

***The workers vs. temporary labour agencies. Contextualizing im/migrant workers' struggles against temporary labour recruitment agencies in Canada*¹**

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“Labor history is full of vicious little timewarps, where archaic or long foresworn practices and conceptions of work are reinvented in a fresh context. . . . The “sweating system” of farming outwork to competing contractors in the nineteenth-century garment industry was once considered an outdated exception to the rule of the integrated factory system. Disdained as a pre-industrial relic by the apostles of scientific management, this form of subcontracting is now a basic principle of almost every sector of the post-industrial economy and has emerged as the number one weapon in capital’s arsenal of labor cost-cutting and union-busting”. (Ross, 2001:83)

Introduction

In an era of neoliberal immigration, namely “displacement accompanied by disenfranchisement and often internal segregation in host countries” (Akers Chacon, 2006:90) and austerity (McNally, 2011), many new immigrants and temporary foreign workers in Canada encounter multiple levels of exploitation as employers strive to further reduce costs of production and maximize profit. This article puts critical scholarship on the phenomenon of temporary labour recruitment agencies (“temp agencies”) and the conditions of the workers employed through them into dialogue with the organizing experiences of the Immigrant Workers Centre (IWC) in Montreal, Quebec. One author (Choudry) is an academic and board member of the IWC; the other (Henaway) is an IWC organizer. The article arises from our engagement in IWC campaigns, and is grounded in a tradition of activist research which builds upon and engages knowledge production and learning in social movements (Foley, 1999; Bevington and Dixon, 2005; Choudry and Kapoor, 2010). It discusses building agency/immigrant worker leadership and independent organizations of agency

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workers in education and action campaigns against the practices of the thriving temp agency industry in Quebec, which is often characterized by low wages, poor working conditions and workplace safety, and labour law violations. It argues that these conditions and temp agency workers' struggles for justice and respect must be contextualized in relation to broader historical and contemporary trends in national and global labour, the transformation of work, immigration and economic policymaking at a time of capitalist crisis and a new period of austerity, as well as local/global networks of resistance driven largely by im/migrant workers themselves which have emerged in recent years.

Within Canada the push to maintain global competitiveness in a time of growing austerity and the bottoming out of neoliberal policies has created a climate of insecurity for public and private sector workers who face take-it-or-leave-it bargaining situations with employers. Over the past three decades, Canada has seen economic restructuring, market competition and neoliberal reforms as employers seek new ways to reduce costs and increase profit. Much production and many jobs have shifted to the third world as employers seek cheap pools of unorganized labour in countries with little regulation of workplace standards, augmented by free trade and investment regimes. But jobs that cannot be exported, employers have sought to reduce costs by accessing a local pool of labour that could not be unionized, could be used flexibly, and hired without employer responsibility and obligation, paid less than other workers, and which has little recourse to the usual government bodies such as labour standards boards. Some of these workers are relatively new immigrants, others are brought in as temporary foreign workers, and many work through temp agencies.

In 2008, for the first time the number of workers entering Canada under temporary foreign worker programs outnumbered the number of those becoming permanent residents. That year, 370,000 temporary foreign workers were admitted to Canada, while 250,000 people were granted permanent residence (Office of the Auditor General, 2009). Alongside the established Live-in Caregiver Program and Seasonal Agricultural Worker Program, a major recent entry point for migrant and immigrant workers is the Low Skilled Pilot Project, a result of demand for labour in the development of Alberta's Tar Sands and related services. The low skilled pilot project brings in foreign workers for work in landscaping, Tim Hortons fast food restaurants, food production, retail, large laundry services and many other fields. These workers are mainly brought in through recruitment agencies. Labour flexibilization is central to such moves. Ottawa has responded to business demands to make the process of using temporary foreign workers more employer-friendly. Critics, including trade unions, workers' centres and immigration justice groups (e.g., Alberta Federation of Labour 2009; Choudry et al. 2009; UFCW 2010; Choudry and Thomas, 2012) and Canada's Auditor General's office (2009) have charged that these programs have few real safeguards, and lead to actual and potential abuse of workers.

There is growing international scholarly interest in the expansion and diversification of temporary staffing agencies in the context of labour deregulation and flexibilization and economic restructuring – for example in Canada, (see Cranford, Vosko and Zucewich, 2003) Japan (Suzuki, 2008; Kojima, 2010), New Zealand (Casey and Alach, 2004; Rasmussen, Lind and Visser, 2004), the USA (Peck and Theodore, 2002; Theodore and Peck, 2002; Hatton, 2011), Italy (Degiuli and Kollmeyer, 2007), and the UK (Forde, 2001). Some studies examine gender

and temping (e.g. Vosko 2000; Casey and Alach, 2004; Hatton, 2011). Some focus on connections between immigration status, race and temp agency work (Vosko, 2000; Fuller and Vosko, 2008; Gonos and Martino, 2011). In most contexts, women, recent immigrants and youth are overrepresented in temp agency jobs. Agencies range from major global corporations like Manpower, Randstad, Kelly and Adecco to small local firms or even individuals acting as labour agents, brokering cheap labour on-call to an increasingly diverse range of businesses. Employers want ways to reduce labour costs and avoid labour regulations and obligations associated with being a direct employer. Parker (1994) calls temp workers “warm bodies”, contending that employers do not care who they get as long as they can work to a satisfactory standard. Temping is characterized by extreme uncertainty about work schedules, tasks and incomes, accompanied by major challenges of regulating work when the nature of employment contracts and the employment relationship is so ambiguous for so many temp workers. As many (e.g. Bartkiw, 2009, Vosko, 2010b, Peck and Theodore, 1998) argue, the broader ways in which temp agencies and their increased legitimization and use render labour more contingent are often overlooked by scholars, and official/policy approaches (e.g. Bernier et al, 2003). For Theodore and Peck, temp agencies purvey “at least three fundamental forms of labor flexibility—(1) *temporal flexibility*, needed to accommodate daily, seasonal, and cyclical fluctuations in the quantity of labor inputs required; (2) *functional flexibility*, a means of accessing specialist skills and capacities on a selective and discontinuous basis; and (3) *regulatory flexibility*, reflecting the imperative to liberalize, deinstitutionalize, and deregulate the traditional employment relationship. In this context, they have been uniquely placed to ride the wave toward a more flexible economy” (2002:468).

Over a decade ago, Vosko found that a high proportion of temp agency workers in Canada reported job tenures of over a year, noting moves “towards providing “staffing services” in the [temporary help industry], where the duration of the assignment becomes less crucial to the customer than the nature of the relationship with the worker, so long as the agency preserves ‘labour flexibility’ for the customer by playing the role of ‘employer’ when it comes to hiring, dismissal, workers’ compensation, and the administration of benefits.” (2000:134). As Vidal and Tigges (2009) concur, the temp agency industry has continued to move away from a “reactive” use of temps as replacements for absent employees, or as purely supplemental staff during peak periods of demand, to the “systematic” use of temps, in which entire job clusters and industries are staffed with agency workers indefinitely. Hatton argues that an aggressive temp agency industry established a “workers-as-liability” model in the US: “[i]nstead of selling flexibility to those who needed it, the temp industry promoted flexibility for everyone, casting permanent employees as expensive inventory that should not be kept in stock” (2011:144). She notes the rise of the phenomenon of ‘Permatemps’ as permanent employees are replaced with “permanent temporaries”, to shift employees to temp agency payrolls, with not only attendant employer savings and the avoidance of obligations towards employees, but broader, deeper impacts on labour and the nature of work itself. Using temp agency staff is often not just a stopgap measure to cover sick leave, vacations or busy periods, some employers use them as an integral part of their workforce. Structurally, this constitutes the creation of a just-in-time workforce for just-in-time production. Workers are on permanent probation, can be dismissed at any time, for any reason, and without any benefits. Extending Peck and Theodore’s (1998) argument, in an environment of fluctuating labour demand, the temp industry not only provides new opportunities for bosses to harness flexibility-enhancing strategies and extend their recruitment

reach deep into lowskilled, underemployed and impoverished pockets of inner-city labour markets made vulnerable to wage-cutting and employment destabilization. For alongside moves like Canada's expansion of temporary foreign workers program, via temp agencies, employers are more able to tap into global pools of vulnerable workers, as well as im/migrant workers "who share ethnic and cultural ties and often live together in tightly networked communities" (Gonos and Martino, 2011: 500). To extend Panitch and Swartz' (2003) concept beyond unionized (primarily public sector) workers, temp agency workers and migrant workers experience a generally similar form of "permanent exceptionalism" or permanent temporariness, in the service of capital accumulation. Temp agency work and the very presence of migrant (and racialized new immigrant workers) constitute (often overlapping) forms of regulatory flexibility. As Bauder (2006) and Valiani (2012) note, the presence and proliferation of precarious/vulnerable im/migrant workers acts as a de-regulatory force in labour markets.

Temp agencies and im/migrant workers

Indeed, recent immigrants are discriminated against in the labour market and frequently pushed into temporary agency work upon arrival (Vosko, 2000; Choudry et al, 2009; Calugay, Henaway and Shragge, 2011; Henaway, 2012). Agencies often justify practices such as paying low wages and providing no benefits, arguing that recent immigrants receive valuable "Canadian experience" (Vosko 2000, Cranford and Ladd, 2003). Yet Vosko claims that "[j]ust as officials argued that the industry 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, they now claim that temporary help work is a suitable means for immigrants to gain experience and exposure in the Canadian market" (2000:190). The claim that temping can help someone gain a foothold in the labour market and stable permanent work is questionable. As the use of temp agency workers becomes a permanent solution for employers who no longer want a permanent workforce, and as the economy changes, for many the prevailing trend is not movement from temporary to permanent jobs, but rather the opposite.

Vosko notes that many recent immigrant workers felt trapped in precarious temp agency work. The racialized division of labour in the sector "is a product of two overtly racist 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." (2000:193). She draws parallels between today's temp agencies and 19th century *padrones* – labour agents who profited from matching transient migrant workers with jobs and controlled much of their lives. Vosko continues, "the practice 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 [20th] century, when railway and steamship agents placed Chinese immigrants in railway work and Italian immigrants in construction" (2000:193).

Canada's temp agency industry

Temp agencies are no longer on the labour market's periphery. While smaller than its US equivalent, Bartkiw (2009; 2012) notes the difficulty of getting reliable data on the size and expansion of the temp agency industry in Canada, and therefore being able to analyze the impacts of the growth of the use of temps on labour and attendant challenges of unionization for both temp agency and regular workers in the worksites where both work. According to the Survey of Service Industries,

these companies generated operating revenues of (CDN) \$9.2 billion in 2008, and \$8.7 billion in 2009 (Grant, 2011), up from \$1.0 billion in 1993. According to Statistics Canada (2010) between 1993 and 2008, the number of registered agencies grew from 1191 to 5077, an increase of 325%. This does not include the many unregistered agencies. Agencies do not usually need a license to operate, so start-up costs are modest. There are currently over 1200 placement agencies operating in Québec, present in virtually all sectors, including office work, the construction industry, healthcare, manufacturing, and agriculture. Before January 2007, employees hired through temp agencies also constituted a separate temporary job category in the Labour Force Survey. However, this category was often confused with contract jobs and was therefore removed from the survey (Galarneau, 2010). Although the number of agency-hired employees in Canada is probably also increasing, there is no reliable information on numbers to date. While Statistics Canada (2011) notes that the economic downturn had impacted growth of the temp agency sector for 2009 across Canada, Quebec was one of the three provinces in which temp agencies experienced increased revenues (Galarneau, 2010). Official estimates put the number of workers in temp agencies in 2010-2011 at 158,000 (Grant, 2011), up six per cent from the previous year. However, these figures are unlikely to account for temp agency workers with precarious immigration status or who are undocumented.

Conditions of agency workers

“With the recession and the resulting slackness, employers are in a position where they can offer no security, no benefits, unreliable hours and lousy pay – and still have people apply. And that will persist until either the labour market picks up or we put some restrictions in place on how precarious employment works,” said Canadian Auto Workers economist, Jim Stanford. (Grant, 2011). For Freeman and Gonos, “agency work is a modern form of indentured servitude” (2005:305), with agencies dubbed “the employment sharks”. According to a 2005 Statistics Canada report on earnings of temporary versus permanent employees, the earnings gap between a permanent and a contract worker was about 13 per cent, while between a permanent and casual worker the gap is about 34 per cent (Galarneau, 2005). The disparity persists even after adjustments for demographic differences like education levels, immigration status and gender. Temporary agency work is typically characterized by a triangular relationship between a worker, agency and a user firm. There is no direct employment relationship with and supervision by a single employer on the employer’s premises. The temp hiring industry is driven by employers’ needs. Gonos notes: “The agency’s “markup” is the difference between the billing rate charged to client firms and the workers’ pay rate. The agency thus profits from every hour that a worker is on the job” (2001:14). McCallister argues that “while some workers prefer temporary employment – most workers are temporary involuntarily;...temporary workers do not receive occupational and material benefits (both cash and noncash) at the same rates as other workers, whether they work through temporary agencies or not; and ...a correlation exists between “flexible” employment arrangements like temporary work and relative economic distress” (2004:222).

Freeman and Gonos suggest that besides producing subservience and abuses of workers, “the negotiating activities of staffing agencies impede workers’ ability to engage in concerted activity to effectuate meaningful bargaining over the terms and conditions of their employment” (2005:305). They view that the temp agency’s “substantive bargaining relationship with the user

employer is one of collusion with that employer to minimize workers' wages and benefits and to maximize profits" (307). This has fast become a large section of the workforce. Thus it poses a challenge to see temp work/ers as not being just a peripheral, or marginal subsection of the workforce and also, as noted earlier, not as temporary as some might think when workers may work under an agency for considerable periods of time. Vosko (2000, 2008) draws on feminist political economy to critique attempts to understand temp agency work/workers, and dubs dominant approaches to theorizing the labour market as "SER-centric" (SER = standard employment relationship). She argues that the SER (based on the pillars of a bilateral employment relationship between employee and employer, standardized working time, continuous employment) is not the norm for many workers and therefore SER-centric approaches are inadequate. There has been relatively little official policy focus on the implications of non-standard employment, although Bartkiw (2009) argues that the 2003 Bernier report arising from a Quebec government commission (Bernier et al, 2003) "includes one of the most comprehensive analyses to date of issues around the rise of temporary help agency employment in Canada" (Bartkiw, 2009:185). Yet several scholars suggest that as formulated, labour law and labour standards are poorly suited to, and inadequate for the increased presence/significance of temp work (Vosko, 2000, 2008, 2010; Freeman and Gonos, 2005, Gellatly, et al., 2011).

Vosko (2000) and others warn of the potential of the temp employment relationship to become an employment norm for a wider segment of the population. The broader, longterm impacts of this practice are far-reaching. As Lansbury puts it: "The development of temporary agency employment has implications for the future nature of work, the integrity of national income tax and social security systems and the roles of trade unions in providing representation and collective bargaining for such workers" (2004: xvi). The strategy to restructure industries into a neo-liberal model that increases profits through creating a precarious workforce, one that can be disposed of easily and paid at much lower rates, is rapidly expanding. In Montreal, almost every industry is affected - cleaning, agriculture, home work, nursing homes, construction, factory, and white-collar work have all become industries staffed by temp workers on, or in some cases below minimum wage.

Most workers with varying immigration status are placed in two major types of agencies. The first type comprises larger agencies, those players which cut HR costs of large companies mainly operating in the 1990s in the healthcare sector and white collar work, such as Kelly Staffing, Manpower and Thompson Tremblay. The second type is the "fly by night" agency which mainly operates outside of the official labour market. One day they are open, the next day they may be closed. They are not regulated and often hard to track down. Many of these agencies recruit desperate workers who are without legal status or are unable to find stable work. They operate mainly in the agricultural sector as day labour agencies, where workers in larger cities like Montreal and Toronto will wait in the morning in front of a subway station to see if there is work that day outside of the city. They pay cash at the end of the day, often at rates below minimum wage, with neither health and safety coverage nor basic respect for minimum labour standards. Fly by night agencies are used to outsourcing for sub-contractors. IWC encountered this in the case of a popular coffeeshop chain which purchases sandwiches through a subcontractor, which in turn hires workers through a fly by night agency. . In a recent case, a group of 6 Mexican workers, paid below the minimum wage. were owed almost 3 months of unpaid wages. The subcontractor blamed the agency, which in turn blamed the subcontractor. These workers felt unable to formulate a complaint as it would impact their claim for refugee status because they were not allowed to work legally. In 2010 Radio

Canada's *Enquete* documented the worst practices of "fly by night" agencies, with undercover journalists posing as new immigrants (Radio Canada, 2010). One journalist wore a hidden camera when applying to temporary agencies that specialize in placing immigrants who speak no English or French. Assigned to Montreal chicken factories, they worked alongside regular staff. 'No one ever asked me for a single piece of ID. Not even my ... [health] card. If I'd had a workplace accident, what would have happened then? Who would have been responsible for my care?' recalled undercover journalist, Martin Movilla. They were expected to work long shifts, up to nine hours at a time, sometimes with only one 15-minute break, and paid between \$6.50 and \$8.00 per hour. Minimum wage in Quebec is \$9.50/hour. Temp agencies clearly understand how workers' immigration status can be leveraged to provide cheap labour for companies. The most worrisome practices are adopted by fraudulent agencies specialized in the recruitment of vulnerable individuals, such as new immigrants often unaware of their rights and in dire need of income.

The IWC sees three categories of workers whose precarity and vulnerability is exploited in particular, though overlapping, ways. Firstly the most exploitable category of worker comprises those without status. A 2007 Royal Canadian Mounted Police report estimated the number of undocumented workers in Canada at between 200,000 to 500,000. (RCMP, 2007). Unable to work legally and without access to their labour rights they are forced to find any form of work because they have no access to social assistance. Thus smaller, often fly by night agencies become a vehicle through which they can work. These agencies are the most precarious themselves, mainly relying on networks within individual immigrant communities for such workers. They pay cash and operate in food processing, cleaning, contracting and agricultural work. The second category of worker comprises those who are refugee claimants and are on social assistance. They are unable to work legally, but for people with families, social assistance at a rate of \$534/month is insufficient to live on. So many refugee claimants work for agencies – usually the fly-by-night variety - in food production for cash. They are often in particularly vulnerable positions because employers and agencies know that they will not make formal complaints because they are on social assistance. IWC organizer, Joey Calugay explained that temp agencies that cater to immigrants make it easy for people new to the country to find work, but "unfortunately, once they are in the jobs, they find themselves in all sorts of ... problems" (CBC News, 2010). The third category comprises those with papers - permanent residents and citizens, but who suffer from institutional racism and discrimination towards immigrants. This operates where meaningful employment is difficult for them because their education and qualifications are not recognized, or when they have been here for some time in stable manufacturing work or the service industry, but are laid off. Many - especially those with limited language skills or without newer skills needed for the labour force - are forced into agency work.

Challenges and organizing strategies

We move now to discuss challenges and organizing strategies for temp agency workers. Firstly, we agree with Freeman and Gonos, who remind us of the importance of learning from history. For them, "[t]he ever-present reality of temporary work in the twenty-first century labor markets makes it important to incorporate into our labor history and legal lexicon the forgotten story of how exploitative private agencies were characterized by workers and regulated by proworker

legislation. Awareness of these past labor struggles can assist in forming a new vision of how to craft laws and build organization to halt the spread of the contemporary staffing industry's nonunion empire" (2005:309).. Secondly, we discuss IWC's organizing strategies alongside lessons/insights from other contexts, at a time when the historical focus and priority of trade unions to organize and maintain their traditional industrial base are under sustained challenges from transformations in work, and as some (including the Quebec unions, Centrale des syndicats démocratiques (CSD), Confédération des syndicats nationaux (CSN), Centrale des syndicats du Québec (CSQ), and Fédération des travailleurs et travailleuses du Québec (FTQ), see CSD/CSN/CSQ/FTQ, 2011) think through these challenges, and acknowledge the importance of fighting for the rights of temp and non-standard workers as part of a broader strategy to defend the rights of working people. Indeed, in Quebec, a fall 2011 joint trade union report on temp agency workers was produced in the context of a larger consultation by the Ministry of Labour on regulating temp agencies. This in turn came about from pressure from community organizations and unions working together in the Front Des Non Syndicats (FDNS), as well as the joint campaign by the IWC and Au bas de l'échelle, an organization that researches issues related to those working in precarious situations, provides service and promotes change, which worked with the different labour councils during 2011 to support the campaign for agency workers as part of a broader union strategy.

Founded in 2000, the IWC, like many other worker centres, stands at a juncture between traditions of labour unions and community organizing. It sets priorities around issues that workers bring into the centre. The exploitation of temp agency workers became a pressing concern that IWC needed to address during the organizing of laid-off textile and garment workers in 2008. Many Montréal factories had shipped major production to the global south but still needed a workforce to package and warehouse incoming products. At L'Amour Hosiery, where 500 workers were laid off with whom the IWC worked to gain a real severance package, instead of maintaining an older fulltime workforce on higher pay than minimum wage (at around \$11-\$14 an hour), workers were replaced both by outsourcing production to Asia, and with temp agency workers. Later, the IWC took on other cases relating to agencies not paying deductions and workers being unable to access unemployment insurance because the agency had kept their wages and deductions as extra profit, owed the government several hundred thousands of dollars and was eventually shut down. Eventually through the IWC's work workers received their EI benefits. In the US, day labour arrangements are increasing in several areas of the economy including construction, factory production and agricultural work (Valenzuela et al, 2006). For the IWC, as time went by, it became clear that temp agency workers' jobs in and around Montreal were diverse, working in health and social services, warehouses, agriculture, to name but a few. Agricultural jobs, such as fruit and vegetable picking, are considered a hybrid between day-labour and temp work. There was growing precarity, as work became more and more available primarily through placement agencies and temporary foreign worker programs.

IWC has attempted to build a campaign not just based in an immediate fight around one workplace, but rather one that could result in a long term campaign relevant to the working class as a whole. It wanted to challenge conditions common to different workplaces and communities, and change the conditions of all workers impacted, those with immigration status and without, and including unionized workers. A major goal has been to strategically collectivize temp agency workers. Ultimately, such a broad organizing

vision would benefit diverse types of workers, and would decrease the tools that employers and companies can use against workers. The aim was to create a campaign broad enough to bring together workers from different sectors and communities, which could have a real impact on people's lives. Another goal was to build more workplace fight-backs locally, while building real leadership amongst immigrant workers themselves. Concretely, for the IWC, building this campaign meant understanding the workers' situations and helping forge relationships amongst them. This has led to a deeper understanding of how most work has been changing drastically, governed by a form of austerity and outsourcing which has been effectively able to undermine the gains of workers over the past thirty years. The growth in temp agencies must be seen alongside public sector cuts to and free trade and investment policies.

One IWC ally, the collective "Dignidad Migrante," works with Latina/Latino migrants on local migration and work issues, including temp agency labour exploitation, as well as issues in Latin America, from a radical anti-authoritarian perspective. Another ally group, PINAY, working with Filipina domestic workers, had also been dealing with agencies around issues faced by migrant workers under Canada's Live-in Caregiver program (LCP). Under the LCP, workers frequently pay huge recruitment fees to agencies to find them employers, sometimes running into thousands of dollars once workers arrive in Canada. Most of the workers' earnings go towards paying this fee. Temporary foreign workers arriving under the new low-skilled pilot project sometimes come through agencies abroad which charge enormous recruitment fees of up to \$10,000. A 2007 National Union Public and Government Employees (NUPGE) report on the temporary foreign workers program highlighted such examples. "Maple Leaf Foods... suspended its program to import workers from China after discovering that 61 employees at its Brandon pork plant paid \$10,000 each to a consulting company that had actually been hired by Maple Leaf to help recruit foreign workers. These payments are not illegal, but they do raise serious ethical issues. Migrant workers are left struggling to pay off debts related to these scandalous fees once they start working in Canada. Third party recruitment agencies often make false promises and foreign workers arriving here find themselves with fewer weeks of work and lower wages than they had expected (NUPGE, 2007: 7-8). In sum, many migrant workers have already been exploited by private labour recruiting agencies in their countries of origin in order to get work overseas as Rodriguez (2010) notes in relation to the Philippines and migrant workers. How many workers may have passed through and/or paid money (directly or through the profit margins of agencies) to several agencies at different stages of their journey from labour-sending countries to where they currently work?

One example of agency worker exploitation which IWC has confronted concerns Dollarama, Canada's fastest growing chain of dollar stores (whose CEO, Larry Rossy is one of Canada's wealthiest people). Dollarama uses a large immigrant temp agency workforce. Dollarama's major Montreal distribution warehouse is staffed by over 500 mainly immigrant workers, many of whom are from North Africa. Most workers are employed by one temp agency, Thompson Tremblay. Some are citizens, others are refugee claimants. Even workers who have been there for three years were unable to be hired directly by Dollarama. When IWC attempted to have a volunteer "salt" (i.e. attempt to be hired), the agency offered him white-collar work because he looked "too good" to work in the factory - he was a white McGill graduate. Conversely, a Haitian worker, a trained, fluently bilingual accountant, had repeatedly asked the agency for office work commensurate to his training, yet continued only to be offered warehouse work. Outreach and consistency are pillars of IWC's work in reaching new layers of people. After flyering for over a month outside the warehouse, the IWC began to make contact with workers, and gain an

understanding of a host of issues related to agency work. One group of workers from Africa related their work experience to slavery, and became curious about their rights. This has been the IWC's starting point in building a longer-term campaign and implementing lessons from previous campaigns.

To cite another example which IWC organizers heard about through a Montreal labour council meeting, the CSN has worked with a group of mainly Haitian and African women, who worked for a public readaptation centre providing help to those needing residential care. The centre had for many years used an agency to recruit and employ these women. The agency was paid approximately \$22 an hour; workers received only \$12. Although it appears that they might be ending this arrangement because of union intervention, there is no respect for seniority and many of the women might lose their jobs. This example illustrates that a government agency can also circumvent unionized working conditions through use of a temp agency.

In Montreal, Au bas de l'échelle's (2011) research documents ways that agencies undermine labour standards and working conditions and contribute to the growth of precarious labour. The findings are typical of research on working conditions for agency workers in other contexts. They include: the general bad conditions of work, unequal treatment of workers in the same workplace, some employed directly by the employer and others through temp agencies, systematic infractions of the labour code by some agencies, abusive clauses in the contract the agency requires workers to sign, the lack of responsibility of employers, and the higher level of accidents among temp workers. Employers have also established their own agencies, which hire specifically for them. One strategy for agencies is to have more than one registered company and move workers from one to the other to avoid payment of overtime.

All of these practices are highly problematic. But the question of the employer not being responsible for violations of workers' rights has major implications for recourse for workers. Vosko (2000) suggests that the temp industry 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" (154). Bartkiw (2009) writes that the triangular nature of the relationship creates a structural tendency toward under-enforcement of existing standards, given the potential for confusion, conflict, or outright obfuscation concerning the division of employment law responsibilities between the client user and the agency. Policymakers and labour law generally assumes the employer to be a unitary entity, which is not so clear in the case of temp agency workers' employment relations. Regardless of whether or not they work for a temp agency, workers supposedly have recourse to the Commission des Normes du travail/Quebec labour standards board (CNT) if their rights are violated. However, according to the CNT, in such cases it is unclear who is responsible and each situation is determined according to many different variables. This uncertain and legally complex situation acts to deter complaints: employers are protected from complaints against them and have no responsibility for workplace conditions. Besides the personal risk of job loss that workers face when grieving against their boss, the uncertainty of who is responsible further deters action. Without these protections, temp agency workers are often exposed to high-risk jobs without proper equipment and training. The Institut de recherche Robert-Sauvé en santé et sécurité du travail (2011) found that the accident rate for temp agency workers was ten to eleven times higher than for other workers. Another concern is that Emploi Québec, the government agency which manages social assistance and job referrals, has referred immigrant workers to temp agencies, thus providing a pool of immigrant labour to these kinds of jobs.

During 2010 and 2011, the IWC and Au bas de l'échelle campaigned for greater government regulation of temp agencies. Key demands were that agencies must have an operating permit and that both agency and employer be jointly responsible for workplace conditions. Agency registration is one means of forcing them to be accountable, and ending fly-by-night operations. A major challenge for organizing with agency workers is the lack of a mass collective workforce. When several hundred workers may work for an agency but only one person might be in each workplace, it is hard to build a common identity or a socialized workforce that can build collective action. Mobilization can also be difficult because one day a worker can work for one agency or on one worksite, and the next day another. The very nature of temp work problematizes the idea that the workplace is the main locus for labour organizing. Yet trying to build from a community organizing perspective is also extremely challenging.

How can campaigns reflect agency workers generally, but understand that within the temp agency industry there are different scales and forms of exploitation, and differences in working conditions? In Quebec, many workers who work through major agencies receive deductions, vacation pay, are paid regularly and with some degree of transparency, that conform to labour standards and which provide short term labour to major corporations. Yet such agencies arguably serve a similar function in the economy as the “fly by night” agencies, where working conditions may be terrible because a worker (who may be non-status or on social assistance) is shackled to a phone waiting to see if, where and when they will work, are not properly trained and/or briefed on health and safety issues and are in a position of never being able to find steady work. These agencies all serve to build and maintain a large precarious workforce to be used by corporations and other employers. Although the experiences may be generally similar there are still major differences and issues that an organization such as a workers' centre, or in Montréal the newly formed Temporary Agency Worker Association must face in order to address the larger issues and the direct problems faced by both constituencies. For the first group of workers the priority may be health and safety issues, while the latter group often focuses on basic demands, such as pay or the struggle for immigration rights and regularization. The IWC reflects this by trying to build a campaign that views all as critical issues. For example, in October 2011 on the International Day for Decent Work, the IWC and Au Bas de l'échelle, supported by trade unions such as CUPW, CSN-CCMM, FTQ-Montreal Regional Labour Council, organized a rally demanding that agencies be regulated and forced to gain permits to operate from Quebec's Ministry of Labour, so that workers can take them to the Labour standards commission to file complaints for non-payment or force them to pay the basic minimum wage. The Temporary Agency Workers Association focuses on outreach in the places where day labourers are picked up and dropped off, and works with other community groups in the Latin American community where many workers are recruited to work for fly by night agencies. This campaign work includes holding actions for theft of wages, and, for workers in larger agencies, organizing workshops around health and safety rights. The key element to mobilizing and organizing agency workers has been to create an umbrella organization flexible enough to address the particular issues faced by a wide range of temporary agency workers and to build a larger movement that can change both policy and act like an independent union run for and by agency workers.

Learning from other contexts

In thinking through challenges for organizing temp agency workers in Quebec, it is instructive to consider organizing strategies from other contexts. Although the conditions of temporary work have

been similar in nature, organizing strategies have been quite different in Japan, the US, and Canada⁴. In Japan, temp work and precarious work are flourishing. From 1990-2008, the percentage of temporary workers rose from 20% to 34% (Malinas, 2008). Organized labour and more radical organizers have an organizing approach that works through “community unions”. These can be geographically or identity-based– e.g., young workers and women workers. This strategy is possible because individuals can join a union in Japan. Although many of these community unions are smaller, “Shutoken Seinen Union is a general union constituted of approximately 350 members. The first labor unions to take issue with haken-giri] [the lay-offs of temporary workers, and creation of temporary contracts that can end at any moment] were these general unions, synonymously called community unions. In Japanese, they bear the names komyuniti”(Guyonnet, 2011). Such a strategy - incorporating individual precarious temp agency workers into a collective structure - facilitates a collective identity as workers. According to Suzuki (2008), community unions in Japan have a keen awareness of increasing irregular work especially among the younger population who fall outside of enterprise union protection. They focus on unionizing these non-unionized irregular workers; and their structural ability to incorporate these workers on an individual basis, regardless of employment arrangement and workplace.

Yet community unions face the same challenges of building campaigns to challenge the fundamental nature of precarity but also some of the specific problems of being precarious workers. The Tokyo young workers union engages in this strategy by building campaigns around particular chains and companies (Guyonnet, 2011), trying to forge a sense of collective identity and basic community amongst these workers. After weekly outreach at different subway stations the union holds discussions, and monthly potlucks also help build a sense of collective struggle. The union is extremely grassroots but maintains links to larger sectoral unions. The Japanese model is inspiring, but is based on the model of individual membership of community unions that have collective bargaining power. Canadian labour legislation does not allow for individual membership of unions, thus requiring different forms of organizing temp-agency workers.

Another example of attempts to organize non-unionized temp work is in the USA, through the worker centre movement which combines a renewal of the labour movement and the rise of the immigrant justice movement (Fine 2006; Black, 2012). US workers’ centres utilize many strategies. Founded in 2004, the Latino Union of Chicago offers an interesting perspective on building capacity for social and economic change. It has similar organizing strategies to other worker centers, including IWC, in fundamental programs such as leadership development, addressing policy changes, and links to the broader labour and immigrant rights movement. The Latino Union mainly focuses on day labour, catering to migrants from South and Central America. Yet it engaged in the practice of the creation of its own hiring hall as a source of collective power (Latino Union of Chicago, n.d). Freeman and Gonos (2005) and Gonos and Martino (2011) discuss the union hiring hall strategy – the latter in reference to the potential for such a strategy for Latino immigrant workers who work for temp agencies contracting to warehouse and distribution centres in New Jersey. In some US contexts, unions and other labour

⁴ Recently, the Congress of South African Trade Unions (COSATU, 2012) mounted a vigorous campaign to completely ban labour brokers in South Africa.

organizations have used hiring halls to fight the abuses of company-controlled shape-ups and replace them with a more equitable process of allocating work. “In the basic hiring hall model, unions maintain lists of qualified, available workers from which employers fill their hiring needs. Where an exclusive hiring hall is in effect, employers agree to report all openings to the union office, and union business agents assign workers on the basis of seniority and length of time out of work, “spreading the work” among members as fairly as practical” (Gonos and Martino, 2011: 511).

The Latino Union of Chicago, through the establishment of the hiring hall, was able to change the conditions of work and violations of basic labour standards by collectivizing the only power they had and forcing employers to hire migrant workers/day labourers through their worker centre. It has been able to create significant changes. According to its website, “[t]he Albany Park Workers' Center acts as an alternative to hyper-competitive street corner hiring. Through the implementation of a written contract and city-wide promotion efforts, the Center reduces incidents of wage theft to below 1% and raises the median wage available to Northwest Chicago construction day laborers by 50%” (Latino Union of Chicago: n.d.).

Pushing for regulation and policy change

Another challenge is how to regulate the unregulated: to abolish agencies or make employers responsible. Freeman and Gonos (2005) assert that nobody has yet created an effective legal framework that can advance the unionization and fair treatment of temp workers deployed in the workplace by exploitative temp agencies. In Ontario, the Workers Action Centre led a campaign to defend temp workers and won some gains through provincial policy change in recent years, particularly through amendments relating to the scope and enforcement of the Employment Standards Act (Workers Action Centre, 2007; Vosko, 2010b). Some of these gains, such as the right of temp agency workers to be being treated like other workers under labour standards, theoretically exist in Quebec, but until the issue of co-responsibility between agency and employer is addressed, it is unlikely that workers will benefit. Then there is the question of state enforcement. Vosko (2010b) critiques the Ontario law changes as inadequate. Gellatly et al. criticize Ontario’s individualization and privatization of the employment standards enforcement process. They argue that this shifts responsibility for enforcement from government and employers onto individual workers. This approach “belie[s] an understanding of the complex weaving of gender, race and immigration status that characterises the uneven social relations that shape the experience of employment for many of Ontario’s workers (2011: 99). Bartkiw notes: “To a large extent, dialogue [on regulating temp agencies] has depended upon a problem frame identifying the existence of select industry “*bad apples*” as the problem. This rather “low road” approach focuses on minimal outcomes, and often on remedying quite extreme or unethical behavior, such as the outright failure to pay workers at all for work performed. While some attention to this is necessary in policy reform, this frame conceals from view the increasing precarity emerging from the expansion of this form of employment unconnected to such extreme violations of basic rights” (2009:196).

As temporary agency employment expands, already generating negative pressure on access to unionized jobs, Bartkiw (2009) holds that other evidence suggests that it generates yet more precarious (non-union) employment “that carries with it the threat of further erosion of union power and growth through labor market undercutting and the increased inability of unions to ‘take wages out of competition.’ Thus, precarious employment outcomes and restricted access to unionization become *self-reinforcing*. It follows that labor policy reforms to regulate temporary help agency employment that do not directly address the issue of frustrated access to unionization under current Canadian regimes will not likely reduce, and indeed are not at all even *aimed* at reducing, this structural tendency generating labor market precarity (2009:183) Similarly, Vosko argues for “the need for creating new types of bargaining units to enable unionization, benefits beyond job tenure, precarity pay, and parity of treatment for workers regardless of the forms of employment in which they engage” (2010b:646).

Conclusion

The above examples of struggles to change the economic and social conditions of low wage temp and day labourers highlight the importance of engaging workers in collective self-organization. Such strategies break from orthodox post-war trade union organizing traditions and create community responses to labour issues. IWC support for building a worker-led campaign to change the structural issues of agency work has meant the creation of a workers’ association that can address the different type of agency workers coming from a wide variety of experiences and ethnicities. It grapples with challenges faced by mainly newer immigrants and migrant workers in more exploitative conditions, contending with both labour problems and the regularization of status. Alongside this are workers in factories and manufacturing mainly seeking temporary work hoping to improve their skills and education. This organizing approach allows the IWC to build a more comprehensive organizing strategy, and a sense of solidarity across communities, immigration status and other experiences. Leadership development and education are central to the organizing model through labour rights workshops, media training and by allowing workers to take a leadership role in building this association. It is a hybrid model – firstly, building a committee or association that can have a broad membership, secondly, dealing with policy issues at the provincial level, and thirdly working to resolve individual grievances with agencies and employers around wage theft, health and safety, and other violations. The key to the association is that it can act like a union by formalizing the membership of the temporary agency worker association. The campaign has also seen workers build relationships with different community organizations and unions in order to highlight that agencies and temp work impact all workers and that for unions to be able to defend the rights of their membership means to end precarious work as a way of outsourcing decent paying work. Alongside this is an understanding that the nature of work has drastically changed and thus that the need to support such initiatives and campaigns is vital for a rebirth of the labour movement.

In Quebec, the question of finding ways to create longer term alliances and a coherent strategy differs from Japan where the organizing of agency or contingent workers falls under the larger umbrella of trade unions. Québec unions have emphasized that the employer should be solely responsible for work conditions as a way to clearly identify that the use of agency workers is a way to undermine unions, and also allow employers to deny responsibility. They have remained an important ally for IWCs campaign through presentations at labour council meetings such as at the FTQ and CSN. In 2011, the CCIMM or Coalition of Labour Councils in Montreal issued a joint press release calling for the Québec Ministry of

Labour to address the demands put forth by the IWC and Au Bas de l'échelle. These have been critical steps towards creating a real alliance between unions and community groups working towards regulating agency work, and key to understanding the importance of finding ways to fight back. The challenge remains how to organize workplaces with temp-agency workers and workplaces employing both agency workers and unionized workers.

The significance of the work done by activists in workers centres and within trade unions on temp agencies and with temp agency workers lies not simply in organizing a smaller vulnerable workforce: it should be seen in the larger context of the fightback against the on-the-ground impacts, and the economic crises wrought by global capitalism. Workers centres are testing grounds for new/alternative approaches or models of collective organization, and in a sense, are grounded attempts to work through some of the issues, debates and tensions around the shifting centres and margins of labour market regulation and workers' struggles in Canada today. As the expansion of temp agency work enhances employers' ability to create a sense of fear, austerity, and denial of decent work with job security in order to generate profits, such organizing work amongst a changing working class and their day to day issues arising from precarious work is a key way to highlight local impacts of globalization and is just as critical as fighting for public services and against privatization and outsourcing.

Directions for future research

How can just alternatives to existing regulation and policy of temp agency work (and lowskilled labour migration) be developed, and where should scholars and researchers look for solutions? Returning to Ross' (2001) comment which began our article, and to Vosko (2000) and Freeman and Gonos (2005), we contend that future research can learn from history in thinking through contemporary conditions and struggles of temp agency workers. Furthermore, we hope that such scholarship can engage with knowledge and theory produced in the course of social struggles. We agree with those scholars and labour activists who see the question of temp agency work, the exploitation of immigrant and migrant labour through a combination of government labour and immigration policy and the temp agency industry as being central issues of concern for the future of work and the working class. . We invite work which contextualizes the challenges of organizing temp agency workers in the context of building a larger movement at a time of increasing attacks on organized labour, and which can shift understandings of what the margins and centre are in relation to work/labour issues and struggles. Further research on the structure and political economy of the temp agency industry in Quebec and Canada is vital. In the years of struggle ahead, these are some of the many challenges for trade unions and workers' centres in supporting analysis and actions which make demands for all the working class.

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