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Changing Labour Market and Gender Equality: The Role of Policy

TEMPORARY AND CONTRACTED WORK IN THE UNITED STATES: POLICY ISSUES AND INNOVATIVE RESPONSES

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This document is a detailed outline of the presentation by Françoise J. Carré, Radcliffe Public Policy Institute, Cambridge, MA. The presentation will be made at the Workshop B on "Employment Flexibility and Gender Equality".

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TEMPORARY AND CONTRACTED WORK IN THE UNITED STATES: POLICY ISSUES AND INNOVATIVE RESPONSES

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Introduction

1. US labor markets now include a notable group of non-standard employment arrangements: temporary work, short term work, alternative arrangements, or so-called “contingent” employment. These arrangements are perhaps the most extreme versions of the kind of employment a more volatile labor market -- one entailing a greater likelihood of multiple job shifts over a worker’s career -- is likely to generate.
2. Roughly speaking, the policy challenge is how to facilitate: job transition, earnings maintenance and stability, access to protection under labor and social regulations as well as access to representation, for workforces that experience transience and irregularity in their employment relationship.
3. This presentation covers policy and representation issues facing two groups of workers: those in alternative, “non-standard” work arrangements; and those in contracted work (whose employer provides labor intensive services under contract to another company.) There is a great deal of heterogeneity of arrangements and worker experiences in these two broad groups (temporary and contracted work) but there is also shared experience with job uncertainty and limited, or non existent, benefit coverage.
4. Women workers are affected by these employment arrangements in particular ways. In the US, women are over represented among temporary help/staffing workers as compared to their share of the total workforce; they represent 55 percent of temps as compared to 46 percent of total employment. Similarly, they represent 51 percent of on-call workers, thus being over represented there too. The counterpart to this is that men are over represented among contractor workforces (70 percent) and independent contractors (67 percent) relative to their share of total employment (54 percent) (BLS 1997).
5. The situation of these workforces confronts us with the limitations of the current US system of employer-based social protection, of work-site based worker representation, and of public mechanisms for job matching/brokering. I will highlight the distinctive characteristics of the US system as compared to Western European systems of social protection and worker representation.

Workforce Needs and Policy Goals

6. What are the goals for any action aimed at improving the conditions faced by these workforces? Solutions are needed that reinforce the advantages of some of these arrangements, and that reduce the risks to the workforce, as well as that eliminate the situations where egregious abuses of workers take place. The challenge faced by policy analysts, unionists, and activists is to devise solutions in the current environment, that is, given the existing US system of employment and social protection and given the unlikely prospect of large scale reform of employment and labor legislation at the federal-level

7. To consider what might be the most useful means of affecting employment conditions for these workforces, it is helpful to start with worker needs. Workers in these two groups need labor market and social institutions that span firm boundaries, that are not closely tied to stable attachment to a single employer. They need substitutes for the functions that regular employment and internal labor markets have performed and for the protections that related institutions have provided regular workers in the postwar period.

8. Workers in temporary and contracted out arrangements are most likely to need the following:

- First, workers are likely to need information about how to have their skills and experience assessed for other jobs. Information about job location and employer quality is key. Over time, workers need mechanisms for skill recognition in order to be able to move across industries and occupations and have access to career ladders.
- Second, workers need access to training and skill development either on the job, or during training periods in between jobs. Currently, employers and client/user firms have little incentive to provide training to workers in temporary arrangements, although a few do offer training.
- Third, and key, a majority of workers in temporary arrangements need improved benefit coverage (health, pension, child care access) and many simply need higher wages.
- Fourth, workers need mechanisms for portability of key benefits across employers.
- Fifth, they need a voice in the negotiation of their conditions of employment.
- Sixth, some of these workers need a community of shared social, economic and political experiences. The lack of workplace community can be particularly acute for temporary workers with shifting assignments and for private contractor workers who provide services in isolation.
- Seventh, some need extra support structures because their jobs are temporary or entail shifting assignments. For example, when the schedule and location of assignments change, people have difficulty meeting their family responsibilities. This is a significant issue because women are over represented in some of these arrangements.

9. These needs are particularly acute for temporary, and contracted out worker even if they are shared by incumbent workers as well. The issue of earnings level and earnings regularity is particularly acute for contractor workforces, especially in low skill services.

Characteristics and Experience of Workers in Temporary and Contracted Employment

10. The US statistics on alternative work arrangements (temporary agency, on-call, independent contractors, direct short-term hires, and contract company workers), the proxy for employment relationships, are presented in Table 1. (Definitions are provided). These arrangements vary widely in terms of their nature, incidence, the workforce that is employed through them, and in terms of their implications for workers. There are disparities in terms of health insurance coverage, pension, and reported preferences/satisfaction although all types of alternative arrangements entail fewer benefits than regular arrangements.

11. In total, alternative work arrangements, as reported by the Current Population Survey (CPS), amount to about 10 percent of employment in 1995 and 1997. What is missing from these numbers? The one group of nonstandard workers not counted by the CPS is **short-term direct hires**, workers hired on a short-term basis directly by user firms and not through an intermediary. Employer surveys report that this group is larger than temporary industry employment. Using the CPS, Houseman and Polivka (1998) estimate that this group accounted for 2.1 to 2.7 percent of all workers in the 1995 survey.¹

12. When we consider alternative arrangements as a whole, women are somewhat less affected than men in terms of incidence. This is due to the fact the men are twice as likely as women to work as independent contractors (Table 2). Employment in alternative work arrangements has particular implications for women, however, because they find themselves in those arrangements that entail few if any benefits.

13. As already mentioned, women are over represented among temp and on-call workers as compared to their share of workers in regular arrangements. These arrangements have lower incidence of health insurance coverage than other alternative arrangements (Table 1). Health insurance coverage (whether employer-provided or not) which is low for workers in alternative arrangements, is particularly low for temp/staffing workers; 46 percent of temp workers have coverage, as compared to 83 percent of the rest of the workforce. Employer-provided coverage is 7 percent for temps, as opposed to 52 percent for the rest of the workforce. Other categories do better: 82 percent of contract-firm workers, 73 percent of independent contractors, and 67 percent of on-call workers have some coverage.

14. Eligibility for an employer-based pension plan is also low compared to the rest of the workforce. The percentage is lowest for temp workers (10 percent); 27 percent of on-call workers and 48 percent of contract firm workers are pension-eligible, as compared to 53 percent of the rest of the workforce. About 4 percent of independent contractors (both wage workers and the self-employed) are pension-eligible. Pension eligibility does not tell us whether there is any employer contribution to these plans. The numbers of actual inclusion in a pension plan—that is, whether workers sign on and pay into it—are lower than for eligibility; for example, 3.7 percent of temps are enrolled in a pension plan (BLS 1995, 1997).

15. Contract company work has different implications for men and women. For women, contracted work comes along with low wage, low skill, employment; this is not uniformly the case for men. For example, in 1995, the lead occupations for female contract company workers are: Nursing aides, Orderlies and attendants; Janitors and cleaners; and Secretaries. For male contract company workers, the lead occupations are: Guards and private police; Computer analysts and scientists; and Managers and administrators (Kalleberg *et al* 1997).

16. Reported preferences vary drastically across types of arrangements. Only 34 percent of temp/staffing workers and 40 percent of on-call workers prefer their alternative arrangements; these are the arrangements where women workers are over represented. By contrasts, almost 84 percent of independent contractors say they prefer this alternative arrangement

¹ The higher estimate of the two corresponds to a broader definition. It includes those who indicated that their job is temporary or that they cannot stay in it for the following reasons: they are working only until a specific project is completed; they are temporarily replacing another worker; they were hired for a fixed period of time; their job is seasonal; or they expect to work for less than a year because their job is temporary. The narrower definition (smaller estimate) additionally requires that respondents explicitly state that their job is temporary.

17. Access to part-time hours has often been given as one reason women work in temporary work; in fact, only 19.7 percent of temp workers are employed on a part-time basis as compared to 18 percent of other workers. On-call workers and independent contractors are more likely to work part-time than other workers: 53 percent and 26 percent, respectively, have part-time schedules.²

18. Women's experience with wages in alternative arrangements is mixed. Data in 1995 dollars indicate that women in temp/staffing employment have lower hourly wages (\$8.94) than the average for all women workers (\$11.52), than women in regular part time work (\$9.52) and, of course, than male workers on average (\$15.05) or even males in temp employment (\$9.19). The same disparity holds for women in on-call arrangements (\$10.93). Women do better in contract company employment (\$12.80) and in independent contracting (\$14.53) (Kalleberg *et al* 1997: 15.)

19. Evidence for 1995 and 1996 indicates that job instability is an issue for temp workers, on-call workers, and short term direct hires. Workers in these arrangements are likely to have worked under a different arrangement previously. They also are more likely to change employers, become unemployed, or involuntarily drop out of the labor force in the short and long run. Evidence of instability for contract company workers is not as strong (Houseman and Polivka, 1998).

20. There are differing experiences across racial/ethnic groups as well. These replicate a long standing characteristic of US labor market which is that racial/ethnic minorities (particularly non-Hispanic blacks and Hispanics) are over represented in unstable employment, under employment, and unemployment.

21. For women, therefore, employment in alternative arrangements tends to take place in those arrangements which provide few if any benefits. It is safe to infer that women not only lose access to key social protection but also to other benefits that are often provided by stable employment with large employers. For example, flexibility benefits (maternity leave, flexible hours), and work and family benefits (child care/elder care assistance), which are available to regular workers in many medium and large firms, are highly unlikely to be accessible to women in temporary and contracted work.

The Current Policy Environment for Social Protection and Representation

Peculiarities of the US system

22. The peculiarities of the United States system need to be clarified and highlighted. Their implications become apparent when I discuss policy issues and innovative responses.

23. US employment relations are less formalized than in most western industrialized countries: the standard is "employment-at-will", that is, usually at the employer's will. There is no legal standard for "just cause" firing, for example. Therefore, most amendments to this very loose standard, and many terms of the employment relationship, are set primarily in personnel policy (when companies are large enough to have a formal personnel policy) and in union contracts (in the minority of workplaces that are unionized.)

² In the 1980s, based on the 1985 CPS, many researchers thought temps were more likely to work part-time than the rest of the workforce. For overviews of 1980s results, see Callaghan and Hartmann (1991), Carré (1992), Ferber and Waldfogel (1996).

24. The US regulate few of the terms of employment at the national level. More terms are set at the state level, a situation which yields significant variations in standards. Overall, regulations of employment and of the workplace are fewer than in many European countries in particular, and enforcement is also weaker in a number of cases.

25. The social protection function (access to sick and holiday pay, to health insurance, and to pension) is tied to wage employment but is also tied to formal attachment to a particular employer. There is no mandated national health or pension system except for the Social Security minimum, which was initially devised as a supplement to employer-based pension. Family-friendly benefits are tied to stable employment with a (usually) large employer.

26. The US have a system of worker representation that is worksite-based. With a handful of exceptions (e.g. construction, garments), unions must win recognition by vote in one worksite at a time. Coverage under a union contract comes from belonging to a particular union local. We have exclusive jurisdiction (only one union represents a group of workers), no system of administrative/judicial extension of collective bargaining agreements (unlike France, or Quebec, Canada), and as a result little industry-wide bargaining (notable exceptions are Automobile, Steel). For workers who shift across employers and worksites (temp, service workers) and for workers in industries with numerous and small worksites, access to representation becomes very problematic.³

27. Overall, the US have a system of labor laws that has procedures for access to union representation that are increasingly maladjusted to the modern economy, even for workers in regular employment, let alone for those in alternative work arrangements. Partly as a result, we have low and declining union density. The percent of the total workforce that is covered by a union contract is 16.2 percent for 1996 (14 percent for women, and 19 percent for men).⁴ In the private sector, however, it is 11 percent.

28. This is the context in which the particular situation of workers, particularly women workers, in temporary and contracted employment must be understood.

Current issues

29. US labor standards laws and regulations do not have language explicitly addressing the situation of workers in temporary and contracted arrangements. They were enacted long before the 1980s and the increased presence of alternative arrangements in labor markets. Numerous ambiguities exist; they are being raised in courts by those workers with the means to bring forth cases, usually mid-level and high level workers.

30. Salient issues for these workers include *hours thresholds* for eligibility under several laws (e.g. Unemployment Insurance or the Family and Medical Leave Act) (Houseman 1997). Employment conditions make monitoring and enforcement more difficult; they also limit worker ability to become informed about their rights and options for redress.

31. Court cases are brought around the issue of *independent contracting*, that is whether independent contractors should be classified as self-employed, not employees, that is, responsible for paying the full

³ See Carré, duRivage, and Tilly 1994; Cobble 1994.

⁴ US Bureau of the Census 1997, tables 688, 691.

social security tax and ineligible for unemployment insurance. These are people who look scarcely like small businesses and very much like workers (MicroSoft Corporation case).⁵

32. Gaining *access to representation* by a labor union is particularly difficult for temporary and contracted workers though, as researchers have shown, it is also difficult for regular workers in the current US socio-political context and labor law framework. Temp, short-term hires, and on-call workers have difficulty gaining inclusion in existing bargaining units. They also have difficulty forming new units that are viable. Worksite-based representation, fostered under current labor law, is ill-suited to the situation of temp workers and of contract workers who shift across contractors or user firms. There are some ways for unions to by pass these obstacles and some unions do just that; they bypass National Labor Relations Board (NLRB) election procedures and, instead, organize to gain voluntary recognition from a group of employers in order to form a geographically-based bargaining unit for a sector.⁶

33. These problems are also compounded by the sheer difficulty of finding, and mobilizing a workforce that often has higher turnover than regular workers. Organizations report difficulty with scheduling meetings when the workforce moves across worksites, has schedule shifts, and must deal with the added complications that this creates for lining up family support systems like child care.

34. In cases in which workers are interacting with more than one company -- the temp service, or the contractor, and one or more client company -- both individual workers and unions have a stake in having the client company recognized as *joint employer*. And of course the client company does not. Individuals bring court cases to have the client recognized as responsible for respecting some labor standard, and unions, particularly the Service Employee International Union (SEIU), bring cases to NLRB regional representatives to have the client company recognized as joint employer.

Innovative Responses

35. In the absence of broad policy changes, and a court case is not feasible or desirable, what have been innovative responses? First, we see responses focused on workers who are most vulnerable in these arrangements, who get the least from them, and who do not have the resources to try the court system. They are often those with low skill and low wage jobs. Second, we see actions and innovations where opportunity arises: where some gain can be made by providing a better job matching system, or generating key information about employers and job quality, or creating a "floor" for wages or benefits.

36. At the Radcliffe Public Policy Institute, together with Pam Joshi, I conducted exploratory research on innovations which span firm boundaries and aim to meet some of the worker needs outlined above. We identified and wrote up 31 cases of innovative intermediaries of a wide range of types (Carré and Joshi 1997). There are many more cases in existence but we focused on those that illustrate the range of experimentation that has been taking place.

⁵ The recent Microsoft Corporation case includes a group of independent contractors who were reclassified by the Internal Revenue Service as employees. These workers argued that they should have access to the tax-deductible savings/retirement plan as common-law employees—a plan covered under the Employee Retirement Income Security Act (ERISA)—and to the stock purchase plan (under a Washington state statute) of regular employees. It appears that they gained access to coverage because they were reclassified as employees *and* because the benefit plans covered all common-law employees. The plans did not specify that temporaries (or other nonstandard workers) should be excluded from coverage.

⁶ In the absence of an election (and of employer opposition), non traditional bargaining unit definitions are allowed to form.

37. We asked two questions of the cases we looked at: How do the intermediaries identify worker needs and target them? What labor market role and other functions do the innovative intermediaries play?

38. The actors that engage in these innovations include: (1) worker associations, (2) union run innovations, (3) community-labor coalitions, (4) community organizations, (5) alternative business structures (co-operatives), (6) public-private partnerships, (7) private sector innovations, and (8) information and organizing networks.

Strategies

39. The range of strategies followed is wide. Many organizations follow more than one strategy as they identify worker needs and grope for activities that work. I identify a few key strategies and provide some examples.

1. Improving job brokering: Improving job information, job matching, skill recognition and the transition process.

40. Brokering **is** what temp/staffing services have done for mid-level and low-skill workers. They can shorten the time spent between jobs within occupation-industry clusters in the labor market like for word processing staff or light manufacturing assembly workers. They do so, however, with limitations in terms of access to benefits and worker choice. Innovations I now describe move beyond what traditional temp/staffing companies do.

41. Becoming the “temp service of choice” is one approach taken by a number of unions, community groups, and temp/staffing services. The Communications Workers of America (CWA) runs employment centers in Southern California and Cleveland; these are attempts at creating a union-run temporary placement center as an alternative to temporary help services in the telecommunications industry. This is a variant on the traditional union “hiring hall”. Employment centers aim to provide better workers and better job matches and, in so doing, to employ displaced workers from the industry as well as new entrants. They provide job referrals, skill assessment and some training. They also provide collective bargaining coverage and, thus, access to benefits.

42. Community organizations also have established their own temp/staffing services to offer low skill workers from their community (often an inner city, minority community) conditions for temp work that are better in terms of wage levels, duration of assignment than those available through ordinary temp services. One example is the temp service run by Suburban Job-Link, a community-based organization in the Chicago area (better known for its “reverse commuting” approach).

43. Second, brokers can make use of the time between jobs to provide skill assessment and income. Alliances between temp/staffing services and outplacement firms have developed for providing temp assignments to middle level and technical workers displaced by corporate downsizing as they wait for another long term job.

2. Improved compensation: higher wages and/or improved benefit coverage

44. First, the direct means to gain access to improved wages and benefits is through union representation, whether gaining inclusion in an existing unit, or by forming a non traditional, multi employer, bargaining unit.

45. Examples of extension of an existing collective bargaining agreement to temporary workers include two CWA experiments. The AT&T Administrative Intern program brings workers in temporary clerical assignments (180 per year) back into the company and the collective bargaining unit while they continue to rotate across assignments. This program provides temporary workers with access to skill screening, training, and job bidding rights as well as to benefits and improved wages. The CWA-Bell South Utilities Operations is a jointly managed company set up to substitute for external contractors. The contractor workforces are now under the bargaining agreement albeit with wages and benefits that are lower than for regular workers.

46. A second strategy is to raise the wage floor and gain benefit access in a geographic area through political means. The best known living wage campaign is that from Baltimore. The joint effort of AFSCME, and the IAF affiliate BUILD,⁷ to pass a minimum wage ordinance had made the fate of private contractor workforces, that provide services to the city, a matter of public policy. (It also entails the formation of a multi employer association of minimum wage workers with portable benefits, albeit small ones, a component which is significant.)

47. A third strategy is a business strategy followed by a few high-end temp/staffing services. These companies identify specialized market niches that provide them access to significant resources. They develop worker attachment to the temp service and to the occupation by providing comparatively higher wages, better assignments, and access to group plans for key benefits such as health insurance (MacTemps).

48. The fourth strategy is to build a benefit pool; it occurs in the absence of being able to lay claim on any employer or end user. This is the strategy adopted by Working Today, the association of independent contractors and free lancers.

3. *Sectoral strategy*

49. Innovations that adopt a “sectoral strategy” provide “job brokering” and aim to improve benefit coverage and wage levels but they do so with a targeted approach to a market subsegment -- a specific occupation and service market such as home care or child care, two female-dominated activities. Moreover, they combine this targeted approach with significant skill assessment and training at the start of employment and in an on-going way. These innovations concern primarily low wage human service work and aim to remedy and improve the ways that such work is performed in standard models of for-profit agencies. Often, for-profit operators compete on low cost (thus low wages) and provide temporary assignments with little or no benefits.

50. These “sectoral” strategies have emerged as a means to transform low wage, human service work into an option that is more “livable” for workers -- usually women workers -- than the standard way in which it is organized. The Cooperative Health Care Network adopts one such strategy. This cooperative structure develops customer loyalty through quality care provision and worker attachment. It also aims to generate higher quality jobs through stability in assignments, benefit provision, counseling, skill training, and even worker ownership. Workers are often recruited from welfare-to-work training and job readiness programs and the training they receive is partially subsidized by public funds and charitable grants. The strategy aims to “stabilize” activities in a sector otherwise known for rotating assignments (customers needing care at home change), and for high workforce turnover.

⁷ Acronyms stand for American Federation of State, County, and Municipal Employees; Industrial Areas Foundation; and Baltimoreans United in Leadership Development, respectively.

4. *Actions aimed at influencing employer behavior: attempts to create and uphold employment standards.*

51. Some networks of unions and community group push on voluntary solutions. They develop and publicize “employer codes of conduct” as well as lists of “model employers” in their region. In New Jersey, the United Labor Agency of Bergen County has enlisted the collaboration of some temp/staffing agencies, 10 or so, in developing a voluntary Code of Conduct, and in contributing to efforts to monitor the temp/staffing agencies that operate without mandatory registration.

52. Other networks and organizations undertake employer “audits” of the kind piloted by civil rights and research groups for employment and housing. Volunteers affiliated with a member organization have gone to work for local temp/staffing services and report any case of non-compliance with state or federal laws. This is what the Carolina Alliance for Fair Employment did over the past year to document violation of a state law on wage notification.

5. *Public information aimed both at the transient workers (e.g. rights education) and the general public.*

53. The strategies discussed thus far are reinforced by significant component of public information -- compiling information about worker experiences and patterns of use of temporary and contract arrangements by employers. Public information is usually the starting point for many coalitions and networks of organizations; it is a key part of the activities of the wide range of networks of community and labor groups and of worker centers that have sprung up in recent years. Organizations and networks document the problems faced by some workers, as well as changes in employer practices. They then run public education campaigns to reach workers in transient employment, but also to raise awareness among policy makers, legislators, regulators, media, and the general public.

6. *Mechanisms for developing worker voice and using worker education for militancy, and collective action (free-lancer association, union, community organization, cooperatives).*

54. Of course, many of the structures that are put in place as part of these efforts provide for, and develop, worker voice, be it through representation in a union, worker/free lancer association, or membership in a worker cooperative. For labor and community groups in particular, these structures for representation are an integral part of the strategy.

Questions

55. The strategies I have just outlined are eclectic. They reflect the diffuse nature of employment conditions in US labor markets, the limited sphere of federal regulation with respect to employment relations, and the absence of national policy initiatives with respect to overhauling the health insurance system, or the labor law framework. These strategies also reflect tremendous resilience, initiative, and innovation.

56. Nevertheless, this review of the current policy environment and of responses to temporary and short-term arrangements leads me to raise several questions, the answers to which will be needed in the near future.

57. First, how do we gain access to the employer contribution to health and pension funds in the cases where a portable benefit pool can be created? Mechanisms are being developed to make it easier for

workers to retain access to a pension or a health insurance fund as they shift across assignments or even across jobs. However, there is little in place that provides for gaining access to employer contributions when they do not already exist except, of course, where union contracts are involved. In the absence of a national system, how can employer contributions be tapped? Should temporary, on-call, and contract workers forego them as free-lancers and independent contractors have had to do?

58. A similar question applies to gaining access to employer contributions towards training funds, and towards maintaining a job information system for workers in temporary arrangements.

59. Second, these innovative intermediaries have identified points of leverage, strategies that work in their particular labor market and socio-political context. They have demonstrated remarkable resourcefulness and inventiveness. How do they sustain themselves over time? Many draw on the resources of an allied union, on foundation grants, or on public training subsidies. Many of them are strengthened by their partnerships and alliances with other kinds of organizations which bring a different strategy and extra resources to the table. Nevertheless, for many, sustaining themselves over time may require more than organizational inventiveness and hard work.

60. Third, and more importantly, how do the solutions that innovative intermediaries devise for some workers become accessible to other groups of workers? And should they? The strength of these innovations lies in their variety and eclectic approaches; these reflect the heterogeneity of employment conditions for workers in temporary, and contract work. Their activities point toward possible useful mechanisms in the absence of concerted national policy action. They will not spread without some policy support; for example, the alteration of existing regulations on the roles of unions in hiring and training, or the way the tax code handles employer contributions toward benefits. Ultimately, regulatory change will be needed to foster the formation and survival of risk pooling mechanisms that are not employer specific and, in some cases, are not even industry specific. At this point, appropriate policy action should provide supports to innovations or, at the very least, remove barriers to their activities.

Final Comments

61. Finally, highlighting areas of resilience and innovation in the US system is not to downplay the importance of federal and state level policy. Labor law reform has been discussed by labor experts for many years; it is unlikely that action will be taken by the current administration. Reform has been proposed in the regime that governs representation both for regular workers as well as for temporary and contracted workers. Models under discussion for the latter include juridical/decreed extension, sectoral bargaining, or occupational/geographic bargaining or a combination of these (Carré 1993, Cobble 1994).

62. In addition to access to representations, workforces in temporary and contracted arrangements, particularly the most vulnerable ones, would be aided by federal and state policies that create a universal “floor” for wages and employment conditions. When temporary and contracted arrangements affect low skill workers and others with limited bargaining power in the labor market, legislated standards are required in addition to worker representation mechanisms.

Sources:

- Bureau of Labor Statistics (BLS). 1995. *Contingent and Alternative Employment Arrangements, February 1995*. Washington DC. Press release.
- Bureau of Labor Statistics (BLS). 1997. *Contingent and Alternative Employment Arrangements, February 1997*. Washington DC. Press release.
- Callaghan, P. and H. Hartmann. 1991. *Contingent Work: A Chart Book on Part-Time and Temporary Employment*. Washington, DC: Economic Policy Institute.
- Carré with P. Joshi. 1998. "Temporary and Contracted Work: Policy Issues and Innovative Responses," Prepared for the MIT Task Force on Reconstructing America's Labor Market Institutions, June.
- Carré, F.J. 1992. "Temporary Employment in the Eighties." In *New Policies for the Part-Time and Contingent Workforce*, V.L. duRivage (ed.). Armonk, NY: The Economic Policy Institute, M. E. Sharpe.
- _____. 1993. "Women Workers in Temporary and Contingent Employment: Problems, Policies and Possible Models for Representation." Commissioned by the Women's Bureau for presentation to the joint DOL-Department of Commerce Commission on the Future of Worker-Management Relations. Presented at the Symposium, "Labor Law Reform: Viewpoints from Working Women," U.S. Department of Labor, Washington, DC, October 14.
- _____. 1995. "Policy Responses to the Growth of Unstable Employment Arrangements: The French and Canadian Experiences." *Proceedings of the Forty-Seventh Annual Meetings of the IRRA*. Bloomington, Ill: Industrial Relations Research Association, Summer.
- Carré, F. and P. Joshi. 1997. "Building Stability for Transient Workforces: Exploring the Possibilities of Intermediary Institutions Helping Workers Cope with Labor Market Instability." *Radcliffe Public Policy Institute Working Paper No. 1*.
- Carré, F.J., V.L. duRivage, and C. Tilly. 1995. "Piecing Together the Fragmented Workplace: Unions and Public Policy on Flexible Employment." In *Unions and Public Policy: The New Economy, Law, and Democratic Politics*, L.G. Flood (ed.). Westport, CT: Greenwood Press.
- Cobble, D.S. 1994. "Making Postindustrial Unionism Possible." In *Restoring the Promise of American Labor Law*, S. Friedman, R. Hurd, R. Oswald and R. Seeber (eds.). Ithaca, NY: Industrial and Labor Relations Press, Cornell University.
- duRivage, V.L., F.J. Carré, and C. Tilly. 1998. "Making Labor Law Work." In *Contingent Work: American Employment Relations in Transition*, K. Barker and K. Christensen (eds.). Ithaca, NY: ILR/Cornell University Press.
- Ferber, M. and J. Waldfogel. 1996. *"Contingent" Work*. Cambridge, MA: Radcliffe Public Policy Institute.
- Houseman, S. N. 1997. "Labor Standards in Alternative Work Arrangements." Prepared for the Industrial Relations Research Association Conference, December.

- Houseman, S.N. and A.E. Polivka. 1998. "The Implications of Flexible Staffing Arrangements for Job Security." Paper prepared for the Russell Sage Foundation's Conference on Changes in Job Stability and Job Security, February.
- Kalleberg, A.L., E. Rasell, N. Cassirer, B.F. Reskin, K. Hudson, D. Webster, E. Appelbaum, and R.M. Spalter-Roth. 1997. *Nonstandard Work, Standard Jobs: Flexible Work Arrangements in the U.S.* Washington, DC: Economic Policy Institute.
- Kalleberg, A.L., B.F. Reskin, and K. Hudson. 1998. "Bad Jobs in America: Standard and Nonstandard Employment Relations and Job Quality in the United States." Paper prepared for the Annual Meetings of the American Sociological Association. February.
- US Bureau of the Census. 1997. *Statistical Abstract of the United States: 1997.* (117th edition) Washington, DC.

Table 1: Selected Characteristics of Workers in Nonstandard Arrangements

Type of Work Arrangement (Bureau of Labor Statistics Definition)	Percentage of Total Employment (1995)	Percentage of Total Employment (1997)	Percentage with Health Insurance Coverage (1997)	Percentage with Health Insurance Provided by Employer (1997)
Independent Contractors Workers who are identified as independent contractors, independent consultants, or freelance workers, whether they were self-employed or wage and salary workers.	6.7	6.7	72.7	Not Applicable
On-Call Workers Workers who are called to work only as needed, although they can be scheduled to work for several days or weeks in a row.	1.7	1.6	67.3	19.6
Temporary Help Agency Workers Workers who are paid by a temporary help agency, whether or not their job was temporary.	1.0	1.0	46.4	7.0
Workers Provided by Contract Firms Workers who are employed by a company that provides them or their services to others under contract, and who are usually assigned to only one customer and usually work at the customer's worksite.	0.5	0.6	81.7	50.2
Workers with Traditional Arrangements	90.1	90.1	82.8	57.5

Sources: BLS (1995) and BLS (1997).

Table 2: Alternative Arrangements among Female and Male Workers

Type of Work Arrangement (Bureau of Labor Statistics Definition)	Percentage of Female Employment (1995)	Percentage of Female Employment (1997)	Percentage of Male Employment((1995)	Percentage of Male Employment (1997)
Independent Contractors Workers who are identified as independent contractors, independent consultants, or freelance workers, whether they were self-employed or wage and salary workers.	4.7	4.8	8.4	8.2
On-Call Workers Workers who are called to work only as needed, although they can be scheduled to work for several days or weeks in a row.	1.8	1.7	1.6	1.4
Temporary Help Agency Workers Workers who are paid by a temporary help agency, whether or not their job was temporary.	1.1	1.2	0.8	0.8
Workers Provided by Contract Firms Workers who are employed by a company that provides them or their services to others under contract, and who are usually assigned to only one customer and usually work at the customer's worksite.	0.3	0.4	0.7	0.8
Workers with Traditional Arrangements	92.0	91.8	88.5	88.5

Sources: BLS (1995) and BLS (1997).