal Public Service work force were not only more pronounced but more entrenched. Internal directives allowed Deputy Ministers to specify the gender of candidates acceptable for certain positions, make women's jobs into temporary positions and place a formal embargo on married women (Archibald, 1970: 16). From 1921 forward, when a woman working in the Federal Public Service married she had to resign or keep her status a secret but the latter option usually proved only possible until her first pregnancy (Archibald, 1970: 16; Morgan, 1988: 6). Despite the marriage bar and women's relegation to temporary positions, due to their predominance in clerical work across the Canadian economy, single, widowed and secretly married women still constituted a large proportion of temporary clerical workers in the Federal Public Service throughout the period of the Great Depression. Certain domains of the Federal Public Service staffed largely by World War I Veterans, such as the Post Office Department, made entry particularly difficult for women, but this situation was quite different in others, such as the Department of National Defense and Veterans Affairs. The most obvious reason that women dominated in the Department of National Defense and Veterans Affairs and not the Post Office was that the latter two departments used stenographers of the sort trained and placed by private employment agencies operated by typewriter companies beginning in the 1910s and the Post Office used mainly clerks and operations personnel (Morgan, 1988: 10). As Morgan (1988: 8) notes:

Women had become so identified with stenography and typing and the job of a secretary had become a woman's job: to offer it to a man would have been an incongruity bordering on insult. The image of the male secretary was accepted only in the army, and then only for secretaries of generals.

In the inter-war years, clerical skills became indispensable to the Federal Public Service and many men were either unwilling or unable to accept jobs as typists and stenographers. Thus, many unmarried women, and married women who successfully kept their marriages a secret, stayed in the Federal Public Service even though harsh restrictions on women's employment remained.

With regard to marriage bars in other sectors, the policies and practices of municipal and provincial school boards were no better than the Federal Public Service. They too required women to relinquish their positions upon marriage or, alternatively, at first pregnancy (Pierson, 1990; Phillips and Phillips, 1983). Other parts of the Provincial Public Service also had somewhat more covert policies prohibiting the simultaneous employment of husbands and wives throughout the 1920s and 1930s. However, as Hobbs (1993a: 7) argues: "The intent of regulation was clear. Ontario's Premier Hepburn, for example, after firing six married women who had concealed their marital status, boasted to the public that, 'We take the position, as have all previous governments, that if a woman marries, her husband should keep her.'" Indeed, as employers, federal and provincial governments were among the worst culprits in that they standardized marriage bars as they normalized the SER.

In the 1920s and 1930s, the federal government not only endorsed exclusionary practices aimed at married women as "employees", it also instituted policies designed to

discourage women's employment across the economy. Early UI policy is a prime example.

Although, the subject of the female worker rarely surfaced in the debates surrounding UI policy in the 1930s, its absence was highly significant, as Ruth Pierson (1990: 78-79)

notes:

*[I]f we understand gender to be a fundamental social category, we are justified in asking where and how concern for women fit into the Depression-era discussion of unemployment insurance. And if we further understand gender to be relational, to be a category comprising all that which shapes social relations between sexes, then we are justified in examining the gender implications for women of the silences regarding them: that is the measures that made no mention of them, of the concepts into which they were invisibly enfolded and the assumptions through which masculine priority was inscribed (my emphasis).*

The nature of UI policy in this period substantiates this very crucial insight. Although women were only mentioned once in the Unemployment Insurance Act (1935), this legislation had highly discriminatory underpinnings. From 1934-1940, UI policy divided women into two categories, female worker and wife/mother and "it was, by and large, ideologically anathema for a woman to combine these two categories herself" (Pierson, 1990: 81). Although single mothers and employed married women violated the dichotomy, UI policy did not take their widely-perceived anomalous situations into account. For the single mother to receive benefits, she had to be de-sexed and claim UI as a primary breadwinner like her male counterpart. To be eligible, she also had to work in a field of employment covered by the scheme and, not surprisingly, many single mothers were denied access to benefits because domestics, nurses and teachers, among others, were excluded from coverage (Pierson, 1990: 99). The fate of the employed married woman was even worse than that of many single mothers (and certainly single women)

since she was presumed to be looked after by a male breadwinner and, therefore, lacked an individual entitlement to UI. Thus, the UI scheme dominant in this period gave married women access to benefits through indirect channels, such as dependents' allowances, except in special cases where it could be demonstrated that married women had worked "steadily" or had "less than the prescribed number of contributions paid in respect of them" (Phillips and Phillips, 1983: 28-29; Pierson, 1990: 95). Hence, claiming UI was not only beyond the reach of women in highly female dominated sectors, like hospital nursing and domestic work, and women engaged in "casual" or "intermittent " employment, but also to most married women (regardless of their occupational location and/or relationship to the labour market) in the latter part of the Great Depression. As we shall now see, many of the harsh restrictions initiated in the inter-war period remained throughout World War II and in the post-war era.

With the beginning of World War II, the mechanisms designed to regulate women's labour force participation changed drastically as significant numbers of married women entered the labour force to replace men who joined the armed forces. As Armstrong and Armstrong (1994: 17-18) illustrate, the female labour force participation rate rose almost 9 percentage points between 1939 and 1945, even though it quickly dropped back to pre-war levels after World War II. Sexual boundaries shifted only temporarily during World War II, leading feminist scholars to discuss and debate about the validity of the notion of women as a reserve army of labour.<sup>5</sup> In this era, the federal government replaced exclusionary policies, particularly those directed at married women,

with policies that encouraged labour force participation among all women, either on a full- or a part-time basis. Hence, married women re-entered the labour market in overwhelming numbers, both as a result of economic necessity and out of their desire to support the war-effort.<sup>6</sup> To facilitate their re-entry, the Canadian government created a body known as the National Selection Service (NSS) in 1942, when it recognized that "the pools of unemployed from the Great Depression had dried up" (Phillips and Phillips, 1993: 29). The NSS had as one of its primary aims the registration and referral of women into war-time employment. Still, the federal government's efforts to induce married women to enter the labour force during the war were not limited to recruitment, referral and placement. It also included more indirect incentives, often backed by segments of the organized labour movement and employers requiring a larger pool of workers, such as income tax concessions, day-nurseries catering to women employed in war-time industries and even the encouragement of married women's part-time employment in commercial laundries in recognition of the importance of such services to women engaged full-time in jobs essential to the war effort (Finkel, 1995; Phillips and Phillips, 1993; Pierson and Light, 1990). However, war's end brought these policies and programmes to a halt.

In the post-war era, institutions such as the NSS turned their attention to re-locating women dislocated from their war-time vocations to either the home or to traditionally female-dominated sectors, such as domestic work. Simultaneously, the federal government again harnessed various policies and practices to limit women's participation in the labour force. Measures ranged from instituting tax disincentives for

married women participating in the labour force to implementing marriage bars in certain sectors of employment to instituting a family allowance.<sup>7</sup>

Alongside these national policy measures and international initiatives, such as the Philadelphia Declaration (1944), which encouraged countries to establish comprehensive social security schemes to avert economic and political difficulties akin to those arising during the Great Depression, the notion of an SER began to gain prominence and popularity, particularly amongst organized labour and the State (ILO, 1944; Lee, 1997). Its counterpart, the “family wage”, which entailed wages sufficient for a male worker to maintain both himself and his dependent wife and children, also rose to normative pre-eminence in this period (Barret and McIntosh, 1980; Pierson and Light, 1990: 252); and, to a large extent, leading liberal welfare states (including Canada) wholly endorsed the family wage as a companion to the SER to preserve women's “proper role” in the domestic sphere and to solidify their commitment to social reproduction. Only a narrow group of male workers ever benefited from the family wage, however, despite its crucial role in upholding the ideology of domesticity. Still, in sharp contrast to the immigrant agricultural and industrial workers recruited, placed and often exploited by private employment agents in the pre-World War II period, and even distinct from the young, well-educated, middle-class women stenographers and typists engaged by employment agencies run by typewriting companies, the first group of potential workers targeted by the Canadian THI upon its inception were white middle-class *married* women from households presumed to benefit from a family wage.

For a lengthy period after World War II, the Federal government viewed domestic work as the most viable option for married women wanting to remain in the labour force. Thus, the NSS launched an initiative known as the Home Aide Scheme, a program designed to elevate the status of domestic service as a vocation for women by offering women domestic work on a regular hourly, live-out basis. Introduced in 1945, the notion of the "Home Aide" represented a new type of domestic servant: "a diluted hybrid of cook, kitchen maid, parlour maid, babysitter, mothers' helper and housekeeping assistant" (Pierson, 1977: 91). An initiative of the Women's Division of NSS, the "Home Aide" was different than the regular domestic servant since she did not do heavy household chores but more routine housework (Pierson, 1977: 92). To appeal to a range of women, the Scheme was also designed to be a flexible program that could offer the married woman part-time employment, likely a couple of morning or afternoon shifts per week, or the self-supporting single woman full-time employment. Still, despite its attempts to make domestic service more palatable to women expelled from their war-time jobs, Home-Aide proved to be merely a band-aid measure, that temporarily alleviated economic hardship among some women displaced from their war-time employment.<sup>8</sup> Even with the growing demand for domestic workers and the fear of unemployment among women after World War II, the scheme failed after only two years in operation.

While the government was slow to recognize it, given its over emphasis on domestic work, other growing sectors of the Canadian economy continued to rely on women workers after the war. The case of the burgeoning clerical sector in the post-war

period is particularly worthy of emphasis here. In the post-war period, the phenomenal growth of clerical work led to a high demand for stenographers and typists, two fields which women came to dominate between 1941 and 1971. Indeed, although women's labour force participation rates did not again reach their war-time levels until 1966 and although marriage bars lasted in sectors such as the Federal Public Service until 1955, many women held on to their spaces in the labour market specifically because of the feminization of clerical work (Morgan, 1988: 8-10; Lowe, 1987: Chapter 6; Pierson and Light, 1990: 259-260).

As one might expect, many employers' desire to hire women was in tension with the ideology of domesticity underpinning the post-war compromise. However, part-time clerical work emerged as a crucial exception for white middle-class married women in this period, ostensibly because the government (as an employer), along with private sector employers and organized labour, accepted sex segregation in the labour market as a viable alternative to the exclusion of women altogether. Its' exceptionalism also rested on the notion of what Chatelaine Magazine (1953) referred to as the "White Collar Wife," an image that balanced the rise of the SER and coincident rise of the ideology of domesticity with women's growing desire and necessity to remain in, or return to, the labour market on a part-time, casual or intermittent basis market in the post-war era (Katz, 1951). Soon after the notion of the "White Collar Wife" became acceptable to Canadians, temporary help agencies entered the labour market capitalizing on this phenomenon.

By the late 1950s, part-time clerical work became a viable alternative for a specific group of married women wanting to participate in the labour force such that it no longer "conjured up images of gender chaos" (Strong-Boag, 1994: 13). Even more important, although their earnings added more than just "frills" to the household budget in most instances, married women's participation in clerical work did not undermine the hegemony of the SER because married women continued to be ineligible for permanent positions in a range of sectors and they had limited individual entitlements to emerging social insurance programs. For example, the UI Commission also made new special regulations pertaining to married women, including disqualifying them for two years after marriage unless they fulfilled certain conditions that proved their attachment to the labour force. According to Ann Porter (1993: 118, 125), these regulations depicted married women as both "conniving to defraud the system," since they were presumably beneficiaries of a family wage and "virtuous protectors" of the domestic sphere. They even penalized married women because of pregnancy<sup>9</sup> and if they were forced to relocate (and therefore change jobs) because of their husband's job (Porter, 1993: 126-129).

While these discriminatory regulations were revoked in 1957, many employers lobbied to maintain them at the end of the 1950s. Some even supported reinstating them in the early 1960s, with growing rates of unemployment and fund UI depletion (Porter, 1993: 141). For example, during the 1961 hearings of the Commission of Inquiry into UI, Office Overload, the first known temporary help agency in Canada, called attention to

married women's tendency to abuse the UI system. Although it did not explicitly call for a return to the married women's regulations, it made the following comment:

Coming into daily contact as we do with so many temporary workers -- as most of these married women are in the labour force for a relatively short period of time... we are exposed to perhaps more than our share of abuses of the UI Fund (Gill Commission Records, October, 1961: RG 33/48 as cited by Porter, 1993).<sup>10</sup>

On the surface, Office Overload seemed to support preserving special regulations for married women because it believed that they were prone to defraud the system. However, at a deeper level, it was acutely aware that granting married women individual entitlements to social insurance programmes like UI might contribute to depleting its supply of temporary help workers.<sup>11</sup> Given the nature of its business, Office Overload had a special interest in limiting the spread of the SER to a narrow group of male breadwinners. But it was not alone: capital, organized (male) labour and the State each had a stake in maintaining clear boundaries around the SER. This shared interest not only enabled policies and practices that actively discriminated against married women to endure, it also created a highly gendered and racialized space within which the THI slowly emerged in the Canadian labour market.

## **II. The Rise of the Canadian THI in an International Context**

As the post-war era progressed, there was growing pressure to incorporate the sizable group of workers excluded from the SER into the Canadian labour market. Labour shortages, particularly in the expanding clerical sector, and the persistence of exclusionary policies directed at married women had created both an acute demand among employers for additional workers and a captive pool of potential workers ready to fill this

vacuum. These corresponding sets of developments opened up a space for the THI. Still, as an outgrowth of the private employment agency industry, the THI faced a twofold challenge at its inception: first, the challenge to distance itself from the questionable historical practices of the private employment agency industry; and second, the challenge to attain legitimacy without undermining the SER as a norm and upsetting the delicate balance between capital, organized labour and the State which obscured labour power's commodity status. Over the course of approximately two decades, the Canadian THI was able to meet these challenges, following developments in the United States.

This section traces the emergence of the THI as an entity in the Canadian labour market in a North American context. It begins by describing the origins of the earliest known temporary help agencies in North America and examining how they constructed the TER. It then moves to examine the nature of the strategy that the Canadian THI so successfully deployed to target white middle-class married women as its core workers and individuals and firms requiring clerical help as its primary customers.

### *History and Origins*

As Chapter Two demonstrated, the Canadian THI has its clearest origins in the 1910s when employment agencies run by typewriter companies hired-out young women stenographers and typists to sell their typewriters. However, there was a decades long hiatus between the emergence of employment agencies run by typewriter companies and the veritable birth of the Canadian THI. During this period, the THI first surfaced as a

formal entity in the American labour market. Therefore, it is instructive to trace the history of the THI in the United States to set the backdrop for its emergence in Canada.

American literature on the THI traces the first known North American temporary help agencies to Chicago in the late 1920s and early 1930s (Gannon, 1978; Gonos, 1995; Moore, 1965; Parker, 1994; Seavey and Kazis, 1994). This literature also indicates that the temporary help agency arrived separately in the industrial, clerical, technical and professional fields. Industrial help, for example, is commonly traced by American experts to D. J. Nugent Co., a stevedoring business in Milwaukee that experimented with hiring-out some of its employees to a nearby manufacturing plant in the 1920s (Seavey and Kazis, 1994: III, 3). Then, quite independently, temporary technical workers emerged in the early 1930s when the automotive industry began hiring engineers on short-term assignment to help design models for new cars (Joray and Hulin, 1978). Finally, and central to this study, industry analysts credit Samuel Workman with starting the first temporary clerical firm in the United States (Seavey and Kazis, 1994; Moore, 1975). Workman was an American entrepreneur whose primary business involved selling calculating machines but who also started a subsidiary operation employing women to do night-time inventory work for his customers in the 1920s. In 1929, he took on this side-business full-time, supplying temporary help workers first to operate electric adding machines for company clients and then to perform in a range of related clerical tasks. His early operation, as described by Seavey and Kazis (1994) bears a striking resemblance to the private employment agencies run by typewriting companies in Ontario in the 1910s.

However, Workman's business stands out for an additional reason: although he began by using temporary help workers to sell his calculating equipment, Workman eventually supplied workers to his customers for a fee. In this respect, Workman's business offered a template upon which the North American THI emerged, one that eventually allowed it to distinguish itself from the private employment agency industry as a whole. Thus, although other types of temporary help agencies clearly existed before the post-World War II era, such as those specializing in providing labourers, technical and professional workers, the temporary clerical agency came to represent the prototypical temporary help agency from World War II onwards.

There are a number of competing perspectives on which individual temporary help agencies were the first to emerge in North America and what type of business constitutes the earliest 'classic' temporary help agency. However, stories recalling the earliest images of the THI converge from the mid-1940s onwards, when several of the largest temporary clerical firms were first incorporated. Manpower Inc. was the first temporary help firm to incorporate in 1947, Kelly Services quickly followed suit in 1948 and Olsten formed by the end of the decade; each of these firms surfaced first in the United States, initially focusing their businesses on the clerical and industrial sectors (Gannon, 1978; Moore, 1965; Seavey and Kazis, 1994). However, other large firms also incorporated soon after, including Labor Pool Inc., Employer's Overload and Western Girl (Moore, 1965). Some analysts suggest that these firms formed out of a climate of harsh regulation towards the private employment industry, an important claim that will be addressed below (Gonos,

1994; Parker, 1994). But, within the industry, officials often tell a version of the following story to account for the industry's origins:

This is how the story goes. I used to work for Kelly Services, and it's my understanding that Kelly Services is the creator of the industry. This happened during the war days... [Mr. Kelly] had a friend who had his own business. He was having difficulty because he had too much work on his desk and he needed a hand in getting the work done. *So, he happened to say to Kelly, "I need help" and Kelly said, "I know somebody, my wife." So he started putting his wife out to work and it bloomed from there, from the wife to the wife's friends and so on....* Kelly Services was known as the "Kelly Girls" because it was the war days [sic] (M1, my emphasis).

World War II and the labour shortages that accompanied it gave most segments of the emerging THI a boost, one that continued throughout the post-war era. For example, in the United States, temporary help agencies specializing in the clerical sector that started with a couple of "office girls" during World War II had approximately 20,000 employees by 1956 (Moore, 1965). As well, due to the high demand for skilled labourers and general labourers for wartime production, higher-tech firms providing temporary assistance made considerable gains; indeed, four of the five biggest American-based temporary help agencies that provided skilled and general labourers as well as clerical workers were founded between 1946 and 1950 (Joray and Hulin, 1978). Clerical work nevertheless became the mainstay of the THI in the post-war period and the temporary clerical worker, captured famously by the notion of the "Kelly Girl", provided the image of the prototypical 1950s temporary help worker. The THI's early focus on clerical work, keenly evident in its early marketing strategy, was also apparent in the Canadian context.

In Canada, the first known temporary help agency arrived on the scene several years after its American counterparts. Formed by William Pollock and James Shore, two young office-equipment salespeople, Office Overload entered the Canadian market in Winnipeg in June of 1951. Shore and Pollack started the business when, like Mr. Kelly described above, they noticed that the offices they visited often had too much or too little work for the staff at a given time. As a consequence, they decided to form a registry of former office workers willing to return to part-time work to "help harassed employers" (Hutton, 1957: 19).<sup>12</sup> Like the above anecdote tracing the origins of Kelly Services, Office Overload's history started with one part-time stenographer Betty Green. By 1956, the company had opened offices in Toronto, Montreal, Vancouver and Hamilton. At this juncture, the Toronto office led the business which, by then, claimed to have a registry of over 20,000 women who had been clerical workers prior to getting married. Soon after Office Overload emerged, several other companies, such as Kelly Services and Manpower, joined the Canadian market, with the result that estimates of the size of the THI's work force reached 30,000 by 1957. One commentator characterized the mid-1950s explosion in the Canadian THI as follows:

Several thousand women in addition to Office Overload's twenty thousand have been added to *Canada's feminine working force for periods that vary as widely as a woman's mood* -- all the way from an occasional half day's work to six months of steady employment" (Hutton, 1957, my emphasis).

Evidence also suggests that employer demand matched, and perhaps even exceeded, the size of the temporary clerical work force in Canada in this period. In addition, highly successful Canadian temporary help agencies, like Office Overload, quickly took their

businesses abroad. For example, many had entered the British, Dutch and American markets by the mid-1960s (Hutton, 1957; Seavey and Kazis, 1994).

*The Shape of the "Classic" Temporary Help Agency and the Early TER in Operation*

The shape of the "classic" temporary help agency and the nature of the employment relationship that it constructed was key to the international success of the early THI. In the post-war period, temporary help agencies gradually began to characterize themselves as "temporary help services". In contradistinction to other private employment agencies that acted exclusively as intermediaries, they embraced a triangular employment relationship: in this relationship, the agency acts as the employer and the customer is said to be engaged in a commercial contract for services with the temporary help agency (Dombois, 1989; Cordova, 1986; Gonos, 1994, 1995; ILO, 1994). Reflecting on the central difference between the "temporary help service" first emerging in the post-World War II period and the typical private employment agency, Mitchell Fromstein, President and Chief Executive Officer of Manpower, made the following remarks in 1978:

A Temporary Help Service is an independent organization engaged in the business of providing its own employees to perform work, on a time basis, for its customer firms -- usually at the customer's place of business and usually of a short term nature. The key element in the above definition that excludes the THS from being a labor market intermediary is "...providing its own employees.." *This phrase and the actual functioning of a THS makes the firm an employer rather than an intermediary in almost every sense of the word (my emphasis, 230).*

Although the notion of the "temporary help service" only became common parlance in Canada in the late 1980s, temporary help agencies distinguished themselves from other private employment agencies at the inception of the THI by adopting what

scholars now label the “temporary help formula” (Gonos, 1994; Parker, 1994). The notion of the temporary help formula is the set of practices comprising the arrangement that allows customers of the temporary help agency to use its workers without taking on the social, legal and contractual obligations associated with the SER (Gonos, 1994; Mangum, Mayall and Nelson, 1985).<sup>13</sup> The underpinnings of this formula are best understood by describing how the TER came to operate in the post-World War II period.

From recruitment to registration and finally to placement, the process of placing temporary help workers on assignment with customers came to be characterized by a complex array of procedures in the post-war period, a process that endures to date. The first step involved worker registration. After responding to advertisements in newspapers, magazines or simply hearing of temporary help work through word-of-mouth, potential temporary help workers registered with the agency. Although this initial step resembled the process common to the private employment agency industry, several facets of the registration process distinguished the temporary help agency from the typical private employment agency. The most notable difference was that upon registering with an agency, and even upon placement, the worker was not asked to pay a direct fee. As well, at the point of registration, the temporary help agency normally administered tests designed to assess the skill of the potential worker in the field of work that s/he desired. For example, if the applicant was seeking clerical work, temporary help agencies routinely administered typing tests, examining accuracy and speed and filing tests, where the applicant was required to alphabetize entries.

The second major step in the process occurred when the customer approached the temporary help agency for assistance. At this point, the agency attempted to match the client's needs with the workers available, using files on individual applicants to find the best temporary worker for the assignment. When the agency located a suitable applicant, it provided the potential temporary help worker with a description of the work available, including hours, duties and an estimate of the duration of the assignment. Referring to the flexibility that temporary help work offered to applicants in this era, one early commentator noted: "One major attraction of the arrangement is that the worker is given a clear understanding that she [sic] can refuse any assignment offered, although the worker who repeatedly refuses assignments will likely cease to receive calls" (Moore, 1965: 621). Formal placement represented the third step of assignment process carried out by the temporary help agency. In most instances, upon placement, agencies provided clients with a performance guarantee of sorts; principally designed to ensure customer satisfaction, this guarantee usually offered the client the option of replacing a temporary help worker were s/he found to be unsuitable for the assignment and it also guaranteed the client with a replacement if the temporary help worker left the placement prematurely or had a lengthy absence. Upon placement, the temporary help worker was also usually required to sign a restrictive covenant agreeing that for a specified period of time s/he would not accept an offer of permanent employment from the customer to whom s/he was assigned, a practice that continues to date (Moore, 1965: 621).<sup>14</sup> This last feature was designed to ensure that the temporary help worker's primary loyalty rested with the agency, at least for a fixed

duration. The customer was also routinely made aware of the covenant between the agency and the temporary help worker and was informed that buy-outs could be arranged should it discover that it wanted to retain its temporary help permanently (Fromstein, 1978).

Beyond its complex registration, matching and placement processes, what made the early temporary help agency distinct from the typical private employment agency was that the agency itself paid the worker: the agency also withheld income taxes and social security contributions and provided the worker with mandatory social benefits, such as vacation pay and pension pay-outs, either over the course of a given assignment or upon its completion (Fric, 1973; Gannon, 1978, 1984; Moore, 1965; Parker, 1994). Most early agencies also provided liability insurance and a type of fidelity bond for every worker assigned to a customer (Fromstein, 1978: 235). To protect their role as service providers that carried-out selection, testing, placement and other employment-related responsibilities for a fee, the agency also always billed the customer directly. Overhead costs, including recruitment, registration and placement costs, legal obligations and other internal procedures, were subsumed within the amount billed to the customer (Fromstein, 1978: 236; Moore, 1965: 622). At the inception of the THI, fees beyond the payment of wages and benefits that accrued to the worker became known as the "mark-up"; in contrast to the present situation, early temporary help agencies tended to be open about wage levels as well as about the size of the mark-up.<sup>15</sup>

*Early Challenges to the THI and Industry Responses: The International Context*

While the 'classic' temporary help agency actively took on employer status in the post-war period by design, its legal status was a major point of controversy in many countries. At its inception in the United States, for example, unions and various branches of government vehemently opposed the employer-status assumed by temporary help agencies. To limit the profitability of the temporary help formula, some unions successfully negotiated clauses to bring temporary help workers under the terms and conditions of existing collective agreements.<sup>16</sup> Some national governments also leveled charges against temporary help agencies acting as strike-breakers, continuing a theme first raised by labour leaders in the early twentieth century. Spurred by several developments at the international level, such as the creation of an International Labour Convention Concerning the Co-ordination of the Public Employment Service (No. 88) to be described below, the feud between public employment services and the private employment agency industry escalated at an international level throughout this period (Ricca, 1982). Even though it assumed employer status and, therefore, did not threaten the function of public employment services to the same extent as the typical private employment agency, the temporary help agency was not totally unaffected as public employment services and the private employment agencies jostled for positions in the labour market.

In the wake of these challenges, the THI, now an international entity, waged numerous court battles over its claim to employer status in both the United States and Europe from the 1950s onwards (Veldcamp and Raesten, 1973; Gonos, 1995).<sup>17</sup> It was

successful in some of these cases; for example, in 1956, a Florida court rendered a decision that labeled Manpower Inc. an independent contractor as opposed to an employment agency.<sup>18</sup> However, in other cases, the industry's version of a TER, whereby the agency assumed employer status, was disallowed. In the post-World War II period, in a range of national jurisdictions, courts denying temporary help agencies employer status used the following reasoning as their central justification. First, the judgments indicated that the customer exercised direct control and supervision over the temporary help worker while s/he was on-site. Second, they found that, in most jurisdictions, with the exception of those where the TER was governed by an indeterminate contract of employment, the temporary help worker was not employed by the agency until she was on assignment with an outside party. Third, numerous cases indicated that the temporary help agency did not supply its own materials or use its own tools, "nor does it guarantee or take responsibility for a final product or service, in the usual manner of an independent contractor" (Gonos, 1995: 8). Therefore, the temporary help agency belongs in the category of "labour-only contractors" (Axelrod, 1987; Epstein and Monat, 1973).<sup>19</sup>

Even though the courts often denied temporary help agencies legal employer status, in many jurisdictions, particularly in countries like Canada where the THI did not pursue employer status through formal legal channels, they attained *de facto* employer status in the post-war era. From the perspective of the THI, the underside of this otherwise positive development was that temporary help agencies in most North American and European countries were treated as private employment agencies throughout the post-

war period. They were therefore required to obtain licenses, keep formal records and, in many cases, they also had to follow fee-scale limitations.<sup>20</sup> Such measures enabled the THI to survive early challenges to its legitimacy.

Law and regulation were not, however, the primary basis of the THI's claim to legitimacy. Instead, it drew a considerable degree of its legitimacy from both its workers and its client base. In North America, in particular, the THI attained legitimacy by recruiting workers from a relatively confined segment of society -- workers who were not perceived to be as vulnerable to exploitation as those immigrant and migrant workers who had been targeted by early private employment agents acting abroad -- and marketing its services to a well-defined group of customers. This strategy was particularly successful in Canada, where the THI targeted white middle-class married women as its core workers and individuals and firms requiring temporary clerical help as its primary clients throughout the post-war period.

### *The Shape of the Early Canadian THI: Customers and Workers*

From its inception until the late 1960s, the Canadian THI experienced two distinct stages of evolution, following in the footsteps of its American counterparts. It first emerged with the narrow aim of providing individuals and firms requiring temporary clerical assistance with temporary workers for short-term assignments. In this period, customers used temporary clerical workers as a "stop-gap" or emergency measure (Carré, 1992, 1994). Thus, in 1951, providing temporary help workers for staffing emergencies was certainly Office Overload's primary marketing strategy. By the late 1950s, however,

the Canadian THI began to market itself as providing workers for planned usages, stand-ins for employees on sick leave or vacation as well as filling gaps in times of peak demand (Hutton, 1957). Therefore, in the 1950s and 1960s, the image of the typical temporary help worker remained rather static as did the industry's client base.<sup>21</sup>

### *A Profile of the Typical Temporary Help Worker*

The early Canadian THI catered largely to firms in the clerical sector or to customers requiring clerical assistance and it recruited primarily white middle-class married women as its core workers. Therefore, the image of the typical temporary help worker came to be marked by several core features from the 1950s onwards. She was a housewife just married, possibly expecting a baby or with school-aged children and normally a former office worker. She was in need (or in want) of some “extra” money to add frills to the household budget and she often desired greater economic independence from her husband.

Profiled in Maclean's magazine (1957), “Mrs.” Betty Downing was presented as the prototypical temporary help worker. Downing was one of Office Overload's first temporary help workers. She joined the organization in the summer of 1957 and she had been employed “a little more than half of full-time, in stints ranging from one day to a two day arrangement” (Hutton, 1957: 89). The Maclean's article focused on her first assignment, which involved acting as Bob Hope's private secretary while he was performing at the Canadian National Exhibition. However, Office Overload depicted Downing as a model for several other reasons intricately related to the image of the THI

that they aimed to project. Before marrying, and having two children, Downing had worked as a stenographer; hence, Downing's skills surpassed Office Overload's minimum standards of one hundred words per minute for shorthand and fifty words per minute for typing, with ninety-percent accuracy. She first took up an offer of a temporary assignment because her husband was in the midst of changing careers, they had just bought a new house, and her son needed an operation. However, after all these initial bills were paid, Downing continued to work with Office Overload, financing a new dining room set and a nice garden.

According to Maclean's, like most other temporary help workers in the 1950s, Downing adjusted to her double day rather adeptly: "With less time in which to do her housework, Betty has devised methods of combining chores with recreation -- like setting up her ironing board in the living room and watching television while she irons" (Hutton, 1957,90). It further indicated that the combination of housewifely duties and temporary help work was ideal for women like Downing, since they doubtlessly did not desire permanent employment, as well as for employers in need of clerical workers, who presumably did not view married women with children as good risks for permanent employment:

The inconvenience of being both a housewife and a free-lance secretary are just enough to make her immune to the occasional permanent offers she gets from her part-time employers... *Office Overload seldom has a girl 'stolen' by a customer. The very reasons why they work for Office Overload -- because they want to work when, where and for as long as they decide -- make them poor risks for permanent employment* (Hutton, 1957: 90-91, my emphasis).

Indeed, the Maclean's profile also suggested that, although Downing represented the type of temporary help worker that agencies liked to send to outside clients, companies like Office Overload also employed an internal pool of temporaries for clients wanting specific jobs, such as payroll and other more unconventional tasks, performed outside the office.

The Maclean's article cited the following example:

The production departments of Office Overload's branches have learned not to be surprised at customers' demands. Donna Lambert, the petite nonstop red-head who manages Toronto production, recently had to find half a dozen girls who had husky, exciting telephone voices. The client was a businessman who was running for president of his service club. The girls were provided with the names of all the club members, including first names and nicknames, and on the day of the election meeting they called the client's colleagues and cooed into the phone: 'Hellooo, Steve -- I'll be seeing you tonight... where? Why, at the club meeting. And don't forget, vote for good old Bill' (Hutton, 1957: 93).

Ironically, despite their "husky" voices, the author of the article described the women staffing this internal pool of temporaries as "an expectant mothers' club" since, at that time, Office Overload did not assign women workers to outside clients after they were four months pregnant.

Policies excluding married and pregnant women from participating in the labour market made temporary help work a viable option for women like Betty Downing, trained as secretaries before marriage. Correspondingly, they also made married women an ideal pool of potential workers for the THI. These women had neither lost their skills nor their desire to use them but, for a lengthy period, they could not put them to 'permanent' use in institutions such as the Federal Pubic Service (Archibald, 1970; Morgan, 1988). Other federal measures restricting married women's individual entitlements to social insurance,

such as the UI regulation concerning married women that existed until the late 1950s, only reinforced the already marginal position of these women in the labour market (Porter, 1993; Pierson, 1990). Thus, the THI relied extensively on labour market conditions and exclusionary public policies to sell temporary help work to married women.

Indeed, in much of its promotional literature, the THI exploited the potential insecurities of married women absent from the labour market for a lengthy period as a means of capturing this group of workers as its primary labour force. To governments, employers and the public-at-large, it constructed married women labour force re-entrants as "job market problems" in need of assistance and counseling to get them accustomed to the post-war labour market. In so doing, the THI positioned itself as facilitating not only women's entry into temporary help work but their smooth re-entry into the labour market as marriage bars were lifted. Characteristic of the THI's general approach to treating this important source of labour supply, Mitchell Fromstein (1978: 242-43) of Manpower Inc. described married women's tentative approach to labour market re-entry in the post-war era as follows:

These women are unsure of both their marketability and their real desire to work. They are inhibited in their willingness to seek or accept normal office positions but curious at the possibility... This group of women needs counseling, interviewing, testing and direction which they cannot get on regular job interviews. In many cases, their skills need updating and, in all cases, they need encouragement and assurance that they still have the ability to be productive and will be accepted in the work force. They fear the classic job interview which places a number of applicants into competition for a single job.

The imagery Fromstein uses here creates quite a different picture than the confident Betty Downing portrayed in Maclean's. From his perspective, not only are these married women

"job market problems" because they have not kept up with changing skills requirements, they are also timid and reluctant workers fearing the conventional job interview. However distinct, both these images (i.e., the confident Betty Downing and the more reluctant married woman job-seeker) were consistent with the marketing strategy of the THI in the post-World War II period to the 1970s. They effectively tapped into the logic of the ideology of domesticity, which suggested that women's primary place was in the home, while still encouraging a particular version of labour force re-entry among married women. The difference: the THI merely had to invite independent-minded women like Betty Downing into the world of temporary help work but it had to coax the more timid job applicant to join its ranks.

Since it viewed itself as providing a vital "service" to client firms, the THI's strategy also involved convincing its customers of the utility of using temporary help workers. Even after the marriage bars were lifted and the new UI regulations targeting married women were removed, the THI educated its customers on how they would benefit from drawing on temporary help workers. As well, the kinds of remarks made by Fromstein, and the profile of Office Overload in Maclean's and other popular magazines, served to socialize employers that married women were poor risks for permanent employment. Even more critically, by the late 1960s and early 1970s, industry leaders began to argue that using the THI had other key advantages. Customers could avoid the costs of employment-related benefits and the costs accrued from hiring and dismissal, assuring customers that these types of advantages were morally justifiable due to the shape

of the labour supply (Fromstein, 1978; Gannon, 1978; Ginzberg, 1978). After all, married women were perceived to enjoy the variety offered by temporary help work without having to commit themselves to full-time permanent work.

Exclusionary policies that encouraged many Canadian married middle-class women to engage in temporary help work and the high degree of demand among employers for clerical workers were not the only factors contributing to the success of the early Canadian THI. There were other forces -- ideological forces -- at work during this period. Building on sentiments characteristic of the Depression era, the married woman wage-earner, especially if she had children, was a contentious figure in the post-war period. If she remained in the labour market after the return of the troops then she was defying her proper place in the domestic sphere (Strong-Boag, 1994; Sangster, 1995). However, in the later half of the post-war period, as household budgets became even tighter, families increasingly needed more income to sustain themselves (Katz, 1951). Equally important, many married women had enjoyed their time as war-time workers and they resented being prohibited from participating in the labour market. Not only could most families no longer rely on one income-earner but many married women wanted to engage in paid employment and enjoy the type of "liberation" that it invited. At least this was the rhetoric in the popular press of the day:

The time may be near when the old conservative cliché, 'Woman's place is in the home,' may be dropped as useless baggage. But how the individual working mother will stand up to the double life of home and job, year in, year out, giving her best to each and still finding time for personal rest and relaxation, is a problem that awaits a complete solution (Macpherson, 1945: 68).

The THI, with the assistance of commentators in the popular press, sold temporary help work to women as the best remedy to this set of problems. In response to an article in Chatelaine (1960) where a married woman (Anita Birt) reflected bitterly on her short stint in the labour market and argued against combining motherhood and employment since doing both -- in this case, working as a full-time stenographer and being a full-time mother -- was too taxing, an executive from Office Overload responded as follows:

It's easy to see that [Anita Birt] bit off more than she could chew. The modern compromise for the married woman is part-time temporary work: working hours tailored to suit her particular responsibilities, the bonus interest of varied offices and industries to work in, and that extra kick, a few more dollars in the family purse! What more could a woman want? Wilbur can have the measles without the whole fragile structure of the mother's working life toppling around her... This compromise satisfies some forty-thousand women across Canada who work on such a basis for the company I represent (Keith, 1960:148, my emphasis).

For this Office Overload executive, the perfect solution to the dilemma of balancing family responsibilities and paid employment was temporary help work. This solution was praised in debates about women's role in the labour market in the popular press: temporary work achieved the ideal balance for married women, providing them with a modicum of liberation without undermining the harmony of the conventional nuclear family. Hence, for approximately a decade, even with the removal of the marriage bars and other measures discriminating against married women, the type of worker that the THI targeted and that its primary customers desired remained relatively consistent, as did the sex composition of the THI.

In Canada and in North America more broadly, the THI was a product of its time. Industry leaders were keenly aware of the tensions created by the persistence of

exclusionary policies directed at married women and the growing economic necessity for more than one breadwinner per household, as well as the acute need for workers to staff the growing clerical sector. Hence, leaders crafted a temporary help formula which allowed temporary help agencies to claim *de facto* employer status, target a narrow group of workers, and rid themselves of the bleakest images associated with the early private employment agency industry. But, beyond creating an important niche for the THI, this formula also upheld the underside of the post-war compromise since it allowed the THI to incorporate a crucial group of so-called secondary workers into the labour market without bringing them into the fold of the SER and granting them access to its associated package of benefits and entitlements.

### **III. International and National Regulatory Developments, 1933-1966**

While the success of the "temporary help formula" underpinned the legitimacy earned by the Canadian THI in the post-war era, the THI did not gain complete legitimacy in Canada or elsewhere after World War II. Nor did the THI completely avoid regulation since many of its practices fundamentally challenged central tenets of the post-war entente, leading various countries to impose relatively rigid regulations and/or restrictions on temporary help agencies. For example, the THI's attempt to distance itself from the private employment agency industry by claiming legal employer status heightened tensions in both North America and Europe in this period. Still, as Gonos (1995: 24) notes:

It is well to remember that legality and social legitimacy are two very different things. Legitimacy refers to a condition in which a given social practice finds widespread acceptance in a society, because it lies within the general framework of accepted social norms and widely-held beliefs... Legality, of course, is also

anything but a fixed state of affairs.

The ensuing discussion on the evolution of international and national approaches to regulating the THI in the post-war period reinforces Gonos' claim. Even though the THI gained conditional legitimacy in various countries and regions in this era, the legal status of temporary help agencies was anything but fixed at either the national or the supra-national level from the inception of the THI until the late 1960s. Ironically, however, the lack of legal certainty surrounding the role of the THI in the international labour market, in combination with the well-crafted temporary help formula, facilitated its early success in the Canadian context.

### *International Developments*

In the arena of international regulation, the period after the original “Convention Concerning Fee-Charging Employment Agencies” (No. 34) came into force was very quiet. Over this period, which spanned the outbreak of World War II to its end, only eleven member countries ratified Convention No. 34, primarily because of its unequivocal stand on prohibition and technical obstacles to ratification (ILO, 1997a: 52). But, the war had also created a standstill with respect to the promotion of international labour standards since Member States were preoccupied with restoring peace. Still, in the aftermath of World War II, ILO Member States expressed a collective desire to define the ILO's future policy programme to suit the principles of social justice emerging in the reconstruction era (ILO: 1944: i). Consequently, at the International Labour Conference in 1944, they endorsed the Philadelphia Declaration, a covenant that committed the ILO to

expand its mandate to emphasize the "role of economic and *social policies*, as opposed to only labour legislation for attaining social objectives" (ILO, 1944: i, my emphasis). The Philadelphia Declaration explicitly committed the ILO to attaining the following objectives which were collectively designed to cement the SER along with other central aspects of the post-war compromise:

- full employment and rising standards of living;
- the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- the provision of adequate nutrition, housing and facilities for recreation and culture;
- the assurance of equality of educational and vocational opportunity and provision for child welfare and maternity protection (Lee, 1997: 470-41).

It also renewed the Constitution of the ILO, reaffirming the guiding maxim that "labour is not a commodity" while simultaneously enlarging the ILO's mandate to include a range of issues related to social security.

In the ensuing years, the ILO constructed a framework for the creation of national public employment services out of these measures. More specifically, Member States adopted two new instruments that offered a framework for the creation and coordination of national public employment services: the "Convention Concerning the Organization of the Employment Service" (No. 88) and the "Recommendation Concerning the Organization of the Employment Service" (No. 83). These instruments, which still exist in the 1990s, provided for the establishment of public employment services and set out how these services should operate. Although neither instrument covered fee-charging employment agencies, both extended the mandate of Convention No. 34 and the general

belief that workers should be entitled to free public assistance in obtaining employment.

Thus, Recommendation No. 83 asserted:

Systematic efforts should be made to develop the efficiency of the employment service in such a manner as to obviate the need for private employment agencies in all occupations except those in which the competent authority considers that for special reasons the existence of private employment agencies is desirable or essential (ILO, 1992a: 446).

Together with the Philadelphia Declaration, these instruments spurred the ILO to re-examine the role of fee-charging employment agencies in the labour market at the end of the 1940s and eventually led it to revise Convention No. 34.

#### ***Convention No. 96***

In 1949, just as the THI was emerging in the American labour market, the ILO revised Convention No. 34, which led to the adoption of the "Convention Concerning Fee-Charging Employment Agencies, Revised (No. 96)". Since the ILO took the position of *following* rather than *leading* international regulatory developments pertaining to private employment agencies at this juncture in its history, Convention No. 96 (Revised) did not explicitly address the status of temporary help agencies within its scope. Still, the substance of Convention No. 96 (Revised) clearly informed the THI's strategy of distancing itself from the private employment agency industry: it had the effect of encouraging the THI to deepen the temporary help formula and to use it as a means of attaining greater legitimacy. Hence, a brief description of this convention and Member States' responses to its substance is in order.

Convention No. 96 (Revised) was indeed built on Convention No. 34 and, thus, the general maxim that "labour is not a commodity". As a result, it preserved the basic features of the original international labour standard governing fee-charging employment agencies. For example, Convention No. 96 (Revised) retained the definition of fee-charging employment agencies first set out in Convention No. 34 defining them as:

any person, company, institution, agency or other organization which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantages from either employer or worker (ILO, 1992a: 145).<sup>22</sup>

However, to encourage a higher level of ratification, Convention No. 96 did depart from the substance of the Convention No. 34 in several areas. Most centrally, it offered ratifying States two options for eliminating common abuses among fee-charging employment agencies: progressive abolition or regulation (ILO, 1992, 1997a: 52).<sup>23</sup> Part II of the Convention set out a framework for abolition that remained virtually unchanged from Convention No. 34, with the exception of eliminating the three-year time table for achieving prohibition and reversing the prior restriction on opening new private employment agencies (ILO, 1992a: 420). Quite distinctly, Part III of the Convention outlined a framework for regulation. It assumed that both public and private employment agencies could contribute to the smooth-functioning of the labour market, although private employment agencies should do so only under strict limitations (ILO, 1994a: 8). The regulatory framework that it set out for fee-charging employment agencies included

provisions mandating yearly licensing, supervision, fixed-fee scales and special rules for recruitment and placement.

### *Sweden's Request for Clarification*

Since it offered Member States a fair degree of flexibility, Convention No. 96 (Revised) removed many of the technical obstacles to ratification posed by Convention No. 34. As a result, the level of ratification of Convention No. 96 (Revised) far exceeded that of its predecessor and just under half of the Member States ratifying this convention opted to abide by Part III of the instrument.<sup>24</sup> However, by the time it came into full force in 1950, the labour market was in transition. New types of private employment agencies were entering the labour market. Emerging in the 1950s, temporary help agencies represented the largest category of new private employment agencies. As demonstrated in Section II, rather than acting purely as labour market intermediaries involved in recruitment and placement, these new agencies also functioned as the formal employers of temporary help workers, assuming many employment-related opportunities; in their formative years, they operated primarily in North America and Europe, and their activities raised an array of regulatory issues and concerns among several of the parties to the post-war entente.

Due to the growing international prominence of temporary help agencies in the early 1960s, Sweden requested clarification from the Director General of the ILO as to whether "ambulatory typing agencies", whose activities conformed with those of temporary help agencies placing clerical workers in the North American context,<sup>25</sup> were

covered under Convention No. 96 (Revised) (ILO, 1966: 391). Under Swedish labour law of the day, these agencies were perceived to be involved in the "hiring out of labour"; their main purpose was to *supply labour* and, in practice, they only *employed* the largely women temporary help workers so long as they were assigned to an outside party (ILO, 1966: 396). Consequently, Sweden expected that they would be excluded from coverage since they did not engage in permanent placement. However, the Director General found that ambulatory typing agencies did indeed fall within the scope of Convention No. 96 (Revised) in making a ruling on Sweden's request for clarification. Referring to the definition of fee-charging employment agencies set out in Convention No. 96 (Revised), the Director General indicated that it included "indirect employment operations" carried out for profit and he stressed that the instrument intended to cover "the variety in forms and methods of placing for profit" (ILO, 1966: 394). He also classified them as intermediaries, a factor that was to shape national and international debates and discussions for decades. However, the Director General still indicated that exclusions could be made for these categories of private employment agencies under the terms of the prevailing instrument. For example, he suggested that part-time and casual clerical workers might not be best recruited and placed in employment by public employment services for the following reason:

Although public services do to a certain extent cater both for vacancies of this kind and for persons seeking employment of this kind, it is possible that the arrangements do not adequately meet the needs of the persons concerned and that the public services might hesitate to undertake additional work -- testing, taking up references, assuming responsibility for handling questions of remuneration,

taxation, social security, employment permits for foreign applicants -- which may make private employment agencies more attractive to both the employers and the applicants for employment (ILO, 1966: 395-396).

In making these remarks, the Director General openly recognized the wide-range of new activities, extending beyond recruitment and placement, that private employment agencies were involved in and increasingly the very group of workers that they placed, including the many women workers perceived to be dependent upon a male wage. His remarks also provided some leverage for temporary help agencies, which were already often successfully claiming that their recruitment, testing, matching and placement procedures distinguished them from the private employment industry at the national level.<sup>26</sup> Thus, despite the substance of his legal pronouncement, the Director General offered ratifying States both an option and a viable justification for excluding temporary help agencies from coverage under the terms of the instrument.

Still, several Member States expressed concern over the Director General's characterization of ambulatory typing agencies as "intermediaries" in the ensuing years, disregarding his crucial qualifier that temporary help agencies could be excluded from coverage from Convention No. 96 (Revised) (ILO, 1994b: 1,8). Some renounced Convention No. 96 (Revised) on these grounds. Others ignored the Director General's interpretation altogether, placing temporary help agencies outside the scope of national regulations directed at private employment agencies due to the type of workers that they targeted and pressing employer demand. Still others took direction from Sweden's request for clarification. By the late 1960s, the legitimacy of Convention No. 96 came under

attack by both national governments desiring clarity, employers' groups demanding exclusions for temporary help agencies and workers' groups demanding a new international labour standard explicitly designed to cover temporary help agencies (ILO, 1994). The conflicting demands of these three core sets of actors in the ILO's organizational structure produced a decades long stalemate on the issue of regulating private employment agencies at the supra-national level. The demands also led Member States to adopt three divergent approaches to regulating temporary help agencies in particular and the TER more generally.

### *Approaches to Regulating Temporary Help Agencies*

In the context of developments at the supra-national level, the three distinct approaches to regulating temporary help agencies that emerged in the late 1960s and early 1970s were prohibition, regulation and non-regulation. In both Europe and North America, a given country's approach to regulating temporary help agencies in the post-war period usually reflected the type of stand it had originally taken in 1933, when the ILO first introduced a convention prohibiting fee-charging employment agencies.

Based on the principles contained in Convention No. 34, one common approach to regulation dominant in the early part of the post-war era was prohibition. A significant group of Member countries prohibited temporary help agencies for a lengthy period in the post-war era. Measures designed to achieve complete prohibition endured longest in Italy, Spain and Hellas; in all three cases, the reasons behind adopting this approach reflected the need to control the labour supply in labour markets with a history of high unemployment

and a record of significant abuses on the part of labour market intermediaries (Koniaris, 1993; Treu, 1993; Rodriguez-Sanudo, 1993). Still, over the decades in question, many temporary help agencies penetrated each of these national labour markets due largely to the lack of enforcement mechanisms in existing legislation. While measures designed to achieve prohibition remained on the books in all three countries for decades, legislators began to ignore them in practice by the late 1970s, allowing temporary help agencies a considerable degree of autonomy in local labour markets (Treu, 1993: 202; Rodriguez-Sanudo, 1993: 258).

In the later part of the post-war period, a number of European countries that were unsuccessful at enforcing either Convention No. 34 or Convention No. 96 (Part II) or chose to endorse Convention No. 96 (Part III) opted to regulate the activities of temporary help agencies. For example, as early as the late 1960s, France showed initial signs of lifting its decades-long ban on these labour market actors and began to create a framework for the regulation temporary help agencies and the TER more broadly as a means of confronting the spread of non-standard forms of employment (Veldkamp and Raesten, 1973: 126; Rojot, 1993). At this juncture, the French government faced a dilemma: it felt obliged to regulate the TER, yet it did not want to undermine the primacy of the SER in principle or in practice. Consequently, its initial regulatory interventions reflected two goals aimed at limiting abuses on the part of the temporary help agencies and their customers. First, they aimed to restrict the substitution of contracts of fixed-term and temporary help work for permanent jobs. Second, they aimed to provide

guarantees to temporary help workers that preserved some protections associated with the SER (France, 1972).<sup>27</sup> Given these goals, more than any other country in Europe, France adopted a coherent strategy of 'regulating precariousness' that had its earliest origins in the early 1970s but, as will be discussed in Chapter Six, reached its height in the late 1980s. It was the first ILO Member State to institute a model of regulation that went beyond regulating the recruitment and placement activities of temporary help agencies as private employment agencies and that began to regulate the TER itself.

While its approach to regulation differed sharply from France, Germany also opted to regulate the temporary help worker's conditions of employment after the ILO's important pronouncement in 1966. In the German context, where the government actively committed itself to the SER and its comprehensive package of protections in the post-war period, the State took a unique approach to regulating what it labeled "employee-leasing firms" and protecting temporary help workers. Although its approach led to outcomes similar to the French case, Germany came to govern the TER by a *normal* unlimited contractual relationship between the temporary help agency and the temporary help worker (Weiss and Schmidt, 1993: 114). Originating in the 1970s, German legislation characterized the employee-leasing firm (i.e., temporary help agency) as the employer of record and the temporary help worker was to receive benefits customarily associated with the SER (Weiss and Schmidt, 1993: 129). Thus, temporary help work was considered *temporary* only insofar as workers were only permitted to work for a limited duration on the customer's site. In legal terms, the employment relationship between the agency and

the worker was defined as long-lasting. Hence, beginning in the later part of the post-war period, the German government allowed businesses to "borrow" workers from employee-leasing firms as long as these workers retained their entitlements to as minimal a set of protections as workers who were engaged in the SER. In this respect, the social priorities of France and Germany were similar but these countries used different means to regulate temporary help agencies and the TER more broadly. As we shall see in Chapter Six, the French model became a template for the European Community during the late 1980s and early 1990s since it accommodated the decline of the SER. Correspondingly, the German model fell apart precisely because it rested on the stability of the SER as a normative entity.

In stark contrast to the Continental European approach to regulation, many countries, such as the United States, Canada, Denmark, Ireland and Great Britain, took a more lenient approach to monitoring the activities of temporary help agencies in the post-war era (Gonos, 1994; Hepple, 1993: 452; Jacobsen, 1993: 77). Some, such as Canada, the United States and Great Britain, regulated their activities in accordance with legislation pertaining to private employment agencies. However, in sharp contrast to many of their European counterparts, who shifted their efforts away from regulating temporary help agencies as labour market entities towards regulating the TER in the post-war period, countries opting for non-regulation failed to establish by definition any firm regulatory parameters surrounding the TER. Canada is a case in point since it chose only to regulate private employment agencies as labour market entities.

In the Canadian context, temporary help agencies were normally regulated under provincially-based employment agency acts from the mid-1930s onwards.<sup>28</sup> No pro-active legislation governing the TER itself emerged at either the federal or the provincial level during the post-war era.<sup>29</sup> Provincial employment agency acts, many of which had their origins in the pre-war period, generally required temporary help agencies to obtain licenses and keep detailed records. The majority also prohibited direct fees to workers or established fixed fee-scales by classifying them as private employment agencies garnering indirect fees from the client firm (see for example: R.S.A., 1942, 1948; R.S.B.C., 1919; R.S.M., 1950; R.S.O., 1950). Some even granted the appropriate authorities the power to prohibit specific types of private employment agencies, thereby extending provincial measures first set out in the late 1920s (R.S.Q, 1941; R.S.O, 1950). For example, the Employment Agency Act (1950) of Ontario continued to give the Lieutenant Governor in Council the authority to prohibit specific types of private employment agencies and/or individual private employment agencies of undesirable character until 1960, although this measure was never invoked in either the pre- or post-war period. Still, beginning in the post-war period and continuing over the course of the decades-long stalemate at the ILO, temporary help agencies gained *de facto* employer status in most provincial jurisdictions, even in Quebec, which crafted the most rigid provincially-based regulatory regime pertaining to private employment agencies in post-war Canada.<sup>30</sup> Simultaneously, the THI gained considerable legitimacy in the Canadian labour market by offering to provide both a "crucial extra service for its business clients" (i.e., taking the role of the legal 'employer')

and "employment opportunities" to a relatively narrow group of workers excluded from the SER (Gonos, 1994: 241).

Ironically, mirroring the practices of countries opting for more active forms of regulation in the post-war period, Canada did not codify the employer status of the temporary help agency into law. In this respect, Canada's passive approach to regulating temporary help agencies differed sharply from its American counterpart where numerous branches of the THI actively engaged in legal battles for employer status from its inception until the mid-1980s, battles that only intensified after the ILO's pronouncement in 1966 (Gonos, 1995). Still, like their American counterparts, Canadian provinces were relatively silent on the issue of regulating temporary help agencies throughout the post-war era. Most provinces accepted temporary help agencies' claims to employer status in practice (since they did not undermine the SER), thereby preserving their mediating role in the labour market. However, they were reluctant to grant them unconditional legitimacy as employers, perhaps partly due to the configuration of events at the international level. In the meantime, the THI continued to carve out a space for itself in the Canadian labour market, maintaining its focus on both a narrow pool of workers and well-defined client base. Still, its changing role would concern Canadian policy-makers as well as policy-makers in countries opting for prohibition and regulation, for decades to come.

### **Conclusion**

This chapter has traced the emergence of the Canadian THI, detailing its dramatic rise in the clerical sector and the complex set of national and supra-national developments

that contributed to its early success. It began with the argument that the THI played a pivotal mediating role in the post-war era and therefore contributed to upholding the entente between capital and organized labour (mediated by the State) from the late 1940s until the early 1970s. It then demonstrated how the THI contributed to negotiating the tension between sustaining the SER as a norm and preserving dualism in the labour market, by catering to individuals and firms requiring temporary clerical assistance as its primary customers, targeting white middle-class married women as its chief workers and claiming employer status. The chapter developed this argument by charting the nature of women's participation in the Canadian labour market at the inception of the THI, the strategy adopted by early temporary help agencies and the changing shape of national and supra-national regulatory regimes governing private employment agencies in the post-war era.

The chapter commenced by examining the mixture of forces and variables that created a highly gendered and racialized space in the Canadian labour market within which the THI arose. By focusing on the shape of women's labour force participation from the early 1930s to the late 1960s, it demonstrated just how crucial the policies and practices that curtailed married women's employment were to the formation of the Canadian THI. Evidence suggests that these measures created a captive pool of potential workers for the THI to draw on. Still, policies beyond explicit marriage bars, which facilitated labour market segmentation based on race, ethnicity and immigration status as well as gender, also contributed to positioning white middle-class married women as an ideal work force

for the THI. As the SER gained ascendancy, immigration policies relegated a substantial number of immigrant women to specific occupations such as domestic service, where, for example, minimum wage legislation did not apply. In sharp contrast, more covert discriminatory policies persisting after World War II forced white middle-class married women to conform with the ideology of domesticity, performing "normal" wifely duties and relying primarily on a male breadwinner to reproduce themselves and their families.

In the post-war period, measures limiting married women's entitlements to social insurance and marriage bars in various fields of employment had the effect of curtailing their labour market participation to the extent that temporary help work was among their few viable employment options. Correspondingly, immigration policies that led the government to recruit specific groups of women into occupations that were undesirable to Canadian-born women, particularly live-in domestic work, also set rigid boundaries around their labour market participation (see for example: Arat-Koc 1997; Calliste, 1993; Daenzer, 1997; Iacovetta, 1986, 1992; Silvera, 1983). Excluded from the SER, both groups of women lacked several crucial politico-legal freedoms associated with the dominant conception of free wage labour evolving in the post-war era (Miles, 1987: 32). Neither group was able to circulate freely on the labour market and enter vocations of their own choosing. The relative force of the ideology of domesticity only aggravated persisting tensions. It heightened racialized gender divisions of labour in the waged sphere, trapping many immigrant women wage-earners in a few narrow segments of the labour market, and it fueled attacks on married women wage-earners' "right to work". Of

critical importance to the foregoing argument, it also contributed to generating a highly gendered and racialized space in the labour market, which the Canadian THI further shaped to its advantage.

Upon its inception, the THI constructed largely white middle-class married women as “ideal” temporary help workers. From the vantage point of the THI, this narrow group of women represented a suitable pool of workers due to their assumed dependence upon male breadwinners, a presumption fostered by the ideology of domesticity, and their supposedly “natural” role in social reproduction. This strategy exposes the necessary and integral relationship between unfree unwaged domestic labour and relatively unfree waged labour that scholars preoccupied with elaborating the Marxian unfree/free labour distinction routinely overlook. The THI then transformed the idealized image of the temporary help worker into a genuine reality by adeptly building on pre-existing racialized gender divisions in the Canadian labour market, divisions that, as works by Miles (1987), Satzewich (1991) and those who apply their theories (see for example: Arat-Koc, 1997; Bakan and Stasiulus, 1997; Stasiulus, 1997) suggest, emerged from the complex history of unfree waged labour in Canada. By distancing itself from the early private employment agency industry and targeting a group of workers that lacked a range of benefits associated with the SER and were barred from certain fields of employment (i.e., white middle-class married women), the THI avoided challenges akin to those directed at private employment agents in the pre-World War II era. This complex strategy allowed temporary

help agencies, like their earliest precursors, to capitalize on the legal disentanglements of married women and to avoid the full costs of reproducing these workers.

As described in Section II, the early Canadian THI used the temporary help formula, a coherent strategy that complemented pre-existing exclusionary policies and the highly racialized ideology of domesticity, to solidify its client base and capture its ideal work force. In the early 1950s, temporary help agencies, such as Office Overload, seized on the labour shortage in the clerical sector by catering to individuals and firms in need of clerical assistance (Hutton, 1957; Keith, 1960). Simultaneously, they offered flexible work arrangements to a well-defined group of married women who, although they were excluded from the SER, still needed part-time and temporary employment to sustain themselves and their families (Sangster, 1995; Strong-Boag, 1994; Katz, 1951; Macpherson, 1945). Both these facets of the temporary help formula enabled the Canadian THI to bolster its legitimacy and, even more important, to introduce the TER as a viable alternative for attaining a means of subsistence for certain marginalized segments of the working population. Indeed, the TER surfaced as a *de facto* triangular employment relationship at the inception of the Canadian THI. In the post-war era, temporary help workers were normally assigned to several work-sites off the employer's premises, rarely party to indeterminate employment contracts and they could be dismissed with limited notice (Cordova, 1986: 641). Although the core features of the TER violated all of the central tenets of the SER, it gained *conditional* legitimacy alongside the THI due largely to the characteristics of the typical temporary help worker and the emergence of a more

reputable type of private employment agency, that is, the ‘classic’ temporary help agency. Given that the THI narrowly targeted white middle-class married women as its chief workers and simultaneously distanced itself from the private employment agency industry by claiming legal employer status, the TER did not pose an immediate threat to the SER, nor to any of the parties central to the post-war entente. Although temporary help agencies began to treat workers as their primary “commodities” in this period, the central actors that granted the THI legitimacy at the national and the international level overlooked this crucial development.

In the Canadian context, the THI became a success very shortly after its birth. However, as Section III illustrated, the role of the temporary help agency did not go unquestioned in the supra-national regulatory arena in the post-war era. The configuration of developments that occurred at the both national and the international levels did indeed open up a space for the THI. Still, for a lengthy period, prominent members of the international community viewed the THI as an outgrowth of the private employment agency industry and carefully scrutinized its activities. Even though international labour conventions governing private employment agencies pre-dated the emergence of the “classic” temporary help agency, and, thus, did not cover these labour market entities definitively, the ILO still ruled that temporary help agencies fell under the scope of Convention No. 96 in 1966 (ILO, 1966). This controversial ruling spurred some Member States to prohibit temporary help agencies and thus symbolically preserve the maxim “labour is not commodity”, others to develop measures to monitor and regulate them and,

still others, to renounce Convention No. 96 and call for the repeal of such supra-national measures. In the interim, the Canadian THI gradually earned a special status that set it apart from the early private employment agency industry thereby relieving it of focused State scrutiny. Combined with the cleverly-crafted temporary help formula, this special status, which allowed temporary help agencies to virtually escape regulation at the provincial level in Canada, only strengthened the THI's mediating role in the post-war era.

As Chapter Four shows, the THI used its special status to broker a range of competing interests from the 1970s onwards and to launch a new industry strategy that involved providing "employment and staffing services". However, with the gradual breakdown of the SER, the temporary help formula also began to contribute to undermining the social and economic bases of labour market regulation that rose to dominance in the post-war era. Chapters Five and Six examine the implications of these developments for temporary help workers and the profound challenges that the emergence of the TER, as a highly feminized employment norm, poses to the prevailing regulatory regime.

### Notes

<sup>1</sup>As established in Chapter One, this norm is best epitomized by the SER.

<sup>2</sup>Since Chapter One describes the shape of the SER, this section does not re-trace its history and origins. Nor does it re-introduce the central tenets upon which it is based. It is nevertheless useful to recall that the hallmark of the SER is security and it was generally limited to (white) male breadwinners in core sectors of the economy in the post-war period (see for example: Aglietta, 1979; Harvey, 1989; Jessop, 1990; Muckenberger, 1989; Porter, 1996; Rogers and Rogers, 1989; Schellenberg and Clark, 1996).

<sup>3</sup>Notably, when a significant number Canadian-born women returned briefly to domestic work during the Great Depression, most only accepted positions as live-out domestics, undeniably the most desirable type of domestic work. Thus, their presence in this occupation made life even more difficult for immigrant women from Central and Eastern Europe, who endured the harshest working conditions (which were normally associated with live-in domestic work) due to the prevailing racialized gender division of labour (Barber, 1991: 19).

<sup>4</sup>This section limits itself to describing in detail the marriage bars imposed on women by the federal and provincial government from the Great Depression until the mid-1960s since State policies and practices played a particularly pivotal role in constructing women as secondary breadwinners and “temporary workers” in this period. Still, it is crucial to point out at the outset that various branches of organized labour supported discriminatory policies that were consistent with “securing a male breadwinner norm” alongside employers and the State in the post-World War II period despite women's important roles in labour militancy (Finkel, 1995; Guard, 1995).

As Alvin Finkel (1995) demonstrates, organized labour's support for the male breadwinner norm in the 1940s was intricately tied to the evolution of what Andy Andras and Eugene Forsey characterized as the ‘sheltered proletariat’ that grew out of the post-war compromise (i.e., the sizable group of primarily white male workers employed in large firms and benefiting from the collective bargaining rights prescribed under PC 1003). Indeed, organized labour made considerable gains in this era since blue-collar workers earned the right to, “lay claim to a respectability that had previously only been associated with skilled craftworkers” (Guard, 1995: 20). However, the gains made by organized labour in the post-war era led many of its more radical segments to abandon a wider political platform that involved seeking social justice for all working people and wealth redistribution among various segments of the working-class as well as women and men. More specifically, they led groups like the Canadian Congress of Labour (CCL), who had called for maternity benefits and day nurseries for working mothers during the war, to abandon such issues in exchange for the patriarchal notion of the “family wage” and the Trade and Labour Congress (TLC), which was always quite conservative when it came to

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women's issues, to remain divided over the issue of whether married women should be eligible for UI. As Finkel (1995: 62) notes:

In large part union positions on these issues reflected a conservative, patriarchal vision of the social order: male breadwinners, defended by trade unions and state planning, were supposed to bring home sufficient wages to care for the needs of their families, in which wives restricted their labour to the domestic sphere and received no pay.

After World War II, organized labour also demonstrated its ambivalence about married women's participation in the labour market through other more covert means. For example, a number of the contracts negotiated after the war, such as those negotiated by the United Auto Workers, supported employers' marriage bars and included provisions that denied seniority rights to women workers (Sugiman, 1994: 47-58). Even when women overcame legislative barriers and thus participated alongside men in blue and white collar work, joined unions and engaged in strike action, unions often invoked notions of "feminine fragility," highlighting women's supposedly reluctant labour militancy, as a strategic means of gaining support. Referring to the United Garment Workers Union and the Montreal Boot and Shoe Union, Julie Guard (1995: 133) aptly notes:

These unions, in short, deployed the dominant constructions feminine respectability in defense of women who might well be regarded by their contemporaries as having transgressed social boundaries. Identifying striking workers as decent women, unions demanded they be accorded the respectful treatment appropriate to their sex. Although they walked the picket line, unions argued, these women had not relinquished their feminine delicacy or fragility and were still entitled to be treated as ladies... As respectable unionists, women and men stood shoulder to shoulder on the picking lines, but their feet were planted firmly on gendered ground.

Thus, various branches of the organized labour movement were complicit in State policies and practices designed to curtail married women's participation in the labour market after the war (see for example: Finkel, 1995; Forrest, 1995; Sugiman, 1994). But, what is equally notable is that many segments of the union movement that rejected discriminatory State policies and practices in principle and, hence, supported women's labour force participation as well as their participation in unions were still ambivalent about women's role in militant forms of labour activism (see for example: Guard, 1995). Although this chapter does not delve deeply into how unions responded to the marriage bars and other barriers to women's labour force participation in post-World War II Canada, the success of the State policies to be described in this section, as well as the discriminatory practices of temporary help agencies and their customers to be described in Section II should be understood in this light.

<sup>5</sup>Margaret Benston (1969) was the first English Canadian scholar to examine how Marx's conception of the reserve army could be used to explain women's labour force

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participation. However, after Benston's early intervention, Patricia Connelly applied this concept more fully in the Canadian context in her book Last Hired, First Fired (1978). Since then, a host of other scholars have critically engaged with this concept in probing labour market trends in different historical periods and patterns of women's and men's participation in various types of work (for a careful synthesis of these debates see: Armstrong and Armstrong, 1990).

Marx originally differentiated between three types of labour reserves: the floating reserve of workers who were displaced from employment through the introduction of technology and/or the reorganization of production, the latent reserve of workers who either work in "threatened areas" like agriculture and have "not previously been employed in the labour force but can become available in the future" and, finally, the stagnant reserve of precariously or intermittently employed workers (Armstrong and Armstrong, 1990: 82). Connelly initially argued that women represent an "institutionally inactive reserve army of labour" because with the evolution of capitalism they were relegated to the private sphere and, therefore, defined out of the labour market. But, what is even more relevant to the discussion in this chapter, she also demonstrated that women represent a cheap source of labour for capital because the value of their labour power is "not determined by the means necessary for the maintenance and reproduction of their labour power" (Connelly 1978 as cited in Armstrong and Armstrong, 1990: 32). Her argument, therefore, has considerable salience in explaining the notion of the "family wage" and its popularity amongst State officials, employers and male unionists alike. As Armstrong and Armstrong (1990) assert, it also helps explain why women's wages are lower than men's more generally (i.e., because men are presumed to have a family to support and women, in sharp contrast, are presumed to either be secondary breadwinners or devoid of dependents).

For researchers applying the reserve army of labour concept in the late 1970s and early 1980s, World Wars I and II offered the best evidence of how women could be brought into the labour market when capital required their participation and displaced, either from the labour market entirely or shifted to the status of precarious workers, at the whim of employers. More recently, building on Connelly's (1978) insights and contemporary critiques of early feminist applications of the reserve army of labour hypothesis thesis, Armstrong and Armstrong (1990: 86-87) have argued that, as part-time workers, women constitute a flexible pool of labour (i.e., a floating reserve), although they "do not simply respond capital's demand for labour" but "make choices and develop strategies that manipulate the part-time work that is available in order to juggle their two kinds of work." Within this new literature, there is also a growing movement to show how differences between women, based largely on age, race, class and immigration status, affect the shape of the labour reserve; this is an extremely important development since the foremost criticism of this body of socialist feminist theory is that it fails to address differences *among* women.

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Rather than critically engaging with feminist literature on the reserve army of labour exclusively, this study builds on the insights of third generation segmented labour markets theorists that consider the dimension of social reproduction (but still recognizes the importance of Connelly's early application of Marx's reserve army of labour concept) because this body of literature offers a broader set of tools in probing the shape of the THH and the composition of its work force historically (Chapter One). By taking this approach, I follow Armstrong and Armstrong (1990) in believing that Marx's concept of the reserve army still has validity and utility but, like the Armstrongs, I am aware of its limits as well as the merits and shortcoming of the early feminist literature applying it.

A case study of the history and evolution of the TER, particularly its post-World War II manifestation, reinforces an important early insight of socialist feminist theorists: that women are particularly vulnerable to marginalization in the labour market because of their historical and biological role in social reproduction. However, it also reveals that there is no *necessary* relationship between women and the reserve army in any of its variants. Instead, what Marx characterized as the labour reserve (in all its forms) may be composed of a wide-range of disadvantage workers, including immigrants, women and other workers such as those perceived to have access to alternative forms of subsistence besides the wage.

<sup>6</sup>In many instances, however, economic necessity was the overriding reason that middle-aged women, particularly married women, engaged in employment during World War II. Referring to the efforts of the National Selection Service, Phillips and Phillips (1993: 29) assert:

The NSS's appeal to women's patriotism was hardly necessary after a decade of depression. A survey of women over thirty-five who were working (the least likely group to be in the labour force) found that only 9 per cent were working out of patriotism. The majority, 60 per cent, gave money as their reason.

Studies by Joan Sangster (1995) and Veronica Strong-Boag (1994), which examine women's continued attachment to the labour force after the war, provide further evidence of the overwhelming economic necessity underpinning their wage work.

<sup>7</sup>As Jane Ursel (1992: 198) notes, this last measure represented a "compromise between capital and labour in its most naked form -- subsidizing a wage system designed to ignore reproductive costs, only to perpetuate it." In an era when women's full-time, full-year employment was unwelcomed by the state, the family allowance was a "very small wage for housework" which aimed to make women "more contented citizens" (Armstrong and Armstrong, 1989: 69).

<sup>8</sup>For example, programme planners had tried, but failed, to obtain coverage for domestic workers under protective labour legislation and social insurance programs. But, as Ruth Pierson (1977: 96) indicates, this failure signaled, once again, the government's

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unwillingness to give the "occupation [of domestic work] the legal protection and benefits which might have raised its status and made it capable of providing a decent livelihood." Consequently, Canadian-born women continued to reject domestic work as a viable occupation in the long-run.

<sup>9</sup>Under the Regulation 5A of P.C. 5090, married women laid off because of pregnancy were disqualified from UI for a period of two years after birth. As Porter (1993: 129) aptly notes: "it seems that pregnancy was still considered a voluntary state, and that women who chose to enter that condition were not deserving of an independent source of income security."

<sup>10</sup>I am grateful to Ann Porter for calling my attention to Office Overload's submission.

<sup>11</sup>As evidenced by its remarks to the Commission of Inquiry into UI, Office Overload was already in the position of protecting its territory of the labour market by 1961. At this point, the Canadian THI had survived the period when it was most under threat through a carefully crafted strategy that shall be described in Section II.

<sup>12</sup>Upon its inception, Office Overload supplied the following set of office workers: stenographers, typists, file clerks, dictaphone operators, switchboard operators, receptionists, book-keepers and comptometer operators.

<sup>13</sup>Several contemporary American scholars have argued that the temporary help formula contributed to the restructuring of the New Deal model of industrial relations in the 1980s (Cobble, 1993; Gonos, 1995; Harrison and Bluestone, 1987). Although there is a dearth of scholarship probing this issue in the Canadian context, a similar, but perhaps more nuanced, argument may apply to the Canadian case. Chapter Six and the Postscript address this hypothesis in greater depth.

<sup>14</sup>As Moore (1965) further notes, some of these early covenants provided for a penalty in the form of liquidated damages.

<sup>15</sup>For example, in the Canadian context, Office Overload made the wage scales that it used public. In 1957, workers in Toronto earned the highest wages, which ranged from a \$1.00/per hour for junior clerks to a \$1.40/per hour for more experienced stenographers and book-keepers. At this point, Office Overload claimed that its rates were higher than average and it indicated that it "billed [clients] about twenty-five percent more to cover the overhead profit" (Hutton, 1957: 88).

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<sup>16</sup>For example, the Office Employees International Union passed a resolution at its annual convention in 1965 urging locals to negotiate clauses bringing temporary help workers under the provisions of the collective bargaining agreement (Moore, 1965).

<sup>17</sup>Indeed, in the United States, the industry engaged in a long and protracted struggle to secure employer status, one that continues to date (Gonos, 1994). To attain legitimacy the THI attempted to avoid being designated as a private employment agency, to be free from state regulation under legislation pertaining to private employment agencies and to be declared the employer of temporary help workers to satisfy the customer's desire to avoid employment-related responsibilities (Ricca, 1982).

<sup>18</sup>For a discussion of this decision, see Gonos, 1995: 11-12.

<sup>19</sup>These three points are derived from my comparative survey of national law and practices governing the TER to be presented in Chapter Six and several articles detailing the history of the legal status of the temporary employment agency in a range of national contexts (Gonos, 1995; Moore, 1965, 1975; Valticos, 1973).

<sup>20</sup>Regulations of this sort were even common in Canada, the United States, the United Kingdom and other countries that failed to ratify the original "Convention Concerning Fee-Charging Employment Agencies" (No. 34).

<sup>21</sup>At the very end of the period under study, the Canadian THI shifted its emphasis to selling "staffing services". This represents the third stage of evolution in its history and it shall be described in Chapter Four (Gannon, 1978; Fric, 1973).

<sup>22</sup>In retrospect, this definition appeared to cover the activities of temporary help agencies, although no Member State raised the issue of coverage when Convention No. 34 was in full force.

<sup>23</sup>Upon the adoption of Convention No. 96, some countries interpreted it to include temporary help agencies and/or ambulatory typewriting agencies and others did not, creating a notable split between Member States which reached its height in 1966.

<sup>24</sup>The level of ratification of Convention No. 96 reached its peak at 44 in 1972 (ILO, 1996: 126-127).

<sup>25</sup>These agencies also bore a striking resemblance to early private employment agencies operated by typewriter companies in Ontario in the 1910s.

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<sup>26</sup>In addition, the Director General's remarks opened up the possibility for the re-emergence of private employment agencies as legitimate labour market entities, signaling perhaps the earliest shift within the ILO from a policy aimed at the gradual prohibition of all private employment agencies to a policy endorsing the non-competitive coexistence of private employment agencies and public employment services.

<sup>27</sup>For a more in-depth discussion and analysis of the French case, see: Carré (1994).

<sup>28</sup>The provinces began to completely take over the regulation of private employment agencies with the introduction of the Employment Offices Co-ordination Act (1935), which established a national public employment service to be coordinated by the federal government but jointly-administered by both the federal government and the provinces.

<sup>29</sup>The same is true in the United States where temporary help agencies were regulated through employment agency acts at the State level for a lengthy period after World War II. However, unlike in the Canadian context, by the late 1950s and early 1960s, the THI had already won the legal battle for formal employer status in several American States including New York (1958) and California (1961) (Gonos, 1995: 15, 23). Hence, they became subject to the same legal treatment as other employers so long as there were no direct fees charged to the employee.

<sup>30</sup>As mentioned in Chapter Two, An Act Respecting Workmen's Employment Bureaus (1925) gave the Quebec Lieutenant Governor in Council the power to close down all private employment agencies (R.S.Q., 1925: C.189, S.7). However, in 1941, the province invoked even more drastic changes in An Act Respecting Employment Bureaus. This Act revoked all pre-existing regulations pertaining to private employment agencies and the government began to formally prohibit private employment agencies, although eventually exceptions were granted for charitable organizations, workers' councils and other philanthropic private employment agencies (R.S.Q., 1941, C. 161: S. 8). It also ensured that all "employees" (i.e., any person working under contract of lease and hire of work or of apprenticeship) could register with employment bureaus for free (R.S.Q., 1941, C. 161: S. 2). These measures were even retained throughout the 1960s with the introduction of the Employment Bureaus Act (1964). Still, there is no evidence that the Quebec government ever applied them to temporary help agencies.

## Chapter Four

### From Stop-Gap Workers to Staffing Services: The Expansion of the Temporary Help Industry

**"Staffing" is a broader [term] than "temporary". It seems to capture all the types of work arrangements and services that we are providing. In the public's mind, temping seems to have a slightly negative connotation... The image that comes to mind is still one of the "Kelly Girl". It's not too glamorous. It's not a great way to work. But, there is a way to counteract that. By using "employment" and "staffing", we want to communicate to the public that the industry has changed. It's no longer necessarily just providing temps *per se*. It's doing so many other things (II).**

Just as the THI played an important mediating role in the post-World War II era, balancing the concerns of capital, organized labour and the State and upholding the SER as the norm by targeting a narrow group of workers and a well-defined set of customers, it brokered a somewhat different range of interests in the period spanning from the early 1970s to the late 1990s. By the 1970s, the THI had gained sufficient legitimacy in Canada and other nations pursuing a strategy of non-regulation that it no longer needed to rely on the SER as a counter-weight to preserve its place in the labour market. As a result, it gradually abandoned its prior mediating role and began to situate the TER as an *alternative* to the SER, building on dramatic changes in the labour market, the exceptionally stable regulatory regime surrounding private agencies as a whole, the removal of marriage bars and the diminishing force of the ideology of domesticity.

In the post-1970 period, the THI turned its attention to growth and expansion, targeting new customers, shifting its marketing strategy from supplying "stop-gap" workers to providing "staffing services" and appealing to a larger cross-section of

workers. To capture a wider-range of customers, temporary help agencies focused on broadening the occupational spread in the industry by expanding into new sectors, especially in high-technology fields. They also tapped into the growing desire amongst employers for so-called "labour flexibility" by extending their services beyond supplying temporary help workers to assuming responsibilities related to hiring, dismissal, health and safety and the provision of benefits. Simultaneously, temporary help agencies employed a range of new tactics to appeal to workers. Using the decline of the SER to their advantage, they cast temporary help work as a suitable option not only for women with family responsibilities but for people with a diverse range of skills and occupational backgrounds. Still, the legacy of the "Kelly Girl" -- the gendered imagery that the THI first used to carve out a space in the labour market -- and the fact that the THI initially distanced itself from the private employment agency industry, by staking its reputation on providing *temporary* help, had lasting effects on the shape of the TER as well as on the regulatory regime that surrounded it.

This chapter traces the rapid expansion of the Canadian THI from the mid-1970s to the early 1990s, focusing on the shape of the industry strategy that it crafted to adapt to changes in the labour market in this period and the new relationship that it cultivated between temporary help agencies and their customers. It is divided into four sections. Section I describes a range of international and national developments that contributed to undermining the SER in the 1970s and 1980s. It illustrates that the Canadian State's movement away from full-employment objectives towards embracing an anti-inflation

program began to de-stabilize the SER in the early 1970s, stimulating rising labour force participation rates among women as well as the growth of non-standard forms of employment and, most crucially, opening up a new space for the THI in the labour market. Section II provides a statistical overview of the contemporary Canadian THI. It reveals that temporary help agencies now sell their services to a more diverse set of customers and, hence, rely on a broader and deeper pool of workers, than they did in the post-war era. Using data from the branch observation and open-ended interviews with agency managers, customers and temporary help workers themselves, Section III describes the new strategy of selling "staffing services" that the THI adopted in the late 1980s in the face of an exceptionally stable regulatory environment. It demonstrates that the THI packaged its services in a highly effective new way in this period; temporary help agencies took on a host of employment-related responsibilities formerly resting with the customer while still retaining a narrow enough niche in the labour market such that their activities were not perceived to defy the sentiments behind the maxim "labour is not commodity". Section IV concludes the chapter by addressing the implications of the THI's most recent strategy. It illustrates that, in moving away from supplying "stop-gap" workers towards providing "staffing services," the THI began to situate the TER as an alternative to the SER.

This chapter develops one of the central arguments advanced in this study. By tracing the changing strategy of the THI from the end of the post-World War II era to the late 1990s, it establishes the TER as one of several emerging *alternatives* to the SER.

However, the chapter lays the foundation for developing another core claim of this study as well, one that Chapter Five addresses in greater detail: the argument that it is both possible and necessary to extend the concept of feminization beyond the biologically-based category of sex to explore the *gendered* character of prevailing employment trends in contemporary Canada. It begins to advance this claim by revealing that the THI took heed of women's mass entry into the labour force in transforming itself from a female-dominated industry, one that situated the TER as a supplement to the SER to cater to a specific regulatory environment and a particular set of employment norms, to an industry where sex-parity is emerging, one that is now positioning the TER as one among several alternatives to the SER.<sup>1</sup>

### **I. Destabilizing the SER**

The THI filled a crucial niche in the Canadian labour market in the post-World War II era. As illustrated in Chapter Three, it upheld the SER as a norm by catering to businesses requiring temporary clerical assistance and targeting white middle-class married women as its chief workers. However, from the early 1970s to the mid-1990s, the terrain shifted: barriers that formerly constrained the role of temporary help agencies in the labour market disintegrated, allowing and perhaps even inspiring the THI to recreate itself. Since the shifting terrain had a dramatic impact on the strategy that the THI adopted in the post-1970 period, it is worth examining at some length the range of developments that precipitated change.

In the Canadian context, the SER reached its peak as a *normative* model of employment in the mid-1960s, a period when white middle-class married women constituted the THI's primary pool of workers. At this juncture, the stability of the SER depended upon a tight constellation of forces; it relied on the ideology of domesticity and the corresponding notion of a "family wage", whereby the wage secured by a male breadwinner was enough to satisfy the needs of a "man" and his family, and a system of free collective bargaining. Significant cracks first began to appear in the SER in the early 1970s, corresponding with a host of international and national developments, such as the end of the gold standard and the oil shocks and unprecedented new policy measures, such as wage and price controls and UI reforms (Campbell, 1991; Gill and Law, 1988: 171-174; Gill, 1993: 99; Maslove and Swimmer, 1980; Panitch and Swartz, 1988; Spero, 1990: 45-47). Still, even though the State began to chip away at its foundations over a decade earlier, the SER only became visibly unstable in the 1980s when Canadians began to experience the feminization of the labour force and to confront the rise and spread of non-standard forms of employment.

### ***International Developments***

At an international level, the late 1960s and the early 1970s represented a period of tremendous political and economic turmoil. The most profound changes in the international system began to occur around the mid-1960s when the United States was no longer the dominant economic power that it had been for almost two decades. By 1970, several Western European countries and Japan were narrowing the gap between

themselves and the United States; there was increasing dissatisfaction with the American dominance of the international monetary system and, in particular, the privileged role of the American dollar as the international currency (Gill and Law, 1988; Spero, 1990).

August 15, 1971 marked an important breaking point. On this occasion, American President Richard Nixon announced a new economic policy: the American dollar would no longer be convertible into gold, denoting the end of the Bretton Woods system. In response to Nixon's announcement, other national leaders attempted to repair the system of international monetary management. Through what was known as the Smithsonian Agreement, they negotiated with the United States to provide a ten percent devaluation of the dollar in relation to gold, realign other exchange rates and allow for greater flexibility in exchange rates. However, their efforts were made in vain. Less than two years after this agreement was reached, fixed exchange rates were replaced by floating rates, inflation erupted globally and there were worldwide commodity shortages (Spero, 1990: 45; Gill and Law, 1988: 173-74; Gilpin, 1987: 140-141). To aggravate tensions further, at the same time as international leaders were attempting to stabilize the monetary system, there was a dramatic rise in the price of petroleum, creating a host of new problems including a recession and accelerating inflation.<sup>2</sup>

In this context, the major monetary powers, known as the Group of Seven (G-7), met in France to craft a new monetary regime in November 1975. This meeting, which was the first of what would become annual summits of the seven major industrial powers, formally established system of floating exchange rates and thereby symbolized the return

of the multi-lateral management of the monetary system (Gill, 1993: 99). It was also extremely significant because it prompted leading countries to call for greater surveillance of the exchange rate system and closer management of national economic policies by the International Monetary Fund (IMF); one outcome of the meeting was the implementation of IMF-driven austerity measures in many countries. Related to its new commitment to the tighter management of national economic policy by the IMF, the G-7 endorsed a platform to fight inflation that mandated the following set of measures at its two successive annual meetings: the coordination of national economic policies, expansion among countries with balance of payments surpluses, and the imposition of anti-inflationary programs in countries with balance of payments deficits (Gill and Law, 1990; Spero, 1990). Although this platform failed almost immediately, prompting accelerating inflation in Germany and other countries with balance of payments surpluses, Canada continued to follow the wisdom of the IMF and the World Bank and attempted to curb inflation.

The shift from the so-called old world order to a new world order surely played an important role in prompting Canada to prioritize anti-inflation over its full-employment objective in the 1970s. However, it is crucial to emphasize that Canada led the call for a coordinated international strategy targeting inflation at both the G-7 summit in Puerto Rico (1977) and in Bonn (1978) (Gill, 1993: 99). Indeed, Canada's central role in both summits may be explained by the fact that the federal Liberal government was already beginning to embrace an anti-inflation program before 1971, and therefore abandon the

post-war full-employment objective that brought the SER to dominance, when the most profound shifts began to occur at the international level.

### *National Developments*

In the national context, inflation became a central policy issue for the federal government in 1968 when it first confronted stagflation -- stagnant growth and rising inflation. At this juncture, the government posed its new goals of reducing inflation and curbing unemployment as creating a dilemma at the policy level, implying that Canada's post-war full-employment objective (and the social policy program that it generated) had contributed to rising inflation and therefore must be modified. In his study of the full-employment objective in Canada, Robert Campbell (1991: 10) characterizes the tenor of the federal government's gradual adoption of anti-inflation measures as follows: "Fiscal and monetary policy in the late 1960s was directed to easing inflationary pressures. *While there was no 'formal' abandonment of the full employment goal, it was clear that the latter had to be 'sacrificed' or traded-off for the goal of price stability*"(my emphasis). The rising level of 'natural' unemployment in this period further substantiate Campbell's claims.

For a short period in the early 1970s, the Liberal government was reluctant to initiate controls on inflation since it was acutely aware of the political consequences of rising unemployment. Thus, in its budget of this period, it targeted unemployment, aiming to decrease it modestly, and attempted to reduce inflation through indirect measures. However, after the resignation of Liberal Finance Minister John Turner, who resisted the

introduction of wage and price controls, and with the supply shocks of the early 1970s, the government began to reduce public spending and explicitly target inflation. For example, the 1976 Budget made significant changes to UI, which included raising the number of weeks that workers had to work to qualify for UI by 50 per cent and tying benefits more closely to the number of weeks worked, and it also initiated a standstill on government spending until the early 1980s.<sup>3</sup> Curbing inflation became the central policy objective of the federal government and the full-employment objective, key to establishing the SER as a norm at a policy level, quickly faded away.

Thus, the mid-1970s brought significant changes at the level of public policy in Canada that contributed to shifting employment norms. In this period, the federal government placed greater emphasis on inflation control than on full-employment, situating it as its new policy objective. But, in making this choice, not only did it fail to curb rising unemployment, it initiated assaults on workers' wages, collective bargaining rights and their access to social programs such as UI. While the government enacted these and other measures in the name of curbing inflation, these measures collectively undermined the stability of the SER. Equally important, they reflected the government's growing acceptance of non-standard forms of employment, devoid of many of the benefits and entitlements associated with the SER.

The federal government initiated the first sustained attack on inflation in the Anti-Inflation Program (AIP) of September 1975.<sup>4</sup> This program introduced wage restraints in a range of settings in attempt to, in the words of one advocate, "facilitate an orderly

winding down of inflation" without inducing unemployment (Weiler, 1980 as cited by Panitch and Swartz, 1988: 254). After its inception, inflation declined quite sharply but unemployment climbed to a new peak of 8.4 per cent in 1980. As a result, it looked as if the government might lessen its attack on inflation for a brief period in the late 1970s, as it removed the measures initiated under the AIP (Maslove and Swimmer, 1980: 32-39). However, instead of abandoning anti-inflation measures, it merely shifted gears by introducing the Public Sector Compensation Restraint Act (Bill C-124). Also known as the "6 and 5" program, this legislation enacted similar (but even harsher) measures to the AIP aimed at restraining public sector wages and prices in most provinces (Canada, 1985: 308-309). As Leo Panitch and Donald Swartz (1988: 35) note: "The Public Sector Compensation Restraint Act (Bill C-124), introduced in June 1982, was not as comprehensive as the Anti-Inflation Act of 1975-78 which covered both public and private sector workers. *However, what it lacked in comprehensiveness, it made up in the severity of the treatment of workers*" (my emphasis). "6 and 5" did more than roll back the wages of public sector workers in signed agreements with increases above 6 and 5 percent, it temporarily removed their right to strike and bargain collectively by arbitrarily extending existing collective agreements for two years. Although most of its measures were phased out by 1985, "6 and 5" symbolized a growing willingness on the part of the federal government to limit the hard-won free collective bargaining rights of public sector workers. It also corresponded with the increasing resort to ad-hoc back-to-work

legislation on the parts of federal and provincial governments such that there were forty-three cases between 1980-1987 (Panitch and Swartz, 1988: 30).

If the AIP and "6 and 5" did not undermine the foundations of the SER sufficiently, by issuing wage restraints and infringing on the right to free collective bargaining in Canada, then proposals for reform contained in the Royal Commission on the Economic Union and Development prospects for Canada (1985) certainly made it clear that the State no longer viewed the SER as the norm by the 1980s. A template for future policy development in a wide range of areas, the Macdonald Commission, which applauded the Canadian government for its anti-inflation programs of the seventies, recommended a wide-range of UI reforms. Chief among these reforms were its proposals to reduce UI benefits to 50 per cent of a worker's previous earnings, raise entrance requirements, tighten the link between maximum benefits and the minimum employment period and eliminate regional differentiation in the program (Canada, 1985: 611). The much publicized rationale for these recommendations was that UI should not be treated as a means to "deliver redistributive goals" but a pure social insurance program funded exclusively by workers and employers (Canada, 1985: 602). However, the subtext of the Commission's rationale was not only that national unemployment rates of over 8 per cent were acceptable but that the nature of employment was changing such that fewer workers could expect to engage in SERs and therefore receive full UI coverage. In light of these developments, the recommendations of the Macdonald Commission was to maintain UI as

a program that delivered the most comprehensive benefits to standard workers and only offer limited benefits to the increasing number of workers falling outside this mold.

Many of the recommendations outlined in the Macdonald Commission were formally integrated in the proposals of the Commission of Inquiry on Unemployment Insurance (1986) chaired by Claude Forget. Set in place to restructure UI, the Forget Commission made a range of recommendations for policy change. Three are particularly notable for our purposes. First, it recommended that self-employed fishermen's [sic] eligibility for UI be phased-out over a five year period; in making this recommendation, the Commission was effectively attempting to reduce the number of workers covered by the package of benefits and entitlements that came to be associated with the SER in the post-war period (Canada, 1986: 72). Second, reminiscent of the Economic Council of Canada's study People and Jobs (1976), it recommended that the UI Act better recognize and interpret the concepts of so-called "voluntary" and "involuntary" unemployment and strengthen entitlements for the involuntarily unemployed (Canada, 1986: 75). Third, it proposed that the financing of the UI system be based solely on premiums from employers and workers (Canada, 1986: 77). Not only did this last proposal follow directly from the Macdonald Commission, it built upon pre-existing federal government initiatives such as the AIP and "6 and 5" since it signaled the State's complete repudiation of the post-war full-employment objective and its related commitment to devising a comprehensive framework of social protections for Canadian workers.

Collectively, the shift towards an international order characterized by a multi-lateral system of monetary management and the adoption of national policy measures aimed at reducing inflation demonstrate that the late 1960s and early 1970s represented a turbulent period. At the international level, developments suggest that the post-war compromise began to fall apart in this era, as evidenced by declining American hegemony, commodity shortages and rising inflation. Similarly, at the national level, the federal government's new emphasis on implementing anti-inflation policies and programs, and its subsequent abandonment of the full-employment objective illustrate that the SER was highly unstable as a norm in this era. However, in the Canadian context, we see more evidence of the erosion of the SER by examining the gendered employment trends and the rise of non-standard forms of employment that accompanied these developments.

### ***Labour Market Trends***

Coinciding with developments at the national and international level that contributed to de-stabilizing the SER as a *normative* model of employment, dramatic shifts also began to take place on the Canadian labour market in the mid- to late-1970s. These changes involved an unprecedented rise in women's labour force participation rates, as formal marriage bars to paid employment were lifted and the ideology of domesticity declined in force, and profound shifts in the shape of men's labour force participation such that men's participation rates dropped from 78.4 percent in 1975 to 73.3 percent in 1993 (Lindsay, 1995: 10). Equally significant, they amounted to a shift in the nature of employment which scholars and analysts generally characterize as a movement away from

the SER towards non-standard forms of employment (Human Resources and Development Canada, 1994; ILO, 1997b; Lipsett and Reesor, 1997; Muckenberger, 1989; OECD, 1994).

### *The Feminization of the Labour Force*

Numerous scholars isolate the feminization of the labour force, and the roots of the feminization of employment, to the late 1970s and early 1980s in both Canada and abroad, associating this phenomenon with the rise of a supply-side politico-economic agenda (Armstrong, 1996; Bakker, 1989; Cohen, 1994; Rubery, 1994; Standing, 1989). To recall from Chapter One, the feminization of employment generally entails four related features. The most uncontested facet of the feminization of employment is women's mass entry into the formal labour force; this dimension of feminization is often characterized as a "third shift" to denote that women's rising labour force participation rates often reflect a movement from the informal economy to the formal economy rather than a shift from economic inactivity to economic activity (Tiano, 1994). A second common dimension is persisting (and possibly even intensified) sex segregation in the labour market. The casualization of employment, which is linked to the increasingly "feminized" character of a range of job-types, represents a third feature. Finally, a fourth common aspect is increased income and occupational polarization both between women and men and among women themselves frequently attributable to variables pertaining to age, immigration status and race.

There is clearly a relationship between the feminization of employment as a whole and the extraordinary growth and expansion of the THI, particularly its shift from a highly female-dominated industry to one where sex-parity is emerging. More specifically, there is a definitive relationship between the growing casualization of employment in Canada, or the "gendering of jobs", and the precariousness nature of the TER; indeed, Chapter Five addresses these relationships in considerable detail. However, more than any other facet of the feminization of employment, the feminization of the labour force -- arguably the most uncontested facet of the expanded definition of the feminization of employment advanced in Chapter One -- was pivotal in allowing the THI to adopt a new strategy in this period.

Between the early 1970s and the early 1990s, women's labour force participation rates rose dramatically such that they comprised 45.2 per cent of labour force participants in Canada by 1993. In contrast, men's labour force participation rates stagnated between 1975 and 1981 at which point they began to decline at an accelerated rate, a development that left more women without male economic support. Consequently, even though labour force participation rates declined for both women and men between 1990 and 1993, women's share of the labour force still increased in these years. Moreover, even though the unemployment rate rose significantly for both sexes between 1990 and 1993, with men between the ages of 15-24 experiencing the largest increase,<sup>5</sup> rising female unemployment rates had little impact on women's growing share of the labour force. However, they may have contributed to the rather unchanged *terms* and *conditions* of women's employment. Despite rising participation rates among women and declining participation rates among

men in the 1970s and 1980s, the feminization of the labour force generally meant "more of the same" for Canadian women from the mid-1970s to the early 1990s -- that is, relegation to the bottom tiers of the labour force, segregation in specific job categories, relatively low rates of unionization (especially outside the public sector) and confinement to small firms (Armstrong and Armstrong, 1994).

**Table 9**  
**Labour Force Participation Rates by Sex, 1975-1993**

| <b>Year</b> | <b>Women</b> | <b>Men</b> | <b>Women as % total labour force</b> |
|-------------|--------------|------------|--------------------------------------|
| 1975        | 44.4         | 78.4       | 36.9                                 |
| 1976        | 45.2         | 77.6       | 37.6                                 |
| 1977        | 46.0         | 77.7       | 38.1                                 |
| 1978        | 47.9         | 78.1       | 38.9                                 |
| 1979        | 49.0         | 78.5       | 39.4                                 |
| 1980        | 50.4         | 78.4       | 40.1                                 |
| 1981        | 51.7         | 78.4       | 40.8                                 |
| 1982        | 51.7         | 77.0       | 41.2                                 |
| 1983        | 52.6         | 76.7       | 41.8                                 |
| 1984        | 53.6         | 76.6       | 42.4                                 |
| 1985        | 54.6         | 76.6       | 42.8                                 |
| 1986        | 55.3         | 76.6       | 43.2                                 |
| 1987        | 56.4         | 76.6       | 43.6                                 |
| 1988        | 57.4         | 76.6       | 44.1                                 |
| 1989        | 57.9         | 76.7       | 44.3                                 |
| 1990        | 58.4         | 75.9       | 44.7                                 |
| 1991        | 58.2         | 74.8       | 45.0                                 |
| 1992        | 57.6         | 73.8       | 45.0                                 |
| 1993        | 57.5         | 73.3       | 45.2                                 |

Source: Statistics Canada. (1994) Cat. 75-507E as cited in Lindsay (1995).

### *The Rise and Spread of Non-Standard Forms of Employment*

The only other trend of a similar magnitude to the feminization of the labour force in this period was the proliferation of non-standard forms of employment. From the mid-1970s to the early 1990s, there was a considerable rise of non-standard forms of

employment, including part-time work, contract work, temporary work, home-based work, self-employment and on-call work, in both Canada and abroad (see for example: Akyeampong, 1997; Krahn, 1995; Organization for Economic Cooperation and Development, 1993; Lipsett and Reesor, 1997; U.S. Department of Labor, 1995).

At the international level, this phenomenon affected every country belonging to the OECD, most of whom experienced substantial increases in at least one form of non-standard employment from the mid-1970s to the early 1990s. For example, in some countries, including the United Kingdom, Portugal, New Zealand, Canada and Australia, self-employment grew considerably between 1973 and 1993. In others, such as France, the Netherlands and Spain, temporary employment expanded extremely rapidly between 1983 and 1993. Notably, part-time employment grew sharply throughout OECD countries in this period (ILO, 1997; OECD, 1995).

In the Canadian context, the Economic Council of Canada first addressed the rapid growth of non-standard forms of employment in detail in its widely-cited study Good Jobs, Bad Jobs (1990) defining them as "those which differ from the traditional model of a full-time, full-year job" (Economic Council of Canada, 1990: 12). After this study was released, the federal government also began to produce numerous reports acknowledging their unprecedented growth (Advisory Group on Working Time and the Distribution of Work, 1994: 27; Human Resources and Development Canada, 1994: 49). For example, in 1996, Human Resources and Development Canada reported that the growth of non-standard forms of employment was so extensive in the early 1990s that only 33 percent of

Canadian workers were said to hold so-called "normal" jobs -- that is, full-time full-year jobs with benefits -- in 1995 (Lipsett and Reesor, 1997). Still, from the mid-1970s to the late-1990s, Canadians witnessed particularly rapid growth in some forms of non-standard employment, such as temporary help work and self-employment, and more steady growth in others, such as part-time employment. From 1976 to 1994, the proportion of workers employed part-time climbed from 11 percent to 17 percent, with 15-24 year olds experiencing the brunt of this trend (Krahn, 1995: 35-36). Corresponding with the growth in part-time work, multiple job-holding also increased in Canada over the same period. Between 1989 and 1994, increases were particularly sharp for women aged 15-24, suggesting that the disproportionate number of young people engaged in part-time work would prefer full-time work or at least more hours. Self-employment also grew quite rapidly in Canada beginning in the 1970s, although it continued to be the preserve of older workers in the early 1990s (Crompton, 1993; Krahn, 1995). In contrast, temporary employment, which grew in the later part of this period (i.e., 9 percent of workers identified themselves as temporary in 1994 versus 8 percent in 1989), was especially common among young people who represented 32 percent of all temporary workers in 1995 (Krahn, 1995: 38; Survey of Work Arrangements, 1995: Cat. 71M001GPE).

Obviously, non-standard forms of work are by no means mutually-exclusive; for example, temporary workers often work part-time as do many of the self-employed. Nor are they necessarily synonymous with precarious employment (Polivka and Nardone, 1989; Rogers and Rogers, 1989). If the period from the mid-1970s to the late 1990s is

any indication, however, there seems to be a relationship between growing precariousness in the Canadian labour market, a core facet of the feminization of employment to be addressed in Chapter Five, and the spread of non-standard forms of employment, particularly those that are characterized by divided employment relationships such as temporary help work.

### *Shifting Employment Trends and the Reconfiguration of the THI*

Given the profound changes in the Canadian labour market from the mid-1970s to the early 1990s, the THI altered its marketing strategy in a rather turbulent period. It crafted a new image for itself in the context of rising female labour force participation rates, which contrasted sharply with the conditions in the post-war era where the ideology of domesticity prevailed as did marriage bars and other formal barriers to women's full participation in the labour market. It also shifted its marketing strategy in the face of the proliferation of non-standard forms of employment in the national labour market and against a backdrop of international developments that led the federal government to abandon its post-war full-employment objective in favour of anti-inflation initiatives.

Under the new strategy that it adopted in the 1980s, the THI no longer targeted a narrow group of women workers (i.e., white middle-class housewives) or a well-defined set of customers. Instead, its strategy built upon one of the most central aspects of the feminization of employment; namely, the feminization of the labour force. In this period, rising female labour force participation rates and the unprecedented decline in male participation rates allowed the THI to expand and deepen its pool of workers and, for the

first time since its inception, to target male workers previously in SERs. These trends enabled it to retain its niche in the clerical sector since, for the most part, the feminization of the labour force meant "more of the same for women," while simultaneously enticing a wider diversity of workers. Still, the THI recast its image with an acute awareness of the rise of non-standard forms of employment and the growing desire among companies for "labour flexibility". From the perspective of temporary help agencies, the decline of the SER meant that companies had more employment options. Consequently, it opened up a space for the THI to shift its strategy from casting the TER as a *supplement* to the SER to promoting it as an *alternative*.

## **II. Industry Profile: More than Simply Supplements**

The tenor of the THI's response to restructuring in the Canadian labour market becomes apparent through an examination of both its shifting contours and the new marketing strategy that it adopted in the mid-1980s. To demonstrate that the shape of the contemporary temporary help agencies is substantially different than its immediate precursor, this section provides a snapshot of the THI in the late 1980s and early 1990s. It illustrates that temporary help agencies now cater to a much more diverse set of customers, and, thus, rely on a broader pool of workers than they did at the inception of the THI. Consequently, not only has temporary help work become more widespread in recent years given the proliferation of non-standard forms of employment, there is also growing pluralism within the TER itself as lawyers, construction workers and health care-givers along with clerical and industrial workers work through the THI.

Before profiling the contemporary Canadian THI, a few preliminary remarks regarding the rapid phase of growth that it began to experience in the 1980s are in order. Statistics Canada first began collecting statistics on the THI in 1984 and it has only recently begun to publish this data due to imperfections in the survey instruments first used to collect data in the mid-1980s.<sup>6</sup> As a result, while there is considerable evidence suggesting that the growth of the Canadian THI accelerated in the 1980s, and peaked in 1989 alongside its American counterpart, it is impossible to chart its performance statistically before the early 1990s. However, it is instructive to describe the growth of the American THI from the mid-1970s to the late 1980s since, as many studies show, the Canadian THI has followed a similar trajectory to its American counterparts since its inception (Akyeampong, 1989; Abraham, 1990; Carré, 1994; Golden and Applebaum, 1992; Hamdani, 1996; Mangum, Mayall and Nelson, 1985; OECD, 1993).

In the American context, personnel supply services<sup>7</sup> grew at an annual average of 11.5 percent between 1972 and 1986 and the THI grew almost 20 percent per year between 1982 and 1986 (Abraham, 1990: 87). While the THI employed approximately 20,000 workers at its inception in the mid-1950s, by the mid-1980s estimates of the size of the American industry ranged from one million to two to three million (Abraham, 1990: 87; Gannon, 1984: 26). But, beyond the unprecedented growth of employment in the American THI in this period, what is more striking is that non-clerical temporary help work grew much more rapidly than office temporary help work in the late 1970s and early 1980s. According to Katherine Abraham (1990: 87): "Agencies specializing in non-office

temporaries accounted for only a third of total temporary-help service employment in 1972 but for more than 45 percent of the total by 1982". As Abraham (1990: 90) further observes, this shift in the composition of the THI is consistent with the considerable "anecdotal evidence that businesses broadened the scope of their reliance on temporary workers," in the 1980s. It also supports the hypothesis that, with the rise of non-standard forms of employment and the feminization of the labour force, the American THI shifted away from catering primarily to customers in the clerical sector to targeting a more diverse set of customers beginning in the 1970s.

What is more important, for our purposes, is that the pattern of growth in the American THI mirrored what Statistics Canada officials began to report in the late 1980s. For example, a study entitled "The Changing Face of Temporary Help" released in 1989 reported:

According to industry sources, the focus in those days [i.e. the 1950s] was the supply of clerical secretarial and manual labour to fill in for permanent employees who were sick, on maternity leave or on vacation. Most of the jobs were of short duration. However, over the years, the industry has evolved to meet the diversified and changing needs of Canadian business. *Today, many workers contracted out have specialized professional and technical skills. And these persons are often hired as supplementary labour rather than as temporary replacements for permanent staff absent from work* (Akyeampong, 1989: 43, my emphasis).

Although analysts only recently began to acknowledge the magnitude of change in the Canadian THI, where it exists, data on the size and shape of the THI and the demographics of its work force in the late 1980s suggests that the THI began to shift course in this decade.

### *A Snapshot of the Canadian THI*

Building on key changes in the Canadian labour market, particularly the accelerated growth of non-standard forms of employment and the feminization of the labour force, the Canadian THI began to restructure radically in the late 1980s and early 1990s, targeting customers in new sectors and a wider diversity of workers. After peaking in the late 1980s, the size of the THI (as well as its revenues) remained relatively constant (Table 10a). However, data on the shape of the THI illustrate that temporary help agencies were highly successful both at expanding into new markets, such as the health-care sector and the public sector as a whole, and broadening and deepening their pool of workers in the early 1990s. Indeed, in the Canadian context, the THI's strategic move towards providing "staffing services" translated into unprecedented diversification.

#### *Size*

Relative to its American counterpart, the Canadian THI has always been quite small, as have its profits. However, by Canadian standards, revenues in this industry were quite high in the early 1990s and its size remained relatively constant. As Table 10a indicates, revenues hovered between \$1.3 and \$1.5 billion between 1990 and 1993 and there were approximately 1,300 temporary help agencies operating in Canada in this period. The majority of temporary help agencies operated out of Ontario, Quebec and Alberta (Tables 10b-d).

**Table 10a**  
**Number of Firms and Revenue (000s) in SIC 7712**  
**(Personnel Suppliers), Canada, 1990-1993\***

|                     | 1990      | 1991      | 1992      | 1993      |
|---------------------|-----------|-----------|-----------|-----------|
| Number of Firms     | 1,359     | 1,328     | 1,225     | 1,277     |
| Total Revenue(000s) | 1,595,502 | 1,416,446 | 1,325,375 | 1,406,538 |

**Source:** Statistics Canada. *Survey of Employment Agencies and Personnel Suppliers*, 1993 (unpublished data) (Cat. 63-232). (\*The above data is calculated at a branch level rather than at a head office level.)

**Table 10b**

**Alberta**

|                      | 1990    | 1991    | 1992    | 1993    |
|----------------------|---------|---------|---------|---------|
| Number of Firms      | 129     | 121     | 116     | 128     |
| Total Revenue (000s) | 164,335 | 145,992 | 135,110 | 158,813 |

**Source:** Statistics Canada. *Survey of Employment Agencies and Personnel Suppliers*, 1993 (unpublished data) (Cat. 63-232).

**Table 10c**

**Quebec**

|                      | 1990    | 1991    | 1992    | 1993    |
|----------------------|---------|---------|---------|---------|
| Number of Firms      | 464     | 409     | 360     | 305     |
| Total Revenue (000s) | 400,082 | 353,021 | 327,025 | 330,842 |

**Source:** Statistics Canada. *Survey of Employment Agencies and Personnel Suppliers*, 1993 (unpublished data) (Cat. 63-232).

**Table 10d**

**Ontario**

|                      | 1990    | 1991    | 1992    | 1993    |
|----------------------|---------|---------|---------|---------|
| Number of Firms      | 538     | 561     | 513     | 598     |
| Total Revenue (000s) | 874,968 | 762,680 | 707,631 | 746,681 |

**Source:** Statistics Canada. *Survey of Employment Agencies and Personnel Suppliers*, 1993 (unpublished data) (Cat. 63-232).

Regarding revenue by size group, temporary help agencies with revenues below \$2 million dominated the THI on a national basis in the early 1990s and the majority of agencies had revenues of less than \$250,000 (Table 11). On a provincial basis, Ontario had the largest percentage of temporary help agencies with revenues over \$5 million, followed by Quebec and Alberta in this period (Statistics Canada, 1993: Cat. 63-232).<sup>8</sup>

**Table 11**  
**Revenue by Size Group (SIC 7712), 1990-1993**

| <b>Canada</b>                                | 1990             | 1991             | 1992             | 1993             |
|--|------------------|------------------|------------------|------------------|
| Number of Firms with Revenue below \$2 mill  | 1,126            | 1,126            | 1,022            | 1,072            |
| Total Revenue (000s)                         | 515,652          | 500,218          | 450,874          | 416,250          |
| Number of Firms with Revenue of \$2-\$5 mill | 116              | 91               | 92               | 90               |
| Total Revenue (000s)                         | 346,723          | 274,593          | 273,723          | 276,022          |
| Number of Firms with Revenue of \$5 mill +   | 54               | 50               | 45               | 49               |
| Total Revenue (000s)                         | 708,720          | 615,345          | 576,445          | 690,958          |
| Total Number of Firms                        | 1,296            | 1,267            | 1,159            | 1,211            |
| <b>Total Revenue (000s)</b>                  | <b>1,571,095</b> | <b>1,390,156</b> | <b>1,301,042</b> | <b>1,383,230</b> |

Source: Statistics Canada. *Survey of Employment Agencies and Personnel Suppliers*, 1993 (unpublished data) (Cat. 63-232).

• The above data is calculated only at the head office level. This explains why the number of firms and total revenue differ slightly from Table 4a.

What is especially notable about revenues in the THI is the proportion of revenues derived from placing workers. Between 1991 and 1993, for temporary help agencies with revenues above \$250,000, this figure remained constant at approximately 98.5 percent (Table 12a). That is, virtually all of the expenses incurred by the THI in this period came from paying wages, salaries and basic benefits (Table 12b). Since the payment of wages represented over 80 percent of the THI's source of expenses in the early 1990s, it is quite easy for firms to establish new branches. Overhead costs are low because temporary help workers are dispatched to different work sites. Moreover, even though a number of large transnational temporary help agencies operate in Canada, small agencies maintain a sizeable niche in the labour market.<sup>9</sup> As well, since temporary help agencies normally do not require a license to operate, start up costs are mainly isolated to capital for rent, paying office staff, computer equipment and a limited advertising budget.

**Table 12a\***  
**Revenue Sources for Personnel Suppliers (SIC 7712), Canada, 1993**

|                         | 1991 Total (\$) | % of Total | 1992 Total (\$) | % of Total | 1993 Total (\$) | % of Total |
|-------------------------|-----------------|------------|-----------------|------------|-----------------|------------|
| Total Service Revenue   | 1,260,516,399   | 98.67      | 1,187,864,421   | 98.91      | 1,267,335,480   | 98.51      |
| Other                   | 1,753,567       | 0.14       | 1,392,781       | 0.12       | 4,599,596       | 0.36       |
| Commissions             |                 |            |                 |            |                 |            |
| Training/ Education     | 12,706          | 0.00       | 13,745          | 0.00       | 3,325,289       | 0.26       |
| Other Operating Revenue | 6,278,322       | 0.49       | 4,502,017       | 0.37       | 5,133,920       | 0.40       |
| Total Operating Revenue | 1,268,561,004   | 99.30      | 1,193,772,964   | 99.40      | 1,280,394,285   | 99.52      |
| Non Operating Revenue   | 8,971,793       | 0.70       | 7,184,974       | 0.60       | 6,151,361       | 0.48       |
| Total Revenue           | 1,277,532,797   | 100.0      | 1,200,957,938   | 100.0      | 1,286,545,646   | 100.0      |

Source: Survey of Employment Agencies and Personnel Suppliers, 1993 (unpublished data) (Cat. 63-232).

\*Revenue Sources are not imputed for firms with revenues below 250,000. This explains the discrepancy between Table 5a and Table 1a.

**Table 12b\***  
**Source of Expenses for Personnel Suppliers (SIC 7712), Canada, 1993**

|                                       | 1991 Total (\$) | % of Total | 1992 Total (\$) | % of Total | 1993 Total (\$) | % of Total |
|---------------------------------------|-----------------|------------|-----------------|------------|-----------------|------------|
| Cost of Goods Sold                    | 914,280         | 0.07       | 24,492          | 0.00       | 6,456           | 0.00       |
| Wages, Salaries and Benefits          | 1,034,498,798   | 80.98      | 976,460,745     | 81.31      | 1,047,647,805   | 81.43      |
| Rent or Lease of:<br>Land or Building | 28,224,336      | 2.21       | 25,130,032      | 2.09       | 24,645,256      | 1.92       |
| Vehicles                              | 6,698,010       | 0.52       | 6,237,868       | 0.52       | 5,545,110       | 0.43       |
| Computer Equip.                       | 1,588,510       | 0.12       | 2,128,581       | 0.18       | 3,044,796       | 0.24       |
| Other Equip.                          | 1,872,689       | 0.15       | 1,503,265       | 0.13       | 1,995,845       | 0.16       |
| Repair and Main.                      | 2,411,958       | 0.19       | 2,289,444       | 0.19       | 1,583,120       | 0.12       |
| Legal, etc.                           | 20,455,570      | 1.60       | 20,355,279      | 1.69       | 22,693,071      | 1.76       |
| Advertising                           | 17,022,276      | 1.33       | 14,860,367      | 1.24       | 14,951,747      | 1.16       |
| Insurance                             | 3,590,991       | 0.28       | 2,954,913       | 0.25       | 2,865,683       | 0.22       |
| Taxes, permits and licenses           | 4,949,073       | 0.39       | 4,580,369       | 0.38       | 9,028,736       | 0.70       |
| Heat, light and power                 | 1,665,222       | 0.13       | 1,179,422       | 0.10       | 1,591,538       | 0.12       |
| Telephone                             | 12,064,485      | 0.94       | 11,256,053      | 1.16       | 12,048,396      | 0.94       |
| Travel and Entertainment              | 13,698,739      | 1.07       | 13,895,609      | 1.16       | 13,534,797      | 1.05       |
| Royalties                             | 4,515,199       | 0.35       | 3,110,715       | 0.26       | 4,937,963       | 0.38       |
| Depreciation                          | 6,917,617       | 0.54       | 6,974,757       | 0.58       | 6,692,221       | 0.52       |
| Interest                              | 11,996,469      | 0.94       | 10,376,548      | 0.86       | 8,422,602       | 0.65       |
| Other supplies                        | 21,198,695      | 1.66       | 18,994,747      | 1.58       | 16,209,276      | 1.26       |
| Other expenses                        | 48,986,492      | 3.83       | 55,514,890      | 4.62       | 57,637,045      | 4.48       |
| Total Expenses                        | 1,243,279,409   | 97.32      | 1,177,828,096   | 98.07      | 1,255,081,463   | 97.55      |
| Profit Margin                         | 2.6             |            | 1.93            |            | 2.45            |            |

Source: Survey of Employment Agencies and Personnel Suppliers, 1993 (unpublished data) (Cat. 63-232).

\*Sources of expenses are not calculated for firms with revenue below \$250,000.

### *Diversification and Specialization*

While the overall size of the Canadian THI, as well as its revenues, remained constant in the early 1990s, what is most striking about the current period is the growing diversification in the industry highlighted, in particular, by the proportion of temporary help agencies that now place professional workers.<sup>10</sup> Although the Canadian THI continues to concentrate on placing workers in clerical and administrative work, general labour and construction work, the number of agencies specializing in placing professionals, particularly in the health care sector and in management, grew in the early 1990s (Hamdani, 1996). Together, professional workers and health care-givers accounted for the third largest source of revenue for the THI in 1993 (Table 11).

**Table 13**  
**Temporary Help Service Industry, Revenue by Product (Type of Labour), 1993**

|                                 | Number of firms | Revenue<br>(\$ millions) | Revenue<br>(%) |
|---------------------------------|-----------------|--------------------------|----------------|
| Administrative and Clerical     | 179             | 382.8                    | 37.9           |
| General Labour                  | 119             | 187.4                    | 18.6           |
| Drivers and Equipment Operators | 67              | 136.1                    | 13.5           |
| Professionals (excl. health)    | 67              | 108.6                    | 10.8           |
| Health-care givers              | 27              | 55.8                     | 5.5            |
| Construction                    | 47              | 47.1                     | 4.7            |
| Informatics and EDP             | 50              | 33.1                     | 3.3            |
| Other (incl. Executives)        | 90              | 58.9                     | 5.8            |
| <b>Total</b>                    |                 | <b>1,0009.8</b>          | <b>100.00</b>  |

Source: Statistics Canada, Cat. No. 63-016-XPB

**Notes:**

1. This table is based on data from a panel of 283 survey firms.
2. Only service revenue is included here.
3. The number of firms cannot be added because of multiple responses.

The growth of temporary placements in the health-related professions and other highly-skilled fields corresponded with the high degree of specialization in the contemporary THI (Table 14). Specialization is particularly common for agencies placing professional workers. However, currently temporary help agencies still find workers willing to engage in general labour easiest to attract and, consequently, a large proportion of agencies still place general labourers. Agencies concentrating on placing unskilled workers also tend to have higher volumes of business than those specializing in placing professionals since the degree of profit per worker is lower (Hamdani, 1996).<sup>11</sup>

**Table 14**  
**Specialization and Diversification in the Temporary Help Service Industry**  
**(Firms deriving 50% or more of their revenue from their main activity), 1993\***

| Service                      | Total Revenue (\$000) | Admin/ Clerical (%) | General Labour (%) | Constr. (%) | Informatics and EDP (%) | Health-care (%) | Prof. (%) | Drivers and Equip. Operators (%) | Other (%) |
|------------------------------|-----------------------|---------------------|--------------------|-------------|-------------------------|-----------------|-----------|----------------------------------|-----------|
| Admin/ Clerical              | 412,766               | 79.81               | 8.54               | 1.28        | 2.42                    | 5.76            | 0.57      | 0.43                             | 1.118     |
| General Labour               | 168,395               | 18.07               | 72.52              | 1.44        | 1.33                    | 0.27            | 0.53      | 0.43                             | 1.18      |
| Construction                 | 32,530                | 0.69                | 1.17               | 95.38       | 0.16                    | 0.00            | 0.00      | 0.00                             | 2.05      |
| Informatics And EDP          | 28,584                | 18.22               | 2.43               | 0.00        | 78.51                   | 0.38            | 0.12      | 0.00                             | 0.34      |
| Health-care Givers           | 34,195                | 3.48                | 0.00               | 0.00        | 0.00                    | 90.13           | 0.00      | 0.00                             | 6.39      |
| Prof. (excl. health)         | 108,045               | 3.43                | 0.67               | 0.00        | 0.47                    | 0.00            | 91.72     | 0.00                             | 3.71      |
| Drivers and Equip. Operators | 135,500               | 3.77                | 5.07               | 0.28        | 0.00                    | 0.48            | 0.00      | 90.21                            | 0.21      |
| Other (incl. Executives)     | 42,565                | 2.53                | 2.69               | 0.06        | 0.02                    | 0.00            | 0.00      | 3.19                             | 91.52     |

Source: Statistics Canada, Cat. No. 63-016-XPB

\*1. This table is based on data from a panel of 283 survey firms.

2. Non-operating revenue is excluded.

As will be shown below, both the growing diversification in the THI as a whole and the increasing specialization among individual temporary help agencies reflect and reinforce the THI's new strategy of providing "staffing services". Growing diversification

makes the THI's services more accessible to businesses in sectors of the economy that the THI has not traditionally targeted. As well, increasing specialization amongst agencies boosts the image of the THI such that customers are more confident about the calibre of temporary help workers, a development that underpins the growing legitimacy of the THI.

### *Worker Demographics*

Alongside broader occupational diversity in the THI, both the characteristics of its work force and the shape of the TER seem to have shifted quite dramatically in the early 1990s. While the THI remained highly female-dominated throughout the 1980s, its sex-composition began to change in the 1990s. In 1990, women constituted 79.6 per cent of those employed by personnel suppliers and employment agencies. However, with the expansion of the THI into new markets, the sex-composition of the industry changed such that women merely represented 61.5 percent<sup>12</sup> of those employed by personnel suppliers and employment agencies in 1995.<sup>13</sup> Moreover, if employment trends in the United States are any indication of the direction of change, women's concentration in the THI will likely continue to fall in the ensuing decade (Table 15).

**Table 15**  
**Percentage of Women Employed in Personnel Suppliers and Employment Agencies**  
**(SIC 771), Canada vs. Personnel Suppliers, United States**  
**(SIC 7363), 1985-1995**

|        | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 |
|--------|------|------|------|------|------|------|------|------|------|------|------|
| Canada | 72.7 | 76.2 | 73.6 | 73.4 | 70.4 | 79.6 | 77.7 | 67.9 | 60.9 | 64.2 | 61.5 |
| U.S.A. | 60.8 | 60.8 | 59.5 | 59.6 | 59.4 | 59.1 | 57.5 | 57.9 | 57.1 | 55.5 | 54.2 |

**Sources:** United States Department of Labor, Bureau of Statistics, LABSTAT Series Report, Series EEU80736302; Canadian Labour Force Survey, 1996.

Despite the prevalent assumption that temporary help workers are employed for short periods of time, data from the Survey of Work Arrangements (1995) also indicates that a high proportion of temporary help workers now report having job tenures of more than a year. As Table 15 illustrates, in 1995, approximately 18.4 per cent of all temporary help workers reported that they had worked for an agency for between one and five years and, even more striking, 12.4 per cent reported that they had worked for an agency for over six years.<sup>14</sup> These are interesting figures for an industry built on supplying *temporary* workers and they too reflect the recent move towards providing "staffing services" in the THI where the duration of the assignment is less crucial to the customer than the nature of its relationship with the worker. These figures also correspond with the rising number of average weekly hours worked by non-supervisory workers in the THI from the mid-1980s to the mid-1990s.

**Table 16**  
**Job Tenure by All Temporary Workers, Agency Temporaries and Other Temporaries, 1995**

| Tenure      | Agency<br>Temporaries |
|-------------|-----------------------|
| 1-6 Months  | 61.7                  |
| 7-12 Months | 7.6                   |
| 1-5 Years   | 18.4                  |
| 6 Years +   | 12.4                  |

Source: Statistics Canada.(1996). Survey of Work Arrangements, 1995. Cat. 71M001GPE.

In 1985, non-supervisory workers engaged by personnel suppliers and employment agencies worked an average of 20.8 hours per week. By 1995, their average weekly hours reached 28.3 (Statistics Canada, 1995; cat. 72-002).<sup>15</sup> Still, even with the consistent rise

in weekly hours worked, average wages for temporary help workers declined between 1991 and 1994 (Statistics Canada, 1995; cat. 72-002).<sup>16</sup>

### *Customers*

In conjunction with the growing occupational spread amongst temporary help workers, the THI is diversifying its customer base. With cutbacks to the public sector and restructuring in the health care system, it now caters to a larger proportion of health institutions, federal, provincial and local governments and other publicly-funded services, such as public utilities and public transportation (Krahn, 1995: 39). One manager noted accordingly: "In Ottawa, they lost 45,000 [public sector] jobs last year. That's 45,000 jobs for our industry" (M5). Despite the THI's growing recognition of the potential for increasing its presence in the public sector, the private sector, dominated by manufacturing, transportation and construction, remained the THI's largest class of customer in the early 1990s, comprising 76 percent of the customer base in 1993 (Table 17). Some industry analysts argue that businesses, particularly the manufacturing sector, tend to use temporary help workers to create a "just-in-time workforce" to accommodate the move towards just-in-time production (Carré, 1992; Hamdani, 1996).

**Table 17**  
**Class of Customers as Percentage of Industry, SIC 7712, Canada\*, 1991-1993**

|                              | 1991      | 1992      | 1993      |
|------------------------------|-----------|-----------|-----------|
| <b>Individuals</b>           | 3         | 4         | 3         |
| <b>Business:</b>             |           |           |           |
| Retail Trade                 | 16        | 9         | 7         |
| Travel and Accommodation     | 1         | 1         | 1         |
| Wholesale Trade              | 3         | 3         | 2         |
| Agriculture                  | 3         | 2         | 2         |
| Manufacturing                | 12        | 13        | 15        |
| Construction                 | 8         | 9         | 9         |
| Transportation               | 16        | 17        | 17        |
| Communications and Utilities | 2         | 3         | 2         |
| Financial and Real Estate    | 4         | 4         | 4         |
| Other Business               | 16        | 21        | 17        |
| <b>Total Business</b>        | <b>81</b> | <b>82</b> | <b>76</b> |
| <b>Institutions:</b>         |           |           |           |
| Education                    | 1         | 1         | 1         |
| Health                       | 3         | 2         | 4         |
| Other Institutions           | 1         | 2         | 8         |
| <b>Total Institutions</b>    | <b>5</b>  | <b>5</b>  | <b>13</b> |
| Governments                  | 10        | 10        | 9         |
| Foreign Customers            | 0         | 0         | 0         |

*Source: Survey of Employment Agencies and Personnel Suppliers, 1993 (unpublished data) (Cat. 63-232). Because of the nature of the formula used, the available data does not add up to exactly 100 percent.*

Quite distinctly, others suggest that, from the perspective of the customer, the central advantages of using temporary help workers are not solely related to their need for a "just-in-time work force". Rather, pointing to the appeal of "staffing services," they argue that the draw of the contemporary THI relates to employers' growing desire to shift their employment-related responsibilities, such as recruitment, hiring, dismissal, payroll, benefits and even training, to the temporary help agency and their increasing willingness to use non-standard forms of employment to capitalize on "labour flexibility" to lower costs (Abraham, 1990: 97). The ensuing section probes this debate further. By describing the new strategy that the Canadian THI adopted in the early 1980s and the array of forces that precipitated its change in course, it finds that both sets of claims have credence. Indeed,

customers' desires for just-in-time workers and the appeal of staffing services represent two sides of the same coin; they both reflect employers' desire to minimize their involvement in the "management of labour" and capitalize on the growth of non-standard forms of employment. Still, since there is a dearth of scholarly analysis probing the shape and content of staffing services, the later claim deserves greater scrutiny.

### **III. The Emergence of "Staffing Services": Towards A New Industry Strategy**

Corresponding with dramatic shifts in the labour market, the Canadian THI began to adopt a new strategy in the late 1980s and early 1990s. It promoted itself as providing "employment and staffing services" rather than simply supplying "stop-gap workers" to take advantage of the so-called changing nature of employment. Although it continued to adhere to several central tenets of its post-World War II strategy and follow many of the practices that initially earned it legitimacy, to preserve its niche in the labour market the THI expanded its scope and packaged its services in a different way. In so doing, it began to establish the TER as a genuine alternative to the SER rather than simply a supplement. Drawing on data obtained from a branch observation and open-ended interviews with temporary help agency managers, customers and workers, this section examines how the THI re-invented itself in this period. It devotes particular attention to examining the industry's new strategy of providing "staffing services", the chief means by which it augmented its legitimacy in this period.

### *Temporary Help*

As Chapter Three illustrated, the THI first emerged as a formal entity in the Canadian labour market in the post-war period. To distinguish itself from the private employment agency industry, it crafted the "temporary help formula", an arrangement that allowed the customers of the temporary help agency to use its workers without taking on the social, legal and contractual obligations associated with the SER. In practice, this formula led to the evolution of a triangular employment relationship where the agency acted as the legal employer and the customer was said to be engaged in a commercial contract for services with the agency. Even more important, it allowed industry leaders to argue that the temporary help agency is not a labour market intermediary in the true sense of the term but, instead, an employer just like any other (Fromstein, 1978). Thus, it is possible to trace the roots of the current industry strategy to the post-war period when the THI first established a process of recruitment, selection and placement.

Still, while current conventions in the THI are remarkably similar to its past practices, there are important differences in the role that the THI played in the Canadian labour market in the post-war era and the one that it assumes at present. From the early 1950s until the mid-1970s, businesses tended to use the services of temporary help agencies in a rather limited way. They called on the THI in urgent situations, usually when they needed temporary clerical assistance, and occasionally used temporary help workers for maternity leaves, sick leaves or pre-planned vacations (Akyeampong, 1989; Carré, 1994; Gannon, 1978; Mangum, Mayall and Nelson, 1985). Even by the late-1960s, when

the THI began to deliver the message that temporary help workers could serve as buffers in the case of fluctuations in demand, companies were quite reluctant to incorporate temporary help workers as a regular part of their work forces; indeed, this practice only became prevalent in the late 1980s coinciding with what Carré (1994: 49) labels large-scale structural changes in the employment practices of firms that use temporary help workers.

From the early 1950s to the mid-1970s, the THI played a highly constrained role in the labour market. It took on a mediating role and staked its image on providing *temporary* help workers in order to establish temporary help agencies as legitimate business entities. In this period, while it was limited to a narrow niche in the labour market, the THI clearly owed much of its success to the wide-range of policies, practices and social norms restricting married women's participation in the labour market and, quite ironically, to the hegemony of the SER. Its success also rested on regulatory developments at both the national and the international level. To recall, at the international level, the adoption of ILO Convention No. 96 opened up considerable space for private employment agencies on the labour market by offering countries a choice between gradual prohibition and regulation and expanding the possibilities for exempting special categories of private employment agencies from coverage. Although the Director General of the ILO confirmed that temporary help agencies or, more specifically, ambulatory typewriting agencies, fell under the scope of Convention No. 96 in 1966, even the text of his ruling indicated clearly that they had a special role to play in the labour

market. Developments at the national level were even more central to the THI's ability to carve out a niche in the Canadian labour market; while provincial governments did not go as far as many American States and formally grant temporary help agencies employer status, they still earned de facto employer status in most provinces.

Despite the fact that it attained a considerable degree of prominence in the post-war era, the THI began to lose its early basis for legitimacy in the 1970s as the SER began to show signs of decay and married women attained the right to full participation in the Canadian labour market. Ironically, from a regulatory standpoint, the "special status" of temporary help agencies had stabilized, a notable change from the early post-World War II period, but the regulatory environment was highly unstable. However, the THI needed to renew itself in order to affirm its legitimacy and expand its base of customers without upsetting the delicate balance that had been reached at the regulatory level as a consequence of the stalemate at the ILO and the inertia at the national level. This combination of forces led the Canadian THI, following its American counterpart, to alter its practices, keeping the form and function of temporary help agencies in sync with the existing regulatory regime while advancing itself to a new stage of legitimacy in the labour market.

### *Employment and Staffing Services*

The new strategy first adopted by the Canadian THI in the late 1970s and early 1980s updates many features of the old. The THI still relies upon the temporary help formula and the triangular employment relationship that it generates. The shape of the

TER has not changed substantively since the post-war era. It still involves at least three parties and the division of responsibility in the employment relationship, although it is now defined more rigidly, is relatively consistent with old patterns.

Much of the stability in the TER is related to the THI's success at retaining its "special status" in the national context, as a distant relative of the private employment agency industry that supplies temporary help workers without charging a fee to the worker, and the absence of new regulatory initiatives at the supra-national level until the late 1990s. At the national level, although most provinces revised, and some even repealed, their employment agency acts in the 1970s and 1980s,<sup>17</sup> temporary help agencies still enjoyed *de facto* employer status in Canada in this period. Indeed, they were exempt from many provincial regulations pertaining to private employment agencies; for example, in Ontario, temporary help agencies still only required a license if they engaged in permanent placement for a fee. Simultaneously, at the supra-national level, the ILO's 1966 ruling led to a stalemate on the issue of private employment agencies that lasted over three decades. In this period, a number of ILO Member States and workers' organizations lobbied for the creation of an international labour convention dealing exclusively with temporary help agencies but they were unsuccessful (ILO, 1994a: 8). Still, the International Labour Office continued to follow trends in the private employment agency industry. For example, it conducted a large cross-national study between 1988 and 1990 that charted the changing shape of the private employment agency industry. This study found eighteen different varieties of private employment agencies operating in the

international labour market and discovered that the question that Sweden had initially posed regarding the scope of Convention No. 96 (Revised), with specific reference to ambulatory typewriting agencies engaging primarily women, was now relevant to a range of new kinds of private employment agencies (ILO, 1994). Still, ILO Member States, employers, and workers were reticent even to discuss the issue of private employment agencies at a supra-national forum until the early 1990s.

Just as a precarious regulatory environment prompted the Canadian THI to carve out a niche for itself in the post-World War II labour market, the stable regulatory regime surrounding temporary help agencies from the late-1960s to the early 1990s enabled it to adopt a bold new strategy to widen and deepen its place in the labour market. In cultivating a new strategy in the 1980s, the THI modified the legal apparatus surrounding the TER, updated its recruitment and selection processes and it also began to perform a range of new functions. In this period, it began to market itself to customers as providing "employment and staffing services," effectively distancing itself from the mediating role that it played in the post-war era, to take up a new space in the labour market.

The THI's concept of "employment and staffing services" refers to its entire package of services (both new and old) from recruitment to dismissal. For the average temporary help agency, one that places workers in a mixture of settings and sectors, five sets of services comprise the package that the contemporary THI labels "staffing services"<sup>18</sup> and these services are guaranteed through a service contract between the agency and the customer. Since the service contract governs the provision of staffing

services, it is instructive to describe the shape of this legal agreement, which challenges legal norms in an attempt to extend the bounds of the THI's legitimacy, before outlining each set of staffing services in detail.

### *The Service Contract*

In sharp contrast to the post-war era, where the legal apparatus surrounding the TER was quite limited, the THI operates within a more complex legal framework in the late 1990s. The service contract, which aims to assuage customers' anxieties about the absence of legal certainty surrounding the TER and provide them with an array of guarantees where staffing services are concerned, lies at the centre of this apparatus. Since it governs the procurement of workers, this contract is somewhat atypical where service contracts are concerned. Its role is to set out the employment-related responsibilities that the agency shall assume as well as those that remain with the customer. To this end, service contracts always indicate that the hourly rates charged to the customer include allowances for the provision of mandatory benefits, vacation pay, workers' compensation, severance pay (if applicable) and statutory holiday pay. In return for the administrative services of the agency, service contracts normally require customers to sign time cards confirming the number of hours that the temporary help worker worked during a given pay period. Many also contain clauses that require customers to give the agency sufficient notice prior to termination, particularly in cases where severance pay provisions apply. Additionally, they tend to include a clause that requires a customer to pay a standard permanent placement fee should they decide to hire a temporary help

worker on a permanent basis within the first six months of the assignment.<sup>19</sup> Under all service contracts, the customer is required to provide work-site specific health and safety training, although the agency commits itself to contributing to Workers' Compensation; this attests to the fact that the agency and the customer share liability where health and safety are concerned. Finally, service contracts usually contain a general clause affirming that temporary help workers are "under the care and supervision of the customer" when they are on assignment. This last clause reveals an important tension in the relationship between the agency and the customer. It indicates that, although the agency is assuming a range of employment-related responsibilities, given the prevailing legal context, it can only go so far in acting as the employer, thereby revealing the central paradox of the triangular employment relationship.

Despite its notable limitations from the perspective of the customer, the service contract between the agency and the customer has attained sufficient legitimacy such that customers are willing to accept the potential risks associated with using temporary help workers, such as liabilities pertaining to health and safety and secondary responsibility in instances where the agency fails to pay wages and/or contribute to mandatory social security schemes or workers compensation, in exchange for the host of services that the agency provides. Indeed, the growing legitimacy of the THI seems to override the fact that the triangular employment relationship still rests on shaky legal ground. But, beyond the growth of temporary help work, the decline of the SER and the diminishing force of the ideology of domesticity, what accounts for the increasing appeal of the THI? Through

what means is the THI maintaining its legitimacy? The THI's move towards providing staffing services lies at the core of its appeal. Ranging from advertising and recruitment to payrolling, this package of services represents the chief means by which the THI is expanding its role in the Canadian labour market.

### *Advertising and Recruitment*

The first set of staffing services that temporary help agencies provide cover advertising and recruitment. Falling outside the advertising that agencies do on a regular basis to maintain a consistent supply of workers, which routinely involves advertising in the newspaper, on radio and on local television as well as small-scale recruitment campaigns at post-secondary institutions, agencies normally offer specialized advertising and recruitment to the customer. In advertising on behalf of a customer, they usually place ads in the Classified Section of newspapers including a brief job description, the number of workers required, the rate of pay, the hours of work and the location of the job. Since they rarely mention the issue of duration, these advertisements resemble typical help-wanted ads with one notable exception: they name the temporary help agency as the employer.

Advertisements placed by agencies often create confusion amongst job seekers. For example, when one worker, engaged in administrative work for a large transportation company, first saw an ad for her job, it referred to the company requiring assistance but listed the temporary help agency as the employer. This woman applied for the job on the basis of the company involved. It was only upon arrival at the interview that she realized

that she might actually be working for a temporary help agency. After being interviewed twice and offered the job, she was eventually told that the agency would be her legal employer. Thus, it would take care of her pay checks, benefits and evaluation and the duration of the job was indefinite (Fieldnotes, December 4, 1996).

Even though it often generates confusion amongst job-seekers, most customers find the set of advertising services offered by the temporary help agencies invaluable since they allow them to reduce their human resource management costs and shift the burden of employment to the agency at the outset. When asked about the large investment that temporary help agencies now put into specialized advertising, one manager spoke of the THI's future role in this way: "Eventually, we're just going to become one extension of one's human resource department and, then, were going to have one person working in there and then [we'll do] their whole hiring for them" (M3). By offering a wide variety of recruitment and advertising services, the THI sets its larger, long term objectives into motion early in its relationship with the customer.

### *Interviewing, Screening and Testing*

Interviewing, testing and screening are another set of staffing services carried out by the temporary help agency. These procedures certainly build upon the processes set in place by the THI in the post-war period. However, to promote further its expertise in the human resource management business and distance itself from the disreputable actors in the private employment agency business, the THI expanded its screening and testing procedures quite significantly in the 1980s. In the post-war period, temporary help

agencies normally administered on-the-spot typing tests and many reputable firms also conducted interviews with job-seekers to find a suitable match between the customer's criteria and the workers available but few conducted interviews with light industrial workers (see for example: Gannon, 1978; Hutton, 1957; Moore, 1965). However, since the 1980s, it has become a common practice in the THI to book interviews with workers in advance at which point all applicants are asked to bring a resume and two letters of reference and they are informed that the interviewing and testing will take two to three hours (Fieldnotes, December 2, 1996). This practice not only augments the THI's status, it also highlights the more reputable agencies, which works to the customer's advantage. A manager, who had worked in the THI since its inception, emphasized the advantages of a rigorous screening and interview process by recounting the following anecdote:

I've seen so many people that have been put to work with no kind of application process, no initiation process, no background checks. I know of a customer of mine, this is going back a few years now, that was actually closed down by the R.C.M.P. one day [because he used a disreputable agency]. He used seventy or eighty temporaries a day and 70% of them were illegal immigrants. Somebody put a word out to the R.C.M.P. and the R.C.M.P. went and closed them down for a day while they checked everybody in the parking lot. Can you imagine what kind of ramifications that had for that customer? We're talking about a large manufacturing company at that time. There are still agencies like that around, unfortunately -- and I say unfortunately because it is unfortunate -- that deal with transient type of workers. They're on the road at 6:00 in the morning and at 6:05 they'll be 40 people in the room waiting to go to work. Their dispatcher will get a phone call from A.B.C. Company, saying, I need ten people doing the trucks. There's no selection process. There's no interview process. There's no nothing. [Pointing his finger] It's you, you, you, you and you. That's the end of that and off you go. I like setting this example up for companies that use those types of agencies because it becomes a very easy sell as to why we do a better job (M2).

After making these remarks, this manager described the detailed screening and interview process that his agency followed. He then indicated that it is unfortunate when reputable agencies and agencies operating on the margins of legality are treated as equivalents.

Despite the shifting demographic profile of the THI, most temporary help agencies still tend to have two streams of interviewing, one for industrial work and another for clerical work. Although interviews with applicants seeking industrial work tend to be shorter than those with applicants seeking clerical work, they share a common framework involving an oral interview, the screening of a video about temporary help work, skills-testing and psychological testing.

A typical clerical interview begins with a typing test which measures accuracy and speed and is followed by standardized computer tests designed to measure the applicants proficiency in a range of computer programs including Windows, Word, Word-Perfect, Exel and Lotus. Many temporary help workers find this process, which lasts approximately two hours, quite onerous and stressful. One commented:

It's kind of tense. It felt kind of like a little laboratory. You are put into a little booth and there's a little clock there, or a little timer, and a bing goes off and you are supposed to stop typing.... You just feel under pressure doing the tests. I know they're looking for accuracy and speed, and that sort of thing, but still (T1).

After the skills testing is complete, the applicant is directed to a video room and shown an orientation video which lasts approximately ten minutes and explains what temporary help work is all about. This is the only time that the nature of TER is described to the applicant in any detail. Applicants are told that the agency is their legal employer and they are instructed to report any problems, which may relate to health and safety, illness or

supervisory issues, directly to the agency (Fieldnotes, December 3, 1996). The video also explains the purpose of the time cards and describes how temporary help workers should fill them in when they are on assignment. The same orientation video is shown to applicants for clerical and industrial work.

The orientation video is normally followed by a video on health and safety. However, the content of the health and safety video differs for clerical and industrial workers. In the case of clerical workers, the video describes hazardous office materials, appropriate office attire and it instructs workers to avoid heavy lifting and to use proper equipment (i.e., step stools rather than chairs) for accessing high shelves. In accordance with provincial standards, the health and safety video shown to all applicants for industrial work describes a range of hazardous industrial materials and the labeling associated with these materials. Immediately after applicants view this video, they are required to take a test that asks them to identify hazardous materials. If they do not pass the test, they are ineligible to proceed (Fieldnotes, December 5, 1996).

Once both the skills-testing and informational component of the interview are complete, applicants are asked to complete a computerized application form with their name, address, social insurance number and other relevant personal details. On this form, applicants are also asked whether they have ever worked through a temporary help agency; if they have, they are asked to name the agencies. Agencies use this question in determining whether a temporary help worker is really available for work as well as for gauging the degree of competition they are up against (Fieldnotes, December 4, 1996). At

this stage of the interview, if the agency personnel deem the applicant to be a suitable candidate for temporary help work, then s/he is asked to take what amounts to a computer administered psychological test.

Developed in the mid-1980s, psychological tests are now commonly administered to applicants seeking clerical work amongst the more reputable agencies in the THI. They are generally administered at the end of the interviewing and testing process and are designed to determine whether a given applicant has the “right personality” to do temporary help work. One branch manager described the role of the psychological test as follows:

The purpose of the [psychological] evaluation is to give me an understanding as to how they really think, what their personality is all about. The questions that it asks are strictly for the temporary worker. The evaluation does not work if they are a permanent worker. [For example,] it asks, 'if you are out on an assignment and another service calls and tells you that they can get you a dollar more an hour working for a another company, do you think that it is okay to go? Do you think it is not okay not to go?' (M1).

In making this assertion, this manager is acknowledging that the role of the psychological test is to provide insight into whether the applicant is honest, trustworthy and, most of all, to determine the level of his or her commitment to temporary help work in general and the agency in particular. However, given the types of questions normally asked on these tests, the psychological test plays a disciplining role as well -- that is, it prepares the applicant for the often under-remunerated nature of temporary help work. For example, one question in a psychological test that I took was: "If you knew that someone else doing the same job as you was making more money, how likely would it be to affect how hard you

work?" (Fieldnotes, December 6, 1996). This type of questioning is not only constructed to establish what motivates the temporary help worker, as the manager rightly pointed out, it is also crafted to measure the degree to which the temporary help worker is willing to accept the low status, low pay and insecurity associated with many forms of temporary help work. It is designed to help provide the customer with workers that are compliant and obedient.

While applicants are never told how they perform on the psychological tests, even though agency personnel openly inform them of their scores in the skills-testing component of the screening process, their test scores are used to determine honesty, fairness, and, most centrally, whether they will accept a position at the bottom of the labour market.<sup>20</sup> In some instances, an applicant's performance on a psychological test is also used in assessing whether they could tolerate a potentially poisonous working environment. In one case that I observed, office staff examined the outcomes of the psychological testing scores to find a suitable replacement for an executive secretary in a work environment known to be very hostile to women. In attempting to fill the request for this position, the conversation between two staff people went as follows:

Staff Person 1: What "type" are you looking for?

Staff Person 2: The person has to work for a VP who screams a lot and is very demanding. Ninety per cent of the workload is for the guy -- the VP. The pay is \$32-34,000 but the job's worth \$36-38,000 and they're totally inflexible.

Staff Person 1: Anything else?

Staff Person 2: This is an HR assignment that we're taking over. I've spoken to the payroll lady in charge. She is petrified of everyone there but She is very effective. They need a stable woman who is comfortable being subservient. This is old school.

Staff Person 1: Do they have to make coffee?

Staff Person 2: It's a very old school environment and the job is advertised as nine to five but it's really nine to six-thirty. They have to be comfortable working in an all male environment (Fieldnotes, December 5, 1996).

In attempt to make light of the situation and acknowledge the disturbing character of the customer's demand, after this exchange took place, one of the staff people turned to me and asked: "Do you know anyone who likes to be yelled at?" (Fieldnotes, December 5, 1996).

### *Training*

Services related to training comprise a separate set of staffing services provided by the contemporary THI. However, while a few large temporary help agencies pride themselves on training, most agencies provide a rather limited set of training options. Many firms offer their regular temporary help workers computer time to improve their skills and some offer specialized courses to workers at cost. One long-time temporary help worker, who had been with the same firm for over two years, noted quite positively:

They have in-house training. They have a room set aside with about thirty terminals and you can do your own tutorial with the computer or you can attend seminars in-class. I think you pay \$5.00 or something. You can get twenty or thirty people together to learn Excel in a day (T1).

In contrast, other temporary help workers expressed considerable cynicism about the training provided by temporary help agencies. One stated:

With temp work, you kind of train yourself as you go. It's true that a lot of temps use the tutorial programs and stuff. But, [temps] basically trained themselves. I was fortunate to have a sister, who's an Ontario Business College teacher so I got help that way. I don't think that I was trained (T3).

Another temporary, who was a science teacher by profession but had no job prospects, made reference to the training required for her light industrial job as follows: "I don't even need language. When I learned this work, my eyes learned it" (T2). Thus, although managers promote worker-centred training, workers give it mixed reviews.

In contrast, many customers commend the contemporary THI for its new investment in training. The primary source of their praise is the customer-centred training provided by temporary help agencies, which is much more highly developed than the general programs offered to workers. This type of training involves site- or customer-specific training. I came across two examples of client-centered training, one that catered to a client in sales and another in industrial work. In the first case, the agency and the customer had an agreement that the agency would train the temporary help workers for direct sales in a department store. It hosted sessions about the product for sale and trained workers on how to conduct themselves as sales representatives for a specific product, in this case long distance telephone services (Fieldnotes, December 5, 1996). In the second case, the agency was bidding for a multi-million dollar contract with a waste management company and one of the services that it was proposing to provide involved training workers to sort recycling materials. Here, the agency proposed to do seminars for temporary help workers to orient them with the different types of recyclable products and then to provide on-site training (Fieldnotes, December 4, 1996). In both cases, the customers were quite happy with the arrangement, especially in the case of the sales training which required the agency to host weekly sessions for new workers because there

was a high rate of turnover amongst workers. From the perspective of this customer, the agency assumed all of its staffing responsibilities so that it could prioritize product development over managing workers (C2).

### *Selection and Follow-up*

As well as interviewing, testing and screening workers, temporary help agencies are also closely involved in the selection of workers. In some cases, the agency carries out selection entirely. For example, agencies often make quick judgment calls in the case of industrial workers, particularly if the customer requires a temporary help worker immediately. Sometimes the agency even transports the worker to the work-site to "fill an order" (Fieldnotes, December 5, 1996). In many of these cases, customers simply require what are known as "warm bodies" in industry parlance (Gonos, 1994; Henson, 1993; Rogers, 1995; Parker, 1994). This minimal requirement makes the selection process extremely straight-forward. As one manager noted:

Some positions require somebody who's just happy to do the same thing over and over and over again. So you don't want to place somebody who's really ambitious, really high energy. You want a steady worker. For example, picture a manufacturing environment where they do the same thing all day long, they're putting cassette cases together. All day long, that's all they do. Seven-and-a-half hour or eight hour shift and all they do is take two pieces of a cassette case or a CD case and assemble it together (M3).

Conversely, when the skills and the personality of the temporary help worker are important, the agency and the customer tend to work together. Usually the agency sends the resumes of the top three applicants to the customer and then the customer chooses the best candidate, knowing that s/he still has options if the first choice applicant does not

work out. I observed one selection process where the agency worked consistently for three days trying to find the best long-term part-time receptionist for a local doctor who had used the agency in the past; in these interviews, applicants were told that the right person could “hold on to this assignment in the long term, possibly even for years if they played their cards right” (Fieldnotes, December 4, 1996).

Once the workers are placed by the agency, the agency still provides some central services. Managers tend to highlight the role of the agency after placement to distance the THI from the private employment agency industry more broadly and promote the concept of “staffing services” (Fieldnotes, December 3, 1996). On the first day of a placement, the agency telephones the customer twice unless they are asked not to call: once, at the beginning of the day, to ensure that the worker has arrived on time and, a second time, at the end of the day to inquire into the worker's performance (Fieldnotes, December 2-5, 1996). If the length of the placement is indefinite, the staff of temporary help agencies make spot visits. If more than one worker is on-site, as is quite common with industrial work, then agencies usually arrange a routine visit with the customer. Agency personnel often distribute paychecks at these visits.

After a set period of time passes, usually sixty to ninety days, some customers request what is known as a “buy-out”, an arrangement where the customer takes on the temporary help worker permanently for a one-time fee. If the agency has a good relationship with the customer or if the worker's wage is relatively low, the agency may waive the fee normally charged for a buy-out. However, if the worker is highly skilled

and/or if s/he has only been on assignment for a short period, the agency and the customer often negotiate a fee for the buy-out. Customers report a range of experiences with the buy-out process:

Your terms are in the contract...I hired one engineer through the agency and, if we maintain him through them for the required number of weeks, then we won't have to pay an agency fee to put him on full-time... The difference would be working a person for sixteen weeks. The agency was giving me a deal on him. They were making \$6.00 an hour on him versus paying out between fifteen or twenty thousand [up front] (C1).

Another customer indicated that, in her experience, there is an industry standard that "after twelve weeks, the person is yours. You can take them on your payroll without penalties" (C4). Other customers rejected the notion of a buy-out. Instead, they characterized the advantage of working through a temporary help agency as a means of extending the typical probationary period indefinitely, to test a potential employee out. Expressing this sentiment in reference to what are known as "temp to perm" assignments, one client noted: "Most agencies, usually have a ninety day replacement guarantee. It's a rarity, but some will even go as far as six months. If you're not happy with that person's performance, they'll start the search over again" (C4).

Although these customers each had different experiences of the buy-out process, the type of selection and follow-up services and the provision for buy-outs provided by the agency normally relate to two variables: the level of the mark-up that the agency is charging on the worker and the degree of customer loyalty. Customers reported paying between a fifteen and thirty-five percent surcharge on top of the temporary help workers' wages to cover the cost of benefits and pay for the administrative services of the agency

(C4; C1). Thus, for higher skilled workers, it is usually in the interest of the agency to avoid an early buy-out. On the other hand, if the agency is dealing with a long-term, high volume customer and the mark-up on the workers is rather minimal, they often waive the buy-out fee altogether (Fieldnotes, December 4, 1996).

### *Payrolling*

The fifth set of staffing services are the payroll and administrative tasks performed by the agency. These services include paying the worker, the provision of mandatory benefits, keeping track of hours, contributing to workers' compensation and a host of other employment-related services.

For many customers, payroll services are the most important service that the THI provides. On the one hand, they reduce the paper work for the human resource manager (C3). On the other hand, they eliminate a host of employment-related responsibilities. Customers are very clear about the role of the agency. They frequently report: "They hire the people. It's much easier for us to keep an arms-length relationship with the representatives [temporary help workers] that way" (C2). Some customers use temporary help agencies solely because they take care of the payroll. One manager described his relationship with a particular company as follows:

We have a company, a very large client, who uses a number of temporaries because they have a frozen head count. They're not allowed to hire any more permanent people and that's directed from their head office in Europe. But, they call us and tell us who's starting. 'We have somebody starting on Monday and can you fax me over an application so he can fill it out so you can put him on your payroll for us?' They dictate his work, they give him his job description, they tell me how much to pay him. They find him.... They call me and say, "He's going to be finishing next Friday." They call me and say, "He's taken a week off" (M3).

The fact that temporary help agencies assume all the responsibilities related to social insurance and health and safety, from severance pay to workers compensation, is also a key source of their appeal to many customers. In many cases, the fact that agencies cover Workers' Compensation is the chief attraction. As one customer noted:

They [the agencies] pay if there's an injury.... In this industry, we have a lot of pinch points. You know, we get a lot of repetitive strain or clothing caught and stuff. It's nice to know that if that happens, its on their WCB [Workers' Compensation Board Insurance], not ours. We don't take a loss. Our premiums don't go up and our stats look better too (C4).

In other cases, the primary attraction of using a temporary help agency is that they are responsible for firing the worker, as well as the range of costs that dismissal generates. One customer put it simply: "If somebody needs to be released, then I just call [the agency] and say, 'we don't need this person any longer'" (C2). Another stated: "In the back of your mind, it's nice to know that if it doesn't work out, its easy to let them go. It's easy to phone the agency and say: 'Bill isn't working out. Thank you very much but I don't want him back tomorrow'" (C4). Managers are well-aware of how much customers appreciate their services related to dismissal. One affirmed: "When it comes to them having to lay people off, they have all of that paper work to deal with and the government enumeration and so on and so forth. It's much easier for them to pick up the phone and call up a temporary service" (M2). In return for these services, there is an expectation that the customer will inform the agency if it sees an assignment ending, especially if the thirteen-week mark is approaching when severance pay begins to apply (Fieldnotes, December 5, 1996). Indeed, this type of clause is written into many service contracts

(M3). Many agencies make it part of their routine to call the customer at the beginning of the thirteenth week to ensure that the customer intends to keep the worker in the long term (Fieldnotes, December 3, 1996).

Finally, in praising payrolling, some customers even emphasize that using temporary help workers is not only cost-effective in the long-run, due to lower Workers' Compensation premiums and UI claims, but also in the short-run because pay rates are so low, especially for light industrial and clerical workers.<sup>21</sup> As one customer noted: "Sometimes it's cheaper to go through an agency. Not all the time. For example, for us to get a packaging operator is \$2.00 less an hour than bringing them on our payroll. It doesn't often happen, but sometimes there are those considerations as well" (C4). These remarks are consistent with the relatively low average hourly wages of temporary help workers in contrast to other permanent workers and temporary workers hired directly by firms in the manufacturing, service and clerical sectors to be described in Chapter Five.

Despite the numerous benefits of payrolling services, from the perspective of the customer, there are also some disadvantages to this set of services. Although potential disadvantages include a lack consistency in a given workforce, problems associated with protecting trade secrets and the costs associated with training and re-training workers, customers and workers consistently report that loyalty is the most significant trade-off for the customer. One worker expressed this sentiment quite bluntly:

I think that there are instances where companies will discover, even if they're contemplating it, that it's [using temporary help workers] simply not strategic because one of the things that you give away when you give away permanent staff is anything that even approximates loyalty. For a permanent employer, if I'm in

the middle of something and the clock strikes five and it's fifteen minutes more to finish it, I will finish it. In temp-land, the clock strikes five, I've got my coat on and I'm out the door, forget it. I think that employers will discover that your employees treat you the way you treat them (T7).

Still, while some customers acknowledge the importance of worker loyalty, most claim that the benefits of the payrolling services offered by the THI far outweigh the disadvantages, particularly if they only retain a limited number of full-time permanent workers and primarily rely on contract, temporary and on-call workers, an increasingly common practice given the rise of non-standard forms of employment (C5).

### *New Services*

Beyond the typical set of staffing services that the THI provides, some temporary help agencies provide several other specialized services to their clients that are aimed at securing the agency's role as the employer of record. Chief among these services is the provision of on-site managers. On-site managers are hired, usually on contract, by the temporary help agency to supervise temporary help workers at the customer's work site. They are quite common in high volume industrial work sites as well as in sales and services.<sup>22</sup> For example, in the proposal for the waste management company described above, the agency offered to provide an on-site manager to supervise the workers. Regarding direct sales, it is also common for agencies to hire a supervisor that coaches workers and monitors their performances; this supervisor usually works just as closely with the customer as s/he does with the agency (Fieldnotes, December 5-6, 1996). One customer in the service sector described the role of an on-site manager as follows:

He's the motivational guy. He's a great salesman, so he looks after the on-the-

floor training. I do the training session in the classroom setting. He does the floor. He coaches them. If they're having a problem, he goes in and shows them how to do it. He'll go in if somebody's having a bad day. He'll try and pump them up (C2).

From the perspective of the customer, however, the advantages of having an on-site manager go well beyond the direct supervision that s/he provides. They reinforce the arms-length relationship between the worker and the customer, a service that is particularly important in cases where workers are on assignment with the customer indefinitely as is increasingly common in call centres, mailrooms and direct sales. As one manager noted:

With some larger companies, it becomes a big issue when a temporary is there on a long-term assignment as to who was liable for that individual's rights. We're the employer of record. We're responsible for any disciplinary action that has to take place. Everything is done through the agency, which allows them [the customer] to keep an arms-length relationship with that person. What has happened in the past is that individuals who have been on a long-term temporary assignment, and have been let go, haven't gone after the temporary agency for wrongful dismissal. They've gone after the corporation that they've been placed in. So they've developed this thing called an arms-length relationship [i.e., between the worker and the customer] (M2).

This manager went on to assert that having someone on-site distances the customer considerably from employment-related responsibilities and other liabilities. Other managers supported this view (M3).

Another "new" service provided by the THI is the provision of transportation to the work site.<sup>23</sup> With the growing volume of business, particularly in manufacturing, agencies are routinely confronted with requests from customers for the provision of transportation. Even the most reputable agencies, that were reluctant to provide transportation to workers in the 1950s and 1960s due to their desire to maintain a healthy

distance from unsavoury actors in the private employment agency business and to minimize the liabilities involved, are beginning to provide drivers as well as on-site managers. For example, one manager described the pros and cons of having a driver as follows:

We are considering renting a van [and hiring a driver] because we're looking at taking on a client where we're going to have to accommodate our people getting to work on time. We will only be able to guarantee that by driving them there. That is something that this service doesn't normally offer, but there are other services out there that do. The disadvantage is the day the van breaks down. You have several people that are stranded and, not only does one person not get to work, but everybody that's sitting in that van doesn't get there either. Of course, there are other safety liabilities as well... So there's pro's and con's to it (M1).

This particularly manager felt pressure to keep up with the trends in the THI to remain competitive.

While the preceding agency was considering hiring a worker with the explicit purpose of transporting workers to and from work, occasionally the on-site manager also serves as the driver. In one instance that I observed, the on-site manager's responsibilities included transporting workers to and from the work site, supervision at the work site, disciplinary actions, dismissal and, above all, ensuring that the agency maintained the volume of workers requested by the customer on a daily basis. In this case, the on-site manager was in constant contact with the office by cellular phone, arranging to dispatch workers to the work-site on an as needed basis (Fieldnotes, December 4, 1996).

Twenty-four hour staffing represents an additional service that agencies increasing provide. A number of managers reported that they were moving towards operating twenty-four hours a day to ensure that they could service their customers needs on

demand. When asked about growing trends in the industry, several managers named twenty-four hour staffing as the way of the future. One reflected:

We pay somebody to be on call until midnight every night for our clients who forget to place orders, who have problems, who have no shows. We call them on the weekends. Clients have some of our home phone numbers and we're all on cell phones so that we can be reached whenever because clients operate seven days a week, three shifts. They operate all the time and it's great if they have a problem at 8 a.m. on their Monday shift but what if they have a problem at 10 p.m. on their Friday night shift.... They need to be able to reach the agencies (M3).

An additional service, known as "temp to perm", is also becoming quite prevalent in the THI. "Temp to perm" involves providing a worker to the customer with a clear understanding at the outset that the customer may opt to hire them directly after an extended period, normally three to six months. Notably, "temp to perm" also reflects a renewed affiliation between the THI and the private employment agency industry since it is prompting agencies to use permanent specialists on site. Still, although "temp to perm" involves certain obvious costs and risks (i.e., agencies must obtain a license), industry officials argue that building this service is a wise long-term investment since it appeals to customers who rarely use the services of the THI: indeed, "temp to perm" is a crucial means to showcase the THI's services to customers who require professionals, such as engineers, lawyers, teachers and nurses. Predictably, "temp to perm" is most common at the high-end of THI, where customers generally report using the THI as a means to try-out a potential new employee and avoid the penalties associated with hiring and dismissal (C2, C5). Still, while the THI markets "temp to perm" as an innovative service, branch

managers have mixed feelings about promoting this service. Accordingly, one manager remarked:

I like to see it really low [temp to perm]. Obviously, when they go perm it's great for the client and our associate [i.e., the temporary help worker] -- that's what we like to see for them -- but it's lost revenue for us. On the business management side of it, I'd like to see it at a very minimum. On the other side of the coin, I'd like to see it a lot more because it tells us one thing, that we're finding the right people for the job...I'd say that our "temp to perm" is maybe twenty percent (M2).

Another indicated:

We lose a lot of our really good people to permanent positions... If the agency is doing their job right, it should be common because you get a lot of orders where there are open positions. If you really understand the clients requirements, and the environment -- you've been out there and you've seen it and you know who fits-- then you should be able to actually place somebody who they would consider on a permanent basis. When that happens, we have mixed emotions (M3).

Managers view "temp to perm" as crucial to the expansion of the contemporary THI.

However, they are reticent to market this service too aggressively since it has the potential to deplete their supply of high calibre workers in the short-run and since they clearly have an interest in preserving the role of the agency as the long-standing employer of record.

Ranging from advertising and recruitment to payrolling, the services described above constitute what the contemporary Canadian THI now calls "employment and staffing services". By packaging its pre-existing services in a different way, developing new services and crafting a unique type of contract between the customer and the agency (one that pushes the boundaries of legality), the THI changed course in the 1980s. It effectively began to market the ability of temporary help agencies to act as employers and/or a managers of labour, paying significantly less attention to the issue of duration and

more attention to the division of responsibility between the agency and the customer, while still upholding their well-established image as suppliers of *temporary* help. The THI was keenly aware of the uncharacteristically stable regulatory regime surrounding the TER in this period and thus careful not to upset it. In fact, its cognizance of the delicate balance that temporary help agencies had reached at the regulatory level led the THI to introduce the concept of "staffing services" gradually, retaining practices that initially earned it credibility while establishing new practices to extend the bounds of its post-war legitimacy. The result is that the contemporary Canadian THI still bases its new strategy on the pre-existing regulatory regime; it continues to retain and call attention to its "special status" based on its reputation of supplying short-term *temporary* help workers. However, at the same time, the logic of the THI's marketing strategy is changing alongside the decline of the SER as a norm. The concluding section examines the significance of the THI's shift towards providing staffing services in light of shifting employment norms.

#### **IV. Establishing the TER as an *Alternative* to the SER**

Against the backdrop of profound changes in the labour market from the early 1970s to the mid-1990s, the THI's new strategy of providing employment and staffing services clearly contributed to its expansion and diversification in Canada in this period. Even more important, the *shape* of the Canadian THI changed dramatically with the adoption of this new strategy. Its client-base expanded to include more public sector institutions and a wider group of clients from the business sector. Simultaneously, coinciding with the proliferation of non-standard forms of work and rising labour force

participation rates amongst women, the occupational spread in the industry broadened such that more professional workers, health care-givers and construction workers joined the ranks of temporary help workers. Revenues also rose sharply in the THI reaching over \$1.5 billion in 1990. As the THI's profile grew, so did its legitimacy; consequently, from the mid-1960s to the mid-1990s, temporary help agencies enjoyed a relatively stable regulatory environment at both the national and the international level. In this way, the THI's new emphasis on providing staffing services has helped it advance the spread of temporary help work into new areas. But, most centrally, the new strategy has contributed to shifting the "burden" of employment off the customer and on to the agency: in promoting itself as providing employment and staffing services, the contemporary Canadian THI is selling far more than the services of temporary help workers, it is selling a new type of *employment relationship* to its customers, one that allows both the agency and the customer to adopt a range of distancing strategies. In so doing, it is also advancing the TER as a genuine *alternative* to the SER.

As Chapter Three illustrated, the existence of a TER is not "new" to this period. Rather, it emerged out of the temporary help formula used by the THI in the 1950s and gradually evolved in ensuing decades. In the post-war period, the THI positioned the TER as a *supplement* to the SER; thus, it reinforced and worked within, rather than undermined, this normative model of employment. The SER provided its basis of possibility as well as set its limits. What is unique about the present period is that the THI is effectively revealing the TER as a triangular employment relationship where, unlike the

SER, employment-related responsibilities rest with more than one entity; from a legal vantage point, the service contract makes this possible but, at the micro-level, shifting intra- and inter-firm relations are also key. Through the service contract and the set of staffing services that the THI is promoting, temporary help agencies are assuming many responsibilities normally accorded to the employer in a bilateral employment relationship. These responsibilities not only include recruitment, advertising, hiring and training (i.e., services that temporary help agencies provided since the inception of the THI), they also encompass services related to the payment of wages, mandatory benefits and workers' compensation and occasionally even the direct supervision of workers at the work site. Predictably, the list of responsibilities now assumed by the customer, who would clearly be the employer were a bilateral employment relationship to exist, is normally quite sparse: the service contract dictates that the customer is still ultimately responsible for both supervision and health and safety at the work site, although the agency pays workers' compensation premiums. To shift the onus of employment towards the agency, the customer pays a considerable administrative fee (a surcharge, known as the mark-up, that normally ranges from 15 to 35 per cent of a given worker's wages depending upon the company and the skills of the worker). In exchange, the customer not only achieves greater "labour flexibility" or a "just-in-time" work force, it also acquires an arms-length relationship with the temporary help worker.

Given the new division of responsibility between the customer and the agency, and the arms-length relationship that the THI is cultivating between the customer and the

worker, the emerging TER contravenes the SER in almost all of its central aspects. It is characterized by a triangular employment relationship that may or may not be full-time, where the worker may be assigned to several work sites off the employer's premises, and where employment related responsibilities are shared between two or more parties. Moreover, it involves a commercial contract for services between a temporary help agency and a customer and an "employment agreement"<sup>24</sup> between the agency and the worker. Thus, it violates all three core features of the SER: the worker establishes occupational connections with several employers rather than one, is not party to an indeterminate contract of employment and may be dismissed with little notice from the agency and no notice from the customer (Cordova, 1986).

The very fact that the shape of the TER differs sharply from the SER is not new either. What *is* new is the means by which the THI is attaining legitimacy for the TER in contradistinction to the SER. At its inception, the THI crafted the TER to minimize relations between customer and worker and this continues to be the case. However, in the post-World War II era, the fact that agencies provided a rather narrow group of temporary help workers, chiefly white middle-class married women, to a rather narrow set of customers, primarily firms requiring temporary clerical assistance, was the means by which the THI cast it as a legitimate supplement to the SER. At present, the provision of "employment and staffing services" is the primary means by which the THI is currently securing legitimacy in the labour market. Although the shape of the contemporary TER

still resembles its post-war precursor, the THI increasingly presents the TER as a genuine alternative to the SER.

Clearly, shifting employment norms have contributed to the recent change in course on the part of the THI. By adopting a new strategy in the late 1980s and early 1990s, the THI began to position the TER as an alternative to the SER during a time of profound employment change. At this juncture, the SER was clearly unstable as a normative model of employment and, more concretely, women's labour force participation rates were rising and non-standard forms of employment were proliferating. Since then, although their participation rates stagnated in the early 1990s, women's share of the labour force remains relatively constant and non-standard forms of employment have continued to spread (Krahn, 1995; Lipsett and Reesor, 1997; Lindsay, 1995).

Combined with our understanding of the rationale behind the THI's new emphasis on staffing services, these employment trends highlight several important insights. Indeed, they suggest that neither the feminine face of the THI nor its role of supplementing the SER are fixed. Even though the THI first staked its place in the labour market based on image of the "Kelly Girl" and on supplying stop-gap workers, these variables are not crucial to its continued legitimacy in and of themselves. Rather, they were key pillars of its post-war strategy because of the dominance of the SER as a norm and the ideology of domesticity. However, although the variable of gender still remains central to how the THI operates in the labour market and the provision of *temporary* help still represents a core service provided by the THI, the terrain has shifted dramatically. With the decline of

the SER, there is now a growing vacuum where a *normative* model of employment is concerned. This gap is creating a space where employers are not only aware of "new" employment options, but are increasingly willing to accept the risks involved in embracing a host of so-called distancing strategies, including engaging in triangular employment relationships (Abraham, 1990; Carré, 1994). From the perspective of the THI, the overwhelming appeal of "employment and staffing services" (especially payrolling) and customers' genuine willingness to accept the service contract (despite the veil of legal uncertainty surrounding it) support the later observation.

### **Conclusion**

Given the absence of a single alternative to the SER as a *normative* model of employment and the highly stable regulatory environment, the Canadian THI is likely to continue along its present course. Thus, it is instructive to conclude this discussion of its strategy by speculating as to where the THI's future trajectory might take us. Although some are more tentative than others, customers, managers and industry officials generally predict the THI's increased emphasis on *servicing* more and more facets of the employment relationship. One human resource manager employed by a large manufacturing firm suggests that the THI has the potential to undermine the role of her entire department:

There has been a trend in human resources. I don't know if it has materialized. I heard this a couple of years ago -- that they are out-sourcing human resources, and don't have [human resource] departments anymore and have people that come in and do recruiting. I haven't seen that trend happen yet. I don't know anybody who has worked for a company and, all of a sudden, the [human resource] department has disappeared but it's possible (C3).

Not only do the remarks of this customer fall in line with the industry's projections for the future, they also reflect the current direction of change in the THI. When asked to discuss the future of the THI, one manager noted: "[w]hat I see happening in the future is agencies, such as ours, staffed 24 hours a day... It's going to get to the point that eventually we're just going to become one extension of their human resource departments and *maybe even beyond*... (M2, my emphasis). According to another official, the most innovative segments of the contemporary THI, particularly in the United States and France, are already providing what is known as "facilities management" and the Canadian THI is following suit. This official noted:

The [customer], for example, they have a mailroom. Every company has a mailroom. But the [customer]'s business is retail of its merchandise. The [customer]'s management really don't want to concern themselves with running the mail room because that's not their core business. So that part of their business is out-sourced to a company that is in the business of facilities management, that knows the kind of skill sets needed to run a mailroom... It might be mailrooms. It might also be, let's think of another example, call centres (I1).

These three sets of remarks suggest that, given the growing movement towards contracting-out among large companies, the THI is likely to continue to situate the TER as an *alternative* to the SER. Indeed, customers and managers repeatedly acknowledge that, in crafting the TER as an alternative to the SER, minimizing the customers' employment-related responsibilities is the chief objective of the THI. When asked about the future, they take this notion even further by suggesting that contracting-out the "management of labour" in its entirety is the way of the future.

Of course, the insights of customers and managers only take us so far in exposing the implications of the THI's shift from simply supplying "stop-gap" workers to providing "staffing services" since the mid-1970s. They help reveal the dimensions of the THI's new strategy but leave many pressing questions unanswered. With respect to the current period, several sets of questions still require further scrutiny: first, given the feminization of the labour force and the rise of non-standard forms of employment, to what extent does the TER amount to a precarious employment relationship? More specifically, does the shape of the contemporary TER (and its rise and spread) reveal the erosion of the SER as a *gendered* or, more accurately, *feminized* process? Chapter Five addresses these questions by putting temporary help workers' experiences at the centre of analysis and grafting them against the shape of the contemporary TER and the conditions of employment surrounding it. Second, given that the TER is spreading and given that the prevailing regulatory regime in Canada and other nations opting for non-regulation in the post-war period still takes the SER as its central reference point, what are the prospects for regulating temporary help work at the national, international and supra-national levels? In examining the options for regulation, Chapter Six addresses this most pressing question.

### Notes

<sup>1</sup> In this and subsequent chapters, I use the term “feminization of the labour force” narrowly to refer to rising and/or consistently high rates of labour force participation among women. Thus, I do not use the “feminization of the labour force” and the “feminization of employment” synonymously, although I do suggest that the feminization of the labour force is a core facet of the feminization of employment.

<sup>2</sup>As a result of the oil shocks, unprecedented sums of money were transferred from oil-consuming countries to oil-producing countries beginning in 1973. However, the transfer of resources to the oil-producing countries was too large for them to absorb; they could not take in enough imports to make up for the transfer of funds from oil-consuming countries. Nor could most oil-consuming countries reduce their oil consumption sufficiently to eliminate their deficits or increase their exports sufficiently to cover the gap (Harvey, 1989: 142-143; Spero, 1990: 47).

<sup>3</sup>In reforming UI and reducing public expenditures on social programs, the 1976 Budget took its wisdom from a study prepared by the Economic Council of Canada entitled People and Jobs (1976). This study introduced the notion of a “natural rate of unemployment” (NAIRU) -- an equilibrium rate of unemployment that could be maintained without creating inflationary pressures -- and offered a “new” definition of unemployment that revived the concept of “voluntary” employment. “Voluntary” unemployment was seen to be a result of social programs like UI which made the pain of unemployment less onerous than in the past. It was believed to be more prevalent due to the shifting demographics of the work force which included rising labour force participation rates among women (Campbell, 1991: 18-19).

<sup>4</sup>The AIP was composed of:

- Fiscal and monetary policies aimed at restraining growth in total demand and production at a rate consistent with declining inflation;
- Government expenditure policies intended to limit the rate of increase in public service employment and the growth of public expenditures to or below the trend in the growth of the GNP
- Structural policies to deal with the special problems of energy, food and housing to improve labour/management relations
- A temporary prices and incomes policy that established controls over prices, wages and other incomes for larger firms, and over wages and some prices in the government sector (Canada, 1985: 308).

<sup>5</sup>In this period, rising male unemployment and falling male participation rates primarily reflect the decline of manufacturing rather than competition from women (for an

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instructive discussion of the relationship between increasing unemployment among men and type of feminization described by Standing (1989), see: Cohen (1994)).

<sup>6</sup>Data on the THI is collected through Statistics Canada's Annual Survey of Employment Agencies and Personnel Suppliers. Although this survey has existed since the early 1980s, it only provided data at the three-digit SIC level (i.e., for both employment agencies and personnel suppliers together) until 1984. As a consequence, disaggregated data (i.e., at the four-digit level) on the size and shape of the THI has only recently become available.

<sup>7</sup>Temporary help agencies constitute the largest component of the personnel supply services classification in the United States.

<sup>8</sup>Confidentiality guidelines pertaining to the release of data from Statistics Canada prohibit direct reference to data on other provinces.

<sup>9</sup>The performance of small agencies between 1987 and 1993 is indicative of the potential for growth and diversification in the THI. Small firms earning revenues between \$250,000-\$499,999 doubled their revenue over this six-year period while firms with revenues of \$2 million grew only by 24% (Hamdani, 1996: 89).

<sup>10</sup>Agencies specializing in placing professional workers, such as nurses, computer technicians or engineers, usually prefer to be called "employment services". However, Statistics Canada defines them as temporary help agencies since they operate along the same premises as the temporary help agency.

<sup>11</sup>It is increasingly common for temporary help agencies placing general labourers to hire on-site managers, contract workers whose wages are paid by temporary help agencies, who work as supervisors on the premises of large customers. As will be discussed in Section III, managers of temporary agencies often perceive the existence of an on-site manager, which is usually described as an extra *service* for good customers, as reinforcing the arms-length legal relationship between the customer and the temporary help worker.

<sup>12</sup>This figure is significantly higher than that derived from the Survey of Work Arrangements (1995), which found that women only represented 47.8 per cent of workers employed by temporary help agencies in 1995.

<sup>13</sup>Sex-based data on personnel suppliers and employment agencies is only available at the three-digit level in Canada's Labour Force Survey. Thus, since temporary help agencies only constitute approximately 80 per cent of all personnel suppliers (SIC 7712), it is conceivable that the percentage of women employed by personnel suppliers may be lower than the figure cited (Akyeampong, 1989: 43).

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<sup>14</sup>The question on job tenure in the Survey of Work Arrangements (1995) is outdated in that it uses the SER as its central reference point. At the outset of this survey, respondents are asked to identify a single employer. However, if the respondent names two employers, an agency and a customer, the interviewer is expected to name the temporary help agency as the employer to conform with the definition of employer in the survey (Personal Communication, Elizabeth Majweski, Statistics Canada, March 13, 1998). Later in the survey, respondents are asked how long they have worked for their current employer. However, since temporary help workers often have difficulty identifying their employer, it is possible that survey results are a more accurate reflection of the average length of an assignment than of the length of a given worker's relationship with a temporary help agency. My qualitative data would support this hypothesis since many of the temporary help workers that I interviewed reported being on assignment for extended periods and, in such instances, had particular difficulty identifying their employer (Chapter Five). If this hypothesis is correct, then the data on job tenure may actually suggest that the duration of temporary help assignments is also getting longer.

<sup>15</sup>Still, as will be discussed in Chapter Five, an overwhelming majority of temporary help workers reported that they would prefer more hours in 1995.

<sup>16</sup>In presenting average hourly wages in this industry, Statistics Canada reports mean wages. However, a more useful measure of the shape of hourly earnings in the THI might be the mode due to the increased occupational polarization in the industry.

<sup>17</sup>For example, although Ontario revised its Employment Agency Act in 1970, 1971 and 1980, it only altered procedures surrounding the revocations of licenses for permanent placement agencies (R.S.O., 1970, 1971, 1980). Similarly, following developments in provinces decades earlier, Manitoba revised the Act Respecting Employment Agencies to prohibit fees in 1980 and it set new licensing regulations in 1987 (R.S.M, 1980, 1987). In both these provinces, temporary help agencies retained their *de facto* employer status even though there were slight changes to existing legislation.

In this period, the most dramatic developments that took place at the provincial level occurred in Alberta where the government formally repealed the Employment Agencies Act in 1988, thereby removing all pre-existing measures such as those limiting fees to workers and mandating yearly licensing (R.S.A., 1988). In the early 1990s, the THI actively lobbied the provincial government of Ontario to change its Employment Agencies Act but, although it was successful in obtaining a review of legislation which is still ongoing, the Act still remains in place (Association of Professional Placement Agencies and Employment and Staffing Association of Canada, 1996). Chapter Six addresses the substance of the THI's challenge to prevailing regulations governing private employment agencies.

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<sup>18</sup>It is crucial to emphasize that not all temporary help agencies offer the same set of services. Nor do all temporary help workers have common experiences with recruitment and testing. Even though the THI is attempting to standardize the services provided by temporary help agencies, standardization is far from complete at present. For this reason, the set of staffing services described below merely represents a sketch of the range of practices, policies and procedures that the THI calls “staffing services”.

<sup>19</sup>If a customer enters into a contract with the agency with the goal of ultimately hiring someone permanently, s/he also often signs a service contract for the recruitment of permanent staff. This agreement is a modified version of the service contract for the provision of temporary staff which normally includes what is known as the “100 Day Guarantee”. Shaped much like a product warranty, this customer satisfaction clause not only guarantees the continuous employment of the successful candidate for 100 days from the commencement of employment but also offers to replace the worker if the customer is not “fully satisfied” (Fieldnotes, December 4, 1996).

<sup>20</sup>When I took the psychological test, the branch manager allowed me to examine my own evaluation. I found that, although I scored in the ninety-sixth percentile, this was not necessarily a good sign. Rather, the print-out from the test stated: “This applicant likely overstated her positive qualities” (Fieldnotes, December 5, 1996).

<sup>21</sup>This rule only holds in non-unionized workplaces. In plants where there is a union, customers routinely reported paying union wages to temporary help workers because contracting-out clauses in their collective agreements required equal remuneration for temporary and permanent workers. Consequently, customers tended to limit their use of temporary help workers to non-unionized segments of their work forces. One client noted accordingly: “Quite frankly, I don't use the temp industry at all for the factory because it's a unionized environment. I only use it in the office [where there is no union]” (C1).

<sup>22</sup>According to one manager that I interviewed, the American THI leads the Canadian THI in the proportion of on-site supervisors that it provides because the volume of business is higher: “We're behind the U.S. a couple of years [in the provision of on-site supervisors]. [In the United States,] larger clients are using more temporaries so there's more need [for on-site supervisors] than there used to be. It's nothing to find five hundred temporaries on a site in the U.S.... They're a dime a dozen down there” (M3).

<sup>23</sup>I place “new” in quotations here because this service is reminiscent of the pre-World War I era when employment agents were involved in transporting workers to the work site.

<sup>24</sup>Chapter Five describes this agreement in detail.

## Chapter Five

### **Promising "Flexibility" and Delivering Precariousness: The Shape of the Contemporary Temporary Employment Relationship**

We perform a function. We're not actually human beings. We're tools that perform functions. I think that many of us are tremendously under-utilized. God knows I am but I don't think that's unique to me as I talk to my colleagues [at the call center]. We are all, in fact, capable of all kinds of stuff. But, the system isn't designed to use that. The agency doesn't want it because [the customer] is given your name only so that you can perform a particular task. They have no idea that you could do other things...That's the nature of temping... (T7).

As demonstrated in Chapter Four, the Canadian THI gradually adopted a new marketing strategy from the early 1970s to the mid-1980s, one that complemented the decline of the SER and the feminization of the labour force and took advantage of the "special status" that temporary help agencies first attained at the regulatory level in the post-war era. In offering to provide "staffing services", temporary help agencies shifted their emphasis away from supplying temporary help workers to assuming a wide-range of responsibilities typically accorded to the employer in a bilateral employment relationship. The THI's new strategy was highly attractive from the perspective of its customers since it gave them considerable "flexibility" by cultivating arms-length relationships between clients and workers.

From the vantage point of workers, however, the radical shift in the THI's strategy only entrenched the shape of the TER. Consequently, as this chapter shall illustrate, temporary help work increasingly amounts to precarious employment. To capitalize on shifting employment norms and minimize uncertainty at the regulatory level, the THI

became preoccupied with delineating the responsibilities of the customer and the agency in the 1980s and 1990s. However, the drive for greater clarity among temporary help agencies in their relationships with customers created few positive qualitative changes for workers. Rather, the legal apparatus that the THI crafted to surround the TER and the firm-based practices that it perpetuates increasingly curtail temporary help workers' ability to resist the substandard conditions of employment that they normally endure.

Continuing a theme common to earlier periods, the success of the THI still rests on casting temporary help workers as commodities -- bought, sold and traded in the labour market. However, conditions in the contemporary Canadian labour market are different than those confronted by the earliest precursors to the contemporary temporary help agency as well as by the 'classic' temporary help agency. Although it builds on developments in the early part of the twentieth century and in the post-World War II era, a new configuration of factors contributes to the tenuous nature of the TER. At the macro-level, there appears to be a growing relationship between the feminization of employment and the rise and spread of the TER; the regulatory stalemate at both the national and the international levels, which enables the Canadian THI to self-regulate through a complex legal apparatus, only reinforces this relationship. What is equally crucial to the persistently precarious nature of the TER, however, is the host of policies and practices operating at the micro-level designed not only to create an arms-length relationship between customers and workers but to minimize the employment-related responsibilities of the agency as well.

By examining both the conditions of employment to which temporary help workers are normally subject and the relationship between temporary help workers and their two "bosses" (i.e., the agency and the customer), this chapter probes the impact of the contemporary TER on the worker. It is divided into four sections. Building on the discussion of shifting employment norms begun in Chapter Four, Section I briefly outlines several employment trends that amount to the feminization of employment in Canada when viewed in combination with rising female labour force participation rates and the growth of non-standard forms of employment. It draws particular attention to persisting sex segregation and income and occupational polarization and the casualization of employment so as to address how the rise and spread of the TER relates to larger employment trends. Returning to the case study of temporary help work, Section II examines the shape of the employment agreement between the temporary help worker and the agency as well as the resulting conditions of employment, such as wage levels, the provision of benefits and work arrangements attached to the contemporary TER. It reveals that the employment agreement not only upholds the arms-length relationship between the customer and the worker generated by the service contract but also the weak relationship between the agency and the temporary help worker; this agreement cultivates a casualized employment relationship by design since it minimizes the employment-related responsibilities of the agency as well as the customer and, thus, differs sharply from a standard employment contract. Section III examines a range of customs, policies and practices operating at the level of the firm that, when combined with the distancing

achieved through the legal arrangements surrounding the TER, heighten the precarious character of the TER and limit workers' capacity to resist the substandard conditions of employment normally attached to temporary help work. This micro-level analysis demonstrates that the qualitative dimensions of temporary help work are not only crucial to exposing the precarious character of the TER but the highly gendered and racialized stratification within the contemporary THI. Finally, Section IV evaluates the TER against several facets of the feminization of employment, probing how its spread relates to this phenomenon and examining what the growth of the THI tell us about the nature and potential consequences of the erosion of the SER more generally.

This chapter makes three contributions that reflect the larger aims of this study. Most centrally, it suggests that, if the spread of temporary help work and the terms of employment surrounding the TER are indicative of the direction of change in the Canadian labour market, then the decline of the SER is amounting to qualitative changes in the conditions of employment endured by many workers. Taking the TER as a case in point, it also demonstrates that growing instability in the SER has *gendered* underpinnings. Prevailing employment trends are amounting to more than simply consistently high labour force participation rates among women and the spread of non-standard forms of employment, two pillars upon which the contemporary THI rests, they are amounting to the feminization of employment: indeed, they signal the extension of "new" *feminized* employment relationships in the labour market and the *feminization* of employment norms more broadly.<sup>1</sup> Finally, by examining micro-level processes that heighten the precarious

character of temporary help work, the chapter highlights the weight of the regulatory challenges posed by the spread of the TER since it is at the level of intra- and inter-firm relations that temporary help workers experience hyper-commodification and that the THI's ability to prevent large-scale worker resistance is most apparent. In so doing, it anticipates Chapter Six by beginning to highlight areas where further regulation is needed and prepares the ground for a discussion of *Workfirst* in Chapter Seven by beginning to reveal why TER is so very attractive to certain segments of Canadian government as a model in advancing workfare-driven social policy.

#### **I. The Erosion of the SER: A *Gendered* Process**

As Chapter Four demonstrated, the economic uncertainty characteristic of the period between the early 1970s and the mid-1990s generated dramatic changes in the labour market, shifts that contributed to destabilizing the SER in both Canada and abroad. At the international level, growing instability in the SER coincided with significant changes in the structural and institutional arrangements dominant in the post-World War II period, as evidenced by the crumbling international monetary regime and other commodity shortages. At the national level, these developments corresponded with the federal government's abandonment of its post-war full-employment objective in favour of anti-inflationary policies and programs which contributed to women's rising labour force participation rates and the growth of non-standard forms of employment in Canada. Still, although Chapter Four focused attention on women's consistently high labour force participation rates since the 1970s, three other dimensions of the feminization of

employment also characterized this period: first, persisting sex segregation; second, intensified income and occupational polarization primarily shaped by variables pertaining to sex, immigration status, race and age; and third, the casualization of employment.

While women's rising labour force participation rates were most central to the THI's new marketing strategy, persisting sex segregation, income and occupational polarization and the casualization of employment contribute to the precarious character of the contemporary TER.

To recall our discussion in Chapter One, persisting sex segregation undermines the conventional global feminization of employment thesis advanced in the 1980s, as do other now widely-acknowledged dimensions of the feminization of employment such as increasing income and occupational polarization between men and women and even among women themselves. According to Guy Standing (1989: 1077), feminization means that "women are being substituted for men and many forms of employment are being converted into the kinds of jobs traditionally geared to women". Thus, one central tenet of the conventional thesis, which is virtually uncontested, is that women are entering the labour force in unprecedented numbers on a global scale. Another less innocuous tenet is that sex segregation will decline with women's mass entry into the labour market, the implication being that the feminization of employment is amounting to women *taking* men's jobs. Predictably, scholars have criticized this latter dimension of the conventional thesis harshly as well as the sub-theses that it generates (Armstrong, 1996; Boyd et al, 1991; Catagay, 1994).<sup>2</sup> Thus, since Standing published his work "Global Feminization

Through Flexible Labour" (1989), some scholars have rejected the thesis outright and others have disproved core claims of the thesis in specific contexts (e.g., export-processing zones) and industries, while generally accepting its central tenets (Barron, 1994; Tiano, 1994). Still, most have taken the conventional thesis as a point of departure in developing more nuanced theories, testing the thesis on local, regional, national or industry-specific bases and making adjustments or critiques accordingly (see for example: Bakker, 1989, 1991; Boyd et al, 1991; Catagay, 1994; Cohen, 1994).

As this study has argued, a survey of scholarship engaging with the core claims of Standing's thesis reveals that there are indeed many national, regional and local variations of the feminization of employment. Women's rising and/or consistently high labour force participation rates is the common dimension, although many scholars demonstrate that it is impossible to isolate this global phenomenon to specific years or decades (Armstrong and Armstrong, 1994; Cohen, 1994). However, the dramatic rise of labour force participation rates among women is by no means the only, let alone the most central, facet of the feminization of employment. Rather, understanding the *gendered* underpinnings of employment-change requires a much more nuanced approach. If feminization is to be useful as a descriptive concept, applicable to a range of settings cross-nationally, it must encompass trends such as persisting sex segregation, increased income and occupational polarization between men and women as well as among women and men based on variables pertaining to race, immigration status and age and the casualization of employment. Given that Chapter Four documented rising labour force participation

among women in Canada from the early 1970s to the early 1990s and explored its relationship to the THI's strategy of situating the TER as an alternative to the SER in the late 1980s, it is instructive to now examine the degree to which employment trends in Canada reflect other facets of feminization.

### *The Canadian Case*

Consistent with an expanded conception of the feminization of employment, sex segregation and income and occupational polarization persisted, and in some respects even intensified, in the Canadian labour market in the 1970s and 1980s. In this way, growing labour force participation rates have meant "more of the same" for women -- typically, relegation to the bottom tiers of the labour force, isolation to specific job categories, relatively low average hourly wages and consistently low rates of unionization (Armstrong and Armstrong, 1994). And, as numerous scholars have emphasized, feminization has also entailed downward harmonization in wages and conditions of employment for some men particularly in light of de-industrialization (Armstrong, 1996; Brodie, 1994; Cohen, 1994). Contrary to the predictions of early proponents of the conventional thesis, such as Standing, who implied that it might entail the substitution of women for men, in men's jobs, sex segregation has persisted in the Canadian labour market from the 1970s to the present and, in some areas, men are *taking* jobs traditionally held by women (Armstrong, 1996; Gunderson, Muszynski and Keck, 1990: 77-78). In describing women's position in the labour market in the late-1980s and early 1990s, Pat Armstrong (1995: 396) argues that "[a]lthough the labour force participation of women has risen dramatically and women

have made some important gains, *most remain segregated in the lowest paid, least attractive and most precarious forms of work*' (my emphasis). To this we should add the following qualifier that Armstrong (1997) and others make: even though inequalities between women remain smaller than those between men, immigrant women, women of colour and Aboriginal women experience the brunt of sex-segregation and, therefore, income and occupational polarization by sex, making their average annual earnings disproportionately low and intensifying the effects of sex segregation (Boyd, 1997; Cameron, 1995: 193; Leach, 1993: 66; Ocran, 1997: 148, 152-3).

Even with more men entering female-dominated sectors, such as the service sector, women's concentration in certain fields remained quite high into the 1990s: women's share of service sector jobs was 57.6 per cent in 1971 and 52.0 per cent in 1991.<sup>3</sup> More important, in the 1970s and 1980s women, immigrants and people of colour were concentrated in traditional forms of service work, which are normally labour-intensive, characterized by non-standard forms of work, low wages and dominated by small firms (White, 1993: 166).<sup>4</sup> In contrast, men tended to dominate in more dynamic services, such as in finance and transportation (Armstrong and Armstrong, 1994: 27).

Indeed, the expansion of the tertiary sector, particularly from the early 1960s to the mid-1980s, brought more women into the labour market and, therefore, contributed to the shift in the THI's strategy away from targeting a narrow group of white middle-class married women as its chief workers towards cultivating a more diverse work force. It also brought more so-called "women's work" (i.e., jobs with low status, limited stability and

low pay) into the labour market (Armstrong, 1996: 30; Fudge, 1991; MacDonald, 1991; Phizlakea and Wolkowitz, 1995; Walby, 1989). However, it had a negligible effect on sex segregation in the labour market. The decline of public sector employment, where women made limited gains in the 1960s and 1970s despite initiatives such as "6 and 5" and the AIP, only reinforced such outcomes (Archibald, 1970; Gunderson, Muszynski and Keck, 1990; Morgan, 1988). Moreover, massive job-losses in goods-producing sectors can hardly be said to have alleviated sex segregation significantly in the Canadian labour market from the mid-1980s to the early 1990s, although they led to declining male wages and participation rates and also contributed to intensified income and occupational polarization between men based on race, if the THI is a case in point.

As Sections II and III illustrate, trends in the THI are consistent with the persistence of sex segregation and income and occupational polarization in the Canadian labour market in the period under study. While gender-parity is emerging in the THI, the evidence suggests that the THI remained internally sex segregated in the mid-1990s, with women (especially immigrant women and people of colour) dominating in those job-categories at the bottom of the THI such as clerical work, nursing and related fields and service work, and with men dominating in general labour but also in high-technology, administrative and managerial job-categories. Ironically, the rise in male employment in the THI seems to almost mirror growing occupational diversification in the industry, particularly its expansion into sectors related to science and technology and other professional fields. Given the outcomes of the Survey of Work Arrangements (1995),

which found that temporary help workers engaged in managerial and administrative, medical and transportation and materials-handling occupations had the highest average hourly wages of all temporary help workers, and those that engaged in teaching and clerical occupations had the lowest, it is also reasonable to surmise that income and occupational polarization, largely based on variables related to sex, race, ethnicity and age, continues to characterize the THI (Statistics Canada, 1996: Cat. 71001MGPE). Thus, sex segregation and the related trend of income and occupational polarization not only persist in the contemporary Canadian labour market, both these dimensions of the feminization of employment also remain integral to the shape of the THI itself.

Another central dimension of feminization that this study has yet to examine in the Canadian context is the casualization of employment. To recall the discussion in Chapter One, the feminization of employment is not strictly about women or, for that matter, about women taking men's jobs. Nor is it about *sex per se*. Instead, it is about a type of labour force restructuring that amounts to the "gendering of jobs", the creation of more "women's work" in the market or casualization more broadly (Armstrong, 1996; Bakker, 1991; Cohen, 1994; Jenson, 1996; Fudge, 1991; Rubery, 1994; Walby, 1989).

Indeed, the casualization of employment represented a significant employment trend in Canada from the 1970s onwards, one that intensified in the late-1980s and the early 1990s. This dimension of feminization amounts to uncertainty in employment relationships so that a growing proportion of workers lack benefits commonly associated with the SER, are forced to engage in fixed-duration contracts, short-term, intermittent or

non-permanent employment, face downward pressure on wages and may have more than one employer (or no employer at all). Casualization usually occurs alongside the growth of non-standard forms of work, although the two trends are not necessarily intertwined. It is often accompanied by the growth of small firms and declining rates of unionization (Cameron, 1995; Fudge, 1991). Bluntly put, growing casualization means that more forms of employment resemble "women's work", not only the types of employment relationships that women are normally confined to and/or the type of employment contracts to which they are often subject (Fudge, 1991; Jenson, 1996), but also the inferior conditions of employment that women frequently face related to both their presumed role in social reproduction and their assumed status as secondary breadwinners.

In the Canadian context, four recent developments provide evidence of the casualization of employment. First, downward pressure on wages occurred during the 1980s, so that men's average wages declined between 1980 and 1990 for the first time in seven decades (Rashid, 1993: 18). This development led many single breadwinner families to rely on more than one breadwinner, not only forcing more Canadians into the labour force but into precarious forms of employment (Fudge, 1995). Second, Canadians experienced a growth of irregular work-schedules, including on-call and shift work, a development that indicates that employment relationships became more unreliable in this period (Survey of Work Arrangements, 1995: Catalogue 71001MGPE). Third, in the wake of the Macdonald Commission (1985) and the Royal Commission on UI (1986), as well as the federal government's more recent forays into social policy reform, unemployed

workers endured declining UI coverage rates and other cutbacks to occupationally-based social programs, even in the face of rising unemployment rates. For example, while 87 percent of the unemployed were receiving UI in 1990, only 58 percent were receiving it in 1994 (Canadian Labour Congress, 1995: 2). Fourth, rates of unionization stagnated in Canada in this period and the contraction of public sector employment promises to continue this trend since a majority of unionized workers are concentrated in this sector (Akyeampong, 1997: 47; Galarneau, 1996).

Clearly, the preceding developments attest to the erosion of the SER and its associated package of benefits and entitlements described in Chapter Four. However, the fact that growing casualization, intensified income and occupational polarization and persisting sex segregation accompanied rising labour force participation rates among women and the growth of non-standard forms of employment from the mid-1970s to the early 1990s warrants special emphasis. The coincidence of these trends might seem to suggest, at least at first glance, that *sex* matters less in the contemporary Canadian labour market than it did in the post-World War II period when there were definitive male and female employment norms; the logic behind this type of interpretation is that the casualization of employment is making everybody (i.e., all men and all women) worse off since it entails downward harmonization in the labour market. But, clearly the persistence of sex segregation and income and occupational polarization based on sex in the labour market<sup>5</sup> and the fact that, when men vie for jobs traditionally held by women, they frequently compete for women's "good" jobs (i.e., those "women's jobs" characterized by

decent wages and a considerable security) (Armstrong, 1996) belies this interpretation. A more accurate and nuanced way to interpret these trends is not to suggest that *sex* matters less in shaping the contemporary labour market but that *gender*, as relational and ideological concept, warrants greater attention in labour market analysis. Indeed, the erosion of the SER is a gendered process. *Sex* and *gender* remain crucial variables in shaping employment trends even with downward harmonization in the Canadian labour market as a whole. Women are not simply entering the labour market in greater numbers on a global scale and, therefore, "taking men's jobs". Rather, feminized employment relationships and employment norms are becoming acceptable alternatives to the SER, possibly even templates for employment change.

It may seem counter-intuitive to view the changes in the THI, which are leading more men to engage in temporary help work, as indicative of the feminization of employment. However, the THI affords us a rare entry point in probing the "gendering of jobs" precisely because sex-parity increasingly characterizes the industry but the shape of the TER remains virtually unchanged from the post-World War II period when the THI cast it as a supplement to the SER. The ensuing discussion substantiates this claim by revealing that the contemporary TER is still a highly precarious model of employment, indicative of the casualization of employment or more accurately the "gendering of jobs", even despite the rising occupational diversity in the THI.

## **II. The Shape of the Contemporary TER: The Terms of the Employment Agreement and Conditions of Employment**

A range of factors and indices operating at the meso- and micro-levels contribute to shaping the TER. However, the legal agreement, known as the "employment agreement", between the temporary help worker and the agency underpins the insecure character of temporary help work. This is particularly evident when its terms are examined against the conditions of employment normally associated with the TER. Together, both these dimensions of the TER illustrate that the THI is crafting an employment relationship that not only differs from the SER in all its central aspects but, as an ideal-typical model, is considerably more precarious.

### ***The Employment Agreement***

Complementing the service contract, which is quite atypical for a commercial contract since it governs the supply of workers, the employment agreement is the legal instrument through which agencies formally engage temporary help workers. Even though managers and industry officials argue that the agency is the genuine employer of temporary help workers, officials refuse to characterize the employment agreement as a contract of employment (Fieldnotes, December 4, 1996). While officials justify their reticence on the basis of a range of factors, such as the intermittent nature of temporary help work, the fact that most temporary help workers register with more than one agency and the fact that customers are entitled to terminate employment virtually at-will, the primary rationale for characterizing the arrangement between the agency and the worker as an "agreement" rather than a "contract" is to limit the employment-related obligations

of the agency. The employment agreement is a distancing tool and, as such, it differs from a standard employment contract in many respects.

Unlike a standard employment contract, the status of the employment agreement changes depending upon whether the worker is on assignment. While most agencies require workers to sign this agreement after completing mandatory testing and interviewing, the bulk of its provisions only take effect when the worker is placed with a customer. However, the shifting status of the employment agreement is not the only way that the employment agreement differs from a standard employment contract. Contrary to standard employment contracts, which normally detail the rights and responsibilities of the worker and the employer, employment agreements require the worker to agree to a range of terms while minimizing the reciprocal commitments of the agency. In signing these agreements, temporary help workers effectively relinquish their rights to a number of standard labour protections accorded by provincial law, such as notice of termination, and agree to accept constraints on their mobility rights in the labour market.

Employment agreements are normally rather short, even in comparison to the service contract, containing five to ten core clauses. Most begin with a clause that asserts that the temporary help worker is an employee of the agency and, therefore, the worker's loyalties rest exclusively with the agency rather than the customer. Clauses of this nature typically require temporary help workers to promise not to invite or accept any offer of employment made by the customer without prior consent of the agency and to acknowledge that they are aware that accepting an offer of employment may result in a

placement fee being charged to the customer. From the perspective of the agency, the central aim of the clause is to prolong the service contract thereby maintaining the temporary help worker on the payroll of the agency as long as possible (M1, M2, M4). The corresponding effect for the worker, however, is that his or her freedom of movement in the labour market is curtailed so long as s/he is on assignment through the agency. Combined with a parallel clause in the service contract, which dictates that customers may be charged a placement fee if they hire the worker directly, this clause creates a disincentive for hiring the worker on a permanent basis and, therefore, underscores the instability inherent in the TER.

Another standard clause in employment agreements requires the worker to acknowledge that s/he understands that the agency will not provide notice of termination (or payment in lieu of notice) as required by law because of both the temporary nature of the employment and the fact that s/he may accept or reject assignments without penalty.<sup>6</sup> This is a very important clause whose aim is to obtain the temporary help worker's consent to opt-out of standard labour protections; the desired effect is to make temporary help work a legitimate form of employment at-will and heighten the precarious nature of the TER. However, this clause has virtually no legal force since, as employers, agencies are obligated to pay severance and/or give adequate notice of termination. Paradoxically, the parallel clause in the service contract also requires customers to inform the agency sufficiently in advance of when an assignment is ending, in the event that the agency is required to cover severance pay and/or provide sufficient notice of termination. Thus, the

coexistence of these two clauses gives the agency considerable flexibility: the clause contained in the service contract mandates that the customer assume some responsibility for providing adequate notice in the event that severance pay is required and the clause contained in the employment contract may be interpreted to mean that the worker has yielded his or her right to notice of termination.

Finally, as a matter of course, employment agreements contain a clause stating that the worker understands that the agency provides no guarantees regarding the duration of their employment relationship with the agency or the length of any given assignment. This type of clause highlights the lack of permanency in the TER, although it in no way suggests that assignments with the agency are of short duration. There is no parallel clause in the service contract.

Both the structure of the employment agreement and its substantive provisions require workers to relinquish a number of rights and protections commonly accorded to standard workers in exchange for the possibility of obtaining temporary help work. However, the *absence* of certain provisions in generic employment agreements is equally crucial to establishing the TER as a precarious model of employment. Although service contracts routinely dictate that the agency's administrative fee covers statutory charges, such as mandatory pension and UI benefits, most employment agreements lack clauses denoting that the agency shall make contributions to these schemes even though agencies must pay into them. The attempt here is to reinforce the one-way nature of the employment agreement. Similarly, except in the case of specialized employment

agreements, such as those that either involve a formal so-called co-employment relationship or those where the agency is placing a highly-skilled temporary help worker in what promises to be a long term assignment, few employment agreements provide workers with extended benefits normally accorded to workers engaged in SERs -- benefits such as extended health coverage, dental coverage, maternity benefits and paid sick leave. With respect to extended benefits, the most that these generic agreements offer to workers is the opportunity to join group benefit plans if they fulfill certain eligibility requirements. Where such opportunities exist, however, eligibility requirements are often onerous and the cost of purchasing extended benefits is prohibitive; managers report that few temporary help workers make use of the extended benefit plans offered by some agencies for these reasons (Fieldnotes, December 3, 1996; M2). The most generous group benefit plan surveyed required temporary help workers to work one-hundred hours with a single agency over a one month period in order to become eligible to purchase group-based benefits and to work seventy-five hours per month to retain eligibility; since temporary help workers tend to work through more than one agency, even these minimal eligibility requirements place extended benefits out of their reach (Fieldnotes, December 4, 1996; T9). Given the absence of such employment-related benefits, it is not surprising that few temporary help workers report having extended benefits.

In sum, the employment agreement is effectively a one-way agreement between the temporary help worker and the agency, where the worker agrees to accept a minimal level of social protections and waives certain fundamental rights accorded by Canadian law in

exchange for the prospect of obtaining temporary help work. Still, the employee's very existence preserves the agency's central role in the TER. On a practical level, the form of the employment-agreement, along with the service contract, allows the agency to retain its status as an employment agent or intermediary in the true sense of the term even though it poses as the employer to its customers. To recall, it is only in the service contract that the agency agrees to administer statutory benefits to the temporary help worker. "Administer" is the key word here since neither the employment agreement nor the service contract clearly defines who is the employer of record.

Through the combination of the employment agreement and the service contract, the agency attempts to negotiate a delicate balance: it requires unqualified loyalty from temporary help workers, to ensure that they view the agency as their principal employer, and it takes on sufficient employment-related responsibilities such that customers' are relieved of responsibilities related to hiring, dismissal and other administrative tasks but it still affirms that the customer is responsible for the control and supervision of temporary help workers while they are on assignment. This apparatus that surrounds the TER is open to several legal interpretations ranging from the view that agency and customer are co-employers, an increasingly common legal rendering, to the interpretation that the agency is the employer of record, to the finding that the customer is the employer (Axelrod, 1987; ILO, 1994). From the perspective of the worker, the impact of this apparatus is clear: since the employment agreement is considerably weaker than a standard employment contract and since the service contract and the employment agreement

minimize the employment-related responsibilities of both the customer and the agency, the legal apparatus surrounding the TER cultivates a casualized employment relationship by design. As such, it has the effect of establishing the TER as a much more precarious model of employment than the SER and clearly prefigures the poor conditions of employment and levels of benefits that temporary help workers face verses other workers engaged in SERs.

### *Conditions of Employment*

While both the employment agreement and the service contract are relatively recent innovations in the THI, managers, customers and industry officials contend that these "new" agreements simply represent the industry's attempt to standardize its age-old practices and secure its place in the labour market. However, the conditions of employment associated with the contemporary TER, which are formalized by the cumbersome legal apparatus that surrounds it, conform with many pre-existing conditions in the THI. As Chapter Four demonstrated, women still predominate in the THI, particularly in the field of clerical work, but the gender composition of the industry's work force is changing, the industry's customer base is much more diverse and the average length of job tenure is getting longer. Thus, one might expect that the conditions of employment surrounding the TER to have changed to accommodate shifting employment norms and to entice more high-skilled workers. One might also anticipate the THI to be adopting a new rationale for the persistently precarious nature of the TER that accounts for the greater diversity in the industry since the THI capitalized on women's presumed

role in social reproduction in justifying the inferior conditions of employment associated with the TER in the post-World War II period. However, even though the industry's practices are now subject to greater scrutiny than in the post-war era, and even though industry leaders are actively seeking legitimacy for its practices at the national and supra-national level without altering them significantly, this type of rationale is surprisingly absent. In the Canadian context, increased legitimacy for the THI is by no means amounting to greater legal certainty, security or higher levels of social protection for temporary help workers.

To recall, the conventional package of benefits associated with the SER normally includes maternity and parental leave, UI coverage, pension coverage, extended benefits ranging from sick pay to dental plans and a wage sufficient to support “a man and his family”. Many standard workers are also unionized or, at a minimum, have the option of joining and/or forming unions under the prevailing regime of collective bargaining in Canada. In contrast, the range of entitlements and the package of benefits normally surrounding the TER are very limited. Like many other workers in non-standard employment relationships, temporary help workers are subject to the inferior set of labour protections provided by minimum standards legislation rather than having full access to the occupational welfare system like most standard workers. When combined with the legal arrangements surrounding the TER, the model of labour market regulation operating in Canada, which accords different entitlements and levels of protections to different categories of workers, has negative effects on temporary help workers' conditions of

employment.<sup>7</sup> Until the early 1990s, it was virtually impossible to demonstrate the precarious character of the TER statistically. However, recent data derived from the Survey of Work Arrangements (1995) provides a clear picture of the wages and other forms of remuneration surrounding temporary help work.

### *Wages and Benefits*

Existing data reveal that temporary help workers receive even lower levels of remuneration than other temporary workers engaged in similar types of work. For example, average hourly wages for temporary help workers engaged by agencies were \$10.33 in 1995 while average hourly wages for other temporary workers were \$12.38 in the same year (Statistics Canada, 1996: Cat.71M001GPE).<sup>8</sup> Moreover permanent workers enjoyed higher average hourly wages than temporary help workers in every occupational grouping surveyed (Table 20). In a large part, the difference between the average hourly wages of all temporary workers and temporary help workers may be accounted for by the "mark-up", that is, the portion of the service fee that goes to the agency. When asked about the mark-up, some temporary help workers were acutely aware of its existence and objected to it, as well as the secrecy surrounding it, in principle:

You get paid for something and you have a right to know what you're actually worth. I'm working now for an assignment right now and they're paying me \$9.50 but I have a right to know because I work in front of the computer for eight long hours a day and I have to finish the assignment no matter what. If it's something like doing inventory and I have to finish every single inventory even if I have to stay until 6:30 in the evening -- I have to finish and they won't let me come out of the office -- I have a right to know how much I'm worth. Probably they're [the agency] taking in more than \$17.00 dollars an hour for me (T6).

Still, rather than naming the mark-up as the root of the problem, most workers simply emphasize the inadequacy of their wages. One woman noted: "It's difficult. I work to pay for myself and I have kids. It's very difficult. Very, very difficult... I have three kids... I pay \$875 a month for this apartment. If I work full-time [temporary] for a whole month, I get \$900. How do I pay my rent? How do I pay for my food?" (T2). Still, like many of her counterparts, this worker felt a profound sense of powerlessness in acting against the agency to improve her conditions of employment even though she was finding it virtually impossible to subsist on the wages provided by the agency.

**Table 20**  
**Hourly Wages (in \$) by Occupation for Permanent and Temporary (sub-divided by agency temporaries and other temporaries) Workers, 1995**

|                                     | Permanent | Temporary |       |       |
|-------------------------------------|-----------|-----------|-------|-------|
|                                     |           | Agency    | Other | All   |
| Management, Admin.                  | 19.57     | 19.69     | 15.92 | 16.04 |
| Science, etc.                       | 18.94     | 9.22      | 15.95 | 15.91 |
| Teaching                            | 21.24     | 6.00      | 17.99 | 17.95 |
| Medicine                            | 18.14     | 12.18     | 17.04 | 16.66 |
| Clerical                            | 12.92     | 7.06      | 10.64 | 10.55 |
| Sales                               | 10.49     | n/a       | 8.10  | 8.10  |
| Service                             | 10.26     | 8.94      | 8.23  | 8.23  |
| Resource Processing                 | 13.56     | n/a       | 11.22 | 11.22 |
|                                     | 15.25     | 7.61      | 11.59 | 11.36 |
| Construction                        | 17.89     | n/a       | 15.53 | 15.60 |
| Transportation & Materials Handling | 13.92     | 9.90      | 10.37 | 10.35 |

Source: Statistics Canada.(1996). *Survey of Work Arrangements, 1995*. Cat. 71M001GPE

Note: The following occupational groups were excluded from the calculations: never worked before, last worked more than one year ago and permanently unable to work.

### *Benefits*

Data derived from the Survey of Work Arrangements (1995) also indicate that temporary help workers have limited access to extended benefits, in comparison to their counterparts engaged in permanent employment and to temporary workers as a whole. As Tables 4 illustrates, only 8.2 per cent of temporary help workers, verses 64.3 per cent of permanent workers and 19.3 per cent of all temporary workers, reported having extended health coverage in 1995. What is even more striking is that only 2.2 per cent of temporary help workers, as opposed to 60 per cent of all permanent workers and 16.5 per cent of all temporary workers, had dental coverage in the same year (Table 22). Many temporary workers, particularly those in long-term assignments, resent the absence of benefits. For example, a temporary help worker who was approaching retirement age, who had worked for a large company on a permanent and full-time basis for twenty-five years before she was laid-off and had been on one assignment through a temporary help agency since, noted:

Every normal company gives you benefits when you become permanent. After working for three months, you automatically get the benefits and all those things. Through the agency, I have not got any benefits like every other company I used to work for and I work more... I've been there [with the agency for] more than three months, I should get all the benefits from them. Even medical, dental and all those things. Nothing, they don't give me any (T9).

Many workers also recognize that customers use temporary help workers to escape paying into benefits schemes, a particular value to them in cases of long-term employment. For example, at the same time as she reflected on the poor conditions of employment attached to the TER and how permanent workers normally have superior benefits to temporary

help workers, one worker noted that her work resembled permanent work in many respects: "The system in this company is that if they don't tell you, you have to come in the next day. So we go in every day as if permanent. We work as if permanent from 7:00 a.m. to 3:30 p.m. and sometimes overtime. The same [as permanent]" (T2). Similarly, another worker asserted: "[My job] is considered temporary, but it's permanent because it's not said, 'Well your job is going to be over in six months.' As far as I know this is going to be for an indefinite time. Unless they decide they don't like me" (T8). Both these workers were cognizant that the customer was using the THI to abdicate employment-related responsibilities even though they genuinely needed workers on a permanent basis.

**Table 21**  
**Extended Health Coverage For Permanent and Temporary Workers Sub-divided by Agency Temporaries, 1995**

| Permanent Workers | Temporary Help Workers | All Temporary Workers |
|-------------------|------------------------|-----------------------|
| 64.3              | 8.2                    | 19.3                  |

Source: Statistics Canada.(1996). Survey of Work Arrangements, 1995. Cat. 71M001GPE.

**Table 22**  
**Dental Coverage For Permanent and Temporary Workers Sub-divided by Agency Temporaries, 1995**

| Permanent Workers | Temporary Help Workers | All Temporary Workers |
|-------------------|------------------------|-----------------------|
| 60.0              | 2.2                    | 16.5                  |

Source: Statistics Canada.(1996). Survey of Work Arrangements, 1995. Cat. 71M001GPE.

With respect to paid sick leave, 62.1 per cent of all permanent workers and even 19.3 per cent of all temporary workers reported having some access to sick days in 1995.

However only 4.6 per cent of temporary help workers had access to *paid* sick leave in the same year. When the statistics are disaggregated by gender, the picture is even bleaker:

only 2.1 per cent of all female temporary help workers, versus 7 per cent of male temporary help workers, were guaranteed some form of paid sick leave. After describing how costly it is to pay for prescription drugs for her children because she is ineligible for extended medical coverage as a temporary help worker, one worker noted: "We have no benefits. It's terrible. If I get something now, if I'm sick, who pays for me? Nobody. If you are sick, you stay home, no problem. No problem, but no money. That's it" (T2).

These figures demonstrate that the package of benefits associated with the TER is far inferior to that associated with the SER and that women temporary help workers are even more disadvantaged than their male counterparts despite their frequent responsibility for dependent children and seniors (Table 23).

**Table 23**  
**Paid Sick Leave For Permanent and Temporary Workers Sub-divided by Agency**  
**Temporaries and Gender, 1995**

|            | Permanent Workers |      |      | Temporary Help Workers |      |      | All Temporary Workers |      |      |
|------------|-------------------|------|------|------------------------|------|------|-----------------------|------|------|
|            | M                 | F    | All  | M                      | F    | All  | M                     | F    | All  |
| <b>Yes</b> | 63.2              | 61.0 | 62.1 | 7                      | 2.1  | 4.6  | 17.7                  | 20.8 | 19.3 |
| <b>No</b>  | 36.8              | 39.0 | 37.9 | 93                     | 97.9 | 95.4 | 82.3                  | 79.2 | 80.7 |

Source: Statistics Canada.(1996). Survey of Work Arrangements, 1995. Cat. 71M001GPE

### ***Multiple Job-Holding***

Another indication that temporary help work is a form of precarious employment is the sizable percentage of temporary help workers holding more than one job. In 1995, 10.6 per cent of all temporary help workers, versus 4.7 per cent of all permanent workers held multiple jobs (Table 24). The reason that many temporary help workers resort to multiple job-holding is not because they simply require more hours of work and not because they are seeking more variety in their working lives, as industry officials suggest. The following figures, pertaining to temporary help workers' desire to increase their hours of work, attest to this assertion. Over 50 per cent of temporary help workers had an interest in increasing their hours of work in 1995. The equivalent figure for permanent workers was only 25 per cent (Table 25). Not only do these figures reflect the polarization in hours of work that Canadians are currently experiencing, with a sizable percentage of workers working excessive overtime and a growing proportion of workers working fewer than 25 hours a week, they indicate that temporary help workers are disproportionately affected by this trend.

**Table 24**  
**Multiple Job Holding Among Permanent and Temporary (sub-divided by agency  
temporaries and other temporaries), 1995**

| <b>Permanent Workers</b> | <b>Temporary Workers</b> |       |     |
|--------------------------|--------------------------|-------|-----|
|                          | Agency                   | Other | All |
| 4.7                      | 10.6                     | 7.5   | 7.6 |

Source: Statistics Canada.(1996). Survey of Work Arrangements, 1995. Cat. 71M001GPE.

**Table 25**  
**Interest in Increasing or Decreasing Hours of Work at the Same Wage Rate,**  
**Permanent and Temporary (sub-divided by agency temporaries and other**  
**temporaries), 1995**

|             | Permanent Workers | Temporary Workers |       |      |
|-------------|-------------------|-------------------|-------|------|
|             |                   | Agency            | Other | All  |
| Fewer Hours | 6.3               | 3.6               | 3.9   | 3.9  |
| More Hours  | 25.0              | 51.1              | 47.4  | 47.5 |
| Same Hours  | 68.7              | 45.3              | 48.7  | 48.6 |

Source: Statistics Canada.(1996). Survey of Work Arrangements, 1995. Cat. 71M001GPE.

### ***Unionization***

It is not surprising that temporary help work is associated with low wages and few benefits given the means by which collective bargaining operates in Canada. Under the current system of workplace-based system of collective bargaining in Canada, the fact that temporary help workers are dispatched to different and multiple work-sites makes it difficult for them to organize collectively. Some temporary help workers are covered under collective agreements when they are placed on assignment in a unionized workplace; these workers tend to have higher wages than their counterparts who are not covered by collective agreements, and some have access to extended benefits. However, the majority of temporary help workers in Canada, and temporary workers more broadly, are not unionized.<sup>9</sup> Industry officials are clear about their opposition to unionization. One industry manager forcefully stated: "Under no conditions do we ever want our labour force to be unionized. That would be disastrous for our company. That would be the end of the business" (Fieldnotes, December 3, 1996).

In sum, the generally poor conditions of employment surrounding the TER, particularly in contrast to the SER, mirror the terms and conditions set out in the employment contract and the service contract. In Canada, in the late 1990s, temporary help work is indeed a form of precarious employment: workers' low wages, the intermittent nature of employment and the limited set of benefits normally attached to the TER are evidence. Moreover, its precarious nature is particularly notable given that the THI is transforming from a female-dominated industry to one where sex-parity is emerging. Still, despite the growing body of statistical data confirming the substandard conditions of employment common to temporary help work, the policies and practices permeating the day-to-day operations of the THI provide perhaps the most compelling evidence of the precarious character of the TER. As the ensuing section shall demonstrate, the often coercive practices operating at the firm level are largely responsible for the commodification process which is so integral to the TER.

### **III. Qualitative Dimensions of the TER: Customs and Conventions at the Firm Level**

A range of informal processes operating within the THI at the micro-level are central to the precarious character of the contemporary TER. Drawing on open-ended interviews and data emerging from the branch observation, this section first details several qualitative dimensions of the TER that heighten insecurity among temporary help workers and limit their capacity to resist the generally poor conditions of employment attached to the TER. It then examines how managers and customers justify and perpetuate the often coercive firm-based customs, policies and practices, highlighting the role of feminization

(and sexism) and racialization (and racism) in institutionalizing uncertainty within the TER.

### *Flexibility or Insecurity*

Before turning to examine the shape of the TER at the level of the inter- and intra-firm relations a caveat is in order. It is crucial to emphasize that, although the insecurity inherent within the TER was a primary complaint amongst all the workers interviewed, several workers remarked on the flexibility and variety that temporary help work has the potential to offer. In acknowledging the potential for flexibility, however, workers were more tentative in their claims than managers and officials who asserted that temporary help work is desirable for "moms who are at home, who don't want to be working on a permanent basis" but "want a schedule that accommodates their kids" and "people taking care of the elderly at home" who "just want something that gets them out of the house for a couple of days a week" (M1). For example, one actor who did administrative and clerical work through a temporary help agency reported that temporary help work offered her enough flexibility to attend night-time rehearsals and miss the odd day of work for a performance (T1). Still, the same worker emphasized the high degree of uncertainty associated with temporary help work and the stress generated by the absence of security and stability in the employment relationship:

A lot of times, you get half a day's notice. I've been called in the morning to come in at noon and take over for somebody who is sick, so you have to be adaptable...I get sick of waiting by the phone. Temp work also moves fast. One day you're working and then for a whole week, you're not. I don't recommend it, if your not adaptable or if you're not spontaneous (T1).

This worker also believed that she paid a premium for the limited amount of flexibility that she gained by engaging in temporary help work, noting that her low wages and on-call status reflected the costs of working through an agency: "I always felt that I should be compensated somehow for being so on-call, you know, ready to jump up and fill in anywhere. I mean, I think that's a special skill and it deserves more than \$10 an hour. It's like you're a performer, in a way, when you do it. You really are" (T1). Her intuition that the ability to be 'on-call' is a valuable asset -- an asset that the customer pays the premium for -- reflects the findings of Chapter Four. To this, she added that temporary help work was not in her long term interest: "I don't want to just get by. I mean, if I'm going to keep learning new skills, I think that should equal something even though I'm not permanent" (T1).

While this temporary help worker was confident in her ability to refuse the odd assignment for a performance or take a sick day without the threat of reprisals, other temporary help workers reported that even though the employment agreement explicitly acknowledged their right to refuse work, turning down assignments is not an acceptable practice in the THI. That this is so was confirmed by managers, one of whom reflected upon the issue of refusing work as follows:

We look for somebody that's flexible, that we can count on whenever we need to. We get a lot of people who come in begging... I've got to get work. I've got to do this. We'll make four or five contacts with them. It's all noted on their files. Then, they say 'no, I can't go out today. I've got a doctor's appointment. Or, 'no, I can't go tomorrow. I've hurt my left toe.' (M2).

Another remarked quite candidly:

If you need a temp, then you need them there yesterday. Temporaries are not allowed to be sick, you know. A permanent employee can be sick but if you book a temporary employee out on assignment, they have to be there. *Because they're counted on like a product.* So it makes it difficult sometimes, because they do get sick, and often we're forced to apologize for things we have no control over (M3, my emphasis).

Some managers even openly inform prospective temporary help workers that refusing work is highly problematic from the perspective of the agency. One told a group of interviewees who had never worked through the THI before: "Temporary positions can be from one day to a week and more. If you have positive feedback from your temporary placement, you can expect more work. But, if you refuse work, or are not flexible, then you will probably receive less work" (O2).

For some workers, variety in work assignments represents another key attraction of temporary help work. For example, one worker, who had chosen to leave a long-term permanent job with a publishing company because his responsibilities had grown so substantially since the company had laid-off a number of his co-workers, highlighted the benefits of short-term assignments indicating that "just knowing that you will not be there for very long" makes temporary help work enticing (Fieldnotes, December 4, 1996). This worker is not alone in his sentiments. Indeed, many temporary help workers, particularly those who once worked in sectors or industries affected by economic downturns and public sector cutbacks, such as health care-givers and industrial workers in major manufacturing industries, appreciated the potential for independence (i.e., to make choices between assignments and have limited ties to a given customer) offered by temporary help work. Still, many of these workers report that there is a trade-off between opting for

variety over security. For example, after working through an agency intermittently for several months and being forced to resort to social assistance, the worker who left his job at a publishing company in search of more variety and less stress reported that he deeply regretted his decision to leave his permanent job (T10).

While the ensuing discussion focuses on the qualitative dimensions of temporary help work that contribute to making it a precarious form employment, there is a tension between the "flexibility", that managers and industry officials promote as a primary benefit of working through the THI, and the insecurity that is intrinsic to the TER. Although the promise of flexibility and variety seems somewhat exaggerated given workers' experiences of confusion over "who's the boss?," their sense of alienation and the degrading conditions of work common to temporary help work to be described below, it is important to acknowledge this tension at the outset.

### *Confusion Over Roles: Who's the Boss?*

A host of qualitative dimensions of temporary help work, ranging from the extraordinary demands placed on workers to work quickly and the monotonous tasks often associated with temporary help work adds to the uncertainty of temporary help work. At the micro-level, workers' confusion over the role of the agency versus that of the customer lies at the centre of their experience of temporary help work as precarious employment. When asked to name their employer(s), many temporary help workers express considerable uncertainty. While some believe that the agency is their employer by indicating that their paychecks come from the agency or, alternatively, that they have only

signed a contract with the agency, others are reluctant to label the agency the employer without some type of qualification. Consequently, many temporaries report that the agency and the customer share employment-related responsibilities, although they are not necessarily aware of how the division of responsibility operates in practice. As one worker noted: "People who work for temporary agencies -- *they have two bosses*. The agency and whoever they work for when they get sent out. I'm sure when agencies are dealing with certain companies all the time and there's a flow of people, the agencies and the employer must speak to each other?" (T9, my emphasis). On the same issue, another worker tentatively spoke of her experiences of temporary help work as follows:

That's tricky. I never really knew [who my employer was]. I still don't know because its partly the temp agency but its partly your supervisor..... If I was there for a day, it was just the temp agency -- I felt that the temp agency was my boss. If it was two or three days or even a week, I would lean towards the supervisor, whoever was in charge of me, to be my boss. But, I always felt split on that and I remember asking my temp agency. They said, 'well you really work for us, first of all, but you're also working for them' (T1).

For many workers, the length of the assignment is key to establishing "who is the boss?". The longer that they work on assignment, the more likely they are to view the customer and/or their immediate supervisor as their genuine employer. Partly for this reason, when a customer indicates that s/he plans to use temporary help workers for an extended period, it is common for the agency to hire an on-site supervisor in attempt to preserve their status as the employer of record, by retaining control over the workers, and to remind workers that their primary loyalty lies with the agency. From a legal vantage point, customers recognize the importance of having agency personnel on-site. For example, one customer

affirmed: "We are going to have a full-time [agency] person in our office, right next to my boss. He's going to have an office at our office. The [agency] promised us somebody that was going to be dedicated to us so that we don't get into any co-employment problems"

(C2). At a practical level, however, agencies and customers both gain from the confusion over who is the genuine employer. This type of confusion heightens tensions for workers, leading them to work faster, endure poor working conditions and accept monotonous work from whomever they work for, since they are unsure of who is ultimately responsible for retaining them. Thus, while its effects on workers are primarily visible through the informal processes operating at the firm level, the confusion over roles and the tensions that it generates at the work site intensifies the uncertainty inherent within the TER.

### *Pace and Intensity of Work*

Another dimension of temporary help work that contributes to its precarious character, one that partly stems from the confusion over roles, is that temporary help workers often feel pressure to work more quickly than other workers at the work site. Many acquiesce to unreasonable demands precisely because of the insecure nature of their jobs even if they feel that their workload is already too heavy. One temporary help worker engaged in office work reflected on the intensity of her workload on an average day as follows: "Fifty-per cent of the time, I feel like it [the work] is too much... Usually, I just go right at it and do not take a break until twelve noon or one o'clock or I just work right through" (T1). Another said:

The intensity, the amount of work is a maximum... The agencies do charge them [the customer] so it's their right to get the work done.... In this particular job, I

don't get time to actually go and get myself a cup of tea or something even with the half-an-hour [instead of an hour] of lunch that I take. I have seen other [permanent] people walking around taking tea time and going out for tea... but I don't know how they have the time (T6).

Not only are customers cognizant that temporary help workers tend to work harder than temporary workers hired directly by the company, they take advantage of the insecure nature of the TER by expecting more from temporary help workers than their permanent staff. As one customer asserted:

I think hard work is something that is really expected and appreciated here [from temps]. You get those [permanent] slackers that, in all fairness, should probably be terminated but we're not going to terminate them because their mother used to work here or there's some tragedy in the family. So sometimes there is that added pressure on temps.. 'Look, you know, our full-time isn't coming through for us so you've really got to' (C3).

Temporary help workers are well-aware of their role in supplementing the work of permanent workers. One noted accordingly: "[w]e have to help them. We have to finish their work...We work harder than the permanents...We work hard so that company will keep us at work" (T2). Still, rather than acknowledging the high expectations placed on temporary help workers by their "two bosses", some customers also refer to what is known as the "halo effect" to explain why temporary help workers are so efficient. A long-time human resource manager of a pharmaceutical plant put it this way:

The managers often say, 'you know, oh gosh, he works better than my full-time people.' *I think that there tends to be what they call a 'halo-effect'*. First off, this person is working for an agency so I think that they're probably trying a little harder to show themselves [in order] to be brought on payroll and to get the higher benefits. .... I don't know if it's conscious to not work as hard. But, when they become permanent, there is a difference. [They think] I'm here now and I'm making another \$2.50 an hour or sometimes even higher -- if you went from an agency as

a packaging operator to our payroll, you're take home would be \$5.00 more an hour -- and they say let's relax now (C4, my emphasis).

This human resource manager, who occasionally uses the THI as a screening device for perspective permanent workers, justified the often unreasonable demands that she placed on temporary help workers by indicating that the best temporary help workers often get rewarded with offers of permanent employment or contract work with her firm (C4).

### *Common Assignments and Typical Tasks*

One consequence of the spread of the TER is the underuse or misuse of workers' skills. While they capitalize on the accelerated pace of temporary help workers, customers rarely take advantage of the high-skill levels of many temporary help workers. Rather, they report using over-qualified workers to perform monotonous work simply because these are the workers that the agencies send to them. As one sales representative, who was looking for people to do direct sales in a department store, indicated:

I had a guy that went through for the priesthood. I don't know how many seminaries he'd been to. He had a full string of degrees. I interviewed him and I just said: 'Don't you I think you're a little over-qualified for this? He really wanted it. He said he could do it. So, I hired him.... I've had people with P.h.D.'s. I've got one person now with a P.h.D. It's kind of scary (C2).

Similarly, a temporary help worker, who was working at a clothing manufacturer and packaging women's clothes for shipping, indicated that her supervisor had no idea that she was a science teacher and a pharmacy assistant before she immigrated to Canada from Egypt (T4).

Most temporary help workers find the type of assignments that they obtain through the agency uninteresting, suggesting that customers routinely fail to take advantage of

their skills. In the words of the worker cited at the outset of this chapter: "I think that many of us are tremendously under-utilized... We are all, in fact, capable of all kinds of stuff. But, the system isn't designed to use that" (T7).<sup>10</sup> Reminiscent of the classic image of the "Kelly Girl", for women, making coffee and running errands is still quite common to clerical temporary help work: "You do everything. You have to run across the street and do all of these errands. Pick up dry cleaning, make coffee, clean up messes, calling people"(T1). Other types of tasks that require manual labourers, such as packaging clothing or stuffing envelopes, are also still prevalent and, depending upon the workplace, they are performed by both male and female temporary help workers. Thus, even though many temporary help workers are highly efficient, highly-skilled and highly-educated, customers still normally position them in types of employment situated at the bottom of the labour market (M2, C2). As one customer noted: "I give everybody that I interview this scenario. *I tell them that it's not a very nice job.* I tell them the very worst of it and then I ask them if they can do the job" (C2, my emphasis).

Since customers tend to demand highly efficient workers that accept low wages and monotonous work, the agency benefits when their workers are known for productivity as well as their willingness to stick with repetitive work. Indeed, providing highly efficient workers or, "high-quality staffing services," in industry parlance, is the agency's prime means of driving away its direct competitors. The benefits that agencies accrue from their workers' level of efficiency, however, generate significant losses for workers, particularly with respect to the quality of their work environment and the security of the employment

relationship. When workers come from a top agency, customers and even co-workers put tremendous pressure on them to perform exceptionally. They also make them keenly aware that there is always another worker in the wings, if they fail to perform adequately. Thus, the accelerated pace of work, the monotonous nature of much of temporary help work and the fact that many workers are overqualified for the work that they do underscore and perpetuate its menial character.

### *The Provision of Equipment and Uniforms*

Beyond the fact that the uncertainty surrounding the TER prompts workers to work harder and faster and take fewer breaks, customers and agencies also get the most out of temporary help workers in other respects. The relatively low wages and minimal benefits attached to temporary help work provide evidence of this profit and efficiency squeeze. However, other conventions common at the firm-level, blatantly coercive practices that may even contravene the terms of the service contract, also contribute to lowering costs for customers. For example, customers often play on temporary help workers' confusion over "who is the boss" to avoid paying for safety equipment like safety boots, hard hats and uniforms. In some instances, they shift the burden of these costs directly to the worker, eliminating any investment on their part beyond the payment of wages and the service fee. For example, one temporary help worker spoke of spending \$76 on a pair of safety boots only to find that she would be placed on assignment at a manufacturing plant for six hours (T9). In this instance, the workers' take home pay was not enough to cover the cost of her boots. In other cases, customers pay for safety

equipment but they expect loyalty in return, highlighting the persisting contradictions inherent in the triangular employment relationship:

We actually buy them safety shoes. Probably, what the alternative would be is that they buy them themselves. Again, we're quite generous in this respect. We'll pay up to \$70 for safety shoes. We will buy them. We have said, and this has proven to be quite effective... We tell them: 'if you keep those safety shoes clean, and ever we need help again, you'll be the first that we call back because you've already got shoes. But we tell them, 'we don't want you shoveling manure or anything.' We don't even like cross-contamination between plants. We make penicillin-type products and we have to follow regulations (C4).

After making these remarks, this customer went on to say that she liked to retain a loyal group of temporary help workers for the sake of consistency.

### *Barriers to Attaining Permanent Work and "Bad Bosses"*

In return for quickening their pace, performing monotonous forms tasks and, in many instances, paying for their own equipment and uniforms, temporary help workers often hope to obtain permanent work. When asked to explain why they are doing temporary help work, the answer is usually quite simple: they cannot find suitable permanent work (T1, T3, T8, T9). Managers generally suggest that workers' seek temporary help work because:

They need to top-up an income that they're receiving through another source. They want temporary work because they can't give that commitment to a full-time job. Maybe somebody in their family is ill. They're seeking temporary work because they have to work and they are hoping to expose themselves to many different companies that aren't hiring through the papers, that aren't taking resumes through the front door. They're coming through a service like ours. They're getting the exposure that they want in order to get that full-time job (M1).

However, some workers put it more bluntly: "It gets frustrating. You know that this isn't

what you want to do with your life. It's something that you have to do to pay the bills"

(T1). Agencies play on workers' aspirations for permanent employment to increase their efficiency and situate temporary help work as a suitable "labour force re-entry vehicle", as was particularly common in post-World War II era. They also describe real-life examples of people who have been successful at using temporary help work as a stepping-stone for obtaining permanent work, as a means of encouraging discouraged workers to stick with temporary help work. After asserting that "ultimately what we want to do is help people find jobs", one manager recalled the following instance where she eventually placed a social assistance recipient in permanent employment:

One fellow that we helped, he was on welfare when he applied to us. We had trouble with his references. They were kind of iffy but he kept calling us every day for work. He seemed so eager and he was really pleasant so I called him in and we talked about his references and I asked him to give me some detail about why another agency would not employ him again. It turned out that the one agency that he had let down, they had placed him with [a company] that does garbage pick up. They told him that he would be working inside the recycling plant for the day but, when he got there, they put him on the back of a garbage truck. This was in February and he wasn't properly dressed for it. He got home that night, his toes were frozen and his hands were cold. He stuck the job out for the day but he refused to go back the next day. Well, that's kind of extenuating circumstances, I think.... So he seemed like a good risk and we placed him out to work. He worked for two companies, short term -- he did such a great job that we got more business from them because of him and the work he did. And, then, the third company that he went to, they kept him on our payroll for about six or seven months and then they hired him. He's making about \$5 an hour more now than he was when he was on our payroll. He works about 60 hours a week and he gets all the overtime he wants and they love him. They think he's just wonderful. And he was on welfare when he came to us and couldn't find employment. So, that's my success story (M3).

This manager used stories like these to motivate discouraged temporary help workers and inform critics of the THI's important successes. According to workers, however, agency

personnel also often use the promise of permanent work to more manipulative ends. For example, several workers revealed that managers often try to convince workers to stay with "bad bosses" or remain in difficult work environments by claiming that there is something in it for them in the long run. One temporary help worker reported that a manager convinced her to stay on assignment at a bank, with the elusive promise of permanent work and steady assignments, even when she was forced to work on the floor:

There was one assignment that I definitely could not handle. I never got a desk. I always had to work on a counter. I was working for a bank and they would never give me a desk to work on. I worked on the floor. I was doing all of this like really in-depth filing, collating all of these reports and photocopying stuff. I thought this is it. I'm giving them one more day. By tomorrow, when I come in here I better have a desk. I didn't have a desk when I came in and I lost it. I phoned the agency, and said, 'I'm leaving right now.' They said: 'Don't leave now. We'll get you a desk.' I still waited for almost a week for a desk ... That's when I turned thirty. I said: 'That's it, I'm thirty, I deserve to be working at a desk.'... The reason I held out for so long was that they told me this might turn into permanent position with the bank and indicated that if I didn't stay it would mean the end of our relationship (T1).

Other practices central to the daily operations of the THI compound the false promise of permanent employment. As a general rule, even though workers must provide two references before reputable firms will place them on assignment, agencies usually refuse to provide workers with references when they are applying for jobs outside the confines of the THI (Fieldnotes, December 2, 1996). According to workers, the common excuse provided by managers is that the agency is not in a position to provide an honest reference because they did not oversee the worker when s/he was on assignment with a customer. On the flip-side, customers also refuse to give references because they are unwilling to provide any evidence that could be used to cast them as the employer. In

seeking to move beyond temporary help work and into the wider labour market, therefore, workers face a double-bind that is cultivated by the complex legal arrangements surrounding the TER which allows both the agency and the customer to sidestep employment-related responsibilities and the informal practices that heighten workers' confusion over roles. One worker argued that the distancing mechanisms embedded in the legal agreements surrounding the TER and the informal practice of refusing to provide references as creating the following situation:

...It perpetuates and increases the development of a work force of sheep. You are profoundly disempowered by doing this. Precisely because you're disposable, there aren't any avenues to complain, to appeal, to do anything. I've found that tough. Not that I have necessarily felt the need to do it [i.e., complain or appeal] but I have felt keenly the impossibility of doing it if I wanted to. That's hard. I don't like that....you know that one false move and you're gone. And you're gone with no reference. You're just gone (T7).

These sentiments highlight the feeling of powerlessness experienced by many temporary help workers unable to find work and frustrated by the manipulation endemic to the THI.

### ***Alienation***

Temporary help workers often speak of "just putting in time" and "feeling like guests everyday" (T7, T2). Some also self-identify as "disposable workers" or "second class" (T1). In discussing the quality of their working lives, many temporary help workers reveal that their relationships with other workers at the work-site, particularly those hired directly by the customer, often intensify their sense of marginalization. Antagonisms between temporary help workers and other workers at the work-site are commonplace in

the THI and customers and agencies often build on these tensions in order to maximize their returns.

It is common for temporary help workers to work alongside other temporary workers hired directly by the company, on-call workers, workers with fixed-duration contracts and permanent workers. This situation often creates tensions not only between temporary help workers and permanent workers, a common theme reported in other studies (Henson, 1993; Rogers, 1995), but also between temporary help workers and other non-standard workers. Paradoxically, it often leads to jealousy and competitiveness amongst workers rather than generating a climate of collective resistance against customers, agencies and the THI more broadly.

Indicative of the tensions between temporary help workers and permanent workers, one temporary help worker recalled an instance where several permanent workers demanded that she slow down because she was showing the permanent workers up. Aware that she needed to work quickly to remain on assignment, she initially responded to their demands by politely indicating that she had to continue to work at this pace to keep her job. Still, the permanent workers responded to her reticence to slow down with a range of reprisals: since this was an assembly line situation where workers were folding, packaging and boxing clothes for shipping, they sabotaged her work so that she was forced to re-package clothes, thereby reducing her productivity, and slowed down production altogether. However, the form of their retaliation went even further. At lunch time, the permanent workers refused to eat with the temporary help worker, forcing her to

take a table at the far end of the cafeteria, and they discouraged other temporary help workers from associating with her by threatening them with similar treatment. They also taunted her for not having a permanent job but still having to work faster than her co-workers to keep her assignment. When the direct supervisor confronted the temporary help worker because her productivity had dropped, she was faced with a dilemma: either she could report that the other workers were sabotaging her work, and risk the accusation of lying and/or revealing her co-workers' misconduct, or apologize for slowing down and try to work faster. She chose the later option and this led her to harbour tremendous resentment towards the permanent workers. Rather than blaming the customer, this worker characterized her situation as follows: "I come to finish their work.. but they give us orders. They are proud of themselves. They are permanent. They have jobs. We don't have jobs" (T4). She also noted, "the permanent workers... they think they are the owner of this company and that we work temporary as slaves" (T4).

While this worker's story is a rather extreme example of the antagonisms that often exist between temporary help workers and other workers, numerous temporary help workers report that the permanent workers tend to treat them poorly at the work site. Many openly recognize the roots of their hostility, suggesting that it is reasonable for permanent workers to reject the friendship of temporary help workers. As one noted: "Why should they [permanent workers] get to know you? Why should they invest time in getting to know you when you are just there for a day?" (T1). Along with several other workers, this worker also indicated that the best assignments are those where there are

other temporary help workers, ideally from the same firm, on-site: "If it's a really big firm, like for the banks, I am with other temps. Most of the time, we share a room. That's cool" (T1). Temporary help workers report being most comfortable with workers from the same agency because the intensely competitive nature of the THI even has the potential to create antagonisms between temporary help workers from different agencies. It is not uncommon for temporary help workers from different agencies to earn different hourly wages since, particularly in high volume industrial work, agencies constantly try to undercut their competitors (Fieldnotes, December 5, 1996). A temporary help worker that had been working at a large call-centre made the following observations:

By the time I got there, there were five permanent full-time staff and then everybody else was temps. There were two kinds of temps. There were the temps that were hired through the agencies and there were the temps that were hired directly by [the customer] and we all earned different salaries. The ones who were best paid in terms of our hourly rate were those of us who were hired directly (T7).

As a whole, temporary help workers generally view having contact with other temporary help workers, even if they earn different salaries, as still desirable. Contact minimizes their sense of marginalization by reminding them that there are other people in the same situations:

You need to have another person in your life that is doing or has done the same thing... [Temporary help work requires] a Twelve Step Program, you need that support because it can be rough, especially if that's not what you want to do with your life... We shouldn't have to put up with this bull-shit but we do because we're temps. We have to make the best of it until the big break comes (T1).

As this worker suggests, connections between workers who are enduring similar situations have the potential to empower temporary help workers to resist their poor conditions of

work. However, since temporary help work "occupies an institutional space that spans multiple locations" and consequently temporary help workers are not only inhibited from organizing given the legal framework surrounding the TER but also because they rarely come in contact with one another, and since customers often mix temporary and permanent workers at the same work site and pit them against one another by paying them different wages etc., some workers hint at the prospect of resistance (Gottfried, 1992: 447). But many others are "profoundly disempowered" by doing temporary help work (T7). Thus, through intensifying the pace of work, fueling the illusion that temporary help work will eventually lead to permanent work and requiring highly skilled workers to perform monotonous tasks, the micro-level practices -- those that are an essential part of the commodification process -- contribute to inhibiting resistance among workers and increase their alienation.

### *Justifying the Shape of the TER*

Industry officials, branch managers and customers are conscious of the conditions of work surrounding the TER and the informal customs and conventions operating at the micro-level that heighten its precariousness. They are also aware of how these informal processes, when combined with macro-level developments such as the decline of the SER and the complex legal framework surrounding the TER, compound workers' sense of alienation and marginalization. Still, all three sets of actors clearly have an interest in the continued spread of temporary help work. To this end, they employ several common justifications to demonstrate how working through the THI benefits workers and why the

TER offers a viable and often even preferable alternative to the SER. Two explanations that managers and customers frequently use to justify the THI's place in the labour market are the flexibility that it provides and the opportunities that it offers to recent immigrants seeking to gain experience and exposure in the Canadian labour market. Even though they are used to appeal to workers, these justifications perpetuate sex segregation, a racialized division of labour and income and occupational polarization within the THI given the coercive customs, policies and practices operating at the micro-level that are associated with them.

### *Flexibility*

Despite the clear tension between flexibility and insecurity, the promise of flexibility continues to be central to the marketing strategy that the THI directs at both workers and customers, as revealed at the outset of this section. At its inception, the THI sold temporary help work to white middle-class married women by promising them some extra money in the household budget without having to sacrifice family responsibilities (Chapter Three). This strategy is still quite prominent today, especially among agencies known for the provision of clerical workers. However, to attract a broader group of workers, the THI increasingly promotes temporary help work as an attractive item on the expanding menu of employment options, suggesting that temporary help work is a good way to test out a job or attain a flexible work schedule. In describing the advantages of temporary help work, one manager suggests that it offers workers with different types of aspirations and limitations, different types of flexibility:

Without committing yourself and getting that bad mark attached to you -- that well, 'this person moves around an awful lot'--, you can come in here and you can go spend two months at IBM to decide whether it's a type of environment you want to work in. And then, you can move on to Bell Canada, and then move on to Epson Canada or whatever it may be. A lot of people use them [agencies] for that reason. A lot of people also use them, like homemakers -- that's not a good word - - that have schedules that dictate they can only work certain hours (M2).

These remarks indicate that greater "choice" in employment arrangements is now a primary selling feature for the THI. On the flip-side, as established in Chapter Four, managers simultaneously market the services of the THI to customers on the basis of providing "flexible staffing". In describing how the contemporary temporary help agency functions to serve workers and customers and the type of flexibility that it offers to both parties, one manager spoke of its twin role in this way. He noted: "We're the employer. We provide flexible staffing and permanent work" (M5). In making this claim, this manager is attempting to attract workers into temporary help work by indicating that the THI can provide some security as well as variety and sell the service of the THI to potential customers by taking on the role of the employer. His assertion demonstrates that the means by which the industry uses the discourse of flexibility to entice workers and to acquire new customers are expanding, even though the promise of "flexibility" has been central to the THI since its inception.

For most workers, the elusive promise of flexibility neither generates "new" or improved conditions of employment. Despite the new emphasis on expanding the menu of employment options for workers, the internal organization of the THI remains largely unchanged. Although gender parity increasingly characterizes the THI, the prevalent

means by which managers promote flexibility still enable it to maintain internal segmentation by gender. Describing the gender division of labour in the THI one woman worker reported:

Companies treat men as being more capable, especially with software programs... The women traditionally are assigned as reception or executive assistant, secretary or other secretarial positions. If you are a young woman, you are guaranteed reception.... As women [temporary help workers] people think that you are there to serve. You are there to be a secretary. You are there to be a receptionist, a file clerk, whatever. Women get a lot of the desk jobs... *women get locked into that* (T1, my emphasis).<sup>11</sup>

Customers' demands also reflect this assertion but, most notably, they tend to appreciate the internal segmentation in the THI since they prefer temporary help workers with similar characteristics to their permanent work forces:

I would say that the majority of them [temporary help workers] are female. *Like here, clerical is especially female-dominated...I like that.* (C2, my emphasis).

[In the THI,] manufacturing tends to be more male-dominated but packaging is *unbelievably female-dominated like with us...* The agencies do a lot of manual dexterity tests... That's one thing that I like about them. They truly choose the best candidates... women have smaller hands. They're better at dealing with little things than men. The men get in the way. They're too clunky. They can't deal with the little things. Sometimes you'll have a tray of pills come along and there's a capsule missing and you'll have to pop a pill in. Women tend to have smaller hands and they can do that without popping all the rest of the pills out of the tray. We also have blister packs and you have to fan them with your hands to get them flat. You can break things if you aren't gentle enough (C4, my emphasis).

When asked about whether gender matters in the THI, managers emphasized that the flexibility that the THI offers has historically benefited women with family responsibilities most but the THI does not discriminate, agencies simply try to meet the needs of their customers (M1). Some managers candidly observed that there is always tension between

upholding a policy of non-discrimination and satisfying their customers' demands. One justified the internal segmentation characteristic of the THI as follows:

There are times when you're forced to do so [hire a woman] because the job being done does not tolerate a man doing it. I'm going to use the example of dexterity. A man's hands are much bigger than a woman's. So, when they're in a position using tiny little parts, a woman is usually quicker. They're usually more accurate the first time, than a man trying to do the same job. So, we get into situations where a company will only put a woman in that position because a woman is more successful at the job. We also have positions where a company will require a man... I have one client who has told me that they want a man on their line. That's because, if the equipment stops, for whatever reason, they need somebody to climb a ladder. They wouldn't want to put somebody who was pregnant on this ladder. They don't want to risk anybody's safety but they feel a man is more stable in that position... Although we're not allowed to discriminate, if you don't service with what the needs are, you don't have the business. So, what you have to do is make a judgment call on this. You decide, is it a discrimination issue? Yes or no. No. It's not because this company will still hire women, but they get different positions in the company. So, really, they're not discriminating... (M1).

While this manager believes that choosing a man for a specific job based purely on the demands of the customer is morally wrong and recognizes that it is illegal, she is suggesting that for some jobs, particularly where one sex dominates at the work site, it is justifiable to fulfill a customer's request for a worker of a specific sex. This manager is effectively arguing that, in such cases, sex is a bona fide occupational requirement.

Most managers and industry officials do not go as far as this manager in defending their customers' requests for workers of a specific sex. However, to avoid addressing the gender issue, they emphasize that the testing done through the THI makes it one of the most non-discriminatory industries around. As one industry official noted: "We do not discriminate in any way. Quite frankly, we don't discriminate because we're interested in skills. We're interested in abilities and that's what makes a temporary help company

attractive to its customers. Whereas someone doing their own hiring with their own set of biases might discriminate" (I1). For this official, the process of interviewing, testing and placement is a neutral process which guards against discrimination. However, workers' experiences of temporary help work undermine these claims, particularly the idea that agency personnel are less likely to discriminate than other employers.

Many discriminatory practices that were considered acceptable in the post-World War II period, given the hegemony of the ideology of domesticity, are increasingly unacceptable, persist in the THI. For example, in the 1950s and 1960s, agencies did not place women that were noticeably pregnant on assignment, normally offering them in-house work from the four month mark until they gave birth (Chapter Three). While this type of discrimination against pregnant women is illegal in the 1990s, temporary help workers still report that being pregnant is a real disadvantage in obtaining work through the agency. For example, a long term temporary help worker, who had been working through one agency steadily for over a year, was not only dismissed from an assignment because she was pregnant but also believed that she was no longer considered for new assignments by the agency for this reason. She described her experience as follows:

Before I was pregnant I was temping. I was probably two to three months pregnant and I was still temping but they [the agency and the customer] didn't know...I was actually in a job where they were looking to hire someone full-time. And, I just mentioned it, well I thought that it would be fair to say, 'I'm pregnant.' I thought they should know that they'd only have me for five months and then I'd be off. Well, I guess that was a boo boo for me because when I mentioned it they just didn't want me at all, even temping. It was a Wednesday or Thursday that I mentioned it and they must have phoned the temp agency and said: 'We only want

her until Friday now'. They must have decided, 'we'll let her finish the week'. They told me on the Thursday, 'tomorrow is your last day'.... I was a teed-off and I decided to go to the temp agency and tell her [ the office supervisor] about what happened and that I thought that they were discriminating. Then I ended up telling the agency that I was pregnant and then they stopped finding me jobs because I was pregnant. I was only three months. I wasn't even showing. I mean I still had another five more months but I guess for them to send off somebody that was pregnant, they didn't want to do that -- That shouldn't be the case of course. I mean you're pregnant, you're still willing to work -- But after I told her, she didn't even bother to look for a job for me doing temp work.... After about a month of phoning and calling to see what was available, and not getting anything, I just said forget it. I gave up (T3).

Stories like these are not uncommon in the THI. Not only do they reinforce the precarious nature of the TER in practice, given that workers may be dismissed with limited notice, they add to the evidence that the promise of flexibility that the THI promotes primarily benefits its customers. While managers, industry officials and even some customers use the language of flexibility to argue that temporary help work is contributing to an expanding menu of options for workers, offering women with family obligations the chance to have a work "schedule that accommodates their kids getting on and off the bus" and promoting occupational diversity in the industry, informal practices such as failing to place pregnant women on assignment indicate that this is not so. Indeed, the internal gender division of labour in the Canadian THI has remained relatively static over the course of the last fifty years and discriminatory practices are still highly prevalent at the micro-level.

### *"Canadian Job Experience"*

Another increasingly common means by which customers and managers justify the THI's place in the labour market is by claiming that it provides recent immigrants with

Canadian job experience. Just as industry officials argued that the THI represented an ideal labour force re-entry vehicle for women absent from the labour force while raising children in the late 1960s and early 1970s, officials now argue that temporary help work is a suitable means for immigrants to gain experience and exposure in the Canadian labour market. Like the promise of flexibility, when this justification is examined in light of the customs and conventions operating at the micro-level, it reveals the increasingly racialized nature of the THI's work force and the discriminatory policies and practices operating in the THI. One official put it this way:

New Canadians find that it [doing temporary help work] is a great way for them to get experience. Often they're told, "I'm sorry, you don't have any Canadian experience," when they apply for work. But, in our industry, when they apply, [we look at] their skills. If they have referrals, we research them. It doesn't matter if that person has worked in India previously, we do the reference checking and make sure that they've got the skills and then they get work (I1).

Several temporary help workers who recently immigrated to Canada also reported that, when they first arrived and applied for jobs, employers told them that they needed Canadian experience. This creates a vicious cycle for immigrant workers forcing them to seek social assistance and/or assistance from Canada Employment and Immigration Centres (CEIC). Notably, the THI positions itself as providing a solution to these workers' common problem. Agencies often promote their general services to social assistance and CEIC officials and advertise in community newspapers that they place people without Canadian job experience. Consequently, workers report being directed to the THI by the social assistance department as a means of obtaining entry into the labour market (T2, T3). One worker indicated that she was, given the high unemployment rate,

lucky to obtain work through the THI only three months after her arrival in Canada. She noted: "You hear so many things about unemployment, but you never know. When I got work, I said 'these people are liars' because they said, 'there's no work'. I got work after three months. I didn't get permanent [employment] but I did get work" (T4). Although this worker was happy to find work, she hoped to move beyond her new light industrial job and return to her profession of choice in the future given the poor conditions of employment in the THI.

Corresponding with the THI's apparent openness to place immigrant workers, customers also commonly report preferences for immigrant workers, suggesting that they have a stronger work ethic than "Canadians", especially white Canadian men. A high volume customer that placed temporary help workers in direct sales positions asserted boldly:

White Canadian men don't cut it today. I hired a guy a couple of weeks ago... When he walked in, as soon as I saw him come through the door, I said to [the on-site supervisor], 'I want him.' He came in and I hired him. When he went out, [the on-site supervisor] said: 'He's not going to last.'... He never even came back after training. He never even made it to the store. He'd just graduated with a degree from some university or something. You know, these guys come out of university and they want to make \$40,000 in their first year. They want to be president of the company the second year. They think they know it all (C2).

Attitudes like these, which seemingly praised immigrants' skills and work ethic, actually reinforce a racialized division of labour in the THI. They also contribute to the tendency among agencies to place immigrant workers and workers of colour in jobs at the bottom of the wage and occupational hierarchy, jobs that require workers to tolerate poor working conditions.

Managers, industry officials and customers are surprisingly up front about the existence of this racialized division of labour within the THI, although they are careful to assert that it has nothing to do with discrimination since the testing procedures are neutral and since agencies are bound by codes of ethics that prohibit race and sex-based discrimination (M2, I1). One manager made a clear statement acknowledging the racialized division of labour common to the THI but claimed that it occurred naturally, "[w]e have a lot of new immigrants that apply and that unfortunately can sometimes become a segregated area. Unfortunately, you see it happen. It's uncontrollable. If we're recruiting for LID [light industrial], we have a lot of new immigrants good for that area that come in" (M3). Another displayed embarrassment when asked to account for the apparent racialized division of labour with the THI. The manager of an agency placing a range of workers recounted a story about a long-time customer phoning him to ask why they were placing such a highly skilled worker in such a monotonous and low paying job. In this instance, the customer felt very uncomfortable with asking the worker to stack shelves. The manager recalled the story as follows:

There was this one particular instance of this individual and this person, I can't remember where he was from. He was from a Third World country that just slips my mind now. This guy had more degrees and doctorates than I've ever seen. This is one of the most highly educated people that I've ever seen and he was stacking shelves for us at \$ 7.00 an hour. He'd been in Canada about two or three years... I remember the client calling me. I guess they'd just had the opportunity to have a coffee, one day at a break or something like that and this person started to wheel off what his educational background was. The client was just amazed. He couldn't believe it. He actually felt bad that he had somebody of this level and this intelligence out in his warehouse stacking shelves for \$7.00 an hour (M2).

Unlike the preceding customer, some customers felt differently, displaying little embarrassment. Revealing the racism inherent in the practices associated with the THI's promise of providing so-called Canadian experience, some even indicated that it was not only just to use over-qualified immigrant workers to do light industrial work and acceptable to pay these workers low wages but that the conditions of work in the THI were quite acceptable to the workers themselves. As one customer noted:

If you've grown up in Canada, you're spoiled rotten. You can complain and carry on all you want but we have it made here. The majority of people have never been outside of North America. They have no idea how the other half of the world lives. If somebody has come here from Africa, most of these people up and down this street have absolutely no idea whatsoever what an African goes through every day. They have no earthly idea. So you bring them here and pay them \$8.00 an hour. They think that's wonderful. Or somebody from India, they're just happy to have a job. They'll do everything they can to please you, to try and make sure that they have that job tomorrow (C2).

Customers, like this one, who prefer immigrants to Canadian-born workers or who indicate a preference for workers of a particular nationality or ethnic group, are not new to the contemporary THI. Indeed, the THI and its customers have a poor, but well-documented, record of human rights abuses against immigrants and visible minorities, especially in Ontario where the Canadian Civil Liberties Organization has made formal complaints to the Ontario Human Rights Commission after repeatedly conducted surveys finding that temporary help agencies are willing to accept discriminatory job orders (Letters to Human Rights Ontario Human Rights Commission, Canadian Civil Liberties Organization, 1983, 1991, 1992, 1993).

Signaling their awareness of the racism endemic in the Canadian labour market that the THI capitalizes on, workers speak frankly and forcefully about the poor conditions surrounding temporary help work. One worker noted rhetorically:

What is a landed immigrant mean? They take everything from you. Whatever you have over there. They say there is no bias but there is. ..They should set up some standards for this particular kind of job. [Referring to temporary help work...] At least they [the government] should help immigrants set up before they have to do this dog work... When you land over here you bring this money over here and you don't get a job, you only get temporary work. You get dog work and sometimes you even have to pay for it. You're caught (T3).

This worker predicted that, in the near future, temporary help agencies will charge direct fees to immigrant workers and the government will permit it (T3). Like this worker, many workers report being trapped in the THI and their experiences indicate that the racialized division of labour in the THI is primarily a product of two overtly racist informal practices that reveal the ideological nature of the industry's promise of "Canadian experience": namely, placing workers of the same background together intentionally, and thereby perpetuating segmentation, and refusing to provide references to recent immigrants.

Mirroring the racialized division of labour in the Canadian labour market as a whole, workers speak of being intentionally placed in workplaces with no prospect for permanent work where immigrant workers dominate (T2, T3, T6). Managers even confirm that they consciously place workers of similar ethnic origins together by making comments like: "we look at what their culture is all about and try, to the best of our ability, to put the same type of people together... It's easier to be successful [in this

industry], if you have that right kind of mix (M2). Although the THI does not sanction these behaviours, the practices of placing workers of similar ethnic backgrounds together and paying highly-qualified workers low wages are strikingly reminiscent of the practices of private employment agents operating in the Canadian labour market at the turn-of-the-century, when railway and steamship agents placed Chinese immigrants on the railways and Italian immigrants in construction (Avery, 1995).

Still, the practice that stands out most and that resembles the charge of misrepresentation common to the *padrone* system in the early twentieth century is the THI's refusal to provide references to workers. This practice, which was described in detail above, debunks the THI's claim that temporary help work provides immigrants with the job experience that they require to gain entry into the Canadian labour market as a whole. Disproving this claim, one worker reflected on the experiences of her immigrant co-workers at the call-centre where she worked:

Some people think it is a viable and good option to acquire Canadian job experience. But, its an impossible way to get it.... They will not give you references. It's a very interesting problem. One of my colleagues, for example, left [the customer] after five years there as a temp. That was her only Canadian job experience. She requested a letter of reference from her supervisor. Now, bear in mind that this is a man who's been monitoring her at the very least monthly for five years. He's quite able to say how good an employee she is. The most that he could do was write a letter saying that she had worked at [the customer]. He couldn't actually give her a reference. Now, what use is a letter saying that you've worked there. In fact it's probably to your disadvantage.... Still, I think that there are people probably going in there [into temporary help work] thinking that, in fact, they can get a letter of reference out of it at the end. That's not a whole lot to expect, but they can't (T7).

Indeed, beyond the clear examples of racism revealed by the Canadian Civil Liberties Organization, the notion that the THI provides immigrant workers with so-called Canadian experience not only enables the THI to entrench a racialized division of labour but also perpetuates racist practices in the THI.

Together, the promise of flexibility and the industry's claim that it plays a crucial role in providing workers' with "Canadian" job experience also contribute to the growing income and occupational polarization within the THI and intensify its gendered and racialized character. The composition of the work force at the call-centre where the customer refused to provide workers with letters of reference at the end of their tenure, even after five years of steady employment, supports this claim. According to one worker at this workplace:

The bosses of our unit were four young men. All probably in their early thirties. Four young white able-bodied guys and, in the entire time I was in my unit, there were maybe three able-bodied white straight guys ever. I mean the place was women and immigrants and people of colour. Period. With these four white boys telling us what to do. I used to laugh at that actually. I thought it was pretty funny and a number of the temps, when I would point this out, would see some humour in it, but what were they going to do? Their boss [the three supervisors' boss] was a white woman. So we would console ourselves with thinking that was [the customer's] attempt at equity. But it was actually kind of neat because they were very similar to one another. And, well, I think I have actually probably referred to them as "the boys" because that's literally how we thought of them. And they all had their little cubicles along the window. But they were very nice guys. They were just like boy cheerleaders (T7).

The occupational hierarchy in this call-centre was composed of four distinct strata. The human resource manager was located at the top of the hierarchy. She was employed directly by the customer to manage the call-centre. The temporary help workers' bosses,

or "the boys," as the temporary help workers call them, occupied the second strata. These young men were on-site managers that were employed by temporary help agencies on contract; their jobs were to supervise the temporary help workers and relieve the customer of any employment-related responsibilities. Temporary workers of various sorts resided in the bottom two rungs of the occupational hierarchy. Those that were employed directly by the customer were multilingual. They earned more money than the temporary help workers and had a higher status in the workplace and, therefore, occupied the third level. Those that were engaged by the THI resided in the bottom tier, although their wages and conditions of employment differed because they were employed by different agencies.

Given that the human resource manager was a white woman, that the on-site supervisors were young white men, and that the majority of the temporary help workers were women, immigrants and people of colour, this call centre was characterized by a racialized and gendered division of labour. In the context of this workplace, "the boys" had the greatest potential for mobility. Since they were on contract with the THI, rather than working as temporary help workers in the conventional sense, these workers were using the THI as a stepping stone in a tight labour market. Thus, they represent part of the expanding group of managerial and professional temps that are attracted to the THI because of the flexibility that it offers; they resemble self-employed workers much more than their counterparts engaged in light industrial or clerical temporary help work. Conversely, although many of the temporary help workers answering the phones at this call-centre were highly-educated people who were merely working in the THI to gain

"Canadian job experience", their mobility was highly constrained both in the THI itself, due to the tendency among agency managers to place immigrants with other immigrants, and in the Canadian labour market at a whole, due to the common policy of refusing to provide references. Although they both represent part of the expanding THI, these two sets of workers, could not be more different. Nor could their wages and conditions of employment.<sup>12</sup>

The experiences of these workers and their co-existence within one workplace exhibits the increasingly polarized nature of the THI and, if the changing shape of the THI is indicative of larger trends, the Canadian labour market more broadly. They demonstrate quite clearly the inferior conditions of employment common to temporary help work and the destructive attitudes of officials in the THI as well as their customers.

#### **IV. The *Feminization* of Employment Norms**

The micro-level practices endorsed by industry officials, branch managers and customers illustrate that the TER differs from the SER not only in form, as Chapter Four demonstrated, but in substance. It is a precarious model of employment. Measured against non-standard forms of employment, such as temporary help work, the SER emerges as a relatively solid standard. Similarly, even though it was, "not the best of all worlds," the post-World War II labour market in which the SER functioned most effectively reveals itself, as Picchio (1992: 6) notes, as "the best among the historically existing systems for commanding labour and distributing the means of subsistence," when compared with conditions in the contemporary labour market. However, the reality is that

the SER is eroding as a *normative* model of employment as are the institutional bases for labour market regulation that it brought to dominance: the rise and spread of the TER is a testament to this development. Although it is certainly too premature, and perhaps even a futile exercise, to attempt to identify “successors”, if the growth of temporary help work and the conditions of employment surrounding it reflect prevailing employment trends, then the erosion of the SER is amounting to a qualitative changes in the terms and conditions of employment for an expanding group of workers.

Recent developments in the THI reflect the feminization of employment in all its central aspects. Even though women no longer represent a disproportionate percentage of the THI's work force, partly due to their consistently high labour force participation rates, sex segregation still characterizes the industry, with women predominating in clerical and service related occupations and men predominating in industrial, managerial and professional occupations. Moreover, workers in segments of the industry dominated by women and immigrants generally earn lower hourly wages than their counterparts in segments of the industry dominated by (white) men. Income and occupational polarization is particularly evident in high-volume work sites, such as the call-centre described in Section III where women, immigrants and people of colour were largely confined to the lower tiers of the occupational hierarchy while young white men resided in the top layers. Indicative of growing casualization, the Canadian THI self-regulates to great effect for its own benefit. Consequently, temporary help workers are subject to one-way employment agreements rather than standard employment contracts: these

agreements mandate that workers accept minimal levels of social protection and waive certain fundamental mobility rights accorded by law in exchange for the prospect of obtaining temporary help work. Coercive customs and conventions operating within the THI only reinforce the weak legal infrastructure surrounding the TER. These processes create considerable alienation amongst workers by contributing to confusion over "who's the boss?" and prompting workers to work harder and faster and perform monotonous tasks even if they are over-qualified for the work that they do. Combined with the common means that industry officials, branch managers and customers use to justify the existence of the THI and to promote the TER to workers, they also uphold a racialized gender division of labour within the industry.

Thus, even though women's shifting position in the labour market and the decline of the SER have led more men to enter the THI and have, therefore, contributed to increased occupational diversity in the industry, the notion of feminization still has salience in the context of the THI. This concept has resonance at both a descriptive and an explanatory level because of the continuing subordination of women as well as immigrants and people of colour in the THI. The case of the THI illustrates that, contrary to the arguments of proponents of the conventional thesis, the feminization of employment means much more than women's mass entry into the labour market and even the creation of more "women's work" in the labour market. It amounts to the rise and spread of *feminized* employment relationships. In the post-World War II era, the THI managed to carve out a space for itself because it targeted white middle-class married women excluded

from core segments of the labour force due to marriage bars and other marginalized groups devoid of certain basic labour rights. In this period, the TER was a *feminized* employment relationship since it contravened the (male) standard and was dominated by women. However, the State as well as various segments of organized labour treated it as a legitimate exception to the norm because it was designed to be a supplement and because of the THI's female-dominated work force. At present, the THI is indeed composed of more men than previously and, therefore, it is more stratified. However, the TER still remains a *feminized* employment relationship, one whose terms and conditions reflect the appearance of more "women's work" in the market. Most notably, industry officials, branch managers and customers are beginning to cast the TER as an alternative to the SER with surprisingly little negative attention from the State and seemingly limited resistance from organized labour. Thus, the growth of the THI and the rise and spread of the TER not only signals the extension of "new" *feminized* employment relationships but the *feminization* of employment norms more broadly.

### **Conclusion**

If the spread of temporary help work and the conditions of employment surrounding the TER are indicative of employment change, the significance of these twin developments (i.e., the extension of "new" *feminized* employment relationships and the *feminization* of employment norms more broadly) is far-reaching.

Unlike the SER, which was a male norm, the TER reflects the experiences of women. Given that women, particularly immigrant women, Aboriginal women and

women of colour, have historically been confined to subordinate positions in the Canadian labour market and white middle-class married women predominated in the THI from its inception in the mid-1940s until the late 1970s, the extension of *feminized* employment relationships, like the TER, threaten to downgrade the existing standard. Workers can no longer expect (although this expectation has *always* been exaggerated) that they will engage in permanent, bilateral employment relationships and enjoy comprehensive social benefits such as UI, sick pay and maternity and parental leave as well as employer-provided extended benefits. As well, if recent developments in the THI are indicative of what is to come in the labour market as a whole, the *feminization* of employment norms will perpetuate and perhaps even cultivate income and occupational polarization based on gender, immigration status and race. If the TER is a template for the future, the extension of *feminized* employment relationships promises to maintain dualism in the labour market. Regrettably, given its potentially damaging impacts on workers in Canada, the TER is one among an expanding number of possible alternatives to the SER. Chapter One argued that the notion of a TER has the unique capacity to capture growing dualism in the Canadian labour market, evidenced by the expanding diversity in non-standard forms of employment but, at the same time, convey the expansion of precarious jobs at the bottom of the labour market. Thus, the power of the TER as a conceptual tool relates to its all-encompassing character, that is, its potential to become an employment norm for a wider segment of the population. The fact that "new" *feminized* employment relationships like the TER cover an increasingly broad spectrum of workers inhabiting opposite ends of the income and

occupational hierarchy, ranging from full-time "consultants" in burgeoning fields such as law and computer programming to part-time or casual workers engaged in clerical work or general labour, makes it particularly critical to examine the status of current regulations surrounding the TER in Canada and evaluate them against models existing elsewhere.

Chapter Six directs itself to this important task.

### Notes

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<sup>1</sup>In a recent article entitled "Part-Time Employment and Women: A Range of Strategies" (1996), which examines the different strategies pursued by States, unions and women to shape employers' use of part-time workers, Jane Jenson makes a similar claim about the changing nature of employment.

Speaking to the case of part-time employment she convincingly argues that "a new set of gendered employment relations is at the heart of the restructured economies" and that "new employment practices draw in some ways on existing discourses and practices of gender relations, depend in some ways on their having been altered, and are profoundly implicated in setting the new limits to gender equality that are being constituted" (92). The findings of this chapter parallel Jenson's claims to a large degree; they especially reinforce her view that the new structures of inequality in the labour market will "clearly undermine any strategy for generating gender equality that focuses exclusively on women themselves... until they [women] have access to better employment contracts"(97). However, our emphases differ somewhat. Jenson focuses her discussion of part-time work on the *gendered* character of the emergent set of employment relations. In contrast, I still retain the concept "feminization", while emphasizing that the current casualization of employment amounts to the "gendering of jobs", because, in the case of the THI, employers' efforts to restructure employment relations still rest on policies and practices designed to maintain a considerable and well-defined proportion of temporary help work as "women's work".

<sup>2</sup>For example, in examining the Canadian case, Armstrong (1996) suggests that men are *taking* women's jobs in some areas, particularly where women have traditionally found their best jobs. Clearly this emergent trend has the potential to affect the character of sex segregation in the labour market but it is likely to contribute to its reconfiguration rather than its elimination.

<sup>3</sup>The following two tables depict women's and men's concentration in specific industries and the percentage distribution of female and male employment across all the industries by decade from 1961 and 1991.

**Table 18**  
**The Experience of the Female Labour Force by Industry Division, 1961-1991**

| <b>Industry Division</b>                                  | <b>Female % of Industry</b> |             |             |             | <b>% of all Female Workers</b> |             |             |             |
|---|-----------------------------|-------------|-------------|-------------|--------------------------------|-------------|-------------|-------------|
|   | <b>1961</b>                 | <b>1971</b> | <b>1981</b> | <b>1991</b> | <b>1961</b>                    | <b>1971</b> | <b>1981</b> | <b>1991</b> |
| <b>Agriculture</b>  | 12.4                        | 23.2        | 24.4        | 34.1        | 4.6                            | 4.2         | 2.5         | 2.8         |
| <b>Forestry</b>   | 2.0                         | 4.5         | 11.0        | 14.9        | 0.1                            | 0.1         | 0.2         | 0.3         |
| <b>Fishing and Trapping</b>                               | 1.4                         | 3.5         | 9.4         | 16.4        | -                              | -           | 0.1         | 0.1         |
| <b>Mines, Quarries, and Oil Wells</b>                     | 3.4                         | 6.7         | 14.0        | 15.9        | 0.2                            | 0.4         | 0.6         | 0.5         |
| <b>Manufacturing</b>                                      | 21.5                        | 23.7        | 27.9        | 29.7        | 17.4                           | 15.2        | 13.2        | 9.7         |
| <b>Construction</b>                                       | 2.5                         | 4.9         | 9.4         | 11.5        | 0.6                            | 1.0         | 1.5         | 1.7         |
| <b>Transportation, Communications and Other Utilities</b> | 13.6                        | 17.0        | 23.4        | 26.4        | 4.8                            | 4.3         | 4.7         | 4.4         |
| <b>Trade</b>  | 30.4                        | 36.7        | 43.4        | 45.5        | 17.6                           | 17.5        | 18.1        | 17.4        |
| <b>Finance, Insurance, and Real Estate</b>                | 47.5                        | 41.5        | 61.0        | 61.9        | 6.1                            | 6.9         | 8.1         | 7.9         |
| <b>Community, Business and Personal Services</b>          | 59.1                        | 57.6        | 60.3        | 52.0        | 43.5                           | 44.2        | 43.8        | 47.9        |
| <b>Public Administration and Defense</b>                  | 18.2                        | 25.5        | 37.0        | 42.4        | 5.0                            | 6.1         | 7.0         | 7.4         |
| <b>All Industries</b>                                     | 27.3                        | 33.5        | 40.3        | 44.9        | 99.9                           | 99.9        | 99.8        | 100.1       |

Source: Armstrong and Armstrong, 1993: 22-23.

**Table 19**  
**The Experience of the Male Labour Force by Industry, 1961-1991**

| Industry<br>Division  | Male % of Industry |      |      |      | % of all Male Workers |       |      |       |
|---|--------------------|------|------|------|-----------------------|-------|------|-------|
|   | 1961               | 1971 | 1981 | 1991 | 1961                  | 1971  | 1981 | 1991  |
| Agriculture   | 87.6               | 67.8 | 75.6 | 65.9 | 12.1                  | 7.0   | 5.2  | 4.4   |
| Forestry  | 98.0               | 95.5 | 89.0 | 85.1 | 2.3                   | 1.3   | 1.3  | 1.2   |
| Fishing and<br>Trapping                                     | 98.6               | 96.5 | 90.6 | 83.7 | 0.8                   | 0.5   | 0.5  | 0.5   |
| Mines, Quarries,<br>and Oil Wells                           | 96.6               | 93.3 | 86.0 | 84.1 | 2.4                   | 2.5   | 2.6  | 2.1   |
| Manufacturing   | 78.5               | 76.3 | 72.1 | 70.3 | 23.9                  | 24.6  | 23.1 | 18.7  |
| Construction  | 97.5               | 95.1 | 90.6 | 88.5 | 9.3                   | 9.7   | 9.8  | 10.5  |
| Transportation,<br>Communications<br>and Other<br>Utilities | 86.4               | 83.0 | 76.6 | 73.6 | 11.5                  | 10.5  | 10.3 | 10.0  |
| Trade   | 69.6               | 63.3 | 56.6 | 54.5 | 15.1                  | 15.2  | 16.0 | 17.0  |
| Finance,<br>Insurance, and<br>Real Estate                   | 54.3               | 48.5 | 39.0 | 38.1 | 2.7                   | 3.5   | 3.5  | 3.9   |
| Community,<br>Business and<br>Personal<br>Services          | 40.9               | 42.4 | 39.7 | 37.7 | 11.3                  | 16.4  | 19.5 | 23.6  |
| Public<br>Administration<br>and Defense                     | 81.8               | 74.5 | 63.0 | 57.6 | 8.5                   | 9.0   | 8.1  | 8.2   |
| All Industries  | 72.7               | 66.5 | 59.7 | 55.1 | 99.9                  | 100.2 | 99.9 | 100.1 |

Source: Armstrong and Armstrong, 1993: 70-71.

<sup>4</sup>As Isabella Bakker (1991) aptly observes, one key consequence of women's predominance in this type of service sector employment in the 1970s and 1980s was that new legislative measures designed to redress sex inequality in the labour market, such as pay equity, employment equity and other labour standards, offered few tangible benefits for many women since they only applied to medium and large workplaces and benefited primarily standard workers.

<sup>5</sup>To be clear, I am not suggesting here that sex segregation is the only, or the most significant, type of segmentation in the contemporary labour market but that it *persists* alongside, and in conjunction with, segregation based on age and race.

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<sup>6</sup>Many employment agreements also contain a separate clause indicating that the temporary help worker is aware that s/he is entitled to accept or reject assignments without penalty. However, as Section III reveals, workers and managers report that there are many unwritten penalties for refusing assignments.

<sup>7</sup>The relegation of temporary help workers to coverage under minimum standards legislation is the product of what Judy Fudge (1991, 1993) and Barbara Cameron (1995) have both labeled a “segmented model of labour market regulation”. According to Fudge (1991) and Cameron (1995), this model gives workers in primary and secondary labour markets differential access to legislative protections and social security benefits. The marginal status of minimum standards legislation, which relates primarily to its historic association with women workers perceived to be secondary breadwinners and the strength of organized (male) labour in core sectors of the economy (Fudge, 1991: 6-7), provides the most concrete evidence of the asymmetrical character of labour market regulation in Canada.

In describing the conditions of employment common among temporary help workers, this section takes works by Fudge (1991) and Cameron (1995) and the overwhelming evidence of the inferior status of minimum standards legislation that they provide as its point departure. Furthermore, the findings of this study as a whole echo Fudge’s (1991: 19-20) conclusion that:

Employment standards legislation should be moved from the margin to the centre of a revised labour policy which consists of a constellation of related pieces of legislation, including collective bargaining, pay equity and employment equity. The point of reconceptualizing the role of employment standards legislation is to ensure that it is no longer seen as simply an adjunct to collective bargaining -- a fall-back mechanism designed to cover inadequacy in collective bargaining legislation. Limiting employment standards legislation to such a secondary role blinds us to the possibility that effective and extensive minimum standards may be a necessary condition for the extension of collective bargaining. *It is precisely because employers are able to exploit flexible labour that the collective bargaining norm is threatened... So long as employment standards legislation is seen as subsidiary to collective bargaining the standards it provides are likely to be the barest minimum.*

Chapter Six and the Postscript address the challenges and prospects for extending the prevailing regime of collective bargaining to include temporary help workers.

<sup>8</sup>Management and administration was the only occupational category where the average hourly wage for temporary help workers surpassed that of temporary workers engaged in bilateral employment relationships.

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<sup>9</sup>The Survey of Work Arrangements (1991) found that 73.2 percent of all temporary workers were not unionized (Lipsett and Reesor, 1997: 47).

<sup>10</sup>The comments of this worker and the experiences of other workers trained as either professionals or highly-skilled tradespeople engaging in temporary help work certainly conform with the growing body of feminist scholarship that argues that, "skill recognition follows from the employment contract rather than the other way around" (Jenson, 1996: 5). However, given that the bulk of temporary help assignments still involve performing monotonous tasks, most temporary help workers are doubly disadvantaged where skill recognition is concerned: they are disadvantaged by the precarious nature of the employment agreement as well as the dearth of challenging assignments.

<sup>11</sup>A male worker with considerable experience as a temporary help worker further observed that, "if you are a man, and you're [clerical] temping, they all think that you're gay," reinforcing the gender-based stereotypes about the THI (T2).

<sup>12</sup>After praising the growing income and occupational polarization in the THI, one industry official made the following fitting analogy in distinguishing between the conditions of employment attached to light industrial and clerical versus managerial and professional temporary help work: "[i]t's like the difference between fast food and fine dining" (Fieldnotes, December 2, 1996).

## Chapter Six

### **'Flexible Workers,' Intractable Regulatory Regime: Regulating the Temporary Employment Relationship**

All over the world, people who are the employees of the firm are being made redundant and then workers are supplied by private employment agencies usually at a lower wage and with no benefits. Effectively, employers are ratcheting down the conditions and pay of workers, undercutting what were once decent stable jobs for people and replacing them with precarious jobs that don't carry a lot of basic protections, protections that the trade union movement feels should go with any job.

Governments need to respond to this problem. If you are one of these [temporary help] workers all your life, it means that you don't accumulate any benefits. If you are sick, or when you reach retirement, you have no coverage, no security... So, why not change the system?... Let's flexibilize all of the systems around the employment relationship so that they protect the "flexible worker". *What we have now is a push for the "flexible worker" but we have static systems of protection.*

*-- Patricia O'Donovan, Chief Negotiator for the  
Workers' Group, Convention No. 181, International  
Labour Conference, June 17, 1997.*

Temporary help work poses a fundamental challenge to the regulatory framework that grew up around the SER in Canada and other welfare states in the post-war period: the challenge to preserve protections, benefits and security for workers engaged in employment relationships where responsibility does not rest squarely with one entity.

As Chapter Four illustrated, the primary objective of the contemporary THI's marketing strategy is to displace the SER -- specifically, the bilateral employment relationship that lies at its foundation -- and replace it with a TER. To promote the TER as a genuine alternative to the SER, the THI is selling the idea of "staffing services," a new concept designed to entice customers to use temporary help workers as a means of abdicating responsibility and to situate temporary help agencies as "human resource"

experts. As Chapter Five revealed, this strategy, which rests on a complex legal apparatus, is not only cultivating arms-length relationships between temporary help workers and customers but also minimizing the obligations of the agency. In the contemporary THI, contracts of employment are not reciprocal agreements between workers and agencies; rather, they require workers to relinquish a number of basic rights and protections in exchange for the prospect of attaining temporary help work. Similarly, contracts between agencies and their customers look like typical service contracts even though they govern the provision of workers to a third-party. Thus, the THI's move towards providing staffing services amounts to continued precariousness for workers: combined with the qualitative dimensions of temporary help work, the conditions of employment associated with the contemporary TER make workers look and feel more and more like commodities.

Although these findings are troubling, they are not surprising given that the Canadian THI has effectively been in a position to self-regulate over the last several decades. The result of this situation is, predictably, a weak regulatory environment; there are numerous deficiencies in the limited regulatory framework surrounding the TER, principally related to the division of responsibility, security, wage levels and levels of social protection. Many of these gaps are not new *per se*. Nor are the informal practices that they generate at the micro-level. However, the need for a solid regulatory framework, one that extends a comprehensive package of benefits and protections to

temporary help workers, is particularly pressing at present since the TER is poised, now more than ever, to become a new employment norm.

Probing recent developments at provincial, national and supra-national levels, this chapter explores the prospects for devising an effective regulatory framework surrounding the contemporary TER. It is divided into four sections. Section I examines the status of regulations governing private employment agencies, including temporary agencies, in Canada in the mid-1990s. It demonstrates that, with the exception of Quebec, most provinces are effectively de-regulating private employment agencies and attributes such trends to the growing legitimacy of temporary help agencies, the aggressive posture of the contemporary Canadian THI and the absence of coordinated resistance from organized labour since the post-World War II period. Section II describes developments at the supra-national level from the mid-1980s, when the lengthy stalemate between workers, employers and governments began to break down within the ILO, until June 19, 1997, when the organization adopted the "Convention Concerning Private Employment Agencies" (No. 181), a new international labour standard that recognizes temporary help agencies as employers and, therefore, reverses the ILO's historic stance against labour market intermediaries and its skeptical view of non-standard forms of employment. Section III compares national laws designed to regulate the TER with provisions contained in Convention No. 181 and the limited regulatory framework existing within most provinces and territories in Canada. It finds that Convention No. 181 is relatively weak in comparison to national laws regulating triangular employment relationships even

though it aims to create a comprehensive regulatory framework surrounding the TER for national governments to emulate. A comparison of this sort also suggests, more generally, that there is no *necessary* correlation between legitimizing the TER at the level of labour law and endorsing lower formal levels of protection for workers. Section IV summarizes recent regulatory developments at the provincial level in Canada and within the ILO, demonstrating that even though their cumulative effect is to affirm the legitimacy of temporary help agencies and to establish the TER as a viable alternative to the SER, there are models for Canada to follow should the political terrain shift to the point that provincial governments are forced to examine other options in earnest.

This chapter develops several of the central themes of this study. It deepens micro and macro-level explanations of why the feminization of employment is occurring with such force in Canada by describing the weak set of regulations surrounding the TER. It also further emphasizes that the *absence* of regulations governing the TER is key since temporary help work is one amongst a growing number of employment relationships where responsibility does not rest squarely with one entity. The chapter also returns to several core claims advanced at the outset of the study, modifying and verifying its leading premises where appropriate. Most centrally, it suggests that, although many governments and workers' groups within the ILO are attempting to uphold the maxim "labour is not a commodity" at a symbolic level, the sentiments behind it are gradually breaking down at the supra-national level with private employment agencies gaining an unprecedented degree of legitimacy and with the end of the ILO's unqualified support for public

employment services. Completing a century's long sketch of the THI's history and pre-history, this chapter also confirms that the high level of insecurity faced by workers engaged in TERs (i.e., the contemporary TER, its early precursors and its immediate forerunners) has persisted since the turn-of-the-century -- only the character of the THI's work force and the social and institutional bases of labour market regulation have changed.

#### **I. Legislation Governing Private Employment Agencies in Canada**

Unlike the period from the turn-of-the-century to the mid-1960s, when the federal government and many provincial governments crafted numerous regulations designed to limit the activities of various types of private employment agencies, the issue of regulating private employment agencies (including temporary help agencies) fell off the policy agenda in the late 1960s and early 1970s. With the THI's move towards providing "staffing services" and with its growing legitimacy in North America as a whole, most provinces began to abandon and/or fail to enforce regulations governing temporary help agencies altogether. By the mid-1970s, the void created by de-regulation was so great that the THI began to self-regulate, constructing a complex web of agreements surrounding the TER and advancing more general industry-wide codes of ethics. About a decade later, under the auspices of the Employment and Staffing Services Association of Canada, the industry association that formed in the early 1970s, the THI began to lobby for minimizing the provincial regulations which still existed. By the mid-1990s, it was rewarded for its efforts as some provinces began to loosen and/or abandon existing regulations.

This section describes the current status of regulations governing private employment agencies (including temporary help agencies) at the provincial level in Canada. It reveals that the active de-regulation of private employment agencies is occurring in some provinces, such as Ontario and Alberta, while the regulatory apparatus surrounding the TER remains virtually unchanged in others, such as Manitoba and British Columbia. Only in Quebec, which has historically applied the strictest regulations to private employment agencies, is the government entertaining the possibility of devising a more rigorous framework for regulating the TER.

### *The Status Quo*

British Columbia and Manitoba are two examples of provinces where regulations governing private employment agencies remained quite static between the late 1960s to the mid-1990s. In the case of British Columbia, where private employment agencies have been regulated under the province's Employment Standards Act since 1961 (alongside agencies placing farm labourers and contract labourers), the provincial government simply consolidated existing regulations in 1981, 1984 and 1995 respectively. In 1995, the most recent round of revisions to the British Columbia Employment Standards Act as a whole, the government affirmed that all private employment agencies including temporary help agencies must be licensed, and it continued to prohibit direct fees to workers (R.S.B.C., Bill 29, 1995: s.12 and 13). Similarly, in Manitoba, while the provincial government continued its prohibition of fees to workers and updated its regulations with respect to licensing in 1980 and 1987 respectively, regulations governing private employment

agencies have remained virtually unchanged since 1954, when the provincial government ended its thirty-five year prohibition of private employment agencies (R.S.M., 1954; R.S.M., 1980; Reg. 98/87). Thus, these two provinces merely upheld pre-existing frameworks for regulating private employment agencies in labour markets where new types of private employment agencies were proliferating, the TER was spreading, and the shape of the THI was changing: however, they have done little to regulate temporary help agencies in the contemporary period.

### *De-Regulation in Alberta and Ontario*

In other provinces, regulations governing private employment agencies changed significantly from the mid-1960s to the mid-1990s. Most notably, the province of Alberta, which prohibited fee-charging employment agencies between 1919 and 1927 and strictly regulated private employment agencies from the 1930s until the late 1980s, repealed its Employment Agencies Act in 1988. Its failure to replace this Act with either an equivalent or updated instrument is precipitating massive de-regulation in the private employment industry in Alberta as a whole (R.S.A., 1919b; R.S.A., 1927; R.S.A., 1988).

Developments in Ontario, the province embracing the most regulatory changes in the last two decades, were much more complex than in Alberta. Here, the provincial government adopted some progressive regulatory changes in 1980 and 1990. However, some seemingly regressive changes have emerged since 1980. In 1980, the province inserted formal procedures for the suspension of licenses for the first time and it made adjustments in the fee scales prescribed by the Act (R.S.O. 1980). In 1990, it also enacted

a new Employment Agency Act that introduced a requirement for separate licenses for different branches of the same agency; this was a very important change which meant that a number of franchises that formerly escaped licensing had to be licensed individually. The Act also retained a prohibition against "Class A" agencies, which may be interpreted to include temporary help agencies, from charging direct fees to workers (R.R.O., 1990, s.11). However, the government of Ontario is currently re-thinking these regulations.

Beginning in the mid-1990s, the provincial government undertook a review of the Private Employment Agency Act (1990), a review process which is ongoing. Represented by its lobbying body, the Employment Staffing Services Association of Canada (ESSAC), the THI is intimately involved in this process and the voice of organized labour is visibly absent. Unlike the case of Alberta, the government of Ontario is not intent on repealing the Act -- nor is the THI for that matter. Instead, the THI's aim is to re-shape it altogether. Moreover, if ESSAC has its way, the revision of this Act could easily amount to self-regulation such that codes of conduct and other existing modes of self-regulation play a greater role in the supervision and monitoring of temporary help agencies. A recent submission to the Ontario government, prepared jointly by ESSAC and the Association of Professional Placement Agencies (APPA),<sup>1</sup> substantiates this claim (APPA and ESSAC, 1996). Thus, it is instructive to examine the substance of this submission to probe the direction of change in Ontario, the province where the THI is most highly concentrated.

In a submission to the Ontario government entitled "An Analysis of the Employment Agencies Act" and presented to the Ministry of Labour on December 9,

1996, ESSAC and APPA analyze the role of the province's Employment Agency Act (1990) and propose some key amendments. The bulk of their proposed amendments centre on which bodies (i.e., the state, the private sector, organized labour etc.) should retain the “administrative authority” over the Act. The central argument of the brief is that, together, APPA and ESSAC, “have the maturity, resources and expertise to create an industry regulated body that would administer many provisions of the Employment Actions Act” (APPA and ESSAC, 1996: 3). It calls on the government of Ontario to create an Administrative Authority, which would fall under the auspices of the Ministry of Consumer and Commercial Relations and the Ministry of Labour, that would “work in partnership with government to establish a responsible self-reliant body” to administer the Act (APPA and ESSAC, 1996: 3). Rather than recommending substantive changes to the Act, APPA and ESSAC affirm the purpose of the Act, support continued licensing (and existing criteria for licensing) and retaining the government's role in setting regulations. However, they propose that the supervisor of the Act be an Administrative Authority, composed of Ministry of Labour Officials and industry officials, rather than simply the government; a space for organized labour is also notably absent in this proposed body. Moreover, they recommend that the Administrative Authority be responsible for hearing appeals to potential licensing disputes through an alternative dispute resolution mechanism rather than the court system (APPA and ESSAC. 1996: 7).

What is most striking about this latest intervention on the part of the private employment industry in Ontario is that they want to *preserve* the Act but shift the onus of

administration to a body dominated by industry. The industry's desire to retain the Act reveals that it is in the interest of the THI to preserve, but legitimize, the intermediary status of private employment agencies by law so as to avoid assuming all the responsibilities typically accorded to employers; this is quite interesting given that temporary help agencies are selling "employment and staffing services" (i.e., their services as employers) to their customers and it also speaks to the weakness of the Act.<sup>2</sup> However, the proposal for creating an Administrative Authority suggests that the THI wants to have greater control over the Act. Still, while APPA and ESSAC are currently only seeking a monitoring and supervisory role, there is nothing preventing them from calling for (and *administering*) further de-regulation in the Act if they assume such a powerful role. Indeed, at the outset of their submission, they argue that the industry is quite capable of self-regulation, that it already has in place extensive codes of conduct which all private employment agencies belonging to APPA and ESSAC must follow (APPA and ESSAC: 3).<sup>3</sup>

If the government of Ontario accepts the proposals of APPA and ESSAC or devises regulations based on their recommendations, the THI will increase its credibility while assuming greater control over the weak regulations that exist. Even more crucially, a model of the sort that APPA and ESSAC are proposing would allow the THI to maintain the focus of regulation on private employment agencies (including temporary agencies) as labour market entities and prevent strong regulations from emerging, protective legislation that could place the conditions of employment surrounding the TER

at the centre of regulation. To recall, provincial employment agency acts, like the one in the province of Ontario, only address placement and recruitment. They do not regulate the employment relationship (i.e., the TER) that the THI generates and, therefore, do not address levels of social protection and the division of responsibility between agency and customer. Ultimately, this is the type of regulation that the THI wants to avoid. Thus, in Ontario, APPA's and ESSAC's coordinated strategy for shifting the onus of the administration of the Employment Agency Act to industry (i.e., self-regulation), while still maintaining the substance of the Act, is the ideal compromise from the vantage point of the THI.

### ***Regulation in Quebec***

Like Ontario, the province of Quebec is currently revisiting the question of how to appropriately regulate private employment agencies. However, unlike Ontario, it abandoned efforts to modify existing legislation designed to regulate private employment agencies in 1982, turning its attention instead to the growing role of temporary help agencies in the labour market and its impact on workers (Laflamme and Carrier, 1997; Trudeau, 1998). Spurred by pressure from organized labour and the recent Supreme Court of Canada decision in *Pointe-Claire (ville) and S.E.P.B., Local 57*, which highlights the discrepancy between current labour law and “new” types of employment relationships, Quebec is considering devising new regulations that focus explicitly on protecting workers engaged in TERs (Personal Communication, Luc Desmarais, Conseiller en développement de politiques, May 22, 1997; Trudeau, 1998: 373). Although the Quebec Ministry of

Labour has not yet proposed new legislation, it recently released a discussion paper entitled "Agences De Placement Temporaire" (1993), which argues that temporary help work is frequently precarious in nature and, therefore, its spread mandates new legislation aimed at protecting temporary help workers themselves.

Quebec is unique among the provinces in that its Labour Code contains a clause similar to the Canada Labour Code which states that "an employer who enters into a contract with a subcontractor, directly or indirectly through an *intermediary*, is responsible jointly and severally with that subcontractor and that intermediary for the pecuniary obligations fixed by this Act" (s. 95). As an official with the Ministry of Labour indicates, this clause makes it possible for an employee to have more than one employer; therefore, it opens the door for creating specific protections for workers engaged in TERs and establishing a clearer division of responsibility between temporary help agencies and their customers (Personal Communication, Luc Desmarais, May 22, 1997). Building on this clause, and responding to pressure from organized labour and the recent Supreme Court decision, the government of Quebec is currently considering three sets of options for devising a framework of social protection surrounding the TER.

First, it is entertaining the option of extending the same set of protections guaranteed to part-time workers under the Labour Code to temporary help workers (Personal Communication, Luc Desmarais, Conseiller en development de politiques, May 22, 1997). Unlike most provinces, the Quebec Labour Code makes it illegal for an employer to discriminate against part-time workers with respect to remuneration or annual

leave (i.e. vacation etc.). For example, it is illegal for an employer to pay an employee at a lower wage rate than that granted to other employees performing the same tasks in the same establishment for "the sole reason that the employee usually work less hours each week" (s.41.1). The intended effect of these clauses is twofold: on a practical level, they are designed to ensure that part-time and full-time workers are treated equally with respect to vacation and leaves and, more generally, they are designed to discourage employers from resorting to part-time workers with the exclusive aim of lowering labour costs. If Quebec were to adopt identical provisions for temporary help workers, the effect would be quite similar.

A second mode of legislative intervention that the province is considering involves facilitating sectoral negotiations for the employees of temporary help agencies through the Collective Agreement Decrees Act (1934). This type of measure could provide a means for employees in the same sector to attain the same levels of protection, wages and union representation regardless of whether they are engaged in a bilateral or a triangular employment relationship. As several commentators have noted, sectoral agreements could also "provide an interesting way of protecting employees in fragmented and competitive sectors with low union density," sectors that are prone to the encroachment of the THI (Trudeau, 1998: 375). Facilitating sectoral negotiations could complement the recent addition of equal treatment provisions in the Labour Code. Thus, the first two options are by no means mutually-exclusive.

The third, and most radical, option that the province of Quebec is considering involves crafting a range of legislative measures to be incorporated in the Labour Code that aim to regulate the hiring of temporary personnel through an agency. This is a highly controversial option, even among proponents of stricter regulations surrounding the TER, since it would certainly have the effect of further legitimizing temporary help agencies in the Act. Although the Ministry of Labour is recommending a number of new measures for potential inclusion in the Labour Code (or elsewhere), five are particularly noteworthy for our purposes. First, it is recommending mandating an equal level of social protections for workers engaged in TERs and SERs (Tapin, 1993: 71). Second, it is proposing to allow temporary help workers who have experienced short interruptions in assignments but have effectively worked continuously through the THI access to benefits beyond job tenure, such as severance pay, which normally require continuous employment on the part of the worker (Tapin, 1993: 71). A third proposal under consideration involves establishing a minimum daily payment for workers placed on assignment even if they do not work a full day (Tapin, 1993: 72). Fourth, and perhaps most centrally, the discussion paper also proposed devising a provision which would create a "prime de precarite," a tax that the agency would pay the worker that would amount to 10 per cent of their earnings from a given assignment (Tapin, 1993: 72). This proposal is similar to measures emerging in countries, such as France, to be discussed in Section III. Fifth, and finally, to prevent workers from being trapped for long periods in temporary help work, the government is

recommending that buy-outs, which involve the customer paying a set fee to take the worker on as a permanent employee, be made illegal (Tapin, 1993: 73).

Together, the three sets of legislative options under consideration in Quebec make it the only provincial or territorial jurisdiction in Canada where there is currently any prospect for strengthening regulations surrounding the TER: Quebec stands out as an anomaly in the contemporary Canadian context. However, even though discussions are well-underway in the province, the degree of de-regulation that is occurring in other provinces, such as Alberta and Ontario, and pressures from the THI to allow it to self-regulate have the potential to contribute to stalling present discussion in Quebec (Personal Communication, Luc Desmarais, Conseiller en developement de politiques, May 22, 1997). It is thus open to question whether the province will embrace further measures designed to regulate the TER or be forced to follow developments at the supra-national level.

To summarize, given the generally weak status of regulation at the provincial level, Canada essentially affirmed its commitment to non-regulation from the late 1960s to the late 1990s. Still, there is some variation provincially. British Columbia and Manitoba followed their post-war trajectory quite closely by simply consolidating pre-existing regulations aimed at private employment agencies in general. In contrast, Alberta de-regulated private employment agencies altogether, repealing existing laws without introducing more up-to-date legislation, and Ontario also seems to be taking the path of de-regulation. Only Quebec is considering shifting the locus of regulation towards the TER and extending an improved set of protections to temporary help workers; however,

while developments in Quebec are certainly unique in the Canadian context, it is following trends in Continental Europe. In sharp contrast, the direction of change in Ontario and Alberta, which is much more indicative of the direction of change in Canada as a whole, reflect the tenor of recent developments at the supra-national level. As the ensuing section shall illustrate, if provincial governments continue to be in sync with supra-national developments, greater legitimacy is on the horizon for the THI in Canada as a whole, although there are few prospects for regulating the TER in the near future.

## **II. Supra-National Developments: Legitimizing the TER at the level of the ILO**

Just as Canada, with the notable exception of Quebec, embarked on a path of de-regulation, a dramatic turn of events occurred at the supra-national level. After three decades, the stalemate over the interpretation of the "Convention Concerning Private Employment Agencies, 1949" (No. 96), the international labour convention that offered governments the option of either progressive abolition or regulation, ended in June 1994. At that time, a general discussion on the role and function of private employment agencies in the contemporary labour market held at the International Labour Conference led Member States, Workers and Employers to agree to craft a new international labour standard to replace Convention No. 96. This discussion, which set out the parameters for debate in successive talks in 1995 and 1996,<sup>4</sup> eventually led the ILO to adopt the new "Convention on Private Employment Agencies" in June 1997 (No. 181). Now in place, Convention No. 181 recognizes temporary help agencies as employers, thereby affirming direction of change in all provincial jurisdictions in Canada (save Quebec), which amounts

to further validation for the activities of temporary help agencies and greater coordination between the public employment service and the private employment agency industry. In spite of continuing the prohibition on fee-charging, it legitimizes a triangular employment relationship for the first time, while failing to devise a comprehensive framework of social protections for temporary help workers.

### *Beyond the Impasse*

To recall, the period between 1966 and 1994 was relatively uneventful where regulatory change at the supra-national level was concerned. After the Director General of the ILO ruled that Convention No. 96 covered temporary help agencies, and thereby cast them as labour market intermediaries, numerous countries renounced the convention, some countries backed Workers' Groups' calls for a new convention aimed at regulating temporary help agencies explicitly and, only a few, such as Sweden, Cyprus, Spain and Portugal, took direction from the pronouncement and prohibited temporary help agencies alongside other private employment agencies.<sup>5</sup> During this stalemate, new types of agencies proliferated to the extent that the ILO, in a study that it conducted between 1988 and 1990, found eighteen different types of private employment agencies operating in the labour market and most of these agencies took on *de facto* employer status. Still, at various supra-national fora in the 1980s and 1990s, such as the ILO's Expert Committee Meeting on Migration in 1997, workers' groups, backed by governments, continued to charge private employment agencies with significant abuses, particularly those acting abroad or placing immigrants (Fieldnotes, June 6, 1997; ILO, 1994a; Personal

Communication, Helen Moussa, World Council of Churches, July 7, 1997). Moreover, with the rise of non-standard forms of employment, governments expressed growing interest in placing checks against "new" forms of employment, such as temporary help work and contract labour (ILO, 1997; OECD, 1993). Given the lengthy impasse over Convention No. 96, ILO officials treaded softly but they still suggested that drafting a new convention on private employment agencies might be a suitable means of entering into broader discussions over how to address the growth of non-standard forms of employment (ILO, 1994b: 32). In response, workers and employers bargained behind closed doors and came to an agreement: workers agreed to re-open discussion on Convention No. 96 and employers committed themselves to negotiating a new instrument on Contract Labour (IL2). The end result was the adoption of a new international labour standard on private employment agencies, Convention No. 181.

### *Convention No. 181*

On June 19, 1997, at the International Labour Conference in Geneva, Member States of the ILO settled on a new international labour standard on private employment agencies. The form of the standard was subject to considerable debate due to institutional factors such as the importance of consistency between Conventions, and external factors, such as the range of new economic actors operating in the labour market (ILO, 1994b; ILO, 1997b). However, governments, employers and workers eventually agreed that the standard should comprise both a Convention and a Recommendation.<sup>6</sup>

Convention No. 181 closes an important chapter of ILO history, that began with the maxim “labour is not a commodity”, which initially prompted a supra-national ban on private employment agencies. For the first time, it formally extends coverage to “service providers”, such as temporary work agencies, staff-leasing firms and job shops, and it addresses an expanded range of activities related to recruitment, placement and employment. The four most central dimensions of the convention include: the end of the ILO’s support for a public monopoly on placement in employment; the extension of coverage to “service providers”; the inclusion of a clause prohibiting direct fees to workers; and measures aimed at establishing a framework for regulating the TER. Although these features preserve several crucial aspects of Convention No. 96, they shift the balance in favour of the THI by legitimizing TERs without first devising a comprehensive framework of social protections for temporary help workers.

### *Ending Public Control over Placement*

In sharp contrast to Convention No. 96 (Revised), Convention No. 181 legitimizes private employment agencies. Indeed, the preamble of the Convention acknowledges “the role which private employment agencies play in a well-functioning labour market” and juxtaposes this recognition with the growing need for “flexibility” in the labour market (ILO, 1997c). This affirmation represents the end of the ILO’s support for a public monopoly on employment placement, a policy that lasted nearly fifty years.<sup>7</sup> Notably, the decision to grant private employment agencies legitimacy was not without controversy, as evidenced by the debate to be described below. At the outset of the revision process, the

International Labour Office noted the collective failure of Member States to maintain, and in some instances create, public employment services as a key impetus for revision. In a report that it prepared after the general discussion in 1994, the Office acknowledged that, “a monopoly of placement and even the spirit of Convention No. 96 (Revised), seem to be a remnant of the past... The monopoly ended, in fact, a long time ago” (ILO, 1994a: 60-61). It then noted that the public employment service fills no more than 25 per cent of vacancies in most countries, concluding that private employment agencies are often in a stronger position, especially in areas such as temporary help work, to fill the remaining vacancies (ILO, 1994a: 60). Relying on these figures, this Report also examined the utility of the three prevailing means for continuing the ban on private employment agencies: a limited ban on private enterprises engaged in placement; a total ban on all private employment agencies regardless of their activities; and a partial ban on private employment agencies. In its report, the Office demonstrated that the first option is easy to circumvent because of its narrow mandate, the second option creates a tremendous obligation on an already over-stretched public employment service, and the third option has the potential to create endless lawsuits for the public authorities (ILO, 1994a: 61). Consequently, the report endorsed a “shared management model” (ILO, 1994a: 61-62).

In the end, Member States, Workers’ Groups and Employers’ Groups took direction from the International Labour Office’s proposal for a “shared management model” and included a framework for cooperation between the public employment service and the private employment agencies as a central component of the new standard. Thus,

by extending legitimacy to a variety of enterprises, Convention No. 181 shifts away from abolition altogether and allows private employment agencies to operate relatively freely in the labour market.

In contrast to Convention No. 96 (Revised), regulations governing the conduct of private employment agencies contained within Convention No. 181 are relatively weak. Although Convention No. 181 still allows Member States to prohibit private employment agencies “from operating in respect of certain categories of workers or branches of economic activity,” making specific references to abuses against migrant workers, the convention extends legitimacy to three specific types of private employment agencies (ILO, 1997c); namely, placement services, service providers and other services related to job-seeking. Therefore, countries insistent on retaining a complete ban on any of these types of agencies are ironically no longer in a position to ratify ILO Convention No. 181 since Convention No. 181 now gives legal recognition to private employment agencies (ILO, 1997c: Article 8).<sup>8</sup>

#### *Extending Coverage to “Service Providers”*

Given the history of Convention No. 96 (Revised), specifically the divisive debate over whether it covers temporary help agencies, another significant change is the formal inclusion in Convention No. 181 of “services consisting of employing workers with a view to making them available to a third party” (i.e. service providers) (ILO, 1997c: Article 1.1(b)). Contrary to what one might expect given the lengthy stalemate over the status of temporary help agencies at the ILO, the addition of service providers did not elicit much

debate at the International Labour Conference 1997; instead, a backroom consensus on including temporary work agencies was reached within the instrument prior to re-opening the discussion (IL2). At the outset of the 1997 talks, both the spokesperson for the Employers' Group and the spokesperson for the Workers' Group remarked favourably on the rapid growth of new forms of private employment agencies, naming temporary work agencies specifically, and then proceeded to support the inclusion of service providers in the new instrument. The Employers' Representative supported their inclusion for the sake of legitimacy: his remarks indicated that including service providers such as temporary help and agencies under Convention No. 181 would bring the issue of coverage to a close and, what is more important, eliminate the possibility of prohibition. In contrast, the Workers' Representative supported including service providers for the sake of establishing a comprehensive set of protections for workers employed by private employment agencies (Fieldnotes, June 4, 1997). Thus, "service providers" came to be covered by Convention No. 181, expanding its scope to govern the activities of enterprises engaging in placement, recruitment and *employment*.

While Convention No. 181 ignores the "non-commodity" thrust of Convention No. 96 (Revised), it does seek to extend crucial protections to workers by adding several important new clauses specifically related to "service providers". Articles addressing non-discrimination,<sup>9</sup> appropriate treatment for migrant workers<sup>10</sup> and fee-charging represent the clearest attempts to update the fundamental principles contained in Convention No. 96

(Revised), while those detailing the duties and responsibilities of service providers further define the terms of the new standard.

### ***Fee-Charging***

Perhaps the most important provision of Convention No. 181 concerns fees. Article 7 reads: “private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers” (ILO, 1997c: 6). While it allows States to make exceptions to this rule, this provision carries forward the maxim that “labour is not a commodity” on a symbolic level. In a dramatic speech at the opening of the 1997 International Labour Conference, the Workers’ Representative stressed the importance of “abiding by the fundamental principle, which guided the first instruments specifically concerning the operations of private agencies adopted in 1933, that ‘labour is not a commodity’” (ILO, 1997b: 4). She then asserted forcefully: “Workers should not have to pay to work. Labour standards should be governed by standards different from those that govern commodity markets” (ILO, 1997b: 4). Neither the governments’ nor the Employers’ Representative took exception to these remarks because they had already achieved their chief objectives: indeed, the Employers’ Group was satisfied with the substance of Article 7, particularly its provision for granting exclusions. Governments also applauded the principles embodied in the Article, after ensuring that exclusions could apply to categories of workers such as musicians and artists as well as “specified types of services.” Thus, this instrument formally retains the principle that “labour is not a commodity” but grants Member States virtually complete autonomy in applying it.

### *Ensuring Adequate Protection and Allocating Responsibility*

The fourth dimension of Convention No. 181 is its movement towards regulating the triangular employment relationship between the “service provider”, the customer and the worker. However, while Convention No.181 looks promising on this front, it is less impressive upon serious scrutiny. Indeed, the critical tone of the provisions directing governments to ensure adequate protections for workers engaged in triangular employment relationships is appropriate given the precarious nature of “new” forms of employment such as temporary help work. Still, Convention No. 181 does not establish *how* responsibility should be allocated or provide guidelines for the division of responsibility. Rather, it leaves it up to “national law and practice”; in essence, this means that countries that ratify Convention No. 181 may do as they please. As well, the most extensive provisions on the allocation of responsibility, which name areas where protections are necessary, are contained in the body of the Recommendation and, therefore, are non-binding. Despite these important qualifications, it is still useful to highlight what Convention No. 181 achieves with respect to devising a framework for regulating the TER.

Convention No. 181 directs Member States to ensure adequate protection for workers employed by private employment agencies (i.e., service providers),<sup>11</sup> allocate responsibilities to both user-enterprises and service providers, and extend collective bargaining rights to workers employed by private employment agencies (ILO, 1997c: Articles 4, 11 and 12). The associated Recommendation also encourages States to ensure

that workers employed by private employment agencies are informed of the conditions of employment (preferably through a written contract), prevent the use of workers engaged by private employment agencies as replacement workers and limit restrictions on the mobility of these workers (ILO, 1997d: Paragraphs 5, 6, 8(a) and 15).

Each of the preceding provisions was subject to debate during the course of the 1997 discussion because of the controversial nature of the triangular employment relationship, as a new area of intervention for the ILO. The Workers' Group was largely responsible for initiating discussion on the subject of establishing a well-defined set of protections for workers' employed by private employment agencies, specifically temporary help agencies, and highlighting other important conceptual issues regarding the nature of the relationship between "service providers" and workers. The Workers' Group indicated that it was only concerned with clarifying the roles and responsibilities of one category of private employment agencies (i.e., service providers) and customers. Nevertheless, the parties differed over these amendments, knowing that they would expand the mandate of the instrument into uncharted areas. Article 11, which lays out criteria where adequate protections are necessary, was adopted rather smoothly after a limited debate over the areas of protection that it was to govern and, most importantly, only after the Workers' Representative assured the Employers' Representative that the Article, "would indicate that the workers covered under this provision were 'employed by' the service provider" (ILO, 1997b: 39-41). In making this demand, the Employers' Group was attempting to establish "service providers", such as temporary help agencies, as genuine employers and,

in this way, it was expressing its discomfort with the possibility of a divided or co-employment relationship. Thus, the addition of Article 12, which dictates that governments shall allocate responsibilities to service providers and customers, was even more contentious for the Employers' Group.<sup>12</sup>

While the parties reached a consensus in the end, the deliberations over both Articles 11 and 12 are extremely significant since they reveal tensions surrounding shifts in the *normative* model of employment and provide insight into the direction of change. In particular, they confirm the ILO's intention to acknowledge the existence of not only a triangular contractual relationship but also of a triangular employment relationship. In its preparatory report of 1994, the International Labour Office characterized the activities of certain private employment agencies (i.e., temporary work agencies, contract labour agencies and staff leasing firms) as engaged in a triangular contractual relationship: "with workers in the form of a standard employment contract and with the client enterprises in the form of an enterprise contract or a contract for services" (ILO, 1994b: 41). However, it did not discuss the potential employment-related responsibilities of the user-enterprise. Thus, supplemented by guidelines contained in the recommendation (which are obviously non-binding), the inclusion of Articles 11 and 12 represent a notable and desirable change for workers in the substance of the new instrument.

Protections for workers employed by private employment agencies outlined in the Recommendation further define the terms of the triangular employment relationship, such as one involving a temporary help agency, a customer and a worker. For example, the

Recommendation suggests that workers employed by private employment agencies (i.e., temporary help workers) should, ideally, be informed of their conditions of employment through a written contract (ILO, 1997d: 4). This clause was only accepted after a lengthy discussion about the potential relationship between the use of temporary workers and the desire to undermine the SER. The Workers' Group and several governments supported this provision because they wanted to:

avoid the development of a second-class work force which had second class wages and benefits and might be used to undermine the terms and conditions provided for under collective agreement. More and more workers found themselves under triangular work arrangements and there was no rationale for excluding them from normal wages and benefits (ILO, 1997b: 53).<sup>13</sup>

Additionally, with respect to paragraph 15, the Recommendation dictates that “service providers” should not: “(a) prevent the user enterprise from hiring an employee of the agency assigned to it, (b) restrict the occupational mobility of an employee; (c) impose penalties on an employee accepting employment in another enterprise” (ILO, 1997d: 4). The Employers' Group was willing to accept these paragraphs so long as their employees could be prevented from accepting employment contracts until the end of an assignment. However, the Workers' Group disagreed with this proviso because, in many instances, there is no written contract between the service provider and the worker and, therefore, no definitive end to a given assignment. In the end, the parties agreed to make this provision subject to national law covering the termination of contracts of employment, averting a potential stalemate but reducing the force of the provision and, therefore, the framework of protection for workers considerably (ILO, 1997b: 60-62).

In sum, in spite of some attempts to ensure adequate protections for workers, a key benefit of the regulatory regime associated with the SER, Convention No. 181 favours the THI and embraces a new normative model of employment without advancing a comprehensive framework of protections for workers engaged in triangular employment relationships. Convention No. 181 does not establish *how* responsibility should be allocated between “service providers”, such as temporary help agencies, and their customers. Nor does it provide guidelines for the division of responsibility in this type of employment relationship or a means (i.e., a test) for determining responsibility.

Furthermore, by calling for an end to the public monopoly on placement and extending coverage to “service providers”, Convention No. 181 grants private employment agencies legitimacy, yet it does not establish strong guidelines for regulating the TER. Thus, it facilitates a shift away from the package of benefits and protections associated with the SER and, in so doing, it has the potential to contribute to lower levels of social protection for workers engaged in TERs than those associated with the SER. To confirm this assessment and begin to establish what type of models Canada and the provinces could follow to regulate the TER most effectively, it is useful to compare the substance of Convention No. 181 with prevailing national laws surrounding the TER, where they exist.

### **III. National Laws Governing the TER: Placing Convention No. 181 in Context**

Recent developments at the provincial level in Canada, and even at the supra-national level to some extent, convey the unfortunate message that countries have few alternatives where the regulation of the TER is concerned. Indeed, there is a common

perception that temporary help workers cannot enjoy an equivalent level of social protection to standard workers since the TER contravenes the regulatory regime brought to dominance alongside the SER. However, a survey of national laws designed to regulate the TER and other triangular employment relationships disproves this presumption.

Using examples from eleven jurisdictions, this section describes national legislation directed at the triangular employment relationship particular to the field of temporary help work.<sup>14</sup> It devotes special attention to describing how countries that are legitimizing the triangular employment relationship establish special protections for temporary workers and allocate responsibility between temporary help agencies and their customers in comparison to the framework set out in Convention No. 181. In so doing, this section substantiates the claim that Convention No. 181 denotes a shift away from the SER towards the TER without creating an adequate floor of protections for workers. Even more crucially, it demonstrates that there is no *necessary* correlation between legitimizing the triangular employment relationship and advancing lower levels of formal social protection for workers. Rather, in many cases, national legislation exists to ensure that workers employed by temporary help agencies enjoy levels of social protection mirroring those associated with the SER. Where regulating the TER is concerned, there are existing models for Canadian provinces to follow.

### ***Legitimization***

At the national level, there is a growing trend to recognize triangular employment relationships within legislation specifically designed to regulate temporary help work.

Most national legislation governing the temporary employment relationship begins with a clear articulation of the legal status of the temporary employee and the type of business enterprises involved in the employment relationship. For example, the Belgian Temporary Employment Act (1987: Article 7.3) sets out the following definition: “The temporary employee is an employee who enters into a contract of employment with a temporary work firm to perform, for remuneration, work as permitted by the Act to the benefit of one or more users.” This relatively standard conception clearly defines the temporary help worker as an employee of the temporary help agency.<sup>15</sup> However, it does not specify the nature of the employment contract (i.e., contract of indefinite duration or fixed-term contract), a characteristic that differs from country to country. Still, it indicates that temporary help workers may perform work for a range of customers. Thus, the temporary help agency<sup>16</sup> comes to be defined as an enterprise whose primary activity consists of hiring-out<sup>17</sup> its workers to customers on a *temporary* basis.<sup>18</sup>

National legislation normally requires two formal contracts: (1) a commercial contract between the temporary help agency and the customer; and (2) a contract of employment between the worker and the agency. Labeled as a hiring-out contract in many jurisdictions, the commercial contract is the legal vehicle through which the customer obtains the right to direct and supervise the “borrowed worker.” The fee associated with this contract reflects the recruitment, placement, and administration costs that the temporary help agency incurs in maintaining the employee. Despite its status as a service contract, in most of the jurisdictions under study, the commercial contract has the effect of

conferring employment-related responsibilities on the customer rather than cultivating an arms-length relationship between the worker and the customer. For example, Spanish law dictates that labour legislation and social legislation applies to the relationship between the agency and the worker and the relationship between the customer and the worker (Spain, 1994: 77). By entering into a contract for services, it dictates that the customer take on some employment-related responsibilities. In the cases of Sweden and Norway, where legislation on the roles and responsibilities of the customer is not as highly developed, the responsibilities that the contract for service confers upon the customer are highly contested (Eklund, 1997: 242-44). By convention, the Nordic countries generally view the contract for service as the means by which the temporary help agency delegates its authority to direct and allot work to the customer. Quite distinctly, in the case of Japan, like Canada, the contract for service acts as protection *against* employer-related responsibilities for the customer: Japanese legislation is distinguished by its narrow focus on the commercial side of the contract.

In contrast to the contract for services, the contract of employment is the legal vehicle dictating the terms and conditions of work for the temporary worker, normal conditions, such as wages, benefits and vacation pay, and special conditions, such as the clause whereby the worker is informed that s/he may be sent to a range of workplaces. With the exception of the EC, every jurisdiction that has legislation governing the TER requires a written contract of employment dictating such terms. However, the form of this contract differs from country to country. For example, in Belgium, workers must enter

into a general contract at the commencement of employment, one that mirrors the employment agreement common in Canada but is much more reciprocal, and contracts pertaining to specific assignments two weeks before each new assignment begins (Belgium, 1987: Article 8). Many countries also place restrictions on the duration of fixed-term contracts in the area of temporary help work; for example, Japanese legislation officially sets a one-year maximum for each contract, renewable for up to three years, and German legislation sets a nine-month maximum for each contract which may be extended for persons that are considered “difficult to place” (Goka, 1997: 15; Halbach, et al, 1994: 212).

In mandating two types of contracts, national legislation governing the TER legitimizes a triangular employment relationship operating between the agency, the worker and the customer. This recognition is made explicit in the legal definition of the TER normally presented in the preambles of national legislation. In this respect, Convention No. 181 mimics national legislation quite closely. However, unlike national legislation, Convention No. 181 neither mandates the two types of contracts normally involved in this triangular employment relationship nor does it acknowledge their potential utility in determining and establishing employment-related responsibilities: this represents a serious defect within Convention No. 181. Similarly, while the legal apparatus surrounding the TER in Canada includes a service contract and an employment agreement, the very role of these legal instruments is to distance workers from both the customer and the agency and thereby lower levels of social protections for workers.

### *Worker Protection*

Notably, where national legislation exists, governments ensure adequate protections for workers in three common areas: occupational health and safety; social security; and, salaries and benefits. In all of the countries surveyed, the customer is responsible for the health and safety of the worker while s/he is at the work site as well as normal labour standards such as those pertaining to night work, child labour, maximum hours of work and days of rest. However, in several countries, such as Japan, Norway, Sweden as well as the EC, the temporary help agency has the duty to inform its workers of the normal conditions of work and conditions pertaining to occupational health and safety on site. Additionally, in France, the user-enterprise must provide special medical supervision for temporary workers and, in Spain, the user-enterprise is responsible for covering increases in social security contributions, “in the event of an accident at work or an occupational illness occurring in its workplace during the validity of the hiring-out contract and attributable to a lack of safety measures” (France, 1996: Article 124-4-6; Spain, 1994, 3: Article 16.3). As the principal employer of workers, the agency is responsible for the payment of wages and social security contributions in all jurisdictions where legislation exists. However, significant national variations exist regarding the role of the customer if a temporary work agency defaults on the payment of wages. For example, in Spain and France, the customer is responsible for contractual obligations, pertaining to wages and social security, in a secondary capacity (France, 1996: Article 124-4-6; Spain, 1994, 3: Article 15.3). More general clauses also exist in other national

legislation making reference to the joint obligations of both the temporary help agency and the customer to the worker. For example, Belgian legislation suggests that the temporary help agency is responsible “*together with the user*, for the payment of wages, and indemnifications to which the temporary employee is entitled, as well as the payment for social security contributions” (Blanpain, 1993: 61, *my emphasis*). In an attempt to set a minimum level of protection for temporary help workers, the European Parliament also recently drafted a Directive that, if adopted, will effectively make the temporary help agency primarily responsible for social security (ECC, 1990b).

Most of the countries under study not only consistently view setting criteria for occupational health and safety, social security and the payment of wages as essential aspects of national legislation, they also allocate responsibility in a range of other areas. In France, which has the most comprehensive legislation on the TER, employees are entitled to precarity pay of the sort under consideration in Quebec, whereby they receive a lump sum of money from the temporary help agency at the end of an assignment,<sup>19</sup> equal treatment with respect to wages and conditions of work, the provision of safety equipment and collective bargaining rights; many of these entitlements are the joint responsibility of the temporary help agency and the customer (France, 1996: Article 124-4-6; France, 1972). As well, Japanese and German legislation also deem the agency responsible for providing access to training for workers (Halbach et al, 1994: 213; Japan, 1987: Article 30). Additional areas where countries allocate responsibility include complaints, disciplinary and dismissal procedures and special medical supervision. There is also a

growing recognition of the importance of secondary responsibility and issues surrounding the conversion of temporary help contracts into employment contracts of indefinite duration. Although the allocation of responsibility is not identical across these areas, national legislation provides a range of examples of where it is necessary and feasible.

In enumerating areas where States must ensure that workers have adequate protection, Convention No. 181 excludes several criteria frequently named within national legislation on TERs. These criteria include the provision of protective equipment, special medical supervision for temporary help workers engaged in dangerous work and precarity pay in recognition of the insecure nature of the triangular employment relationship and its short duration.<sup>20</sup> Thus, where there is an absence of national legislation, countries require a more concrete set of guidelines as to where social protections are necessary.

### *Allocation of Responsibility*

Where national regulations governing the TER exist, countries normally assign employment-related responsibilities on the basis of legal criteria such as control, direct supervision and the payment of wages. They also tend to use equivalent criteria in determining secondary responsibility. Along with defining common areas where adequate protection is necessary, they adopt similar approaches in allocating employment-related responsibilities. Conversely, although it includes occupational health and safety, social security and the payment of wages within its list of criteria for adequate worker protections, Convention No. 181 does not provide guidelines (e.g., a legal test) for determining how to allocate responsibilities related to ensuring adequate worker

protections.<sup>21</sup> Nor does it acknowledge the importance of secondary responsibility, where either party fails to fulfill its employment-related obligations. Undeniably, national laws prioritize and allocate employer-related obligations differently. Nevertheless, it is feasible to delineate a common approach to allocating responsibility, one that complements existing laws and assists countries in devising new legislation, without prescribing rigid rules. Countries with legislation governing the TER currently allocate responsibility on the basis of objective criteria related to control, direct supervision and payment, criteria derived using the SER as a model.<sup>22</sup> Hence, given the standard-setting role of International Labour Conventions, a core function of Convention No. 181 should be to devise guidelines for approaching the allocation of responsibility. The lack of this type of mechanism prevents Convention No. 181 from fulfilling a central component of its expanded mandate, that is, to assist nations opting to legitimize the TER, like Canada, in devising appropriate measures for regulating it. By not doing so, Convention No. 181 effectively allows countries to establish lower levels of social protection for workers employed by private employment agencies than those associated with the SER.

The adoption of Convention No. 181 in June 1997 was quite timely since it followed prevailing labour market trends. But, in legitimizing the TER, establishing criteria for worker protection and allocating responsibility, this instrument does not meet its full potential. Where it exists, national legislation regulating the TER tends to be both more comprehensive and more innovative in these respects. Indeed, the substance of national laws in this area demonstrates that there is no inherent correlation between

legitimizing the TER and adopting a new *normative* model of employment that embodies lower levels of social protection for workers than the SER. It indicates that triangular employment relationships, specifically the TER, may require regulatory measures, such as those devoted to the allocation of responsibility in divided employment relationships, that substantially deviate from those associated with the SER. However, different forms of regulation need not amount to inferior standards of protection.

#### **IV. Discussion: Towards A Framework for Regulating the TER in Canada**

Regulatory developments at the provincial level in Canada and at the supra-national level within the ILO indicate that temporary help agencies are attaining unprecedented legitimacy in the late 1990s. In the case of the ILO, which historically viewed all types of private employment agencies with skepticism, flowing from its foundational principle "labour is not a commodity," and which played a central role in establishing the SER as a normative model of employment in the post-World War II period, events that took place at the International Labour Conference in June, 1997 signaled a dramatic shift in course. In its newest "Convention on Private Employment Agencies" (No. 181), the ILO not only sanctions the activities of private employment agencies engaging in recruitment and placement but, by extending coverage to so-called service providers (i.e., temporary help agencies, staff leasing firms and job shops), it also legitimizes triangular employment relationships that contravene the SER in all its central aspects without crafting an adequate framework of social protections for the growing number of workers engaged in TERs. To compound matters, the ILO's decision to

abandon its age-old mandate, instead of strengthening it, is occurring at a time when the SER is declining, non-standard forms of employment are proliferating and the feminization of employment (broadly-defined) is taking place on a global scale. Even more striking, for our purposes, there is every indication that the direction of change in Canada from the 1970s to the 1990s mirrored, and perhaps even pre-figured, developments at the supra-national level.

In the Canadian context, most provinces have not acknowledged that there is a need for both extending crucial social protections for workers engaged in TERs and devising a framework for allocating responsibility between temporary help agencies and their customers. This is not surprising since the THI intensified lobbying efforts from the early 1970s onwards and given that organized labour has been virtually silent on the question of private employment agencies since the post-World War II era due largely to the monumental difficulties associated with organizing temporary help workers collectively (Postscript). Where it still exists, legislation only deals with private employment agencies as labour market entities and fails to address the TER in any measure. Thus, Canadian regulations are even less forceful than measures recently adopted at the ILO. Indeed, most provinces are de-regulating private employment agencies (including temporary help agencies). In this way, recent developments in Canada and at the supra-national level highlight the real and troubling prospect of establishing the TER as a viable alternative to the SER without creating a floor of social protections for workers.

*Alternative Models*

As the TER vies to become a new employment norm, the need for a sound regulatory framework surrounding it, one that extends a comprehensive package of social protections to workers engaged in TERs becomes particularly pressing. In this light, it is instructive to recall Patricia O'Donovan's statements at the International Labour Conference on June 17, 1997. Just prior to the passage of Convention No. 96, O'Donovan incisively observed that, "what we have now is a push for the 'flexible worker,' but we have static systems of protection." She then proceeded to recommend, as she had throughout the entire conference, that "what we should be doing is adapting our protection systems" to prevent the further "ratcheting down of conditions of employment," that is, the spread of precarious employment (Fieldnotes, June 17, 1997). After the Workers' Group, governments and the Employers' Group adopted Convention No. 181, O'Donovan was highly critical in admitting that her message was largely ignored in the substance of Convention No. 181. However, when asked to look to the future, she noted optimistically that governments increasingly view systems of social protection modeled on the SER as a genuine option since they are at a crossroads where the regulation of the TER is concerned. O'Donovan further asserted that organized labour and its allies inside and outside government have a positive role to play in advancing progressive legislation (IL2). One of the central implications of O'Donovan's later set of remarks is that Convention No. 181 represents only one among several competing models for States to follow. Indeed, this chapter has illustrated that there are other models, some

of which are quite well-established, that countries moving towards regulating the TER could opt to follow. These models offer more promise in reducing the precariousness inherent in the TER than Convention No. 181.

Mirroring the primary aim of Convention No. 181, countries with legislation on the TER, have obviously opted to legitimize the THI. However, whether countries should make this type of move is certainly still open to debate; indeed, the debate between prohibition and regulation has permeated discussions at the international level since the inception of the ILO. In the post-World War II period, this debate led to the emergence of three areas of regulation internationally: prohibition, regulation and non-regulation. However, prohibition is no longer considered a viable option in most countries. Indeed, the vast majority of countries continuing to ban private employment agencies either fail to enforce regulations or have simply forced the private employment agency industry underground. Still, it is important to recognize several potential dangers posed by legitimizing the THI and the TER, which countries like Sweden, that prohibited temporary help agencies for over three decades following the ILO Director General's 1966 ruling on "ambulatory typewriting agencies" but legitimized them in the 1990s, repeatedly stressed at the International Labour Conference in June 1997. Most centrally, extending legitimacy to these labour market actors would contribute to deteriorating conditions of employment for workers, especially if States take primarily defensive measures in regulating the TER (Fieldnotes, June 9, 1997). In other words, without implementing the proper safeguards, regulating the TER could potentially amount to 'regulating precariousness,' that is,

preventing the hyper-commodification of labour-power but still settling for establishing a lower level of social protection for workers engaged in TERs than the package of benefits and entitlements typically surrounding the SER. Indeed, it is feasible to argue that recent measures adopted at the level of the EC effectively amount to 'regulating precariousness' since the European Parliament is gradually passing Directives that are non-binding on the community.

### *Options for Canada*

Bearing these preceding dangers in mind, in Canada, the federal and provincial governments face a considerable set of challenges in the late 1990s with the growing evidence that the THI is expanding and diversifying and the TER, as well as other triangular employment relationships, is spreading. Moreover, as shown in Chapters Four and Five, given the conditions of employment normally attached to temporary help work, the legal apparatus surrounding the TER which minimizes social protections and entitlements for workers, and the qualitative dimensions of temporary help work, the TER is a precarious model of employment. As well, as Chapter Seven shall illustrate, the spread of the TER promises to continue in the future precisely because it *is* a precarious employment relationship, one that allows employers to abdicate responsibility. Furthermore, if recent initiatives at the level of social policy in Ontario are indicative of its position on the spread of the TER, then the Canadian State itself is not only likely to pose the TER as a viable alternative to the SER but to hold it up as a model in conditioning workers, particularly those already at the bottom of the labour market or on social

assistance, to accept more precarious forms of employment as the reality of the modern labour market. In the face of these trends, as well as the active de-regulation of private employment agencies occurring at the provincial level, one of the only prospects for improving the conditions of employment among temporary help workers is to extend a range of social protections typically associated with the SER to workers engaged in TERs.

### *Proposals For Intervention*

Should Canada and the provinces be pressured to take up the issue of preserving protections, benefits and security for workers engaged in TERs, there are a number of obstacles and challenges to overcome including how to design legislation, where to incorporate new measures (i.e., within existing laws, such as Employment Standards Acts, Labour Codes and/or to draft new legislation) and what type of measures to endorse. Still, given the status of regulation in Canada and templates existing in other jurisdictions, a set of six initial measures would contribute to ameliorating the precarious conditions surrounding the TER. They include altering the form of the legal contracts surrounding the TER, ensuring adequate protections guaranteeing equal treatment for temporary and permanent workers, instituting precarity pay, improving anti-discrimination legislation and eliminating the buy-out.<sup>23</sup>

### *Service Contracts and Employment Agreements*

To begin with the most basic measure, a prime means of attaining greater certainty in the TER involves crafting legislation that prohibits agencies from using service contracts and employment agreements as a means of distancing themselves and their

customers from the temporary help worker and thereby lowering the levels of social protections for workers. This type of measure would ensure that the express purpose of the service contract would be to delineate the employment-related responsibilities of each party to the TER. Mirroring legislation in France, Spain and Luxembourg, provinces could also require that service contracts contain clauses establishing secondary responsibility in the event of an unjustified break in the employment relationship or where one party defaults on its contractual or statutory obligations.

### ***Worker Protections***

Another necessary requirement of legislation designed to create a comprehensive set of social protections surrounding the TER is that it guarantee worker protections in areas where there is wide documentation of problems such as occupational health and safety, social security and special medical supervision. As well, given that it is common for employers to use temporary help workers in workplaces known to be dangerous, Canada and the provinces should take direction from the EC and ban the use of temporary help workers in dangerous work sites where their inexperience might put them at risk.

### ***Equal Treatment***

It is also widely-accepted that employers frequently resort to temporary help workers to lower labour costs, not only resulting in inequities within work forces and workplaces but also placing downward pressure on working conditions and wages as a whole. Thus, equal treatment for workers engaged in substantially similar work is

essential with respect to wages, conditions of employment, the provision of safety equipment and collective bargaining rights.

On the issue of ensuring that temporary help workers can genuinely take advantage of freedom of association and collective bargaining rights, the creation of sectoral agreements would certainly reinforce equal treatment laws, particularly in sectors with low rates of unionization and where the THI engages a considerable share of the work force. These types of measures are already feasible in Quebec under the Collective Agreement Decrees Act but may also be possible in other provinces with minor changes to legislation designed to embrace a solidaristic model of labour market policy (Cameron, 1995: 200-208). In France, where the THI is quite a large and dominant force in the economy, temporary help workers belong to occupationally-based unions and, therefore, benefit from sectoral agreements and a federation of temporary help workers. Even though temporary help work continues to be considerably more precarious than standard work in France, this model places more checks on the TER. Thus, it should improve conditions of employment for temporary help workers.<sup>24</sup>

### ***Precurity Pay***

A measure to introduce some form of precarity pay, to take into account the insecure nature of temporary help work, could also contribute to improving wages and conditions of employment for workers engaged in TERs. The Ministry of Labour of Quebec has already raised the possibility of introducing such a measure. However, it has yet to define its terms -- although it is proposing end-of-assignment pay of ten percent --

nor has it proposed a means of introducing this measure. However, a potentially effective means of implementing precarity pay would be to make it a statutory social security requirement.

### *Improved Anti-Discrimination Legislation*

Temporary help agencies and private employment agents acting abroad and within nations have a bleak history of making false representations to immigrant and migrant workers (Chapter Two), one that continues to the present. At the supra-national level, its poor record was documented most recently at the meeting of the Expert Committee on Migration held at the ILO in the Winter of 1997. In Canada, there is also continued evidence of a racialized division of labour in the THI as well as racism more generally: witness the false promises that temporary help agencies make to workers with respect to acquiring the "Canadian Experience" necessary to circulate freely in the labour market, the common and conscious practice of placing workers from the same ethnic backgrounds together at one work site or in one industry and the recent study conducted by the Canadian Civil Liberties Organization which found agencies in the Metropolitan Toronto Area willing to consider requests for workers of specific sexes and/or races (Chapter Five). Thus, improved anti-discrimination measures are essential now for many of the same reasons that they were required at the turn-of-the-century. Quebec is currently considering implementing some type of monitoring system to minimize such problems. However, it has yet to implement any formal measures.

### *Buy-Outs*

A final proposal under consideration in Quebec, which is unique and certainly complements all five other proposals mentioned previously, involves making the "buy-out" (i.e., the practice whereby the agency charges the customer a fee to hire workers permanently) illegal (Tapin, 1993). If adopted, this type of measure would remove a significant impediment that discourages customers from hiring temporary help workers into permanent jobs within their enterprises. Ideally, eliminating the "buy-out" would also go hand-in-hand with other measures designed to encourage the assimilation of temporary help workers into indeterminate contracts of employment where customers use the THI primarily for the purpose of denying rights or avoiding obligations under labour and social legislation. A case in point is where a worker is on-assignment with the customer long-term but is dismissed and re-hired every thirteen weeks to enable the agency to avoid paying severance.<sup>25</sup> Temporary help workers have reported this to be a common practice in the THI (Fieldnotes, December 4, 1996; T7; T2). Instituting a mandatory conversion clause in employment agreements would be the most suitable means of encouraging assimilation in such cases. Conversion clauses are already mandatory in Belgium and Luxembourg; in both cases, conversion automatically takes place when the customer continues to employ the worker after severing its ties with the agency, fails to live up to the terms and conditions of the service contract and/or when temporary help workers are used for the sole purpose of escaping obligations under social and labour legislation (Blanpain, 1993: 68-69; Luxembourg, 1994: Article 4 and 5). Conversion clauses were

also subject to considerable discussion in the ILO's 1997 talks on drafting a new international labour standard on Contract Labour (ILO, 1997d: paragraph 20).

There are various options for how to design legislation applicable to workers engaged in TERs. Following France, Germany and the proposals that the government of Quebec is entertaining, employment standards acts and/or provincial and federal labour codes offer the most suitable arena for advancing these measures for a range of reasons but primarily because they represent "living" legislation. Separate legislation could also be developed, as is common in Spain and Belgium. However, given the history of inactivity at the provincial level where updating and enforcing legislation governing private employment agencies is concerned, adding new measures to employment standards legislation is preferable since it would place the TER at the centre of labour legislation rather than treating it in a subsidiary manner.

### **Conclusion**

Although the prospects for regulating the TER represent the focus of this chapter, devising a solid regulatory framework surrounding the TER, one whose mandate is to extend a comprehensive set of labour and social protections to temporary help workers, is not only unlikely given the current regulatory climate in Canada, it is insufficient on its own. As evidenced by the nature and consequences of legislative interventions in the EC, where strong Directives are in place but are non-binding to members of the Community, the need for sound enforcement mechanisms is also key to minimizing the precarious character of the TER. Even more important, given that the SER is the central unit of

analysis used in crafting contemporary social and labour legislation and the central model around which it is gauged, regulating the TER requires greater openness to "new" paradigms of regulation among law and policy-makers. Equally important, it demands a change in attitude among all the parties to the TER as well as other actors in civil society, especially among various segments of organized labour where the political-will necessary to stimulate change is most likely to develop. In other words, changes in customs, habits and practices that upheld the SER as the normative model of employment are crucial if the rise of non-standard forms of employment, such as temporary help work, continue. Otherwise this package will cover fewer and fewer people.

As the Postscript asserts, the need to adapt the system of collective bargaining in Canada to accommodate the growing pluralism in employment relationships in the late 1990s is particularly pressing if we are truly to protect freedom of association and collective bargaining rights for *all* workers in Canada, including the growing number of workers engaged in TERs and triangular employment relationships more broadly. From the perspective of policy-makers and labour-board officials, making the regime of collective bargaining more hospitable to non-standard workers will require adapting formal and informal policies, principles and procedures governing such things as bargaining-unit determination. From the perspective of organized labour, meeting this challenge will inevitably involve recovering and updating modes of organizing workers that pre-date the post-World War II period, practices that differ from those associated

with the work site based Fordist regime of collective bargaining, and strengthening existing systems of organizing that serve marginalized groups of workers.

There is a tremendous tension within the prevailing regulatory regime associated with the SER in Canada: as this chapter has argued, this tension centres on extending protection, benefits and security to workers engaged in employment relationships where responsibility rests with more than one entity, while preserving crucial elements of the existing regime. The magnitude of this tension is overwhelming. However, if changes at the level of the labour market continue along their present trajectory, the need for a paradigm shift is quite compelling since workers, such as temporary help workers, who were formally at the *margins* of the labour market are moving towards the *centre*. Transforming the prevailing regime does not necessitate wholly abandoning existing models. However, as several scholars have argued, it does require developing new modes of protecting workers (Cameron, 1995; Cobble, 1991; Fudge, 1993). The case of *Workfirst*, a new welfare-to-work initiative in the province of Ontario which requires “employable” social assistance recipients to register with temporary help agencies and accept temporary help work, to be examined in Chapter Seven, only reinforces this call for transformation.

### Notes

<sup>1</sup>In their joint submission, ESSAC and APPA indicate that they are considering amalgamation since 83 per cent of Ontario's ESSAC members are involved in permanent placement and, therefore, hold licenses (APPA and ESSAC: 2). Given the THI's attempt to distance itself from the private employment agency industry, the possibility of a merger between these associations is a highly notable development.

<sup>2</sup>A submission that the Federation of Temporary Help Services (now known as ESSAC) made to the Ontario Ministry of Labour in 1993 on the subject of "Compliance with the Occupational Health and Safety Act" reflects the THI's desire for temporary help agencies to be treated differently than "normal employers". In this brief, the Federation argues that "it is impractical to require the temporary help service's Joint Health and Safety Committee to oversee the service's temporary workers when they are on assignment at customers' workplaces," suggesting instead that supervision of this sort should be the responsibility of the temporary help agency's customers (Federation of Temporary Help Services, 1995: 6). Control and supervision of workers at the work site normally fall within the responsibilities of employers. However, the THI wants temporary help firms to be exempt from such responsibilities under provincial law in Ontario; it wants agencies to be viewed as the genuine employers of workers but still wants to retain their status as legitimate labour market intermediaries.

<sup>3</sup>ESSAC's standard code of conduct, which must be posted in all member agencies, reads as follows:

#### **Code Of Ethics And Standards**

1. We recognize that our primary objective is to provide quality temporary services and will take steps to ensure that our employees are carefully selected and assigned or customers.
2. We will treat with dignity and respect those applying for employment and those employed.
3. We will, as employers, fulfill all the legal obligations to our employees and will provide equal employment opportunities on the basis of job qualifications and merit.
4. We will provide leadership in the adherence to both the spirit and letter of all applicable human rights laws and regulations. We will not except any order from any customer that is discriminatory in any way.
5. We will not restrict the right of an employee to obtain permanent employment.

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6. We will not encourage or coerce an employee to leave an assignment before completion.
  7. We will observe the highest principles of honesty and fair practice in dealing with clients and employers and comply with all federal and provincial labour and employment laws and regulations.
  8. We will maintain and promote the highest standards of integrity in our advertising, sales promotions and public relations, avoiding any misrepresentation with respect to job description, job conditions, wages or services offered.
  9. We will recognize and fully respect the rights and privileges of competitors in the true fashion of the individual initiative and free enterprise and refrain from engaging in acts of unfair competition.
  10. We will conduct our business in a manner designed to enhance the operation, image and reputation of the temporary help service industry and will ensure that all our employees are aware of this Code of Ethics and Standards and comply with this Code in all their activities.

<sup>4</sup>The Committee charged with this discussion suggested that a process of revising Convention No. 96 pursue the following goals:

- (1) Set the pattern for response to the dynamics of changing labour-market functions and recall the role of its actors;
- (2) Draw up general parameters to describe the main actors, namely the Public Employment Service and Private Employment Agencies, as well as the nature of the relationship both between themselves and their clients;
- (3) Establish general principles and provide guidance that protect:
  - (I) labour markets against poor and unethical practices
  - (II) workers' interests including where the stability of industrial relations' systems might be affected by some practices of PREA (these principles should consider the concerns of some (but not all) Committee members with regard to triangular employment relationships, including contract labour, temporary work agencies and staff-leasing arrangements);
  - (III) workers recruited in one country for work in another;
- (4) Create environments that allow for the improved functioning of all employment agencies;
- (5) Ensure that national governments would be free to determine how the above objectives would be met (ILO, 1994b: 31-32).

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<sup>5</sup>Notably, even in many countries where governments formally prohibited temporary help agencies under Part II of Convention No. 96, there is considerable evidence that the THI continued to operate either openly (and therefore bans were not enforced) or underground (see for example: Blanpain, 1993; Eklund, 1997).

<sup>6</sup>When it is ratified by country, a Convention becomes a binding legal instrument. Hence, a country may be subject to sanctions if it does not fulfill its obligations under a given Convention. In contrast, a Recommendation is a non-binding legal instrument. It normally serves to provide guidelines for implementing and/or deepening standards adopted in an associated Convention. While there is a growing move to adopt Recommendations on their own, a typical package of international labour standards in a given area includes both a Convention and a Recommendation.

<sup>7</sup>For an in-depth discussion on the historic relationship between public employment services and private employment agencies, see: Ricca, 1982 and 1988.

<sup>8</sup>Regarding the meaning of the exclusion clause contained in Article 2.4(a) of Convention No. 181, the Provisional Record of the 1997 discussion states: “the proposed draft Convention was aiming at offering maximum ‘ratifiability’. Thus, as the Convention gave legal recognition to PREA (private employment agencies) -- including TWA (temporary work agencies) -- it would not be possible for any country which banned TWA to ratify the proposed draft Convention.” (ILO, 1997c: 5-6).

<sup>9</sup>Article 5, on equality of opportunity and treatment in access to employment builds on Convention No. 96 (Revised). Supported by both the Workers’ and Employers’ delegates, the addition of this article follows from the abuses documented by the International Labour Office in 1994 and corresponds with the core “Discrimination (Employment and Occupation) Convention” (No. 111) (ILO, 1997b). Article 5 had the support of the Employers’ Group for reasons including the desire to ensure that, “agencies operated in line with ethical codes” existing at national and international levels (ILO 1997b: 4). Governments supported the Article since its anti-discrimination criteria were in conformity with national law and practice. As a result, Convention No. 181 states that, “the Member shall ensure that private employment agencies treat workers without discrimination with respect to race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age and disability” (ILO, 1997c: 4).

<sup>10</sup>Articles directed at protecting migrant workers also follow from the general principles established through Convention No. 96 (Revised). Given the historic record of abuses among private employment agencies acting abroad and the recommendations of the ILO’s Expert Committee on Migration, the need for effective protections for migrant workers

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was a priority in the new convention (ILO, 1997b: 53). While recognizing that reserving these agencies for the exclusive use of nationals is not necessarily in the interests of migrants, Member States, Employers' and Workers' concurred on the need to address migrant workers' rights within the new Convention due to the prevalence of abuses and malpractices among private employment agencies. Consequently, to supplement much more comprehensive ILO instruments on this specific subject, an article on migrant workers was added to the draft text and adopted unanimously. Article 8 requires Member nations to ensure adequate protection for migrant workers recruited, placed or *employed* by private employment agencies and to provide penalties, including prohibition, for agencies engaging in fraudulent practices (ILO, 1997c: 6).

<sup>11</sup>Article 11 calls on Members to take the necessary measures to ensure adequate protection for the workers employed by service providers in the following areas: freedom of association, collective bargaining, minimum wages, working time and other working conditions, statutory social security benefits, access to training, occupational safety and health, compensation in case of occupational accidents or diseases, compensation in case of insolvency and protection of workers' claims and maternity and parental protection and benefits (ILO, 1997c: Article 11). Article 12 enumerates the identical set of areas to the exclusion of freedom of association.

<sup>12</sup>In discussing Article 12, the Employers' Group expressed the view that, "governments should not involve themselves in the employee/employer relationship" stressing the need for "flexibility in the relationship between the user enterprise and the private employment agency" (ILO, 1997b: 42). Taking exception to the word "allocate", it argued that protection in the field of occupational health and safety was the only area in which governments should allocate responsibility (ILO, 1997b: 42). In contrast, in its effort to retain the word "allocate", the Workers' Group expressed its desire to make it perfectly clear who had responsibility in a given situation (ILO, 1997b: 42). It indicated that it was particularly concerned with the allocation of responsibility in cases where a worker was sent by a temporary work agency to a user-enterprise. At the same time, the Workers' Group also noted that the instrument did not prescribe specific responsibilities to the parties concerned because this would potentially undermine existing national laws and practices. In the end, the governments accepted the Workers' Groups' amendments to both Articles on the condition that, "allocation was not intended to be exclusive, i.e., that responsibility could be shared" between the user-enterprise and the service provider (ILO, 1997b: 43). Contrary to the position of the Employers' Group, governments supported the possibility of a divided employment relationship where service providers are concerned and this is extremely significant.

<sup>13</sup>The Employers' Group only accepted this paragraph on the condition that a subsequent amendment put forward by the Workers' Group, providing for "no less favourable" terms

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and conditions of employment for workers employed by private employment agencies than those applying to employees of either the user-enterprise or enterprises in the same of similar branches of economic activity, be withdrawn (ILO, 1997b: 52).

<sup>14</sup>Examples shall be drawn from the following jurisdictions: Germany, France, Spain, Norway, Finland, Denmark, Sweden, Japan, Belgium, Luxembourg and the European Community. These national and supra-national jurisdictions were selected on the basis that they have legislation explicitly governing the TER.

<sup>15</sup>Similarly, the German “Act on Temporary Employment Businesses” (1985), the Spanish “Temporary Work Agencies Act,” (1994), the French “Labour Code” (Article 124) and the Japanese “Worker Dispatching Law” (1987) all clearly define workers engaged by temporary help agencies as the employees of these firms.

<sup>16</sup>Depending on the jurisdiction in question, the temporary help agency is variously labeled as a lending-out business (Germany), a hiring-out business (Sweden), labour-supply business (Denmark), worker-dispatching business (Japan) or manpower contracting business (Finland).

<sup>17</sup>In jurisdictions like Germany, where the bilateral employment relationship continues to serve as the model employment relationship, temporary help agencies are said to be engaged in “lending” rather than “hiring-out” of workers. This is an important conceptual distinction aimed at reinforcing the temporary help agency’s status as the principal employer (Halbach et al, 1994: 212-213; Dombois, 1989; Weiss and Schmidt, 1993: 114).

<sup>18</sup>Although this definition of the business enterprise is accurate within most jurisdictions where legislation exists, Japanese legislation governing the activities of temporary help agencies does not specify that these firms supply workers on a temporary basis. Rather, the Worker Dispatching Law (1985) covers labour supply businesses more broadly, even though the majority of these businesses identify themselves as temporary work agencies. Japanese legislation does not mandate that these firms engage in so-called “temporary placements.” Goka (1997: 13) justifies the use of the term “worker dispatching business” as follows:

The term “worker dispatching business” is used in preference to “temporary employment agency” because some of the workers who are dispatched to client firms are employed by the dispatching agencies on the basis of regular full-time employment contracts of indefinite term.

In making this assertion, he acknowledges that Japanese companies increasingly rely on temporary help workers to minimize employment-related responsibilities (Goka, 1997: 14).

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<sup>19</sup>The amount of precarity pay is determined on the basis of whether the employee is offered another assignment (Carré, 1994; Rojot, 1993).

<sup>20</sup>However, Convention No. 181 does name maternity and parental benefits as central, two important areas of protection largely ignored in national legislation.

<sup>21</sup>Obviously, these type of guidelines, specifically pertaining to the TER, are absent at the provincial level in Canada since no province has yet defined areas where protection is necessary for temporary help workers. Still, the absence of guidelines for devising a legal-test to determine the respective responsibilities of the customer and the agency in Convention No. 181 will not assist provinces in moving on either establishing where protection is necessary or on addressing the related problem of allocating responsibility.

<sup>22</sup>For this reason, where they exist, national laws assign the primary responsibility for occupational health and safety to the user-enterprise.

<sup>23</sup>The following proposals by no means represent an exhaustive list of recommendations. Rather, if adopted, these proposals would enable Canada and the provinces to both begin to give recognition to the precarious nature of the TER and move towards the establishment of an equivalent set of measures surrounding the TER as those associated with the SER.

<sup>24</sup>At the International Labour Conference in June 1997, countries advocating regulating the TER held up France as a model (Fieldnotes, June 6, 1997). The reason behind the idealization of the French model is that France has the most comprehensive regulatory framework in Europe and possibly in the world.

While full-time employment was the norm in France until the early 1970s, part-time, temporary and other non-standard forms of employment rose quite sharply beginning in the mid-1970s; one of the central reasons was that the government viewed the spread of these forms of employment to be preferable to high unemployment, which it largely attributed to women's rising labour force participation rates (Jenson, 1996: 99-100; Carré, 1994). Faced with these new conditions of employment, when the Socialists came to power in the early 1980s, they introduced protections for non-standard workers through the Auroux laws, making France one of the only countries to normalize the TER (Carré, 1994).

As Section III demonstrated, the formal protections accorded to temporary help workers in France are quite extensive. However, there is considerable evidence to suggest that extending standard benefits to workers engaged in TERs has not fully remedied the precarious character of temporary help work in the country. Rather, as Jenson (1996) aptly notes with respect to part-time work, "such an extension does not address other structures of inequality embedded in" non-standard forms of employment. In particular,

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she and others (Duffy and Pupo, 1992; White, 1993) have found that even the extension of benefits to part-time, temporary and other non-standard workers by no means eliminates labour market segmentation or the gender division of labour in the domestic sphere. These arguments correspond with the argument presented in Chapter Five which suggests that a range of factors and indices contribute to making temporary help work precarious. Thus, together with the evidence in preceding Chapters, the case of France suggests that extending benefits to temporary help workers is only one measure for remedying the precarious character of the TER.

<sup>25</sup>This type of measure attempts to circumvent existing provisions in some provincial employment standards legislation, such as Ontario's Employment Standards Act (1990), (Regulation 325, s.14), which mandate severance pay if a worker is dismissed after thirteen weeks of employment.

## Chapter Seven

### **Workfare Temporaries: The Rise of the Temporary Employment Relationship and the Emergence of Workfare-Driven Social Policy in Canada**

**People have this concept of what a job is. A job is something where you go in and you are now secure. You have tenure. You are there for life, until retirement. Jobs no longer exist. Everything nowadays is temporary. It may be for an hour, a day, a week, a month, five years, but it is still temporary. We need to get away from the concept of "job" in the way that it used to be considered -- you know, among the parents and the grandparents -- and start thinking in terms of work. Work is effort for pay... Work may turn into a job. However, there are very few jobs out there. But, there is a lot of work available (M4).**

An official involved in a new welfare-to-work program in the province of Ontario made the preceding remarks in describing the changing nature of employment and justifying the shape of this initiative specifically. The program is known as *Workfirst*. It seeks to match “employable” social assistance recipients with temporary help agencies with the objective of reducing the welfare rolls by requiring them to do temporary help work. As such, it reflects what some analysts label “workfarism,” a labour market re-organization strategy that involves privatizing the design, administration and delivery of employment training and placement and marketizing welfare policy; in contrast to welfarism, which involved a sustained commitment to the maintaining the SER as the *normative* model of employment (Brodie, 1994; McFarland and Mullaly, 1996; White, 1995), workfarism seeks to transform the institutional and social bases of labour market regulation (Jessop, 1993; Peck, 1996).<sup>1</sup> Given the findings of Chapters Four through Six, examining *Workfirst* represents an appropriate means of concluding the empirical

dimension of this study since the shape of this program provides a glimpse of the future and an opportunity to probe the nature of the Canadian State's role in legitimizing the spread of the TER. Indeed, the implicit aim of *Workfirst* is to condition marginalized workers for a volatile labour market, where wage-relations offer even less security and freedom than in the past, so they will be more willing to accept work outside the boundaries of the SER.<sup>2</sup>

This study has documented the rise and spread of the TER by probing the host of micro-, meso- and macro-level forces contributing to its ascendancy; in examining what is driving prevailing employment trends, it has drawn special attention to the changing employment practices and marketing strategies that the THI first embraced in the late 1970s and early 1980s, shifting employment norms and the unprecedented openings at the regulatory level beginning in 1966 (Chapters Three and Four). It has also shown that, even though the TER amounts to a precarious model of employment, this triangular employment relationship has considerable formal legitimacy at the international level in the late 1990s; the de-regulation of private employment agencies that is presently occurring in Canada and the provinces and the absence of measures designed to regulate the TER only reinforce this conclusion (Chapter Six). Shifting our focus to the level of social policy, however, has the potential to deepen these findings.

This chapter probes the nature of the Canadian State's response to the TER by describing and analyzing *Workfirst*. It illustrates that, in the case of *Workfirst*, the State is not only sanctioning the rise of the TER but situating this employment relationship as a

new employment norm. In so doing, the chapter addresses the growing convergence between shifting employment norms and new directions in social policy, a development that not only provides further evidence of the contraction of the SER and growing dualism in the labour market but reminds us of the ever-present danger in capitalist labour markets of reducing workers, not just their labour power, to the status of mere commodities. The chapter develops this argument in four sections. Section I introduces *Workfirst* and the broader *Ontario Works* program to which it belongs, and connects it to the movement away from welfare-oriented towards workfare-driven social policy in Canada. Moving to the heart of the case study, Section II explores the design of *Workfirst* at the level of municipal policy and practice, focusing specifically on the degree to which it reflects the emergence of workfare-driven social policy in Canada and builds on shifting employment norms. Section III then turns to examine the delivery of *Workfirst*. By detailing the half-day orientation sessions hosted by officials from the THI, where social assistance recipients are socialized to accept the TER as a new norm, it describes the conditioning process built into the design of *Workfirst*. Finally, Section IV assesses the larger significance of emerging programs like *Workfirst*, that link the provision of social assistance to participation in highly precarious forms of non-standard employment, in light of the leading premises of this study. It suggests that, in the case of *Workfirst*, prevailing employment trends and new directions in social policy are effectively forcing social assistance recipients to compete for and accept precarious types of paid *work* (i.e., forms of paid work that are based on a TER and, therefore, lack a comprehensive set of social

benefits and entitlements) rather than *jobs* (i.e., stable employment relationships that resemble the SER and its associated package of benefits and entitlements). It also argues that programs like *Workfirst* signal growing coercion in the Canadian labour market. These conclusions reinforce the need for measures designed to regulate the TER in Canada, such as those proposed in Chapter Six.

### I. Origins

*Workfirst* is one of several municipally-operated programs that falls under the *Ontario Works* scheme. Hence, prior to discussing the design of the program, it is useful to review the legislative measures facilitating the introduction of workfare in Ontario and the provincial policy guidelines flowing from these measures that link *Ontario Works* to the shift away from welfare-oriented towards workfare-driven social policy in Canada.

*Ontario Works* was first legally established under Regulation No. 537, a general regulation to the General Welfare Assistance Act (1958) of Ontario. Since the scheme was introduced, however, there have been significant legislative changes to the provision of social assistance in Ontario, changes that are dramatically re-shaping the design and delivery of social assistance in the province. As of May 1, 1998, the Ontario Works Act (1997) replaced the Family Benefits Act (1967) and the General Welfare Assistance Act, the two pre-existing welfare laws in the province, and formally created Canada's first workfare program (Bezanson and Valentine, 1997; Ministry of Social Services, June 12, 1997; National Council on Welfare, 1997: 69).<sup>3</sup>

With respect to the arguments advanced in this chapter, specifically the contention that the emergence of programs like *Workfirst* signal growing coercion in the labour market, the introduction of the Ontario Works Act is significant for three key reasons. First, and most centrally, the Act formally introduces a harsher and more punitive welfare regime, which confers a more onerous set of obligations on social assistance recipients and institutes a more imposing application procedure. For example, the Act allows municipalities to establish a system of fingerprinting applicants for welfare (although it does not require that such measures be implemented) and it also allows them to require *all* adult dependents of welfare applicants (e.g., spouses and children residing in the same household) to sign application forms and consent forms before processing applications (Ontario Social Safety Network, 1998: 5; Ministry of Social Services, June 12, 1997: 4). Second, it undermines the rights of social assistance recipients by, for example, replacing the Welfare Appeal Board with a small tribunal with reduced scope and forcing sole support parents to participate in workfare unless publicly-funded education is unavailable to their children (National Council on Welfare: 69; Ministry of Social Services, June 12, 1997: 4).<sup>4</sup> Third, the Act establishes an explicit legal framework for the privatization of welfare services to an extent that was not legally possible previously, a component of the Act that the provincial government claims will assist in streamlining delivery at the municipal level.<sup>5</sup> The introduction of this last measure was particularly crucial to establishing *Workfirst* at the municipal level given its requirement for a private sector broker to deliver core components of the program.

Building on these and other related legislative changes, the *Ontario Works* scheme is composed of several streams that form a continuum of workfare-type programs that range from 'pure' workfare programs to 'new style' workfare programs. Although 'workfare' is conventionally defined as mandatory work in exchange for welfare payments (i.e., 'pure' workfare),<sup>6</sup> in contemporary Ontario, the term is also increasingly used to refer to a broader set of work-related obligations such as training, job-seeking, schooling and community work (i.e., 'new style' workfare), where the social assistance recipient either receives direct or indirect income transfers from the State.<sup>7</sup> Thus, in the case of the *Ontario Works* scheme, the notion of a *Workfare* continuum is useful as a conceptual tool since it has the potential to encompass the wide-range of programs linked to the coercive and/or restrictive work incentive strategy presently emerging in Ontario (Lightman, 1995).

The three streams incorporated into *Ontario Works* are community participation, employment support and employment placement. The set of programs most closely resembling 'pure' workfare fall under the community participation stream (McCrossin, 1997). This stream involves the direct exchange of unpaid work for welfare benefits from the State; under the current provincial guidelines, social assistance recipients must work for up to seventy hours per month in either a project created by the municipality or a private non-profit organization (Ministry of Community and Social Services, August 1996: 9-11). In contrast, the employment support stream entails structured job-search assistance activities, which include basic education or job-skills training programs in exchange for welfare benefits and basic assistance with job-search as well as the provision

for expenses (i.e., child care and travel) required to engage in a job-search (Ministry of Community and Social Services, August 1996: 2). These support programs target those social assistance recipients who face formidable barriers to entry into the labour market. Finally, employment placement programs, the focus of this chapter, deal with "employable" social assistance recipients who are first prepared for private sector unsubsidized jobs in exchange for welfare benefits and then forcefully directed into these jobs (Ministry of Community and Social Services, August 1996: 16). This third stream of *Ontario Works* encourages municipal social assistance departments to enlist the services of private employment agencies to help place social assistance recipients in paid employment.<sup>8</sup> The selected agencies are compensated, "...on a performance basis using a *share* of the funds that would otherwise be paid out in social assistance to the participant" (Ministry of Community and Social Services, August 1996: 2, my emphasis). In effect, they are rewarded a percentage of the savings incurred from matching social assistance recipients with employers.<sup>9</sup>

Regardless of the stream to which they are assigned, under the *Ontario Works* guidelines, eligible social assistance recipients are obligated to participate in some form of workfare and they are strongly encouraged to sign a participation agreement, in order to continue to receive their social assistance benefits. This "voluntary" agreement outlines the new conditions for receiving social assistance in Ontario and serves as a tool for monitoring the progress of social assistance recipients involved in any municipally-operated program that falls under *Ontario Works*. While a standard participation

agreement exists, case workers have a significant degree of discretion in tailoring agreements to individual social assistance recipients. Municipal officials may also design participation agreements to suit the parameters of specific projects or programs under any of the three streams (Ministry of Community and Social Services, August 1996: 23).<sup>10</sup>

## II. Design

Initiated in the Regional Municipality of Peel, in the Greater Toronto Area, in October 25, 1995, *Workfirst* falls under the employment placement stream of *Ontario Works*. Besides the participation agreement that normally exists between the social assistance recipient and the social assistance department, the program involves a service agreement between the municipal welfare department and a private sector broker that is "experienced in the provision of labour to private sector employers" (Minutes of the Human Services Committee, January 30, 1996: 2). Together with the participation agreement, this partnership confers responsibilities (and obligations) on three parties: the municipal social assistance department, the broker and the program "participants".

As the public administrator of *Workfirst*, the municipal social assistance department was initially charged with designing and implementing a program to reflect Regulation No. 537 to the General Welfare Assistance Act, which permitted *Ontario Works* to emerge. As interpreted at the municipal level, Regulation No. 537 first required people receiving social assistance, except people with disabilities, seniors and sole support parents, to accept offers of community placement, training and/or employment support or placement as an ongoing condition of eligibility (Ministry of Community and Social

Services, August 1996: 1-2). However, with the passage of the Ontario Works Act, the obligation to participate in the *Ontario Works* programs, such as *Workfirst*, expanded to include a larger group of single parents formerly eligible for Family Benefits and people who are 60 to 64 years of age (Ontario Social Safety Network, 1998: 6). Since the mandate of *Workfirst* is to match "employable" social assistance recipients with temporary help agencies, for the social assistance department, adapting first to Regulation No. 537 and then to the Ontario Works Act itself, has meant making it mandatory for a specified group of "employable" social assistance recipients to register with temporary employment agencies in their job search process (Minutes of the Human Services Committee, January 30, 1996: 1). The work of the social assistance department initially involved selecting a private sector broker to administer the program and then overseeing the program as it was phased-in. However, as the program becomes self-sustaining, the municipal government predicts that the role of the social assistance department will diminish. If the government's predictions come to fruition, ongoing responsibilities of the department will fall mainly on case workers who will assign social assistance recipients to the program, monitor their participation and advise the broker when "participants" are no longer receiving social assistance. In the long run, municipal authorities expect that the administrative branch of the department will be involved only in paying the broker and undertaking periodic reviews of the *Workfirst* program (Legal Agreement, July 31, 1996: s.4).

Unlike the role of the municipal social assistance department, which aims ultimately to limit its involvement in administering *Workfirst*, the responsibilities of the broker are far-reaching. At the time that the qualitative research for this chapter was conducted (August 1996-July 1997), the broker was responsible for providing regular orientation sessions on temporary help work to “participants”, registering them with at least three local temporary help agencies, tracking their success at being placed in temporary help work and reporting to the social assistance department on the success of placement (Minutes of the Human Services Committee, January 30, 1996: 5-6). Its services included providing three pre-approved training facilities to host the orientation sessions, appropriate staffing and materials for half-day orientation sessions, confidential computerized referral and tracking to temporary help agencies, computerized reporting to the region, and training and certification in basic health and safety procedures for selected “participants” (Legal Agreement, July 31, 1996: s.3).<sup>11</sup>

The obligations conferred upon social assistance recipients selected for *Workfirst* are far more extensive than under pre-existing municipal welfare guidelines. Reflecting provincial regulations first introduced under Regulation No. 537 and later entrenched in the Ontario Works Act as well as policy guidelines established at the municipal level, all social assistance recipients selected for *Workfirst* were initially required to attend a half-day orientation session, register with at least three temporary help agencies recommended by the broker within five working days of the session and be "willing to accept any work which the agency recommends is suitable" to remain eligible for social assistance (Minutes

of the Human Services Committee, January 30, 1996: 3).<sup>12</sup> Since the inception of *Workfirst*, the obligations of the “participants” have changed slightly because the contents of the half-day orientation sessions are now incorporated into two briefing sessions, one from case workers and another from the broker itself. However, the tenor of the obligations conferred upon “participants” remains the same: they must register with the temporary help agency and accept the work that they are offered or face punitive sanctions.

It is these penalties for non-compliance established at the provincial level and implemented at the municipal level which make the proceeding requirements binding to “participants”. Under all three streams of *Ontario Works*, the refusal to accept work, referral to a placement or an offer of a placement are grounds for a loss of entitlement for up to three months for a single social assistance recipient or a reduction in entitlement for social assistance recipients with dependents (R.R.O., 1996: Reg. 537 s. 4.3 (7) & (9)). Under *Workfirst*, social assistance recipients are also subject to sanctions if they quit temporary help work or they are fired without an acceptable reason. For the single social assistance recipient, the penalty for quitting without a justifiable reason or being fired for an unacceptable reason is ineligibility for three months. For the social assistance recipient with dependents, the penalty is a reduction in their entitlement for three months. Furthermore, if “participants” refuse to accept employment, referral to a placement or an offer of a placement more than once, they become ineligible for social assistance for six months (General Welfare Assistance Policy Directive, August 1, 1996: 3).

Given the penalties for not complying with *Workfirst* rules, it is hardly surprising that the municipality expected to reduce its social assistance expenditures drastically through *Workfirst*. Initially, the municipality outlined three potential sources for expenditure reduction. The first source was indirect as it was to come from the income that “participants” receive from placement in employment since it would have the effect of reducing the sum total of social assistance payments. The second source was to result from “participants” who fail to make reasonable efforts to find employment; in the context of the initial policy guidelines, failing to make “reasonable efforts” to find employment included refusing to attend a *Workfirst* orientation session and/or to register with a designated temporary agency. The third source was to come from participants who are found ineligible for General Welfare Assistance because they refuse work (Ministry of Community and Social Services, August 1996: 41). During the first eight months of the program (August 1996 to April 1997), the broker placed 296 “participants” in temporary help work and reduced social assistance payments by \$200,000.<sup>13</sup> According to the municipality, these reductions were obtained both through employment placement and by temporarily disqualifying “participants” from social assistance due to their failure to make what the Region referred to as, “reasonable efforts” in seeking employment or their refusal to accept offers of work (Human Services Committee, April 16, 1997).<sup>14</sup>

The potential for expenditure reduction for the municipal social assistance department makes taking part in the delivery of *Workfirst* a lucrative venture for the broker. As the provider of the service, the broker receives a percentage of the value of the

reduction in social assistance credited to *Workfirst*; this percentage is calculated based on savings resulting from increased earnings only. The terms and conditions of *Workfirst* currently entitle the broker to 10 percent of the first \$1,894,150 saved in increased earnings and 12.5 percent thereafter (Minutes of the Human Services Committee, January 30, 1996: 6). Furthermore, general program guidelines for *Ontario Works* permit brokers participating in the employment placement stream of the provincial scheme to charge supplementary fees, "if the Ontario Works participant is retained by an employer other than the employment placement agency and is retained as a direct result of the actions of that agency"(Ministry of Community and Social Services, August 1996: 41). In other words, these guidelines do not prevent buy-outs between the broker/agency and its prospective customers; nor do they require the broker/agency to alter its typical fee structure.

### *The Design of Workfirst, the Rise of Workfare-Driven Social Policy and the Contraction of the SER*

While *Workfirst* is not 'pure' workfare, the design of this 'new style' welfare-to-work program is consistent with the movement towards workfare-driven social policy in Canada. The new provincial legislation formally establishing workfare in Ontario, the *Ontario Works* guidelines, municipally-devised policies and practices and the legal documentation surrounding *Workfirst* reflect the harmonization of training policy and welfare policy and the marketization of welfare; together, they are contributing to reconfiguring the institutional forms and forces that are immanent in the labour market (Peck, 1996: 188). Central to the larger argument of this study, the design of *Workfirst*

also reflects shifting employment norms; it reinforces the erosion of the SER and introduces a highly precarious employment relationship as one among several alternatives. This is not to suggest that *Workfirst* guidelines aim to completely replace the SER with a TER but to indicate that the TER is emerging parallel to the SER as the core of standard workers in the Canadian labour market is shrinking.

The design of *Workfirst* makes participation in training,<sup>15</sup> registration with temporary help agencies and accepting temporary help work compulsory for “employable” social assistance recipients. It therefore denies social assistance recipients the right to refuse work and/or training for welfare. Consequently, the design of the program builds on the recent cancellation of the federally-based Canada Assistance Plan. As Scott McCrossin (1997: 177) aptly notes, “[t]here is an inherent lack of voluntariness in this arrangement.”

It also signals an attempt by provincial and municipal governments to alter what is perceived to be not only acceptable but ideal employment for social assistance recipients in Ontario. Under the General Welfare Assistance Act regulations, social assistance recipients in Ontario have *always* been legally obligated to seek and accept any full-time, part-time or casual employment which they are physically capable of undertaking. However, actively placing social assistance recipients into temporary help work has never before been a structural component of social assistance design in Ontario. In this way, the design of *Workfirst* signals a dramatic shift in emphasis on the part of the State, one that has significant implications for unemployed workers drawing on various sources of State

support ranging from training subsidies and Employment Insurance to social assistance. Prior to the design of *Workfirst*, social assistance administrators normally viewed attaining a permanent job as the ultimate goal of the welfare-to-work transition. However, the design of *Workfirst* turns the assumption that a permanent job (ideally, one with benefits) is the *most* suitable alternative to welfare (or unemployment) on its head by making temporary help work the *object* of the program. In making participation in *Workfirst* compulsory for "employable" social assistance recipients, the program guidelines convey the message that recipients who have not actively sought temporary help work in their job-search process are missing out on suitable opportunities for employment (Minutes of the Human Services Committee, January 30, 1996: 2).<sup>16</sup>

In addition to casting temporary help work as a more viable alternative to welfare than in the past, *Workfirst* also privatizes social assistance in a number of crucial respects. Most centrally, it opens the delivery of social assistance to private sector actors and engages a broker to provide training and placement to social assistance recipients. Quite ironically, there is still an implicit assumption within the *Workfirst* guidelines that private employment agencies operate along the same principles as their counterparts in the public sector; however, unlike the public employment service, these agencies obviously operate for profit. As the *Workfirst* broker noted, "[w]e want to be successful in doing this because we want the program to work. Obviously we want to be able to take the program to other Regions and we want to guide those programs because its business for us" (M4). Moreover, while the legal agreements between the social assistance department and the

broker recognize that they have distinct roles to play, standard-setting is essentially devolved to the private sector in the design of *Workfirst*. The broker orients participants to the domain of temporary help work, determines where (i.e., in which types of employment) “participants” are best placed and matches them with its customers.

Finally, by simultaneously reducing the role of the State in the provision of social assistance and elevating the TER as a desirable alternative to welfare, the design of *Workfirst* also contributes to lowering the level of social protection accorded to many workers during the post-World War II era. As demonstrated in preceding chapters, temporary help workers rarely have access to the full range of social security benefits, such as Employment Insurance coverage, maternity benefits and extended health benefits, attached to the SER. As well, the relatively low wages, the degree of insecurity and the legal arrangements conventionally associated with temporary help work (which minimizes employment-related responsibilities for both the agency and the customer) make the TER a highly precarious model of employment. Given its explicit objective of selecting a large group of “employable” social assistance recipients for the program, *Workfirst* not only aims to provide an expanded pool of workers for the THI to draw upon but it also actively poses temporary help work as a suitable alternative to social assistance. Faced with the potential loss of entitlement for refusing temporary help work, this pool of workers may be forced to accept lower wages and presumably even worse working conditions than the existing pool of temporary help workers currently enjoy, not only lowering the bottom of the labour market as a whole but also the bottom of the THI itself. One agency manager

characterized the advantage of *Workfirst* as follows: "...[Y]ou now have this larger pool of workers that you can call upon. Some people see it virtually as a limitless pool of new workers" (M4).

### III. Delivery

Since the preceding analysis of the *design* of *Workfirst* only partly reveals the tenor of the Ontario government's response to the rise of TER, the ensuing section examines the *delivery* of the program. In so doing, it considers the following three related questions: does the delivery of the program take the precarious nature of the TER as given? If so, what methods does the broker use to socialize the participants into this "new world of work"? If *Workfirst* manages to achieve its stated objectives, how and to what extent could it contribute to undermining the SER as a *normative* model of employment?<sup>17</sup> To address these questions, this section describes and interprets the model used in the orientation session for the first 2 1/2 years of the program and the response of "participants" to *Workfirst*. As indicated previously, its leading premise is that *Workfirst*, specifically the initial orientation session and the two sessions that have replaced it, symbolizes an important turning point in the provision of social assistance in Ontario: it introduces the positioning of social assistance recipients at the bottom of the labour market as a structural component of social assistance delivery, one that advances the provincial government's goal of achieving immediate labour market re-entry among "employable" social assistance recipients. In this process, the broker and/or representatives of the THI are not doing anything new *per se*. Rather, their role in

*Workfirst* involves adapting the techniques of moral regulation already practiced on the workers (i.e., temporary help workers) that they deal with on a regular basis (as described in Chapter Five) to a new group of potential temporary help workers.

When *Workfirst* was first introduced, the broker held half-day orientations to acclimatize participants to temporary help work.<sup>18</sup> Prior to attending the orientation, selected social assistance recipients were assigned to a specific session and told that they must attend the orientation and register with three temporary help agencies in order to continue to receive social assistance.<sup>19</sup> At this stage, they were offered only limited information on the design of the program and how it reflected larger changes in the provision of social assistance in Ontario. As one “participant” noted:

They don't tell you anything. You just get this little thing in the mail telling you that you have to report on such and such a day to such and such a place and that's it... I mean its really threatening. It tells you that you either do it or you don't get any money... If you don't go, you're cut off for three months apparently (T10).

Thus, the broker was left to explain the purpose and the guidelines of the program at the orientation session.

The three-hour orientation session was divided into three distinct parts:

Introduction and Check-In; The Pre-Interview Process; and The Employment Agency Interview. While “participants” were encouraged to ask questions, the bulk of the session was reserved for a presentation from the instructor.

### **Introduction and Check-In**

The substantive portion of the orientation session to *Workfirst* commenced after the instructor took attendance. The instructor began these sessions by describing the state

of the economy and how things have changed over the last twenty-five years. In this part of the session, the emphasis was on dispelling the myth of the 'life-long job'. One instructor introduced his session by noting: "We are out of work not because of a stupid government or a stupid employer but because of a global phenomenon. You can parallel it to the industrial revolution. Lifetime jobs used to be the norm but now they aren't" (Fieldnotes, February 7, 1997). Another noted, "You guys are going to have to hustle. Be prepared to look for work over and over again over the years" (Fieldnotes, February 7, 1997). In this part of the session, "participants" were not blamed for their unemployed status yet they were encouraged to adopt a particular view of the labour market, one that required them to take a new approach to the job-search process. This view of the labour market involved understanding that there are at least three types of employment today: core jobs, which are the closest thing to the life-long job, full-time and part-time contract work, and full-time temporary help work. The "participants" were told that, "the core is a synonym for the part of the operation that gets benefits, eye plans, health plans and pension plans..." (Fieldnotes, February 7, 1997). They were also told by instructors that the next best thing to being part of the core is being on contract and then there are "the people that are rented out from agencies" (Fieldnotes, February 7, 1997).

While getting into the core was touted as a possible outcome of participating in *Workfirst*, instructors asserted that attaining this outcome involved a great deal of commitment and investment and a lot of luck. They also indicated that the best way to get into the core is by recognizing that there is a hidden job market. They stated repeatedly

that very few employers advertise for personnel in the newspaper anymore and even fewer accept hand-delivered resumes. Rather, most employers deal with private employment agencies to fill their vacancies or they search for the suitable candidate inside their own operations. Consequently, one of the best ways to get access to the core is by working through a temporary help agency. One instructor noted accordingly:

There is always a way to get into the core. The core is always a living, breathing thing. It's always evolving. People die, get sick, get promotions or move. That's your chance. This is your opportunity when you are working for an agency. This is your chance to impress someone. Usually, she [the human resource manager] can't advertise. It's more likely that she'll hire internally... Only one per cent of people who work at agencies get to work in the core but it's still a chance. It's still better than buying a [Lottery] 649. It's one in a hundred not one in a million - - now this is my estimate. I know one guy who got one. Core jobs are out there. They do happen (Fieldnotes, February 7, 1997).

Thus, “participants” were urged to monitor company job boards for permanent positions when placed in a temporary assignment because internal advertisements have the potential to give them access to the core. In this way, instructors still posed the SER as an elusive goal while simultaneously casting the TER as an emerging employment norm.

Once the instructors established the similarities and differences between core jobs and temporary help work, they described the role of temporary help agencies and attempted to dispel myths about these agencies. For example, they assured the “participants” that employment agency personnel are honest business people. While the client pays the agency a fee, the worker is not directly penalized. One instructor noted: “There is this idea that employment agencies skim things off the top. Not true. There is a fee -- agencies don't work for charity -- but the clients pay. You won't be paid less than if

you were hired directly by the company” (Fieldnotes, February 3, 1997). Despite efforts to make “participants” comfortable with registering with temporary help agencies, instructors also repeatedly reinforced the differences between private employment agencies and public employment services. Private employment agencies were depicted as businesses geared to their customers not to the workers that they place. Distinguishing between temporary help agencies and public employment services, one agency manager and occasional *Workfirst* instructor reported that he routinely warned workers:

...[D]on't go in there [to a temporary help agency] expecting that these people are now devoted to finding you work. A lot of people assume that employment services -- their function is to find you a job. It's not. Their function is to find clients and to find workers for their clients. Okay? So they're working on behalf of their clients. They are not working on your behalf. All right? So what that means is that the effort is still on the part of the candidate. The candidate can't just simply walk in, hand in their resume and then sit back and wait for the phone call (M4).

Instructors also encouraged “participants” to unlearn many of the out-dated job-search methods prescribed by the social assistance department, indicating that *Workfirst* was contracted-out to a private employment agency because agencies are more efficient at direct placement than the public employment service. Throughout the orientation sessions, “participants” were told that the social assistance department is in the payment business, to provide financial support for people who are either experiencing short bouts of unemployment or people with long term disabilities, not in the placement or skills-matching business.

### **Pre-Interview Process**

After introducing *Workfirst*, instructors devoted a significant amount of time to positioning the TER as an alternative to social assistance. Central to the delivery of *Workfirst*, the pre-interview process was where the conditioning process was most apparent. During this component of the orientation session, instructors raised “commonsense” issues such as dressing appropriately, arriving on time and making eye contact; several “participants” reported that these discussions were degrading (T9, T10).

At the outset of the pre-interview component of the orientation session, “participants” were given a check-list to use in preparation for the interview; this check-list was intended to remind the participant to bring a resume, a *Workfirst* registration form, a social insurance card, photo identification, the location of the employment agencies and a pen to fill out the application to the interview. Once the instructor went over the check-list, s/he identified three key issues that were important to consider when preparing for the interview with the agency. Instructors first stressed the importance of making a good first impression. Second, they described “appropriate dressing and grooming habits” and provided a hand-out for future reference. “Participants” were told to “wear clean clothes”, “shower and use deodorant” and women are told to “avoid excessive jewelry” (Fieldnotes, February 3 and 7, 1997). These instructions were reinforced with a hand-out given to all “participants” entitled “Dressing and Grooming”. Instructors asserted that dressing appropriately is particularly important for women in the THI since they are likely to be placed in clerical positions and they may have to deal with the general public. For

example, one instructor noted: "In the summer, ladies could wear open-toed shoes so long as they match their dress" (Fieldnotes, February 7, 1997). Later in the session, the same instructor joked about fancy attire stating that employers, "have a problem with people who are richer than they are" (Fieldnotes, February 3, 1997). As well, participants were told to wear the clothes that they would wear on the job because they, "could be johnny-on-the-spot" and be required to take up a position immediately following the assessment, a practice which is acceptable under the program guidelines (Fieldnotes, February 3, 1997). As a general rule, men were encouraged to dress in casual work clothes since they would most likely be placed in light industrial work and women were to "dress for the office", exemplifying the internal sex-segregation in the THI described in Chapter Five. The overt gender-bias in the dress instructions prescribed by orientation leaders is particularly significant given that more women, especially single mothers, are being introduced into the *Ontario Works* caseload. Not only do these instructions have the potential to reinforce sex-segregation in the THI, whereby women comprise the majority of clerical workers and men the bulk of general labourers, they highlight the real danger of positioning women social assistance recipients in highly segmented areas of the labour market where there are few prospects for job advancement. Finally, instructors told anecdotes that stressed the importance of arriving at the interview on time.

### **The Employment Agency Interview**

The conditioning process continued when instructors discussed the employment agency interview, the last substantive part of the orientation session.<sup>20</sup> In this segment of

the session, instructors talked about "the art of interviewing", which involved preparing "participants" for commonly asked questions, providing strategies for discussing one's strengths and weaknesses in the interview-setting and coaching "participants" on how to express their willingness to learn new skills. In this segment of the session, instructors stressed the importance of differentiating between "skills" and "experience". They had "participants" identify so-called hidden skills, important skills that are often omitted from resumes. In an interview, the agency manager who doubled as an instructor suggested that female participants would be wise to tap into skills associated with "women's work" and emphasize all of their household duties:

A lot of the people that come through *Workfirst* have no resume at all. Part of the reason for that is because they don't recognize their own skills. Part of what we do during this process [the orientation session] is try to help people realize that there's a difference between skills and experience... What employers are looking for now is what you can do based on the skills that you have. *So somebody for example who did nothing over the past 10 years other than stay at home -- I'm talking you know single mothers, single fathers, anybody, actually -- has significant number of marketable skills. They can balance budgets. They can manage a household. So there's some organizational skills in there. The very fact that they can talk on a telephone, those are telephone skills.* These are skills that, if they're presented appropriately inside of a resume, can be marketed (M4, my emphasis).

Standard to every orientation session, the discussion of "hidden skills" was riddled with stereotypical assumptions about social assistance recipients. Combined with a discussion of "appropriate dressing and grooming" and "arriving on time", discussing hidden skills served to remind "participants" of their "place" in the labour market. It reflected an additional, yet somewhat concealed, objective of *Workfirst* and one that complemented

elevating the TER as a suitable alternative to welfare; namely, to place social assistance recipients in highly precarious forms of temporary help work.

Once instructors concluded the orientation to the employment agency interview, they placed a list of potential jobs in front of “participants”. Indicative of the objective of placing social assistance recipients in particular types of temporary help work, this list only included jobs that fell under the categories of so-called light industrial work (i.e., general labour) and clerical work.<sup>21</sup> There was no space on the agency application form for *Workfirst* “participants” to register for jobs outside these two narrow categories, which reflect the most precarious form of the TER. In one session, the following exchange took place between an instructor and a participant. It represents a clear example of how *Workfirst* socializes “participants” into accepting employment in specific segments of the labour market, even if they have extensive skills, qualifications and experience. And, it also highlights the racialized division of labour, frequently legitimized by the claim that most employers require “Canadian experience”, common to the THI as a whole.

Participant: I am an engineer. I was an engineer in India.

Instructor: I have a lot of people like you. Through the agencies, they don't help you a lot in this kind of work. You might have to go through other professional agencies. Use the Yellow Pages to find them.

Participant: They always ask for Canadian experience. How can I resolve these problems?

Instructor: Right now, you're going to have to accept this [the possibility of obtaining a light industrial placement] and continue to look for other ones. You have to try. That's all that I can tell you...Also, sometimes it pays to have two resumes -- because sometimes companies will say that you are over qualified -- one with simple qualifications and another with all your qualifications (Fieldnotes, February 3, 1997).

After this exchange, the instructor proceeded to describe a situation where a former *Workfirst* “participant” worked for free for two weeks in order to prove that he was the best person available for a temporary light industrial job. By telling this anecdote, the instructor was sympathizing with the “participant’s” situation while, at the same time, reminding him that he must accept any type of work in order to maintain his entitlement to social assistance. When the same “participant” asked whether he was eligible for skills assessment, the instructor indicated that *Workfirst* is an employment placement program not a training program.<sup>22</sup> Thus, under *Workfirst*, the only option for “participants” is to apply for either light industrial or clerical positions and the orientation leaders were careful to make “participants” aware of this rule.

Still, throughout the entire *Workfirst* orientation session, instructors reminded “participants” to think positively. With the moral consensus about the desirability of forcing social assistance recipients into the labour force behind them, they acted as cheerleaders whose roles were to encourage “participants” to find temporary help work and to remind them of the penalties involved in refusing *any* type of work which is on offer. Although instructors provided “participants” with a sense of optimism on the surface, this optimism was tempered with another message about the changing nature of employment. Every orientation session began ended with the following quotation from Charles Handy’s popular book *The Age of Unreason* (1991): “It has been said, that by the end of the decade, less than half of the work force in the industrialized world will have full-time jobs, the rest will be part-time, temporary workers or unemployed” (Fieldnotes,

February 3 and 7, 1997). As with the rest of the session, this quotation aimed to socialize participants into accepting the increasingly precarious nature of employment, to encourage them to use private employment agencies and to begin to accept the TER as an emerging employment norm.

***The Delivery of Workfirst, the Rise of Workfare-Driven Social Policy and the Rise of the TER***

During the various components of the orientation session, instructors delivered all the mandated content set out in the design of *Workfirst*. However, they delivered several other messages as well. Reinforcing the decline of the SER, one message is that social assistance recipients must recognize and accept the increasingly volatile nature of the labour market. Another equally important message is that they have no choice but to accept their location at the bottom of the labour market: low-waged, casual industrial work and de-skilled clerical work are the most viable alternatives to social assistance. Thus, *Workfirst*, as it is delivered by the broker, matches and elaborates upon its design. Although *Workfirst* is not 'pure' workfare, it is consistent with the move towards workfare-driven social policy in Canada. While the design of *Workfirst* creates a State-sanctioned space for the TER in the labour market, the delivery of *Workfirst* -- both the orientation session upon which it was first based and the streamlined orientation process which is now in place -- is a means of introducing unfamiliar forms of compulsion into the eligibility criteria for social assistance. Through its delivery, *Workfirst* reconstitutes welfare as *workfare* to social assistance recipients themselves by turning what was once the *de facto* status quo (i.e., encouraging social assistance recipients to except whatever

type of work is on offer) into a structural component of the regulation of marginalized workers. It introduces “participants” to the “new world of work”, where the SER is presented as an anomaly and wage-relations are characterized by growing insecurity.

As a new-style welfare-to-work program, *Workfirst* is not only forcing “employable” social assistance recipients to exchange their benefits for precarious forms of work, it is situating the TER as a companion to the contracting SER. Despite the substandard conditions of employment normally attached to temporary help work, the program openly positions the TER as a parallel *normative* model of employment of the future. In so doing, it is contributing to altering the institutional bases of labour market regulation by abandoning the conventional bilateral employment relationship as the ideal model and introducing the triangular employment relationship associated with the THI as a viable competing model.<sup>23</sup>

#### **IV. Conclusion: The Larger Significance**

*Workfirst* represents one among many new welfare-to-work initiatives arising from the movement away from welfare-oriented social policy at the federal level in Canada, marked by the erosion of the right to refuse work for welfare formerly accorded to social assistance recipients in the now defunct Canada Assistance Plan (for other examples, see: Low, 1996; McFarland and Mullalay, 1996). However, the significance of the program goes well beyond the unconventional approach that it takes to the provision of social assistance by linking benefits more closely to narrow work-related obligations. In the context of this study, what is particularly notable about *Workfirst* is that it ties social

assistance recipients' eligibility for benefits to their willingness to compete for and accept temporary help work and, it therefore, signifies the Ontario government's affirmation of the TER as a model employment relationship for workers at the margins of the labour market. The fact that the provincial government is endorsing such a precarious model of employment without first devising a coherent set of protections to surround it is also striking, especially because many temporary help workers face substandard conditions of employment and earn lower wages than workers engaged in SERs (Chapter Five).

Although Ontario or, more accurately, the Regional Municipality of Peel is only promoting this type of employment relationship for a well-defined group of social assistance recipients, *Workfirst* offers a glimpse into the future, one that is highly instructive in light of this study, but also very troubling. The design and delivery of the program provide evidence of the erosion of the SER as a norm, adding to the documentation presented in Chapters Four through Six. They also signal the decline of the profound, though highly gendered and racialized, mediation of an inherent tension in capitalist labour markets -- the tension between encouraging the sale of labour power while maintaining sufficient constraints on capital so as to enable workers to move *freely* in the labour market -- that arose out of the capital-labour accord in Canada in the post-World War II period. But, even more than the evidence of the precarious character of the TER presented in Chapter Five, an examination of *Workfirst* demonstrates clearly that the danger of reducing labour power to the status of a mere commodity is present in the contemporary Canadian labour market. It also contributes to deepening two core

arguments in this study: first, the claim that temporary help workers, whose ranks are growing, are particularly vulnerable to being treated like commodities given the shape of the TER; and, second, the related contention that the commodity status of labour power, however *peculiar*, becomes increasingly evident with the decline of security and freedom in the wage-relation. Indeed, *Workfirst* “participants”, who now face an unprecedented number of limitations on their legal-politico freedoms as a consequence of the Ontario Works Act, have even less freedom to circulate in the labour market than workers occupying the bottom tiers of the THI.

*Workfirst* harnesses a welfare-to-work initiative to the TER, thereby revealing the mutually-reinforcing relationship between shifting employment norms and workfare-driven social policy and, in so doing, it further undermines the capacity of social assistance recipients to move freely in the labour market. As established in Section I, participation in the program is mandatory for “employable” social assistance recipients and the penalties for non-compliance are either reductions in social assistance benefits or ineligibility for a finite period. Additionally, once they are engaged in the *Workfirst* program, the “participants” mobility within the THI itself is even more constrained: the only types of work on offer are clerical and light industrial work. Thus, the provincial government of Ontario is not only delimiting the terms of unfreedom amongst *Workfirst* “participants” (Miles, 1987: 182-83; Satzewich, 1991: 41), it is exercising a coercive role by conditioning social assistance recipients to accept the TER as a norm. Given the two narrow types of work that social assistance recipients are placed into, the composition of

the group of workers participating in the program, which according to program officials, customers and “participants”, comprises mostly women and recent immigrants, and the substandard conditions of work common in the bottom tiers of the THI, there are some striking similarities between *Workfirst* “participants” of the present and workers engaged by private employment agents at the turn-of-the-century (Fieldnotes, February 3 and 7, 1997; M1, M4, C3; Personal Communication, informant Peel Social Assistance Department, June 17, 1998). Both groups of workers are situated in the margins of the labour market and the TER (and its precursors) is the common denominator for their subordinate location. However, if developments in Ontario are indicative of larger trends, then the Canadian State is beginning to treat the present manifestation of the TER (and the agencies positioned at the helm of this triangular employment relationship) quite differently than it treated its precursors. The government virtually ignored the question of regulating private employment agencies in the late nineteenth and early twentieth century until organized labour and immigrant communities took political action. However, at present, the provincial government of Ontario is taking an active role in legitimizing the activities of private employment agencies (including temporary help agencies) and the TER more generally. In the case of *Workfirst*, it is limiting options for social assistance recipients: coercion is replacing consent as a means to secure their participation in the labour market.

*Workfirst* is only one example of the government's response to the rise of the TER. Nevertheless the design and delivery of this program underscores the need for a

comprehensive package of benefits and entitlements surrounding the TER, even though most provincial governments (except Quebec) are not only reticent to take such measures but are moving in the opposite direction. Even more crucially, it highlights the importance of organizing temporary workers collectively. After all, temporary help workers are more vulnerable to downward pressure on wages and working conditions than most groups of workers, especially standard workers, by virtue of the fact that they are rarely unionized and that there are few avenues available for collective representation of any sort. This makes them less able to resist the introduction of welfare-to-work initiatives in their industry than, for example, public sector workers who have the capacity to organize against the introduction of such policies because they are backed by strong unions.

To recall, the comprehensive package of protections surrounding the SER and the measures that curtailed the activities of private employment agencies came about through struggle on the part of individual workers, organized labour and other segments of civil society, not simply through the Canadian State's tepid endorsement of the sentiments behind the maxim "labour is not commodity" (Chapters One and Two). There is evidence of this in the Canadian context, where immigrant workers complaints' led to the Royal Commission on the Immigration of Italian Workers to Montreal (1905) (and their testimonies of abuse sparked widespread public criticism of the private employment agency industry) and where designates of organized labour successfully lobbied for stricter regulations governing the activities of these actors (Chapter Two).

Based on the findings of preceding chapters, the Conclusion argues that the TER is not new per se; rather, there are many precursors to its current form. Indeed, there is a historical basis for this type of employment relationship and, as the Postscript illustrates, history may also provide some lessons in how to minimize the coercive dimensions of its newest manifestation.

### Notes

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<sup>1</sup>Some scholars sympathetic to Regulation Theory associate workfarism with the decline of the Keynesian Welfare State and the rise of the Schumpeterian Workfare State. As Peck (1996: 191) notes: “broadly speaking, these strategies promote innovation and structural competitiveness in economic policy (hence Schumpeter) and flexibility and competitiveness in economic policy (hence workfare).” In contrast, the findings of this study suggest that the emergence of workfare-driven social policies neither represent a radical break from past practices nor the emergence of a completely new State form. Rather, in the Canadian case, the State has historically deployed a range of strategies to move social assistance recipients off the welfare rolls; the primary distinguishing feature of the present period is that social assistance recipients no longer have the formal right to refuse work for welfare formerly accorded to all Canadians under the now defunct Canada Assistance Plan, leaving considerable space open for intensifying the coercive nature of welfare. Correspondingly, temporary help agencies and their precursors have always targeted workers at the margins of the labour market, although to greater and lesser extents. What is unique about this era, at least in the province of Ontario, is that the government is not only accepting temporary help agencies as legitimate labour market entities, it is involving them in its own efforts to move social assistance recipients into the labour market and thereby positioning the TER as a viable alternative to the SER.

Despite this caveat, this chapter borrows the term “workfarism” from Jessop and Peck, since it has considerable salience as a tool in describing and analyzing new directions in social policy.

<sup>2</sup>To be clear, the purpose of this chapter is to examine the Ontario government’s role in legitimizing the TER through an analysis of *Workfirst*. For this reason, the ensuing discussion devotes only limited attention to situating the legal and policy framework of *Ontario Works* in the context of theoretical discussions about workfare, while recognizing that there is a large body of scholarship on this subject (for some useful theoretically-grounded discussions of workfare in Canada, see: Sayeed (ed.), 1995; Lightman, 1995; Schragge, 1997). Nor does it examine the relationship between *Ontario Works* (and the various programs that it is generating) and Canada’s liberal welfare state regime (for further discussion on Canada’s unique status as a liberal welfare state, see: Bakker and Scott, 1997; Myles, 1988; Scott, 1997; see also Esping-Andersen (1990) for a comprehensive typology of welfare state regimes). Rather, building on the three theoretical lenses developed throughout this study, the chapter takes *Workfirst* as a case study in probing the means by which the TER is attaining greater normative preeminence in Canada and the consequences of this development for workers at the margins of the labour market.

<sup>3</sup>For a detailed description of the history of the Family Benefits Act (1967) and the General Welfare Assistance Act (1958), please see: Scott, 1996.

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<sup>4</sup>Under the Act, single mothers of children as young as three years of age may be required to participate in workfare.

<sup>5</sup>Although the legislation facilitating the privatization of administration and delivery of programs falling under the *Ontario Works Act* is still open to a range of legal interpretations, sections 45, 46, 48 and 49 of the *Act* allow the public administrator to “delegate” its “powers and duties” to third-party delivery agents (s.46).

<sup>6</sup>Ernie Lightman’s (1995) general definition of workfare conforms with the definition of ‘pure workfare’ offered here. Following Martin Rein, Lightman (1995: 154) argues that workfare is “a coercive or restrictive [work incentive] strategy, which uses sanctions and requirements to induce labour market participation.” By his definition, workfare must satisfy two conditions, although the first is more critical than the second: first, it must be *mandatory*; and second, work or other approved activities (e.g., training, job-search, apprenticeship, career counseling etc.) must be done in *exchange* for, rather than in addition or as a supplement to, the welfare payment.

<sup>7</sup>Still, as Patricia Evans (1995a) notes, it is important to recall that social assistance has never been an ‘entitlement’ (i.e., an unconditional benefit) in Canada. Rather ‘need’ and ‘available resources’ have been used to determine eligibility throughout the history of the Canadian welfare state; this is not surprising given that most provincial social assistance programs pre-date the emergence of the Keynesian Welfare State. In most provinces, social assistance recipients have also had to fulfill two work-related requirements to receive assistance: a work availability requirement and an employment preparation requirement (Evans, 1995a: 6).

What differentiates ‘new style’ workfare programs from the types of obligations formerly existing at the provincial level in Ontario (i.e., before the introduction of *Ontario Works*) is that, to borrow from the insights of Lightman (1995) once again, they reflect a “coercive or restrictive strategy” that uses punitive sanctions and requirements to induce labour market participation. In this way, although they do not neatly conform with the second condition that Lightman (1995) attaches to his formal definition of workfare, these programs flow from the same type of work incentive strategy that he associates with workfare.

<sup>8</sup>In this way, the employment placement programs falling under *Ontario Works* are not ‘pure workfare’, although they do reflect a restrictive work incentive strategy given the penalties for non-participation to be described below.

<sup>9</sup>Notably, while the stated objective of the employment placement stream is to place social assistance recipients in employment, labour standards legislation may not cover workfare participants since it is debatable whether they are the genuine employees of the firms in

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which they are placed (McCrossin, 1997: 144). In the case of *Workfirst*, the employment status of participants is further complicated by the existence of a triangular employment relationship associated with the TER.

<sup>10</sup>From this point onward, this chapter shall refer to the social assistance recipients selected for *Workfirst* as "participants". I intentionally place the word "participants" in quotation marks because the Ontario government's usage of this term suggests that social assistance recipients have a degree of choice where participating in *Workfirst* is concerned when this is, in fact, not the case. Rather, selected social assistance recipients are now obligated to take part in *Ontario Works* to continue to receive social assistance.

<sup>11</sup>Upon reviewing the project, officials in the social assistance department recommended that the role of the broker be extended to placing "employable social service recipients in temporary employment opportunities" and reporting to the social assistance department on their success (Human Services Committee, April 1998: 2). They proposed this change, in consultation with the broker, since it was determined that a direct relationship with the placement agency would "result in the highest chance of being able to closely monitor client [i.e., "participant"] compliance and the success of the project" (Human Services Committee, April 1998: 2). In May 1998, the Regional Municipality of Peel formally approved this change, altering the placement portion of the program by eliminating the continuous participation of other temporary help agencies. Thus, the responsibilities of the broker now include placing participants directly in employment, where possible.

<sup>12</sup>According to the social assistance department, requiring "participants" to register with temporary help agencies to maintain eligibility is ethically acceptable since:

The agency will be paid by the employer, not by the Region or the Broker, and will only place recipients in work that it believes is appropriate given the applicant's work experience and abilities. The Broker will not receive a fee from the placement agencies (Minutes of the Human Services Committee, January 30, 1996: 3).

<sup>13</sup>Obviously, it is not possible to measure, in any true sense, how much the social assistance department "saves" by placing a given social assistance recipient into a job because it is impossible to know whether the person in question would have found work on their own. Still, documenting the savings reported by the department provides important insights into how the municipality is measuring the effectiveness of the program.

<sup>14</sup>The social assistance department stopped collecting data of this type after the first 8 months of *Workfirst*. It now only collects data on the number of participants that are deemed unemployable, refuse job offers or are placed on assignment through temporary

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help agencies (Human Services Committee, May 6, 1998). Unfortunately, no longitudinal data is available on “participants” placed in employment.

<sup>15</sup>The training component of *Workfirst* was originally the orientation session to be described below and entails two separate sessions designed to introduce “participants” to the program, one with a case worker and another with the broker, as indicated above.

<sup>16</sup>Although *Workfirst* effectively redefines the conditions of eligibility for welfare by making registration with temporary help agencies mandatory for “employable” social assistance recipients, the municipality’s acceptance of the TER as an alternative to social assistance is not total (M4, O2). In the Regional Municipality of Peel, some policy-makers are still somewhat wary about both the reliability and the availability of temporary help work. Therefore, under *Workfirst*, social assistance recipients who gain access to temporary employment are not officially removed from the welfare rolls until they indicate to the social assistance department that their employment is “ongoing” (General Welfare Assistance Policy Directive, August 1, 1996: 4).

<sup>17</sup>It is important to emphasize here, once again, that municipal government officials do not *actually* deliver many of the mandated components of *Workfirst*. Although the content of all segments of the program is approved by the social assistance department, most of the core elements are contracted-out to a third-party delivery agent (i.e., the broker). This practice undoubtedly affects the content and tone of certain dimensions of *Workfirst* since the broker has a different set of interests than the State. The point, however, is that when it comes down to the larger objective of perpetuating growth and expansion in the THI, their interests converge.

<sup>18</sup>The remainder of this section draws on in-depth interviews with participants, orientation leaders and managers of temporary help agencies involved in *Workfirst* conducted in the Regional municipality of Peel between August 1996 and April 1997 as well as fieldnotes from two orientation sessions that I observed.

As noted earlier, the roles and responsibilities of the broker and the temporary help agencies have been combined since the research was conducted. As a result, the temporary help agency that formerly acted as the sole-service broker now administers the entire program. In other words, where possible, it places social assistance recipients directly into temporary help work without involving other temporary help agencies. At present, the broker only requires workers to register with other temporary help agencies when it is unable to place them directly. Involving the broker in placement is a notable change for a range of reasons but, most centrally, because it gives the broker a potential monopoly on placement. As well, the broker no longer conducts regular half-day orientation sessions with social assistance recipients. Rather, case workers and employment agency personnel orient social assistance recipients to *Workfirst* either

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individually or in small groups. However, the materials used in the orientation session and the approach initially adopted by the instructors are incorporated into the modified delivery of the program. Thus, it is still instructive to describe this session and the conditioning process inherent within it.

<sup>19</sup>Social assistance recipients were first selected to participate in *Workfirst* by computer. Only those individuals excluded from *Workfirst* (i.e., people with disabilities, seniors and sole support parents with young children) and a control group of 15 per cent of "employable" social assistance recipients were not selected for the program; the control group was established by the social assistance department in order to measure the success of the program after a pre-determined period. Although computer selection is still occurring to date, there is no longer a control group since *Workfirst* has been deemed successful in achieving its stated aims (Personal Communication, informant from the Peel Social Assistance department, June 17, 1998).

<sup>20</sup>Social service case workers are now responsible for discussing the employment agency interview and placement process with "participants". However, the means by which case workers prepare participants for this process are virtually identical to the orientation session described here (Personal Communication, Informant from the Peel Social Assistance Department, June 17, 1998).

<sup>21</sup>At present, the broker continues to place "participants" in either industrial or clerical work. Notably, in the brochure that participants are given about the program, they are instructed that they will be "performing office or warehouse duties for various companies in the local business community" (*Workfirst* Brochure, April, 1998: 1). Reminiscent of the kind of placements common among employment agents operating in the labour market at the turn-of-the-century, men are also instructed to report to the agency, with steel-toed boots, lunch and bus fare, at either 6:45 a.m. or 3:45 p.m. (to account for shift work) in order to be available for stand-by positions.

<sup>22</sup>Here we see how the privatization of the delivery process has the potential to contribute to narrowing and deepening the "skills deficit" among social assistance recipients: unless they are deemed unemployable by the temporary help agencies where they are assigned, *Workfirst* "participants" are not offered genuine skills assessment, training and/or skills upgrading opportunities.

<sup>23</sup>By situating the TER as a prototype, *Workfirst* also sanctions at-will employment as a viable alternative to social assistance and it virtually eliminates possibilities for unionization since, to this day, few temporary help workers are unionized (as discussed in Chapter Six and to be further addressed in the Postscript).

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The government of Ontario also recently drafted a Bill entitled “An Act to Prevent Unionization with Respect to Community Participation under the Ontario Works Act, 1997” (Bill 22). If adopted, Bill 22 will deny *Ontario Works* “participants” assigned to the community placement stream the right to join a union and to be covered by collective agreement under Ontario's Labour Relations Act. Although it does not apply to participants in the employment placement stream, Bill 22 underscores the coercive nature of the *Ontario Works* scheme (Ontario Federation of Labour, 1998).

## Conclusion

In certain historical moments it becomes clear that: (a) not all those who want to work for a wage can be employed; (b) not all those who work for a wage receive a wage sufficient to satisfy their historically given habits and tastes; and (c) not all work provides autonomous access to the means of subsistence.... These problems which become politically prominent in particular historical moments are in fact general and persistent because they are part of the system's basic structure (Picchio, 1992: 119).

This study began with the observation that temporary help workers have the appearance of commodities that are listed, bought, sold and traded in the labour market. Its central objective was to probe the *peculiar* commodity status of labour power under capitalism and the gendered ways that States have dealt with it historically through a case study of the TER. To this end, Chapters Two through Seven examined the various manifestations of the TER in Canada from the turn-of-the-century until the late 1990s. They traced its evolution alongside the maxim that "labour is not commodity," finding important points of intersection between the history of this employment relationship and the forces compelling countries to embrace this principle in the founding Charter of the ILO.

The argument advanced in the study was that capitalist welfare states like Canada ushered in the modern labour market by attempting, in part, to mediate tensions surrounding labour power's *peculiar* commodity status through embracing the maxim "labour is not a commodity". In turn, the powerful, though contradictory, sentiments behind this maxim served as the basis for national and supra-national initiatives designed to curtail the activities of private employment agencies and to encourage the establishment of a system of free public employment services beginning in the post-

World War I era. As the century progressed, these measures also contributed to the rise of the SER in advanced capitalist welfare states: this *normative* model of employment was the product of what was arguably the most profound, though highly gendered and racialized, mediation of the tension in the modern labour market surrounding the free circulation of labour power. But, while the SER was the norm for a rather lengthy period, the regulatory regime that brought it to dominance began to reach its limits in the 1970s, a trend reinforced by the feminization of employment. In the ensuing two decades, feminization not only entailed rising female labour force participation rates but three other central dimensions as well: namely, persisting sex segregation; continuing income and occupational polarization between women and men and among women and men themselves; and, growing casualization or the ‘gendering of jobs’. One consequence of this set of macro- and meso-level developments is that labour market actors, such as the modern temporary help agency, increasingly treat workers situated at the expanding margins of the labour market like commodities.

As this study of the history and evolution of the TER in Canada has argued, the tendency to commodify labour power is *always* present in capitalist labour markets and this tendency comes into clearer view with the decline of security and freedom in the wage-relation: witness the erosion of the SER and the coincident spread of the TER beginning in the 1970s. Thus, the primary contribution of this study lies in highlighting the *persistence* of an employment relationship throughout the twentieth century, albeit in different forms, where workers’ labour power is acutely vulnerable to hyper-commodification. The various means by which States have masked the *peculiar*

commodity status of labour power historically are widely documented; for example, the way that the Canadian State brokered the competing interests of capital and organized labour after World War II by extending an unprecedented level of security to a well-defined group of (largely male) workers through the wage-relation, has received substantial scholarly attention. In contrast, there has been considerably less scrutiny of the *persistence* of precarious employment relationships like the TER and its precursors, especially their coexistence alongside the SER, even though their resilience is equally central to understanding labour power's inevitably *peculiar* commodity status under capitalism and its gendered underpinnings. While there is a tendency among scholars to characterize non-standard forms of employment, such as temporary help work, as “new” and the regulatory regime developing alongside them as breaking from the so-called Fordist paradigm, the history and evolution of the TER demands a more nuanced understanding. Indeed, by demonstrating that the central actors in the TER have their roots in a pre-existing social formation, this study suggests that its contemporary manifestation is a product of both continuity and change, and its most recent variant reflects the erosion of the SER as a *normative* model of employment and the feminization of employment norms.

This chapter briefly recalls the evolution of the TER in Canada, harnessing the theoretical framework introduced in Chapter One and elaborated in succeeding chapters to the historical case study.

### *Early Precursors*

In the late nineteenth century, the TER did not exist in its present form. Nor did temporary help agencies. However, intermediaries, such as padrone and general labour agents, played a vital role in the Canadian labour market, one that pre-figured the role of the “classic” temporary help agency and its more mature incarnation in several crucial respects. Accordingly, the types of employment relationships engendered by the early private employment agency industry served as templates for the THI at its inception. Indeed, the poor conditions of employment endured by workers engaged by early private employment agents at the turn-of-the-century share some striking similarities with those experienced by temporary help workers situated in the bottom tiers of the THI in the late 1990s.

Private employment agents of the late nineteenth and early twentieth centuries imported workers from abroad with the aim of serving the labour needs of the emerging capitalist class, who decried the shortage of agricultural and industrial workers throughout this period. Although the agents’ recruitment activities conflicted with the Canadian government’s formal nation-building objectives, which involved treating the white British agricultural settler as the only truly “desirable” type of immigrant, in reality, they actually complemented the government’s expansionary project. They allowed the government to advance modern labour market principles on the one hand, while still preserving age-old customs, habits and practices that limited the mobility of a well-defined group of workers on the other.

Indeed, the typical male worker engaged by private employment agents at the turn-of-the-century was the Southern and Eastern European industrial or agricultural worker. In turn, many women recruited for domestic work by philanthropic agencies from 1900 onwards emigrated not only from Britain but also from Continental Europe and the Caribbean (Chapter Two). Hence, the profiles of these two groups of workers differed sharply from the image of the “desirable” British agricultural settler and that of the “mother of the nation” respectively. However, many of the workers recruited by private employment agents (both male and female) either came as “guest workers”, bound to work in railway construction, agriculture or mining for the duration of their stay in Canada, or, by virtue of their occupation, were not fully protected as citizen-workers. A sizeable number had also signed contracts abroad that made them quasi-indentured labourers; although contracts of this sort were illegal in Canada at the time, agents and employers often used them to coercive ends and government officials largely overlooked these abusive practices. For example, some workers were even subject to State-sanctioned deportation, carried out by the very railway and steamship agents that transported them to Canada, if they refused to perform the work that private employment agents required of them. Given their conditions of employment, these workers resembled what Miles (1987) and Satzewich (1991) label “contract migrants”. Many came to Canada under false pretenses to perform work that was undesirable to the permanent settler population and, upon arrival, were unable to circulate freely within the labour market.

At the turn-of-the-century, the Canadian State encouraged the formation of a class of Canadian-born free wage labourers with British roots. But, at the same time, it relied heavily on exploited foreign-born labourers recruited by private employment agents to build an agricultural and industrial proletariat. As documented in Chapter Two, agents hired by steamship and railway companies were central to achieving these objectives and the Canadian State ignored their coercive practices until organized labour and organizations of immigrants took it to task. The success of early private employment agents rested on the highly racialized division of labour built into the nation-building process. In the early Dominion of Canada, the “sons and daughters of the empire” enjoyed the benefits and protections of the free wage labour market while the largely non-British immigrants and migrants engaged by private employment agents were often denied basic freedom of mobility. Thus, the activities of private employment agents in this era support the historical link, as theorized by Miles (1987), between the process of racialization and forms of labour exploitation where labour power is recruited and exploited through various forms of political and legal compulsion.

Only when it became clear that groups of immigrant workers, opposition MPs and organized labour were prepared to challenge the State in order to extend the benefits of free wage labour market to a more representative group of primarily male workers did the federal government begin to back away from its acceptance of these labour market entities. Perhaps the most important turning point in this process occurred when the Royal Commission appointed to inquire into the Immigration of Italian Labourers to Montreal (1905) released its findings. Embarrassed by the graphic documentation of

abuses perpetrated by private employment agents acting abroad to recruit workers to Canada, MPs began to introduce immigration legislation designed to restrict the activities of these labour market entities. Labour legislation, aiming to curtail the activities of private employment agencies within and between provincial borders, also expanded at this juncture. Still, while a survey of reports documenting the implementation of such measures and historical works on the subject gives the impression that tough immigration legislation eliminated the most unscrupulous intermediaries from the Canadian labour market by the late 1910s, the cumulative findings of this study point to a more nuanced conclusion. These findings indicate that federal immigration legislation and early provincial employment agency acts prompted various segments of the industry to decline and others to take on new forms. They also suggest that the new types of private employment agencies thriving in the labour market by the late 1910s, mainly those catering to the office sector, owed their success to the narrow group of workers that they recruited and placed in employment. By the late 1910s, the workers that these agencies placed were not male immigrant workers in agriculture and industry or immigrant women domestic workers but, instead, young, well-educated, Canadian-born, middle-class women; for this reason, these agencies did not come under significant criticism from the organized (male) labour movement, social reformers or the immigrant communities that had taken objection to the unscrupulous activities of private employment agencies acting abroad and/or engaging immigrants.

An instructive example of a group of agencies thriving after the federal government condemned the activities of padrones and general labour agents acting

abroad were agencies run by typewriting companies in the province of Ontario. These agencies recruited and placed young women typists and stenographers in businesses requiring clerical assistance on a temporary basis with the explicit objective of selling typewriter equipment. The agencies' existence provide both a historical and conceptual bridge between private employment agents operating at the turn-of-the-century and the 'classic' temporary help agency. The emergence of these agencies and the corresponding decline of the more unscrupulous segments of the private employment agency industry reveal that, although the form of State intervention into labour market relations changed drastically from the late 1800s until the 1930s, neither private employment agencies nor employment relationships resembling the TER disappeared from the labour market entirely. Instead, the State opted to address the perceived needs of a well-defined group of workers by initiating some crucial restraints on the market circulation of labour power, while still satisfying employers' demands for casual office workers, by carefully delineating which groups of workers could be recruited and placed by private employment agencies. Consequently, at a conceptual level, by the end of the first quarter of the century, the newest branch of the private employment agency industry in Ontario and elsewhere *exchanged* immigrant workers, whose cost to social reproduction was borne largely by the sending country, for women whose unpaid domestic labour contributed to producing and maintaining the population but whose own social reproduction was presumed to depend upon the male wage. Simultaneously, spurred by resistance from organized labour and immigrant communities, the State shifted its stance away from accepting the highly racialized forms of labour recruitment and exploitation

practiced by private employment agents acting abroad to tacitly accepting the feminization of the private employment agency industry.

### *Immediate Forerunners*

Given the findings of Chapters Two and Three, the connection between private employment agencies operated by typewriting companies in the 1910s, a time when the private employment agency industry was undergoing State scrutiny, and the “classic” temporary help agency catering to the office sector in the post-World War II period, is quite apparent. There is also a striking resemblance between the young, well-educated, Canadian-born women first engaged by typewriting firms in the province of Ontario and the white middle-class married women filling the ranks of the early Canadian THI: given the hegemony of the ideology of domesticity, both sets of workers were considered secondary breadwinners, “preferring” short-term paid employment where they were not required to make a commitment to a given employer. Still, in stark contrast to the women engaged by employment agencies run by typewriting firms, the women working in the THI in the 1950s and 1960s had to contend with the rise of the SER as well as the explicit marriage bars that accompanied it. These women were obviously not unfree unwaged labourers in the original Marxian sense. However, their perceived role in social reproduction, which many scholars, although not Marx himself, have equated with unfree unwaged labour, combined with legislative measures designed to exclude married women from specific sectors of the economy, prevented them from circulating freely in the labour market (Armstrong and Armstrong, 1983; Picchio, 1992). Given the wealth of scholarly literature on the effects of the marriage bars and other mechanisms designed to

limit women's labour force participation in post-World War II Canada, it is reasonable to surmise that a substantial proportion of the married women initially working through the THI participated in the labour market during the war but were expelled shortly afterwards (Chapter Three). Quite ironically, by the very end of the post-World War II era, officials in the THI came to argue that temporary help agencies provided these women with a “work life re-entry” vehicle, what one prominent industry official pejoratively labeled a “halfway house” for housewives (Chapter Three).

On first reading, it seems counter-intuitive that the THI emerged as a formal entity in the labour market when the SER was rising to dominance, especially during a period in which the State was fairly successful at brokering the interests of capital and organized labour. Upon greater scrutiny, however, it becomes evident that the THI actually played a vital role in upholding this process of mediation: it positioned the TER as a *supplement* to the SER. For this reason, the industry's very existence was of importance to the Canadian State; it contributed to enabling the government to cement the post-war compromise by minimizing forms of unfree wage labour in the Canadian labour market while embracing other highly precarious forms of employment that represent the flip-side of the SER.

Although the Canadian State, following in the heels of other emerging capitalist welfare states, forged an accord between capital and organized labour after World War II, tensions between these actors persisted in the post-war era. Even though capital participated in the post-war compromise, committing employers to making key concessions to a well-defined group of workers, it continued to have a stake in securing a

consistent supply of casual workers. Organized labour was similarly vehement in its opposing demand for extending the SER to a broader group of workers outside core sectors of the economy; still, its historic support for the “family wage” contributed to its uneasy relationship with the “woman question”, leading various segments of the labour movement to passively accept State policies limiting married women's labour force participation (Finkel, 1995; Forrest, 1995; Guard, 1995). Consequently, it more or less ignored the THI's strategy of targeting white middle-class married women as its chief workers and claiming employer status as a means of counteracting the predictable challenge that temporary help agencies were just like any other private employment agencies.

In light of the demands of employers for casual clerical workers and the veritable silence on the part of organized labour on the role and function of the THI, the Canadian State was virtually silent on the issue of regulating and monitoring temporary help agencies through the post-World War II era. For example, at the provincial level, most private employment agency acts failed to take the rise of the THI into account in the 1950s and 1960s. This regulatory vacuum is not surprising since the THI crafted a highly effective lobbying campaign from its inception into the 1970s arguing that, “a temporary help service is an independent organization engaged in the business of providing its own employees to perform work, on a time basis for its customer firms” (Fromstein, 1978: 230). In contradistinction to its earliest precursors, or even its immediate forerunners, the ‘classic’ temporary help agency did not situate itself as a labour market intermediary. Instead, it posed as a labour-only contractor to its customers and an employer to the

(largely women) workers that it engaged; thus, given that it placed women workers almost exclusively in the office sector on a temporary basis, the temporary help agency did not threaten the hegemony of the SER; indeed, it reinforced it. For this reason, the THI's strategy was very successful in the Canadian context. By the mid-1960s, then, it had attained *conditional* legitimacy in the labour market. The TER and the so-called temporary help formula became the newest manifestation of an old theme and feminization (narrowly defined) supplemented racialization as the chief means by which the THI secured its workforce.

### *Current Manifestation*

After the THI attained legitimacy by situating the TER as a necessary *supplement* to the SER in the post-war era, the shape of the Canadian labour market began to change dramatically. In the early 1970s, a host of international and national developments contributed to undermining the SER as the *normative* model of employment. At the national level, the Canadian State moved away from its full-employment objective, which was *always* rather tenuous and was never intended to include women, towards embracing an anti-inflationary program that spurred the rise and spread of non-standard forms of employment and the feminization of the labour force (Chapter Four and Five). This set of developments opened up a new space for the THI in the labour market and, although the THI continued to distance itself from other segments of the private employment agency industry, it also created a host of possible reconfigurations for the private employment agency industry as a whole. Not only had it survived the post-war era unaffected by the norms surrounding full-time permanent employment, the THI emerged

from the 1960s with a bold new image, an image that was sufficiently strong that the THI no longer had to rely on its prior mediating role (i.e., upholding the SER as a norm while giving a well-defined group of women the opportunity to engage in paid employment within strict confines) to preserve the legitimacy of the temporary help work.

Consequently, the THI abandoned the role that it had played in the post-World War II labour market and began to situate the TER as an *alternative*, as opposed to a *supplement*, to the SER. In this way, it built upon the dramatic changes in the labour market, the exceptionally stable regulatory regime surrounding private employment agencies, the removal of explicit marriage bars and the diminishing force of the ideology of domesticity more broadly.

At the level of industry strategy, temporary help agencies shifted their emphasis away from supplying “stop-gap” workers to selling “staffing services” in the post-1970 period (Chapter Four). The larger aim behind this shift in strategy was to appeal to a broader cross-section of workers, including not only married women with family responsibilities but also workers displaced from the SER as well as young people entering the labour market. In turn, the THI began to sell its services as a way for employers to abdicate employment-related responsibilities, including those related to hiring, dismissal, payroll and the administration of benefits, in the short-run and getting out of the business of “managing labour” in the long-run. By implication, the popular image of the “Kelly Girl” became less central to driving the success of the THI even though the “feminized” character of the TER still remained. Indeed, the THI's transformation from a female-dominated industry to an industry where sex-parity is

emerging reveals that neither its “feminine” face nor its role in supplementing the SER were fixed, despite the powerful imagery that it initially relied on to secure legitimacy.

The THI adapted its strategy to suit shifting employment norms, to respond to the successes and failures of organized labour and to conform with the changing manner in which the State chose to broker the competing interests of capital and organized labour in this era. The distinct forms that it took in countries such as Germany, where it successfully argued that its business involved “lending-out” employees and Japan, where it characterized temporary help agencies as belonging to the “worker-dispatching” business, versus Canada in the post-1970 period reveals its striking capability to adapt to different regulatory environments (Chapter Six).

A particular variant of the TER persisted alongside the spread of other types of non-standard employment relationships from the 1970s onwards, just as specific variations had endured from the turn-of-the-century to the inter-war years and in the post-World War II era. However, in contrast to the two-and-a-half decades immediately following World War II, when many advanced capitalist welfare States (including Canada) took significant measures to protect workers from market forces, the high degree of security and freedom associated with the wage-relation began to collapse; indeed, beginning in the early 1970s, States de-regulated national labour markets and abandoned supra-national measures originally designed to protect workers moving within and between borders. The decline of security and durability in employment relationships was most apparent for workers either expelled from the SER or from core sectors where the SER (and its associated package of protections) had prevailed since World War II: a key

example here is the sharp decline of men's employment in Canadian manufacturing in the late 1980s and early 1990s. However, the transformation of the THI, particularly its emphasis on moving companies out of the business of “managing labour”, exposes another dimension of this complex set of developments, offering insights into the future trajectory of employment relations and the changing mode of State intervention into labour relations.

The history and evolution of the TER in Canada reveals that there has *always* been dualism in the labour market; as numerous scholars have demonstrated theoretically and historically, dividing workers on the basis of ascriptive characteristics and their presumed roles in the sphere of social reproduction is central to the functioning of capitalist labour markets (see for example: Peck, 1996; Picchio, 1992; Rubery and Humphries, 1984). Still, with the decline of security and freedom in the standard wage-relation, evidenced by the erosion of the SER and the feminization of employment, the newest manifestation of the TER offered by the THI threatens to exaggerate existing divisions in the labour market. At the micro-level, temporary help agencies are “promising flexibility” to the workers that they engage, many of whom continue to be women, immigrants and workers belonging to other marginalized groups, but they are “delivering precariousness” (Chapter Five). Moreover, when the persistently precarious character of the TER is examined in light of macro-level employment trends associated with the feminization of employment broadly defined, the larger significance of its spread signals more than simply the extension of *feminized* employment relationships to a growing diversity of working people: indeed, if developments in the THI are indicative

of broader changes in the labour market, then the spread of the TER signifies the feminization of employment *norms*.

Chapter One argued that the notion of the TER is useful as both a descriptive and an analytic concept because it has the unique capacity to capture persisting dualism in the Canadian labour market (evidenced by the diversity among non-standard forms of employment) and, at the same time, convey the expansion of precarious jobs at the bottom of the labour market. After completing the empirical dimension of this study, however, it is now possible to assert quite confidently that the spread of the TER signals the growth of precarious forms of employment in the current period, particularly among women and immigrants, and the extension of a highly precarious *model* of employment to workers in a growing number of sectors and occupations. The absence of a comprehensive regulatory framework surrounding the TER both in Canada and at a supra-national level (Chapter Six) and the growing evidence of the government's embrace of the TER in its shift from welfare-oriented to workfare-driven social policy (Chapter Seven) only reinforces this conclusion. This is not to suggest that temporary help workers are unfree wage labourers because most retain the *formal*<sup>1</sup> right to circulate freely in the labour market.<sup>2</sup> *Workfirst* "participants" represent the key exception here since this group of social assistants recipients is bound by a restrictive and coercive work-incentive strategy that requires them to register with temporary help agencies and to accept whatever types of work they are offered or face punitive sanctions. In this way, their status in the contemporary labour market resembles that of the many immigrants

and migrant workers engaged by early private employment agents at the turn-of-the-century.<sup>3</sup>

Despite this important qualification, the spread of the TER in the late 1990s and its increasingly precarious character still underscores the inherent contradiction in the maxim “labour is not a commodity” first etched into the ILO's founding Charter and later used to limit the activities of private employment agencies in the labour market. As this study has argued, labour power is inevitably a most *peculiar* commodity under capitalism, but its commodity status comes into full view with the decline of security and freedom in the wage-relation. It is for this reason, that temporary help workers more than perhaps any other category of workers in the contemporary labour market have the appearance of commodities. These workers, particularly women, immigrants and other marginalized groups confined to the bottom rungs of the THI, are subject to a highly feminized and racialized variant of the TER, one whose precarious character shall persist until organized labour and the State are moved to action.

### Notes

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<sup>1</sup>I place the word “formal” in italics here as a reminder of Marx’s (1976: 415) early assertion that, “the period of time for which he [the worker] is free to sell his labour-power is period for which he [sic] is forced to sell it,” a claim that this study takes as a leading premise.

<sup>2</sup>Still, the insights of Miles (1987) and Satzewich (1991) are quite instructive in theorizing the relationship between workers engaged by private employment agencies at the turn-of-the-century and workers situated in the bottom rungs of the THI in the late 1990s since the process of racialization remains key to their location in the division of labour inside the THI (Chapter Five) and within the labour market as a whole.

<sup>3</sup>Since *Workfirst* “participants” lack many legal and political freedoms enjoyed by their counterparts in the THI and workers in the broader labour market, their status also conforms more closely with the expanded conception of a unfree wage labour adopted by Miles (1987) and Satzewich (1991).

## Postscript

### **The Challenge of Limiting Labour Market Fragmentation: Prospects for Organizing Temporary Help Workers**

This study into the evolution of the TER in Canada and the gendered ways that the State, capital and organized labour have responded to its various manifestations has offered insight into why temporary help workers have the appearance of commodities in the contemporary labour market. It has also attempted to increase our understanding of the *peculiar* commodity status of labour power under capitalism. But, beyond making these contributions, the findings of this study also reveal why the spread of the TER is so very threatening to the working population as a whole. In this way, they highlight the inability of organized labour and its allies at both the supra-national level (e.g., the ILO) and the national level to bring about stricter regulations governing private employment agencies and other measures aimed at protecting workers engaged in non-standard forms of employment.

Like their predecessors, contemporary temporary help workers face considerable obstacles to resisting their substandard conditions of employment. In the early part of the twentieth century, many workers engaged by private employment agencies confronted barriers to organization because, as immigrants and migrants, they lacked full social citizenship rights. Furthermore, rather than agitating for protections for these workers, core segments of the organized labour movement pursued an exclusionary strategy from the turn-of-the-century until well into the 1910s and beyond, one that conformed with the highly racialized nation-building discourses espoused by the Dominion government

(Chapter Two). Similarly, from the inter-war years until the early 1970s, temporary help workers experienced significant impediments to unionization since the THI situated the TER as a “supplement” to the SER; consequently, these predominantly white middle-class married women had virtually no access to the benefits first formally accorded to (largely male) blue-collar workers by Order-in-Council PC 1003. Here, too, most branches of organized labour took a relatively passive approach to the question of the THI specifically and extending collective bargaining rights to workers engaged in non-standard forms of employment more broadly. In the late 1990s, fundamental obstacles to organizing temporary help workers persist due to the prevailing work site-based regime of collective bargaining, where standard workers still benefit most from unionization. Temporary help workers are unquestionably a very difficult group of workers to unionize within conventional structures since they work in multiple locations, have shorter job tenure than the standard worker and belong to a wide array of occupational groupings. Still, even though it requires a paradigm shift at the level of union policy and State policy, the need to cultivate “new” models for organizing workers falling outside the SER is quite compelling given the continued existence of atypical employment relationships like the TER.

To this end, this Postscript examines the prospects for organizing temporary help workers in an attempt to contribute to ongoing scholarly discussions about building more inclusive forms of unionism in North America<sup>1</sup> and with the hope of stimulating further feminist research and intervention in this area. It begins by examining the limits and possibilities of the prevailing regime of collective bargaining in Canada, where temporary

help workers and other non-standard workers are concerned, and offering a typology of alternative models. After presenting this brief review, it makes some preliminary recommendations with a view to organizing temporary help workers.

### *Collective Bargaining in Canada*

The prevailing regime of collective bargaining in Canada has its origins in Order-in-Council PC 1003, a legislative instrument that was inspired by the American Wagner Act (1944), which brought the “New Deal Model” of industrial relations to dominance in North America (Forrest, 1995; Gonick, Phillips and Vorst, 1995; O’Grady, 1991; Russell, 1995). This regime introduced compulsory union recognition and the right to bargain collectively in Canada. For this reason, it was widely touted as a victory for organized labour. In substance, PC 1003 brought certification by cards or majority vote; exclusive bargaining-agent status defined by bargaining units; protection against “unfair practices”; and enforceable obligations on employers to bargain in good faith (O’Grady, 1991: 157). But despite its obvious merits, PC 1003 set considerable constraints on the bargaining process in Canada, limits that continue to exist in the late 1990s.

The central distinguishing features of PC 1003 contributed to the emergence of a highly decentralized model of collective bargaining, one that is premised on the assumption that bargaining will not occur at a sectoral or regional level (see also: Cameron, 1995: 165 O’Grady, 1991: 158). Not surprisingly, therefore, the regime of collective bargaining originally fostered by PC 1003 was highly gendered (Forrest, 1995; Fudge, 1993; MacDonald, 1998a and b). As Ann Forrest (1995: 140) notes:

[PC 1003] accorded rights to men (but not women) because it codified an 'industrial model' of workers' rights. What emerged in the 1940s was a compromise designed to quell unrest among blue-collar workers in the mass-production and resource industries. As a practical matter, therefore, the promise of compulsory collective bargaining was made (only) to industrial workers and men.

Although it did not explicitly exclude women workers from coverage, this legislation was designed to serve the interests of male workers in industrial sectors, many of whom could not sustain single-breadwinner households at the time that it was enacted. Moreover, the narrow and highly gendered lenses through which labour relations boards have interpreted this legislation have contributed to a highly fragmented structure of collective bargaining, one that is premised on labour market segmentation rather than on solidarity between *all* workers (Cameron, 1995; Fudge, 1991). This narrowness has also perpetuated modes of dividing workers within unions, such as through preserving gender-biased seniority rules and creating separate bargaining units for part-time and full-time workers in substantially similar occupations, that only reinforce existing inequalities (Forrest, 1995; Fudge, 1993; Sugiman, 1994; Ursel, 1992).

Two structural features, in particular, limit the scope of collective bargaining in Canada: bargaining unit determination and the related presumption that collective bargaining will take place at the level of the work site. In the Canadian context, the bargaining unit is the basic structural element of labour-law relations (Fudge, 1993: 234). Provincial and federal labour relations boards determine bargaining units based on well-defined policies and principles. These policies relate to a range of criteria<sup>2</sup> that vary provincially but, the "community of interest" criterion (and the legal tests that implement

it) is of paramount importance in limiting the possibilities for organizing temporary help and other marginalized workers (see for example: Fudge, 1993; Forrest, 1986; MacDonald, 1998a and b). The legal test for determining the “community of interest” is significant because, in many respects, it simply reflects employers’ decisions about how to organize production, decisions that often capitalize by design on dividing workers on the basis of their ascriptive characteristics (e.g., age, race, sex/gender) and their relationship to the sphere of social reproduction (Forrest, 1986; Fudge, 1993: 235).

As Fudge (1993: 233) notes, the test to determine the “community of interest” in Ontario includes six narrow components: the nature of work performed; the conditions of employment; the skills of employees; administration; geographic circumstances; and functional coherence and interdependence. Thus, there are a number of structural constraints built into this test beyond its base-line assumption that individual work sites are considered “natural” bargaining units. For example, the Ontario Labour Relations Board effectively uses these criteria to separate women employed in female-dominated workplaces from their male counterparts in similar occupations, a practice that adversely affects women's ability to attain comparable wages and conditions of employment to men in similar occupations (Ontario District Council Of The International Ladies’ Garment Workers Union and INTERCEDE, 1993). The well-entrenched policy of defining standard units of occupational distinctions compounds the consequences of this practice. The Ontario Labour Relations Board differentiates between a standard production unit and a standard office unit; except where office workers are located inside or adjacent to a plant, the Board normally places office and production workers in different units (Fudge,

1993: 235). As well, most provincial labour boards have historically separated part-time and full-time workers, although this practice is changing slowly.<sup>3</sup> The exclusion of homeworkers from bargaining units covering garment workers inside factories is another example of how labour boards bargaining unit policies isolate standard workers from non-standard workers (Ontario District Council Of The International Ladies' Garment Workers Union and INTERCEDE, 1993). Citing case law in Ontario, Forrest (1986: 846) highlights the gender-biased assumptions of the Board, whose long-time doctrine implied that most part-time workers not only choose to engage in this form of employment but also were secondary breadwinners:

[The practice of creating] separate units for part-time workers... reflects the view that these workers generally do not share a community of interest with full-time employees. The former are 'primarily concerned with maintaining a convenient work schedule which permits them to accommodate the other important aspects of their lives with their work and with obtaining short-term immediate improvements in remuneration rather than with obtaining life insurance, pension, disability, and other benefit plans; extensive seniority causes; and other long-term benefits.' Accordingly, part-time workers will be segregated at the request of either party.

Predictably, the original reasoning behind this policy, which is still worthy of emphasis even though the policy is waning, mirrored a common rationale for labour market segmentation, identified in Chapter One, where workers who are perceived to have access to alternative forms of subsistence are predominant in sectors and occupations characterized by limited prospects for job advancement.

Under Canada's regime of collective bargaining, the policies and practices associated with defining the "community of interest" are clearly based on a narrow conception of which factors and indices should serve as the basis of workers' common

interests. But, beyond playing a role in fragmenting the labour force (as well as union membership) by gender, these policies limit the extent of union power as a whole by promoting certification among small bargaining units. Together, the assumption that individual work sites are “natural” bargaining units and the convention of separating standard and non-standard workers create a number of well-documented consequences for unions, two of which are worthy of emphasis here: first, they make it extremely difficult for precariously employed workers, like the majority of temporary help workers, to overcome the hard-bargaining tactics of employers in the long-run because they are isolated in small units (Forrest, 1986: 847; Fudge, 1993: 257; MacDonald, 1998a: 257). Second, combined with the exclusive representation rights first afforded under PC 1003, these practices perpetuate what Fudge (1993: 241-42) aptly labels a “symbiotic relationship” between bargaining unit structure and trade union organization:

Since the prize of exclusive representation goes to the first union which signs up the majority of employees in a proposed bargaining unit, unions tend to accept, rather than challenge, the labour-relations boards’ standard units. Because unions are unwilling to take the risk of proposing new bargaining-unit structures, those structures which emerged during the major organizing drives for the 1940s through the 1960s (when only a few, unsuccessful, attempts were made to organize female-dominated sectors and occupations) are frozen in labour-board policy. *In this way, the institutional structures of unions reflect the labour-relations boards’ policies regarding standard units. In fact, the boards’ standard bargaining units create a profound incentive against the development of innovative organizing structures by trade unions* (my emphasis).

In other words, the twin assumptions that individual work sites are the most ideal bargaining units and that standard and non-standard workers are distinct “communities of interest” have led unions to draw jurisdictional lines, in conformance with the customs and conventions of provincial labour boards. As a result, unions themselves have

contributed to elevating one form of organizing workers over the range of mobilization practices that pre-dated PC 1003, a mode of organizing that fails to take into account workers engaged in a wide range of employment relationships (Annunziato, 1990). This last point is particularly crucial because opening up a dialogue about of the prospects for organizing temporary help workers involves first acknowledging that various elements within the labour movement have contributed to the rather unfortunate tendency to emphasize the organization of standard workers over non-standard workers by focusing on the workplace as their primary site of struggle.

Just as the rise of non-standard forms of employment undermines the effectiveness of prevailing labour legislation and regulations that take the SER as the norm, it also poses fundamental challenges to union structures, policies and practices. The project of feminizing unions, in the positive sense of the term (i.e., making unions more accessible to women and responsive to their interests), has *always* been important. Women have long been marginalized within unions, their militancy frequently under-emphasized and their acts of resistance often misinterpreted (Guard, 1994), and relegated to highly insecure segments of the labour market where unionization is virtually impossible: witness the historically precarious character of temporary help work, where workers rarely benefit from coverage under collective agreements when they are on-site with a customer, let alone from basic collective bargaining rights. However, as evidenced by the findings of Chapters Four, Five, and Six, this project is becoming even more pressing with the *feminization* of employment norms. To cite Fudge (1993: 232) once again, the restructuring in the labour market that entails the feminization of

employment, “not only threatens our norm of the male worker with a dependent family, *it threatens our norm of collective bargaining as the most suitable means of improving the terms and conditions of employment*” (my emphasis). The feminization of employment translates into more exclusions from existing collective bargaining legislation, forcing a larger number of workers to rely on minimum standards legislation as their primary source of protection under labour law (Fudge, 1991). Correspondingly, intensifying sex segregation and income and occupational polarization amounts to deepening the inherent biases in the existing regime of collective bargaining, which encourages the separation of standard office units and production units. Thus, although labour boards are already inclined to separate workers by occupation, the nature of the work performed and the skill of employees, with the aim of preventing fragmentation within bargaining units, the growing polarization in the labour market reinforces these practices instead of breaking them down. Finally, the casualization of employment or the appearance of more “women’s work” in the market means that a shrinking percentage of workers are standard workers and/or eligible for the comprehensive package of benefits and entitlements associated with this SER, further narrowing the already limited scope of collective bargaining.

The prevailing regime of collective bargaining in Canada, which organized labour struggled to secure has served rather well its intended targets: namely, (mainly male) workers in mass production, primary (non-agricultural) and transportation sectors. However, due to its inherent biases, it never met the needs of workers excluded from the SER, disproportionately women, immigrants, aboriginal people and immigrants (see for

example: Cameron, 1995; Fudge, 1993; MacDonald, 1998b; O'Grady, 1991). Although organized labour has, at many crucial junctures, attempted to extend the net of collective bargaining in Canada, it has never successfully addressed the structural problems inherent within it, with the unfortunate consequence of contributing to a system that protects standard workers to the exclusion of other important groups of workers (Cameron, 1995; Cobble, 1993; Fudge, 1993; Wial, 1993). For this reason, union policies and practices require refinement and reorientation to suit the needs of the expanding group of workers situated at the margins of the Canadian labour market.

*Towards an Alternative Model: Lessons from Broader-Based Bargaining Initiatives*

The difficulties encountered by organized labour in its attempts to address the needs of the growing number of marginalized workers in Canada and United States has led a number of scholars to explore alternative models of unionism. In devising templates for adapting union policy to better represent what Dorothy Sue Cobble (1993) labels the “new majority” (i.e., women, immigrants and minority workers), many researchers embrace the notion of “broader-based bargaining”, a shorthand for a range of mechanisms designed to enable unions to protect workers who are unable to organize under PC 1003 or the Wagner Act model of industrial relations (Schenk, 1995; 194). Consequently, researchers are re-examining unconventional forms of unionization existing at the regional and local levels in the two countries and beginning to advance alternative modes of organizing workers that could be accommodated within existing structures. Thus, it is useful to describe both prevailing legislation (as well as legislative proposals) that encourages broader-based bargaining in Canada, as well as to develop a

preliminary typology of models based on this literature with a view to making recommendations for organizing temporary help workers.

### *Existing Models*

Broader-based bargaining is not completely foreign to the Canadian system of collective bargaining even though the work site-based unionism envisioned by the drafters of PC 1003 remains hegemonic. Indeed, as noted in Chapter Six, forms of province-wide bargaining exist in the construction industry in most provinces, and Quebec's Collective Agreement Decrees Act (1934) and the failed Baigent-Ready proposals in British Columbia provide examples of legislation that draw on such principles.

Quebec's Collective Agreement Decrees Act (1934) is the best known example of legislation designed to encourage broader-based bargaining in Canada. A product of the Great Depression era, this Act enables the provincial government to extend judicially some provisions of a collective agreement to both workers and employers in a particular location or sector who were not parties to the original agreement (MacDonald, 1998a; Schenk, 1995). This legislation was designed to reduce “unfair” competition between different employers in the same region or in a specific sector by raising labour standards. Under this system, either employers or workers may apply to the Minister of Labour for the extension of key provisions of a collective agreement, including those related to wages, hours of work and apprenticeships, to non-unionized firms in the same sector. In such circumstances, extension is conditional upon these provisions being “voluntarily accepted” by a substantial percentage of the industrial sector, a rather imprecise measure<sup>4</sup>

and, once extension occurs, a committee composed of an equal number of employers and employees is responsible for enforcing the Decree (Schenk, 1995: 203).<sup>5</sup>

The model of broader-based bargaining advanced under the Quebec Decree System is particularly relevant to raising standards in small workplaces since it requires no formal certification before negotiations take place. Not surprisingly, therefore, a large number of economic sectors covered by Decrees are composed of highly competitive small- and medium-sized workplaces (Trudeau, 1998). As Chris Schenk (1995: 203) incisively notes: “The strength of the Decree system is that it offers an intermediate between the decentralized model of PC 1003 and mandated multi-employer bargaining. In a context of the PC 1003 model of bargaining it provides a valuable mechanism for reaching unorganized workers in a particular sector.” However, aside from the fact that Decrees only cover about six percent of Quebec’s workers, the most significant weakness of the legislation is its undemocratic nature, the enormous discretionary powers it gives to the Ministry of Labour over both the introduction and enforcement of Decrees (MacDonald, 1998a: 276; Schenk: 205).

Although it never came to fruition, the Baigent-Ready Report (1992), which made recommendations for labour law reform in the province of British Columbia, also included proposals for broader-based bargaining certification and collective bargaining.<sup>6</sup> This report took the limits of the Wagner Act model of industrial relations as its point of departure and called for a form of sectoral certification. It recommended that, “unions at *small* enterprises which have been historically under represented by trade unions be allowed to amalgamate their bargaining units for the purpose of bargaining jointly with

their employers” (MacDonald, 1998a: 269, my emphasis).<sup>7</sup> Thus, it encouraged sectors composed of low-waged, precariously employed workers to bargain together through the introduction of one bargaining unit certification to cover all working people in a given sector or geographic area. It also allowed for the extension of sectoral agreements to new workplaces midway through the life of the collective agreement “if the union could demonstrate sufficient support that additional locations within the sector,” a feature of the proposal that became extremely controversial (MacDonald, 1998a: 270).

While the Baigent-Ready proposal was based on a much more democratic set of principles than the Quebec Collective Agreements Decrees Act, it also had significant shortcomings, two of which are important to note here. First, it focused exclusively on *sectors*, rather than groups of workers, that were historically *underrepresented* by unions, setting clear limits on the number of workers that would actually benefit from the legislation. Second, its stipulation that each workplace in a given sector could not employ more than fifty employees (or their equivalent) set unnecessarily strict criteria for certification. As MacDonald (1998a: 274) argues in critiquing this proposal: “[t]o address the needs of the restructured labour market,” Baigent and Ready should have targeted “both those who are employed in small workplaces (as set out in the Baigent/Ready proposal), and those employed in precarious or contingent forms of employment (e.g., temporary, contract and seasonal workers).” Had it been implemented, this legislation would not have covered temporary help workers moving within and between large firms in a given sector or between sectors in a specific geographical region. As well, unlike the Quebec Decree System, this model would not

have allowed the terms of a collective agreement to be expanded to non-union employees and employers.<sup>8</sup>

These models borrowed from the type of craft-based model of organizing workers that still prevails, at least to some extent, in the construction industry.<sup>9</sup> But, what is even more important for our purposes, the Baigent-Ready proposal and legislation facilitating broader-based bargaining, such as Quebec's Collective Agreements Decrees Act also took direction from some uncommon or less well-established models of organizing workers designed to cultivate unionization (or collective representation of some sort) amongst workers in segments of the economy such as the service sector that are virtually impossible to organize under the present regime (Cobble, 1992, 1993; Wial, 1993). Because they attempt to move beyond the rather static models of work site, enterprise, and industrial unionism dominant in North America since the post-war period, these "new" models deserve serious scrutiny in devising a set of medium-term proposals for organizing temporary help workers.<sup>10</sup>

### *A Typology of Models*

Scholarly literature advancing "new" models for organizing workers begins with the following basic premise: the work site-based model of collective bargaining is outdated because it cannot accommodate workers that move from employer to employer and from industry to industry. This job-mobility path<sup>11</sup> has always been common among women and is increasingly prevalent among low-wage service sector workers as well as other types of workers (including professionals) due to the growth of involuntary self-employment, contract work and, of course, temporary help work (Cobble, 1994: 286;

Heckscher, 1988: 177; Wial, 1993: 670). However, after identifying the fundamental problem with the regime, scholars follow several distinct paths, examining and evaluating different models to suit distinct segments of the working population; the dominant scholarly trajectories borrow elements from associational, craft/occupational and geographical unionism.

One trajectory advances a variant of “unionism”, which is more reminiscent of a professional association than a union per se, geared to workers ranging from professionals confronting corporate restructuring to recently displaced workers seeking the type of representation that they once enjoyed from a work site-based union. This model, commonly referred to as “associational unionism,” was first advanced by Charles Heckscher in his book The New Unionism: Employee Involvement in the Changing Corporation (1988). Heckscher (1988) constructs a model of decentralized representation built around workers’ common identification with a sector, a profession or any other basis of identity that is appropriate, including race, gender, ethnicity and geography, rather than around a single employer or employment contract (Heckscher: 9-11). His model resembles a service organization or political pressure group more than a traditional union. For Heckscher, associations should focus on: principles (e.g., professional excellence); internal education and participation; diverse forms of representation and service (e.g., the provision of benefits and training); pressure and negotiation tactics beyond the conventional strike; and “extended alliances” with community groups and related organizations (Heckscher, 1988: 188-90).

Heckscher's model of associational unionism, as well as other models borrowing from his proposals, have been sharply criticized both within union circles and amongst academics seeking to preserve union structures not only because it eliminates exclusive representation on the basis of occupation, industry, employer and work site but, more crucially, since "it dilutes the economic strength of workers" by de-emphasizing collective bargaining and introducing multilateral negotiations (Middleton, 1996; Wial, 1993: 689). In other words, if associational unionism, as it is conceived by Heckscher, is to serve as anything more than a transitional model of organizing, it has the potential to take the *union* out of the union structure, making it impossible to take wages and conditions of employment out of competition, a necessary and ultimate goal of most collective organizing in the twentieth century. Still, as an alternative to the conventional professional association and, more importantly, as a *transitional* model of organizing and representing workers, this model deserves some praise since it has the potential to offer a measure of representation to workers who are not attached to a single employer in either a clearly-defined long-term employment relationship or based at a single workplace. Given its merits in this respect, a number of organizations representing marginalized workers in the United States, such as the Carolina Alliance For Fair Employment (CAFE) and, in Canada, such as the Toronto-based Homeworkers' Association run by UNITE (formerly the International Ladies' Garment Workers Union),<sup>12</sup> have taken some insights from this model in creating pre-union structures.

A second model of unionism that offers an alternative to the work site-based model of unionism dominant in Canada and in United States, but is quite distinct from

associational unionism, is craft/occupational unionism. This form of unionism is currently common in the construction industry and associated trades and it was once prevalent among waitresses and other foodservice workers. Thus, it has considerable potential for workers with clearly defined occupational ties as well as workers with a clear affiliation to a sector or a trade (Armstrong, 1993; Cobble, 1994; Middleton, 1996). Craft/occupational unionism was the dominant form of union structure in North America before the rise of mass production and, at present, there is a growing movement to revive this form of unionism to suit the needs of women, minorities and low-wage service workers, such as waitresses and janitors (Armstrong, 1993; Cameron, 1995; Cobble, 1991, 1994, 1996; Fudge, 1997; MacDonald, 1998b; Wial, 1993).<sup>13</sup>

As Dorothy Sue Cobble (1991 and 1996) illustrates, craft/occupational unionism is characterized by four features. First, workers are organized based on a common sense of occupational identity<sup>14</sup> and loyalty to the trade/occupation rather than the employer. Second, the union controls the labour supply in the occupation through administering a system based on hiring halls and closed shops. The hiring hall is of particular interest here because it takes over the role of the private employment agency by engaging in recruitment, placement and monitoring workers' performance, as was the case with waitresses and as continues to be common among construction unions.<sup>15</sup> Third, benefits and entitlements are extended to workers on the basis of union membership instead of work site affiliation. As a result, under a craft/occupational-based model, workers do not have job security at a particular work site or with a specific employer but the union, through the hiring hall, provides them with employment security across the industry or

sector and employment benefits beyond job tenure. Fourth, the union controls occupational performance standards through “peer management” and other measures and, in so doing, shoulders responsibility for workers’ performance and thereby contributes to building industry standards as a whole (Cobble, 1996: 345).

In the contemporary context, craft/occupational unionism offers an interesting prototype for service sector workers as well as for teachers and nurses whose needs cannot be met sufficiently by either a traditional work site-based union or a professional association (Armstrong, 1993; Cobble, 1996; Middleton, 1996; Wial, 1993). However, the primary critique of this model is that, on its own terms, it has limitations with respect to organizing the growing number of unorganized low-wage workers with limited occupational affiliations. As Wial (1993: 686) argues, “it is not clear... that the craft model of organization is applicable *in toto* to low-wage service workers today,” since these workers generally lack the occupational consciousness that has historically characterized craft unions. Although this critique has some merits, several variants of craft/occupational unionism themselves could offer a solution to the problem that Wial raises.

In the early twentieth century, before the New Deal Model of industrial relations emerged, there were two transitional forms of craft unionism in Canada and the United States: federated craft unionism and amalgamated craft unionism (Wial, 1993; Savage, 1971). In a federated structure, craft unions in related fields, such as waitering and hotel services, came together to organize and bargain collectively but retained autonomy in other crucial respects by, for example, running their own hiring halls, maintaining

separate seniority rules and operating apprenticeship and training programs exclusively for their own membership. In contrast, in an amalgamated structure, workers in related occupations merged their separate craft unions into one larger union. Both amalgamated and federated structures provide templates that are potentially useful in adapting the prevailing regimes of collective bargaining to suit unorganized workers, especially given the concept of “related” fields or occupations that they advance; indeed, the idea of “related” fields has the potential to unite workers from a range of complementary occupational groupings, such as clerical workers, or even workers from a common industrial sector, such as garment and textile workers.<sup>16</sup>

Craft/occupational unionism offers even more potential if combined with a third model known as general geographical unionism. Although it is outdated and therefore unsuitable for the current period on its own, it is important to describe what is meant by “general geographical” unionism specifically before examining the more relevant hybrid models that are emerging. Predictably, in its purest form, general geographical unionism involves organizing workers according to geography, without regard to their occupational location. The most salient historical example of general geographical unionism existed in Western Canada in the early twentieth century. In this era, an entity known as One Big Union (OBU) organized miners, lumber jacks and low-wage manufacturing workers in British Columbia and Alberta on a general geographical basis and eventually gained a foundation amongst similar workers in the Western United States. As Wial (1993: 690-91) notes, the OBU developed an organization based on, “the belief that workers were more mobile across occupations and industries than geography and partly out of the

belief that worker solidarity would best flourish along geographical lines”.

Consequently, the OBU cut across craft and industrial lines by situating the local labour council at its basic organizational unit, although at times it relied on semi-autonomous divisions based on industry or occupational affiliation (Savage, 1971: 188). However, the OBU placed little emphasis on collective bargaining, relying on the general strike as its primary economic leverage point;<sup>17</sup> for this reason, it is an inappropriate model for addressing the challenges posed by the present regime of collective bargaining.

A fourth alternative to the prevailing model of collective bargaining is an amalgam of geographical and occupational unionism, termed “geographical associationalism”, a model still in its infancy. Best articulated by Howard Wial, geographical associationalism is much more the product of several recent and highly successful struggles on the part of service workers, than the result of theorizing on the part of academics. This model evolved from campaigns by janitors and hotel and restaurant employees, such as the “Justice For Janitors Campaign” launched by the Service Employees International Union (SEIU).<sup>18</sup> In advancing the hybrid notion of geographical associationalism, Wial argues that pure occupational unionism is inappropriate for low-wage service workers because they lack strong occupational consciousness. Indeed, he criticizes Cobble specifically for advocating “peer-based” enforcement of work standards for low-wage service workers, which usually results in including management in the union, because workers’ primary workplace grievances tend to be directed towards their immediate supervisors (Wial, 1993: 685-86). Instead of adapting conventional models of craft/occupational unionism, Wial sketches an

alternative where workers in a specific geographic region unite around loosely-defined common occupational interests, based on the concept of “related” occupations or industries in attempt to introduce uniform wage and benefit structures on employers in that geographic area. Under this model, unions negotiate regional multi-employer collective agreements to limit wage and benefit competition, much like those recommended in the Baigent-Ready proposal in British Columbia.

Certainly, this hybrid model makes valuable proposals for improving the conditions of non-standard workers moving from work site to work site, particularly in a long-term sense, since it aims to bring wages out of competition, to create uniform and employer-financed portable benefits for workers and to “bring the bottom up” more generally. However, although few scholars have formally addressed the merits and shortcomings of “geographical associationalism,” there are two fundamental flaws in this model: first, its failure to intervene at the level of controlling the labour supply, a major difference with conventional craft/occupational unionism; and, second, the absence of sufficient mechanisms for workplace representation in the model (Middleton, 1996). Because it neither attempts to control the labour supply to ensure that workers engaged in different types of employment relationships receive equal treatment (even as an interim measure), nor to introduce mechanisms designed to address workers concerns at the level of the work site, it offers few avenues for workplace representation (Middleton, 1996). This latter criticism is rather ironic given that the literature on broader-based bargaining attempts to distance itself from the work site as the primary site of struggle. Still, some measure of work site-based representation is necessary in order for geographical

associationalism to be a viable model. Clearly, precariously employed workers (especially those who work alongside full-time and permanent employees) often have grievances against either their immediate supervisors or their individual employers that must be taken into consideration at the level of the work site under any structure of unionism. A geographical/associational amalgam of this sort will not provide sufficient representation for such workers unless it takes workplace issues more seriously. There is also an additional danger: in concentrating on securing multi-employer agreements that impose uniform conditions top-down in a given region or a particular sector to the exclusion of paying close attention to the nature and shape of the labour supply, rifts may develop between workers who have loyalty towards a single employer and those who move from work site to work site. As the history and evolution of the TER demonstrates, the present diversity in employment relationships is partly the product of employers' desires to segment work and divide workers. Therefore, it is crucial that, whatever "new" models of unionism workers and organized labour choose to adopt, they be attentive to the hierarchies generated by employers in their efforts to differentiate the labour supply and avoid reproducing unnecessary divisions.

### *Options for Organizing Temporary Help: Some Preliminary Proposals*

The broader-based models of unionism described above certainly highlight the limits of collective bargaining as it presently operates in Canada and North America more broadly. But, what is more important, they also offer some valuable guidance into how best to cultivate collective organizing amongst temporary help workers, a project that necessitates further research and (needless to say) a dramatic shift in the political terrain

if it is to come to fruition. Before introducing several preliminary proposals for developing mechanisms to organize and represent temporary help workers collectively, however, a caveat is in order. Even though the findings of this study point to the need for collective representation among workers engaged by the THI, organizing temporary help workers is a monumental task. Therefore, it is important not to proceed with unwarranted optimism. Furthermore, unions are obviously hesitant to organize temporary help workers because, in many instances, the interests of temporary help workers are perceived to conflict with their existing membership and, more centrally, because temporary help workers are very difficult to locate and they require a mode of organization that transcends the employment relationship itself to include representation in recruitment and placement as well as between assignments. These types of structural and political obstacles make it difficult to achieve any form of collective representation within traditional union structures. Still, with such limitations in mind, insights may be drawn from associational, craft/occupational and general geographical unionism as well as the emerging hybrid of geographical-associationalism.

Despite the valid critiques of associational unionism as a coherent model for organizing workers, any effort to organize temporary help workers will first require introducing an associational-type structure mirroring those currently serving homeworkers and domestic workers. Creating workers' associations would address the pressing need raised by numerous temporary help workers for a forum for workers from the same region or even in the same temporary help agency. Indeed, temporary help workers are frequently isolated in different work sites, with their immediate "peer group"

usually composed of full- and part-time permanent workers, contract workers or temporary workers engaged in bilateral employment relationships. Although developing an associational structure would be difficult because the THI is composed of so many small- and medium-sized agencies, one viable approach would involve launching several related associations simultaneously, based on loosely-affiliated occupational and sector-based groupings; this strategy would take advantage of the substantial degree of specialization in the contemporary THI.

After this parallel pre-union structure of associations is put into place, the second logical step would involve initiating a two-pronged program aimed at making labour law and union policy more hospitable to temporary help workers, and at facilitating broader-based bargaining: first, it would entail founding an umbrella association of temporary help workers (and their advocates) to lobby for changes that would make labour law (both minimum standards and collective bargaining legislation) more sensitive to temporary help workers' needs. In advancing a program of legislative reform, many of the ideas introduced in Chapter Six, such as extending benefits beyond job tenure, ensuring equal treatment for temporary help workers and delineating provisions for conversion, would be of assistance in improving minimum standards legislation. Similarly, the Quebec Collective Agreement Decrees Act and the Baigent-Ready proposal could also serve as templates in developing proposals for broader-based bargaining to cover temporary help workers.

Second, once these associations become viable, creating non-profit occupation- or sector-based employment agencies based on a hiring-hall model would become a genuine

option. It is instructive to take inspiration from Cobble's (1994: 299) historical work here. In describing the merits of the hiring-hall as an alternative to the private employment agency and arguing for modernizing this institution as a means of "making postindustrial unionism possible," she notes that:

Operating among waitresses, agricultural workers, garment workers, performing artists, janitors, teamsters, longshoremen, and many other groups, [non-profit employment agencies] raised wages in the local labour market, offered portable, high-quality benefits that did not penalize intermittent work force participation, and provided workers with control over their hours in work schedules without jeopardizing their employment security [at the turn of the century].... *It is important to recognize that hiring-halls have not been solely the creature of the building trades and other male-dominated occupations. Historically, they served the interest of women and minorities in a wide range of industries, including garment, agriculture and food-service (my emphasis).*

The significance of creating union- or worker-run agencies would be even greater for temporary help workers than other non-standard workers engaged in bilateral employment relationships because establishing these entities would remove the for-profit intermediary (i.e., the temporary help agency) from the employment relationship altogether. Clearly, the central findings of this study, especially the overwhelming evidence that the TER is a precarious model of employment, underscore the merits of this type of proposal. Other studies that probe the practices of private employment agencies placing domestic workers give further credibility to this strategy. For example, Abigail Bakan and Daiva Stasiulis (1995) demonstrate that private domestic placement agencies not only continue to play a pivotal role in negotiating citizenship rights for migrant domestic workers, they reproduce highly racialized practices and criteria in the

recruitment and placement of female non-citizen domestic workers in Canadian households.

In addition to the obvious possibility of introducing government-run temporary help agencies, reminiscent of the type of public employment services advocated by the ILO at its inception, several models of non-profit employment agencies are worthy of consideration including agencies run by voluntary associations, worker cooperatives and union-run agencies based on the hiring hall model. It is not feasible to present a comprehensive review of the strengths and weaknesses of each model here.<sup>19</sup> However, establishing either worker cooperatives or union-run agencies would be most ideal in the long-term. Union-run agencies, in particular, would contribute to a larger strategy of modifying prevailing union policy and State policy to accommodate broader-based bargaining. Where it is impossible to create union-run agencies in either the short run or the long run, worker-run agencies have the capacity to offer benefits ranging from flexible scheduling, where desirable, variety in assignments, on the job training and portable benefits. Where they already exist, agencies based on a worker cooperative model operate by collecting direct dues from worker-members or by a fixed administrative fee charged to each customer; the most successful examples of worker-run agencies operate in a well-defined geographic area and confine themselves to a single sector (e.g., farm labour, domestic work or landscape work) (Middleton, 1997: 557-559). The common problem with these agencies is that they require worker-members to take considerable risks by staking their savings, as well as their job, on a single enterprise. Moreover, although their existence can enhance temporary help workers' conditions of

employment, worker cooperatives are usually limited to exerting moral (rather than economic) pressure in calling for better labour standards, because they do not have recourse to the same type of economic sanctions as unions. In these respects, union-run agencies offer a much more suitable alternative since individual workers are not required to make such a significant investment in resources.

The creation of union-run temporary help agencies is also preferable to agencies whose operations are based on a worker cooperative model since it provides a much needed opening for developing a hybrid of geographical and craft/occupational unionism and extending it to temporary help workers. Once a hiring-hall exists, as was the case with waitressing until the 1960s and is still true of the construction industry, the union can intervene in creating industry-wide standards, require pre-hire agreements, set wage scales for temporary help workers that mirror those of full-time permanent workers, offer training and apprenticeship programs and provide portable benefits. Furthermore, a union-run temporary help agency operating as an arm of a well-established union could contribute to breaking down artificial barriers between standard and non-standard workers -- for example, if the Office and Professional Employees International Union (OPEIU) opened an agency for workers destined for temporary office work in a geographic area where it has a stronghold, it could be highly successful.

As long as it is twinned with a coherent program of legislative reform, which is unfortunately not on the horizon in the late 1990s, the introduction of occupationally- and sectorally-based union-run temporary help agencies would advance the ultimate goal of broader-based bargaining. Indeed, their very existence would contribute to shifting the

locus of organizing workers away from the work site. What is even more important, if union-run temporary help agencies take a long-range view and struggle for parity wages and conditions of employment between standard and non-standard workers, they have the potential to contribute to eliminating the TER as it presently exists and, therefore, to reducing the force of the feminization of employment. The history and evolution of the TER demonstrates that the best prospect for improving the conditions of employment of workers situated at the expanding margins of the labour market is by adapting union and State policies and practices simultaneously.

### Notes

<sup>1</sup>Before proceeding with this discussion, a caveat in order. There is a growing body of scholarship critiquing the dominant models of collective bargaining in Canada and the United States from a feminist perspective (see for example: Armstrong, 1993; Cobble, 1991, 1993 and 1996; Forrest, 1986, 1993; Fudge, 1993; MacDonald 1998a and b; Wial, 1993). This postscript does not survey this literature in its entirety. Instead, its primary aim is to initiate a much needed dialogue on options for organizing temporary help workers by engaging with several proposals made in this literature.

<sup>2</sup>Fudge (1993) and MacDonald (1998a) assert that the following principles form the basis for bargaining unit determination at the provincial/territorial level: the “community of interest”; the practices or history of collective bargaining; the desirability of separating white- and blue-collar employees; the aversion to “fragmentation” within bargaining units; agreement between parties; desires of employees; organized structure of the employees; geography; and, traditional methods of unionization. Still, their case studies of Ontario and British Columbia suggest that the relative significance of each principle differs from one region to another.

<sup>3</sup>In 1993, the NDP government in Ontario amended the Labour Relations Act, overcoming the Labour Board’s historic policy of separating part-time and full-time workers; however, with the election of the Tory government in 1994, this progressive change was reversed in Bill 7. Still, even with the most recent regressive change, in a 1996 decision, the Ontario Labour Relations Board indicated that, “it was not satisfied that assertions about the lack of community of interest between full-time and part-time employees ought to continue to be elevated to the level of a labour relations axiom” (Fudge, 1996: 256; Caressant Care Nursing Home of Canada Ltd. V. C.U.P.E. Local 2225.09, [1996] O.L.R.B. Rep. September/October: 748 as cited by Fudge, 1996: 256)

<sup>4</sup>The vague language used in the Act is “preponderant significance and importance”.

<sup>5</sup>Workers in the construction sector were excluded from the jurisdiction of the Act in 1969, although the Construction Industry Labour Relations Act of Quebec also provides for judicial extension.

<sup>6</sup>For a detailed critique of this proposal, please see MacDonald, 1998a.

<sup>7</sup>In the proposal, small workplaces included those with fewer than fifty full-time workers or the equivalent number of part-time workers.

<sup>8</sup>In addition, it would have imposed what Schenk (1995) labels a “double majority system”: the union with “the requisite support at more than one work location within a sector could apply for certification of the employees at those locations,” but, to be certified, it would require majority support through a representation vote at *each location*

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and majority support amongst all the employees at the work locations where certification was sought (206). As Schenk further argues, on the one hand, this cumbersome system could have had the effect of limiting the spread of sectoral bargaining but, on the other, it would have ensured that sectoral agreements were not imposed top-down.

<sup>9</sup>The craft-based model of collective bargaining operating in the construction industry, in provinces such as Ontario, Quebec and British Columbia, is organized based on closed-shop and hiring-hall arrangements, where construction unions provide training/apprenticeship to workers, place workers in employment and establish industry-wide standards and, therefore, hold a monopoly over skills. For a discussion of the type of unionism operating in the construction industry in Canada historically, one that treats the case of British Columbia quite closely, see: MacDonald, 1998b: Chapter Three. Here, MacDonald makes a crucial link between forms of unionism dominant in the construction sector and broader-based bargaining proposals.

<sup>10</sup>The ensuing typology of alternative forms of unionism draws extensively from proposals by Dorothy Sue Cobble (1991 and 1994), Judy Fudge (1993), Charles Heckscher (1998) and Howard Wial (1993).

<sup>11</sup>I follow Howard Wial (1993: 673-74) in adopting the term “job-mobility” path. Wial defines a job-mobility path as, “a sequence of jobs through which workers move, with some regularity, according to a socially defined transitional structure.” He uses the term to demonstrate that job mobility is channeled through social relations amongst workers and employers and between workers and employers whether or not it occurs within a single firm or between firms. Preferable to the notion of a “career-line”, the concept job mobility path is a useful term for describing the work histories of workers without well-defined occupational affiliations.

<sup>12</sup>For detailed discussions of these models, please see: Borowy, Gordon and Lebas, 1993; Cameron and Mak, 1991; Fudge, 1997; Ontario District Council of The International Ladies’ Garment Workers Union and INTERCEDE, 1993.

<sup>13</sup>Scholars who are associated with this movement take different approaches to adapting the craft/occupational model to suit these workers. Still, most are quite critical of the existing literature, emerging largely from schools of management and business administration, which argues that unions must change course drastically if they are to accommodate the growing number of workers confronted with “new” forms of work organization and situates the “professional association” as a suitable prototype. In criticizing common assumptions made in this literature, Dorothy Sue Cobble (1994: 292) puts forward the following forceful counter-claim, an assertion that is worth repeating here:

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... [T]he argument goes, if industrial unionism is obsolete, so is unionism per se. This historical amnesia hampers attempts to create new forms of collective representation. Postindustrial unionism does not need to be invented out of whole cloth: it can be re-assembled, re-shaped and extended from elements of past, and current institutional practice.

<sup>14</sup>Referring to the case of nurses, Pat Armstrong (1993) uses the complementary term “vocational identity” to express a similar idea.

<sup>15</sup>Citing the case of waitresses in the early twentieth century, Cobble (1991: 423) notes that, “[t]hose desiring work had to meet the approval of the union dispatcher and were required to be fully qualified union members ‘in good standing’. Unlike the employment agencies against which the union hiring-halls competed, union-run agencies prided themselves on offering free service to workers and employers.”

<sup>16</sup>Interestingly, even though he is critical of the craft/occupational model of unionism as an ideal-type, Wial (1993: 688), himself, notes:

The federated amalgamated craft structures could be applicable to low-wage service sector workers who remain within the loosely defined occupation or group of occupations for extended period of time by the lack the strong occupational consciousness that the peer craft model requires. Food-service workers, for example, might move between any of the number of tasks related to the preparation, serving, and selling of food (e.g., short-order cooking, serving, cashiering). They do not typically have strong occupational consciousness with respect to any of the tasks or with respect to the “food-service occupation” as a whole. These workers might find an amalgamated union structure desirable. For occupations that are more sharply differentiated from one another, but are still “related” (e.g., a set of occupations that makes up part but not all of an industry, such as the non-professional occupations in health-care), a federated structure might be appropriate.

<sup>17</sup>For a detailed description of OBU and other forms of revolutionary unionism prevalent in the early part of the century, please see: Savage, 1971: Part II.

<sup>18</sup>Originating in Silicon Valley California, this campaign aimed to address the needs of workers (in similar occupations) engaged by contractors to perform service work in different work sites. It involved eschewing contractor-by-contractor organizing and instead targeting building-owners; the strategy of pursuing industry-wide minimum standards by targeting building-owners was based on the rationale that these entities controlled the work. The end result of the campaign was the negotiation of a geographically-defined master contract establishing standardized wages for all work sites in the region (for an extended examination of this campaign, see: Middleton, 1996).

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<sup>19</sup>For a detailed review of worker-run employment agencies currently operating in the United States, please see: Middleton (1996).

Another union-initiated temporary help agency recently opened its doors in the state of New Jersey. Known as the United Labour Agency of Bergen County, this agency will run as a non-profit community-based temporary help agency for its first three years of operation. After three years, the organizers intend to review the idea of making direct links between the agency and the union movement (see: United Labor Agency of Bergen County, New Jersey, 1997).

## Appendix A Qualitative Methodology

The qualitative dimension of the research conducted in this study involved open-ended interviews; a two-week observation at a local branch of a major international temporary help business; and observation at two half-day orientation sessions for the *Workfirst* program. It grew out of a research plan that I developed in consultation with my supervisory committee in Summer of 1996.

Between June 1996 and August 1997, I conducted formal interviews with a total of twenty-four individuals including ten temporary help workers, five branch managers, representatives from five client firms using temporary help workers, two industry officials and two participants at the International Labour Conference, June 1997 (Appendix C). With the exception of the two *Workfirst* participants, all the temporary help workers, clients firms and branch managers were contacted (using a snowball sampling) through the temporary help agency where I conducted the observation in December 1996. I intentionally sought interviews with temporary help workers of both genders in as wide an array of occupations as possible. I also deliberately chose to interview clients firms from five different sectors. Similarly, I selected branch managers to interview based on the specialty of the agency that they represented. The rationale behind interviewing temporary help workers, managers and representatives from client firms was to deepen existing understandings of the shape of the TER in practice; thus, the interview questions themselves were designed to probe the relationships between these three sets of actors and thereby expose the similarities and differences between the SER and the TER (Appendix B). Although all the formal interviews were based on the interview schedules contained in Appendix B, the interviews themselves were open-ended; as such, the topics discussed did not necessarily remain within narrow parameters of schedule.

In conducting the open-ended interviews, I also collected specific demographic information about the participants based on Statistics Canada's General Social Survey. However, since several of the participants did not complete the demographic questionnaire, I have chosen only to report the sex, occupation/type of work and date that the interviews took place (Appendix C).

Each interview was recorded, with the consent of the participants, and subsequently various segments of the interviews were transcribed. Notes were also taken during the interviews with the permission of participants. Throughout the research process, I also took extensive fieldnotes. These notes were used to record the day-to-day operations of the temporary help agency where I undertook the two-week branch observation and the *Workfirst* orientation sessions, although these sessions were also taped; the fieldnotes were extremely valuable in reconstructing the daily operations of the THI and the interactions between agency personnel, temporary help workers and client firms.

The volume of qualitative data collected posed a considerable challenge. To sort the data, I identified themes by listening to tapes, transcribing and re-reading interviews

and fieldnotes. I then used the “cut and paste” method of transcript coding described by Kirby and McKenna (1989). At an intermediate stage in the data collection process, I prepared a preliminary analysis of the data organized by theme for consultation with my supervisory committee. After completing the qualitative research, I revisited this analysis, deepening existing themes and adding new dimensions, in preparation for the final write up.

As indicated at in the Introduction, the qualitative data collected do not provide, nor were they intended to provide, a comprehensive picture of the THI in operation. Rather, they represent one slice of the multi-faceted methodological approach adopted in study.

**Appendix B**  
**Interview Schedules**

**Branch Managers, Industry Officials, ILO Officials (Section I)**

***I. The Role and Status of the THI in Canada and Internationally***

1. What is the role of the manager of a temporary agency?
2. How long have you been working as a manager in the temporary help services industry?
3. Have there been many changes since you began working in this field? Has technology had an effect on how you do business? If so, what role has it played?
4. Tell me about the organization of the work in the office. Who does what?
5. How and to what extent is your office connected to the head office in Canada? Abroad?
6. How is the temporary help services business doing in Canada? Can you estimate its size (i.e. number of firms, number of employees, number of temporaries, scale of revenue)? Are new firms opening up? Are new branches opening up within your firm?
7. How would you compare your company to other prominent companies in the temporary help services industry? What are its unique features?
8. How do you define success in this industry? To what do you owe the present success of your firm?
9. Given the changing nature of employment, if you could look into the future, what do you see as the role of temporary help services in the twenty-first century?

***II. The Relationship Between Temporary Help Agency and Client Firms***

1. Why do client firms use temporary help workers?
2. What is your relationship to client firms? What responsibilities are yours and what responsibilities rest with the client?
3. How do clients find you?

4. Re-purchasing. Do clients ever use more than one agency or are they relatively loyal to the temporary help firms that they use? Why?
5. What types of clients use temporary help workers? (e.g., firm size, sector, industry group etc.)
6. What are clients looking for in a temporary help worker?
7. Do clients usually get what they are looking for in a temporary help worker?
8. What is the average length of an assignment? Are most assignments short or long term?
9. Do firms ever hire people from temporary to permanent? If so, approximately what percentage of firms do this? (What is involved in this procedure?)
10. Do firms ever call back and request specific temporary help workers?
11. Do you have an evaluation/audit process geared to assess client satisfaction with the temporary help worker? If so, could you please describe this procedure?
12. Do companies ever make requests that are difficult or impossible to fill? (Are they very precise in their requests?) What would constitute a difficult request for your agency? Do you ever refuse clients requests?
13. Can you anticipate what type of requests clients will make of temporary help services in the future? Are there any emerging trends with respect to the needs of clients? What sectors do you anticipate will be key targets in the future?

### ***III. The Relationship Between Temporary Help Agency and Temporary Help Workers***

1. Why do people seek temporary help work?
2. What type of assignments are they looking for? Describe the ideal type of assignment from the perspective a temporary help worker?
3. What type of schedule are temporary help workers usually looking for?
4. Describe the range of people who come to you in search of work? What is the age range of your temporary help workers? What about their skill levels?
5. Do you provide training? Other benefits?

6. What type of skills do temporary help agencies look for in an employee?
7. What type of personality traits are desirable and undesirable in a temporary? How do you make an assessment of a temporary help worker's personality, given the time constraints of the interview process?
8. Do you provide any guidelines to the temporary help workers before they go on their first assignment? What about subsequent assignments?
9. Do you get to know the temporary help workers who work for you? If so, how?
10. Do many people come in to sign-up with the agency? How many sign-up during an average week?
11. Approximately what percentage of the workers who sign up with you go out on a given day? Does this vary seasonally?
12. Could you describe the process of determining who gets an assignment? What factors are involved in making the best match between the temporary help worker and the client?
13. What is a typical assignment like? How long is it? Is it usually full-time or part-time?
14. If there are problems between temporary help workers and clients, how are they handled? Is there a specific procedure?
15. What is the gender breakdown among temporary help workers? (follow up: Why is that?)
16. Are there any differences between male and female temporaries? Are there age differences? What about differences in educational background?
17. Do you think that temping holds any specific advantages or disadvantages depending on whether you are male or female?

#### *IV. Wrap*

1. Is temping on the rise? If so, why? Does changing technology make a difference? What about the growth of contracting-out (e.g. in the public sectors)?
2. What are the most important challenges that temporary help agencies are facing currently? What do you anticipate the challenges to be in the future?

3. Are there any ways in which you are altering the delivery of your services to meet the needs of a changing economy (e.g. tech-change; just-in-time production)?
4. As an industry expert, what kind of advice would you offer to young people entering the job market? How can they appropriately prepare themselves for this job market?
5. Is there anything else that you would like to discuss?

## Client Firms

### *I. The Role and Status of the THI in Canada and Internationally*

1. What sector do you work in?
2. Is this your only location? Are there other offices or branches of your firm?  
Is there a head office? If so, where is it?
3. How is your business doing over all (e.g. profit-wise, downsizing)? How is your industry doing?
4. How large is your firm (i.e. number of employees, number of branches, number of clients) locally? Nationally? Globally?
5. Describe how your office, industry, or sector works?  
**For manufacturing:** Do you produce the goods from start to finish? Assembly line production? Team production?  
**Construction:** Do you have a core group of permanent on-call workers and rely on temporaries in an emergency or do you rely on temporary workers on a routine basis?  
**For office work:** Where do temporaries fit in? Are they behind the scene or up front?  
**Banking:** Where do temporaries fit in? Are they behind the scene or up front? Do they do similar work to permanent staff or different work?  
**Service Sector:** Where do temporaries fit in within the company? Are they integrated into more than one part of the company?
6. What are the range of job types within your firm? Where are temporary help workers placed?
7. What percentage of your employees are temporary help workers? How many temporary help workers did you use last month? (Is there seasonal variation? If so, is this b/c your industry experiences seasonal variations?)
8. What type of jobs (i.e. part-time/full-time, temporary/permanent, life-long employment/frequent career shifts) do you see in the future? Do you anticipate that the employee make-up in your firm will change in the future? If so, how?

### *II. The Relationship Between the Temporary Help Agency and the Client Firm*

1. How did you come to use temporary help workers?
2. List the reasons that you use temporary help workers? (i.e., Do you use them during periods when you have a high level of demand so that you don't have to hire more

permanent workers and then lay them off? Do you use them to find suitable permanent employees?) What kind of work do you use them for (i.e. Do you use them to perform short tasks that other employees would prefer not to do)? Do you view temporary help agencies as providing a service (i.e. by taking care of benefits and training etc. for temporary workers) for you? Which reasons are most and least central?

3. How would you characterize your relationship to the temporary employment agency(ies) that you deal with? (Do you deal with more than one simultaneously or have you tried out several?) What responsibilities do you hold versus the agency?
4. Do you ever use more than one agency? If so, why? If not, why not?
5. Do you usually get what they are looking for in a temporary help worker? (If you are happy with a particular temporary worker, will you request them the next time that you use the firm or will you hire them back without operating through the firm?)
6. Do the firms that you deal with have an evaluation process to ensure that you are satisfied with the temporary help worker that is assigned to you? Do you assess the performance of temporary workers?
7. What is the average length of an assignment?
8. Where do you put temporary help workers in the office? Do they mix with permanent workers or do they mix among themselves?
9. What kind of management and supervision do you provide to temporary help workers? Who deals with health and safety?
10. Do you ever hire people from "temp to perm"? How often? What procedures are involved?
11. Do you ever deal with a temporary help agency in anticipation of hiring a permanent employee? If so, how does this process differ from when you only intend to engage a temporary for a set period of time?
12. Do you ever make requests that are difficult or impossible for temporary help agencies to appropriately fill? Could you please provide some examples?
13. Have you drawn on temporary help workers more or less in recent years than in the past?

14. Can you anticipate what type of use you will make of temporary help services in the future? Are there any emerging trends within your organization that will affect your use of temporary workers?

### ***III. The Relationship Between the Client Firm and the Temporary Help Worker***

1. What type of assignments do you give to temporary help workers?
2. What type of hours do temporary help workers usually keep within your organization?
3. In your experience, are temporary help workers sufficiently trained? Does your firm provide training? (Describe)
4. What type of skills does the average temporary help worker need to work in your organization?
5. Do you provide temporary help workers with any benefits or is that the responsibility of the temporary help agency?
6. Do you ever hire temporary help workers directly? If so, under what circumstances?
7. Do you get to know the temporary help workers who work for you?
8. Describe the characteristics of an ideal temporary help worker.
9. What is the gender breakdown among the temporary help workers that you hire?
10. In your experience, are there any differences between male and female temporary help workers?
11. From the perspective of the temporary help worker, do you think that temping holds any specific advantages or disadvantages depending on whether s/he is male or female?

### ***IV. Wrap-Up***

1. What are the emerging economic challenges in your field of work? How does the existence of the temporary help services industry help or hinder in meeting these challenges?
2. Is there anything else that you would like to discuss?

## **Temporary Help Workers**

### ***I. Employment History***

1. What type of employment did you do before you began working as a temporary help worker? What were the advantages and disadvantages of this type of work?
2. Why did you start work as a temporary help worker?
3. Why are you doing temporary help work now?
4. What do you enjoy about temporary help work? What do you hate about it?
5. How long have you worked as a temporary help worker?
6. How long do you anticipate working as a temporary help worker?
7. What factors would contribute to your discontinuing your work as a temporary help worker?

### ***II. Becoming A Temporary Help Worker***

1. How did you first get work (i.e. assignments) as a temporary help worker?
2. How do you get assignments now?
3. How many agencies do you work with?
4. How did you find the agencies that you work with?
5. When you come in for an interview, what happens?
6. Describe the testing/screening process?
7. Once you are placed in an assignment, how do you know how you are doing? Is there an evaluation process? (Describe)
8. What do agencies tell you about being a temporary help worker? In your experience, is what they tell you accurate?
9. What type of work did you tell the agency that you wanted to do? What type of assignments did you get?

10. Do you get many assignments?
11. Do you feel free to refuse assignments? What happens if you do?  
What happens if you get stuck with a bad boss? Is that an acceptable reason to refuse work?
12. What is the typical flow of assignments? How long does the average assignment last?  
What about the space between assignments?
13. Do you get assignments from more than one agency? If so, do demands ever clash?
14. Do you ever get called back repeatedly to one workplace?
15. Does temporary help work enable you to meet your responsibilities outside work?
16. Does temporary help work enable you to meet your income needs? What about benefits?
17. How do you get paid? (i.e. By day or by week? By the temporary help agency or the firm where you are placed?) Do you get paid as soon as you start to work?
18. Does temporary help work satisfy your career preferences?
19. Do you feel that you have the necessary training for the work you do? If so, where did you get that training? If not, does the agency or client ever provide training?

### *III. The Work Itself*

1. What do you actually do in your assignments?
2. How does the work that you do compare to the work that you expected to do?
3. On any given assignment, do you fully understand what you are doing and how it fits into the work of the office/firm/industry where you are working?
4. How do temporary help assignments compare to the work that you did before becoming a temporary help worker? Please consider how interesting the work is, the length of assignments, variety in assignments, your relationship(s) with co-workers and employers. (Is variety in assignments good or bad?)
5. When you are on assignment, where within the client firm do you work? With whom do you work (i.e., other temporary help workers, other temporary workers, contract workers, permanent workers etc.)?

6. a. How do the other (permanent) employees treat you? Do you usually make connections/friendships with permanent employees?  
b. Where do you have lunch? Do you have lunch with other people?
7. Describe the amount of work (i.e. intensity) of work that you do on an assignment?
8. Is the amount of work too much or not enough?
9. Describe the pace at which you work. Compare it to the pace of other employees (i.e., other temporary help workers, temporary workers, contract workers, permanent workers etc.) and your previous jobs?
10. Can you request assignments that are close to where you live?
11. Can you think of any problems that you routinely encounter as a temporary help worker? How do you deal with them? (i.e. through the temporary help agency, the client, with co-workers)
12. If you could change anything about your work, what would it be?
13. If you could keep anything about your work, what would it be?

#### ***IV. The Relationship Between the Client and the Temporary Employee***

1. Who is your boss?
2. Who do you report to? If it is more than one person, describe when and on what issues do you report to each boss?
3. Describe your relationship with your boss(es)? Are your bosses fair? Do they expect different things from you than they do from permanent workers?
4. Do your bosses treat you with respect?  
Do you ever get harassed on the job? Is it a common occurrence or is it rare?
5. Do you feel that you get more or less supervision as a temporary help worker than you would as a permanent worker?
6. Over all, what do you like and dislike about your relationship with your boss(es)?
7. If you encounter a problem, do you feel at ease approaching your boss?

8. How does your relationship with on-site supervisors compare with the jobs that you held prior to becoming a temporary help worker?

***V. The Relationship Between the Agency and the Temporary Help Worker***

1. Describe your relationship with the agency(ies) you work with?
2. Does the agency value you as an employee? How do you know?
3. How regularly are you offered assignments?
4. Have you ever turned an assignment down? Is turning down an assignment perceived to be acceptable by the agency? What are acceptable grounds for turning down an assignment?
5. What constitutes a "good" agency?
6. Is there anything you would like to change with regard to your relationship with an agency? If so, what?

***VI. Wrap-Up***

1. As an experienced temporary help worker, what are the three most important things about temping that I should know?
2. Given your occupation, what are the advantages and disadvantages about being a temporary help worker?
3. Do you think that temporary help work holds any specific advantages or disadvantages depending on whether you are male or female?
4. Do you intend to continue working as a temporary help worker? If so, why? If not, why not?
5. Has doing temporary help work been a good thing for you in the long run?
6. If you could look into the future, what do you see as the role of temporary work in the twenty-first century?
7. Is there anything else that you would like to discuss?

Appendix C  
Interviews

Temporary Help Workers

- T1                    Type of work: Administrative Assistant, advertising firm  
Sex: Female  
Date: November 20, 1996.
- T2                    Type of work: Computer Programmer/Graphic Designer, large  
broadcasting firm  
Sex: Male  
Date: December 9, 1996.
- T3                    Type of work: Clerical Worker, small manufacturing business  
Sex: Female  
Date: December 10, 1996.
- T4                    Type of work: Parts Assembly, large multinational manufacturer  
Sex: Female  
Date: December 12, 1996.
- T5                    Type of work: Executive Secretary, small engineering firm  
Sex: Female  
Date: January 7, 1997.
- T6                    Type of work: Sales Representative, large service sector employer  
Sex: Male  
Date: January 7, 1997.
- T7                    Type of work: Sales Representative, large call-centre  
Sex: Female  
Date: January 4, 1997.
- T8                    Type of work: Equipment Mechanic, pharmaceutical manufacturer  
Sex: Male  
Date: January 30, 1997.
- T9                    Type of work: Marketing and Sales Assistant, large multinational  
Company  
Sex: Female (former social assistance recipient)  
Date: January 17, 1997.

T10                    Type of work: Sales  
Sex: Male (social assistance recipient)  
Date: February 20, 1997.

**Client Firms**

C1                    Type of organization: Light Manufacturer  
Position: Human Resource Manager  
Sex: Female  
Date: December 11, 1996.

C2                    Type of organization: Telecommunications Firm  
Position: Human Resource Manager  
Sex: Male  
Date: December 16, 1996.

C3                    Type of organization: Bank (call-centre)  
Position: Manager  
Sex: Female  
Date: March 11, 1997.

C4                    Type of organization: Pharmaceutical Firm  
Position: Human Resource Manager  
Sex: Female  
Date: February 13, 1997.

C5                    Type of organization: Heavy Manufacturer  
Position: Human Resource Manager  
Sex: Female  
Date: January 27, 1997.

**Branch Managers**

M1                    Specialization of agency: Bilingual Clerical/Light Industrial/Sales  
Sex: Female  
Date: December 6, 1997.

M2                    Specialization of agency: Materials Handling/Trucking/Heavy  
Industrial  
Sex: Male  
Date: December 11, 1996.

- M3 Specialization of agency: Sales/Light Industrial  
Sex: Female  
Date: January 7, 1997.
- M4 Specialization of agency: General  
Position: Representative of Workfirst Broker  
Sex: Male  
Date: January 29, 1997.
- M5 Specialization of agency: Outplacement Services, General Labour  
and Clerical  
Position: Co-owner  
Sex: Male  
Date: January 29, 1997.

#### **Industry Officials**

- I1 Sex: Male  
Date: January 29, 1997.
- I2 Sex: Male  
Date: February 28, 1997.

#### **ILO Officials**

- IL1 Position: Employer Representative  
Sex: Male  
April 22, 1997.
- IL2 Position: Worker Representative  
Sex: Female  
June 17, 1997.

#### **Personal Communication**

Luc Desmarais, Conseiller en developement de politiques, May 22, 1997.

Elizabeth Majweski, Statistics Canada, March 13, 1998.

Helen Moussa, World Council of Churches, July 7, 1997.

Informant, Social Assistance Department, Regional Municipality of Peel, June 17, 1998.

**Appendix D**  
**List of Acronyms**

|           |   |
|-----------|---|
| APPA:     | Association of Professional Placement Agencies        |
| EC:       | European Community                                    |
| ESSAC:    | Employment Staffing Services Association of Canada    |
| EUROSTAT: | European Statistical Agency                           |
| ILO:      | International Labour Organization                     |
| KWS:      | Keynesian Welfare State                               |
| NAFTA:    | North American Free Trade Agreement                   |
| OECD:     | Organization of Economic Cooperation and Development  |
| OPEIU:    | Office and Professional Employees International Union |
| SEA:      | Single Europe Act                                     |
| SER:      | Standard Employment Relationship                      |
| TER:      | Temporary Employment Relationship                     |
| THI:      | Temporary Help Industry                               |
| UI:       | Unemployment Insurance                                |

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