

SEPTEMBER 2024

WHO'S THE BOSS: BUILDING BLACK TEMP WORKER POWER IN PHILADELPHIA



BLACK WORKER PROJECT

PHILLY



ABOUT PHILLY BLACK WORKER PROJECT

Our mission is to lead and engage in campaigns that empower Black workers to advance their rights and fight for dignity and respect in marginalized employment sectors; to provide education about the impacts of low-wage work and unemployment on Black communities, and to connect people to resources that can help them overcome barriers to high quality employment.

MISSION AND VISION

The Philly Black Worker Project is an organizing vehicle that utilizes collective action, policy change and community power-building to win quality jobs, reduce employment discrimination, and improve working conditions in industries that employ significant amounts of Black workers.

We believe that collective action can bring change to low road industries and shift power from employers to Black workers, especially formerly incarcerated workers, so that they are employed in good jobs and treated with respect and dignity. We adopt an expansive definition of Black Workers that allows us to organize with an intersectional approach and recognize the many identities Black workers hold.

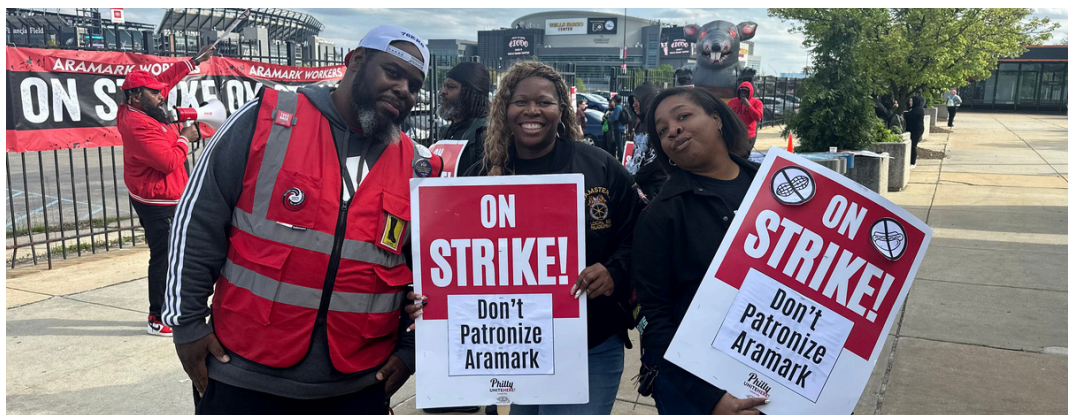


EXECUTIVE SUMMARY

All across Philadelphia’s workplaces—our stadiums, hotels, factories, professional offices, schools, warehouses, long-term care facilities, construction sites and beyond—there is more than meets the eye. Workers doing the same job, in the same place, with the same skill level, are divided into “permanent” and “temporary” workers. In this two-tiered employment system, temporary workers, or temp workers, are relegated to jobs without the same pay, job stability, benefits or even safety protocols as their direct-hire counterparts. This inequality impacts Black workers and their families, because, according to research from across the country,¹ Black workers are overrepresented in the temporary workforce. Meanwhile, the temporary staffing industry is booming and its workers continue to be invisibilized, largely due to the race and class of the workers and the lack of regulation and organized worker power in the industry.

This report describes the state of temp work in Philadelphia and Pennsylvania and offers recommendations for how regulators and lawmakers can intervene to ensure temp workers have access to safe, reliable, and equitable jobs. We found:

- **Temp workers are trapped in unsafe, unstable, and substandard jobs.** Numerous surveys,² investigative reports,³ and conversations with temp workers reiterate the same key points: temp workers are paid less than their direct-hire counterparts, do not have access to the same benefits (health insurance, paid sick leave, paid vacation, retirement benefits) as their direct-hire counterparts, and are more vulnerable to injuries on the job due to improper safety training and allowances than their direct-hire counterparts.⁴ They also face racial and gender discrimination in the hiring process,⁵ wage theft,⁶ and retaliation when they try to advocate for themselves at work.⁷ Temp workers describe being trapped “permatemping,”⁸ when a substandard temp job lasts for years despite promises of permanent, direct employment.



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- **The temporary worker workforce is growing, allowing wealthy corporations including Amazon, Google, and Walmart to employ millions of workers at substandard conditions.** From 2008–2018, temp jobs grew by 75%, or 1.3 million jobs. In the Northeast, temp jobs grew at an annual rate of 3.6%.⁹ Industry estimates say that 2.6 million temporary and contract employees work for American staffing companies during an average week in 2024.¹⁰ Some of the wealthiest corporations in the world use temp workers, including Amazon, Walmart, Google, and Tyson Foods.¹¹ In Philadelphia, high-profile employers including Citizens Bank Park, Lincoln Financial Field, the Wells Fargo Center, and Chestnut Hill Hospital use temp workers.¹²
 - **Improving standards for temp workers is a racial justice issue.** Black workers are overrepresented in temp work at the national, state, and municipal levels. Nationally, Black workers are 12.2% of the overall workforce, but they make up 23.2% of temporary help and staffing agency workers.¹³ In manufacturing and warehouse occupations, Black workers are overrepresented by a factor of more than 2: Black workers are 33% of temp workers in those occupations, compared to 15.5% of overall manufacturing and warehousing workers.¹⁴ In Pennsylvania, Black workers make up 12% of the overall workforce, but they make up 24% of temp workers.¹⁵ There is almost no reporting of temp worker demographics at the municipal level, but the Illinois Department of Labor found that 40% of temp worker assignments in Cook County, Illinois went to Black workers, while only 23% of the population of Cook County is Black.¹⁶
 - **Formerly incarcerated people are targeted by temporary staffing agencies, and, lacking other options, often turn to temp work, creating a “prison-to-temp work pipeline.”**¹⁷ The prison-to-temp-work pipeline is a clear racial justice issue, especially in Philadelphia, where Black residents are overrepresented at every stage of the carceral system.¹⁸ As of February 2022, Black Philadelphians made up 73% of the prison population while white Philadelphians made up just 8.5%, despite both groups comprising about 44% of the city population.¹⁹
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- **Public dollars prop up the temporary staffing industry and incentivize a system whereby low-income and formerly incarcerated workers are funneled into temp work instead of permanent, higher quality jobs.** The Work Opportunity Tax Credit, or WOTC, is a federal tax credit that awards employers subsidies for employing particular categories of vulnerable workers, including formerly incarcerated workers and workers from high-poverty areas. The temporary staffing industry is one of the largest recipients of WOTC credits. A ProPublica analysis of WOTC data from nine states found that almost 25% of jobs certified for the WOTC from 2018 to 2020 were with temp agencies²⁰ and thirteen of the top fourteen employers certified to get tax credits for workers with felony records were temp agencies.²¹ The temporary staffing industry also receives public contracts totaling hundreds of millions of dollars every year. For example, from FY2020–FY2023, ManpowerGroup Public Sector, Manpower Group’s business arm that works with government agencies, was awarded \$12.2 million in contracts.
 - **The temporary staffing industry is a booming \$186 billion industry using its financial and political resources to ensure temp workers stay trapped in substandard working conditions.**²² Temporary staffing agencies such as Allegis Group, Randstad, Employbridge, and Kelly Services make billions of dollars in revenue every year²³ and pay their CEOs millions in compensation annually.²⁴ These corporate staffing agencies are using their money and political power to block temp workers from improving their working conditions. For example, in Illinois and New Jersey, staffing agencies including and their trade associations are suing to block legislation that would ensure temp workers have increased safety protections and wage and benefit parity with direct-hire workers.²⁵
 - **Information about temp workers and the temporary staffing industry is woefully lacking in Pennsylvania.** Temporary staffing agencies are not required to register with the state and the corporations that use them are not required to disclose that they do so.²⁶ There is essentially no way to gain a complete picture of which staffing agencies are operating in Philadelphia and Pennsylvania. There is no easily accessible data showing wage and hour or other violations for temp workers. Most reports about temp work, including this one, rely heavily on Bureau of Labor Statistics (BLS) data since it is the most comprehensive national data set on temporary workers. However, BLS data is incomplete and may significantly under-report the number of temporary workers across the country, because of a lack of clarity and regulation on whether the staffing agency or hiring corporation is supposed to report the temporary worker.
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Temp workers across the country are fighting back against this exploitative business model to win safety, dignity, and equity on the job. From New Jersey²⁷ to Illinois,²⁸ temp workers have won historic regulations mandating equal pay for equal work, stronger safety regulations, and increased reporting requirements. Here in Pennsylvania, we are calling on legislators and regulators to intervene in the temp staffing agency business model and ensure temp workers have fair wages and benefits, safe working conditions, and the right to organize. We offer the following recommendations:

AT THE LOCAL, STATE, AND FEDERAL LEVEL, POLICYMAKERS AND REGULATORS SHOULD:²⁹

1. Enact policies to improve the quality of temporary jobs and conditions for temporary workers, such as:

- a. Addressing pay and benefit inequity by **mandating equal pay for equal work policies** that ensure temporary workers have the same pay and benefits as permanent, direct-hire employees performing similar work.
- b. Lifting workers out of poverty by **increasing the minimum wage to at least \$15 per hour and removing barriers** to unionized employment.
- c. Addressing wage theft, discrimination, and health and safety violations by **strengthening enforcement through increased allocations to labor enforcement agencies**, allowing third party complaints to be filed by unions and workers centers, and developing and resourcing strategic partnerships between labor enforcement agencies and community organizations working at the ground level with low-wage and contingent workers.
- d. Providing health and safety protections for temporary workers by **guaranteeing access to paid sick days without onerous barriers on eligibility**, like waiting periods of slow accrual timelines; banning temp work in high-risk jobs that require substantial training and experience, such as construction; and requiring host employers to provide workers' compensation for all temp workers in the event of injury or illness at work.
- e. Ending permatemping by **establishing strict, enforceable limits on the duration of temp assignments** (such as 90 days). After the time limit, workers should be offering the position on a permanent, direct-hire basis.

f. **Establishing automatic joint employer liability** for staffing agencies and host companies, to improve compliance with labor standards. Enforcement agencies should adopt joint employer regulations. Additionally, employers should be required to create plans ensuring companies in their supply chain comply with employment laws and should be held jointly liable if those companies fail to do so.

g. Fostering economic mobility and creating opportunities for career advancement by **banning conversion/bondage fees and non-compete clauses**.

h. Addressing retaliation by **establishing “just cause” termination policies** to rein in employer retaliation, which would require employers to provide a good reason for termination as well as fair warning and chance to improve performance.

i. **Strengthening and renewing the Deferred Action for Labor Enforcement program** to ensure immigrant workers can defend their labor rights without fear of immigration-based retaliation.

j. **Integrating good jobs principles into public grant opportunities**, including those that fund re-entry programs, to favor applicants who commit to minimizing the use of temporary labor and ensuring that temporary workers receive equal pay and benefits.³⁰

k. **Integrating good jobs principles into the Department of Labor’s administration of the Work Opportunity Tax Credit (WTOC)** to ensure that temporary agencies are not subsidized for funneling formerly incarcerated people, poor people, and other vulnerable groups into exploitative, low wage work.³¹

l. **Requiring that workforce development boards, organizations, and agencies develop high road employment standards and worker protection standards**, in partnership with second chance employers, for formerly incarcerated workers.

m. **Reviewing and, as appropriate, terminating public contracts with temporary staffing agencies found to be engaging in patterns of racial and gender discrimination**.

2. Strengthen reporting requirements and enforcement of existing labor laws in the temporary staffing industry by:

a. Amending the Equal Employment Opportunity Commission (EEOC) and Department of Labor’s Office of Federal Contracting Compliance Programs (OFCCP)’s reporting requirements to ensure employers report on the size and demographics of their temporary workforce, along with their permanent employees. The EEOC must also require temporary staffing agencies to report EEO-1 data that includes both temporary and direct-hire workers.

b. Requiring temporary staffing agencies to register with a local, state or federal regulator and keep records about each temporary assignment, including its length, pay, and hours; each temp worker applicant and placement, including each applicant’s race, gender and ethnicity; and, for those applicants who are hired, the type and length of the assignment, whether the workers received health insurance, and whether the assignment leads to a permanent position.



c. Introducing regulations that require temporary staffing agencies to provide temporary workers with written notice of the terms and conditions of each assignment in their primary language, including the length of the assignment, the criteria for transition to permanent employment, and the “markup rate” (the difference between the temporary worker’s hourly wage and the agency’s hourly charge to the client company). Additionally, temporary workers should be provided with notice and the right to refuse work assignments at worksites where strikes, lockouts, or other labor disputes are ongoing.

PART 1: TEMPORARY WORK IN THE U.S.

In recent years, temp worker advocacy organizations including the National Employment Law Project,³² Temp Worker Justice,³³ National Legal Advocacy Network,³⁴ and Organized Power in Numbers,³⁵ have conducted surveys of temp workers to gauge the major issues they face on the job. These surveys found that temp workers face numerous dangerous, exploitative, and inequitable conditions at work. The temporary staffing industry creates a two-tiered employment system in which temp workers do not receive equal pay, benefits, and protections compared to direct-hire, permanent workers. A recent report from Temp Worker Justice (TWJ), the National Employment Law Project (NELP) and allies surveyed 1,337 temp workers from 47 U.S. states.³⁶ The report summarizes the issues facing temp workers today:

- **Discrimination and Workplace Segregation:** Black and Latinx workers are overrepresented in staffing agency workforce. While Black workers make up only 12.2% of the overall workforce across the U.S., they make up almost a quarter of the temporary help and staffing agency workforce. In manufacturing and warehousing occupations, Latinx workers are 30.9% of the temp workforce compared to 23.9% of the overall workforce. According to Temp Worker Justice’s randomized study of staffing agencies operating in the Chicago metropolitan area, 2 in 3 agencies engaged in racially discriminatory hiring or job placement, against both Black and Latinx workers.
- **Poverty wages, pay inequity, and wage theft: Full-time temp workers earn, on average, 41% less than permanent, direct-hire workers doing the same jobs.**³⁷ Temp workers are more likely to earn poverty wages than their direct-hire counterparts. According to census data, 7.6% of full-time temp workers earn poverty wages, compared to 3.6% of workers in all industries. In a subset of warehousing and manufacturing occupations, the poverty rate for temp workers is 19.7%, compared to 6.7% for all workers. There are currently no wage parity standards for temp workers and direct hire workers in Pennsylvania. Lack of parity standards results in temp workers often receiving lower wages than their direct-hire counterparts for doing the same work. For example, the median hourly wage for temp work in the transportation and material moving industry is 16.5% less than the median hourly wage for all workers in the transportation and material moving industry. The temporary staffing industry is also a notorious wage and hour violator and has been on the Department of Labor’s “low wage, high violation” industry list for sixteen years.³⁸

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- **Poor and inequitable access to employee benefits:** Staffing agencies and host employers limit temp workers' access to health insurance, paid sick leave, paid vacation, and retirement benefits. Temp workers, even those who have worked for the same host employer for many years, are often denied the benefits that direct-workers receive. Temp workers are less likely to be covered by health insurance than direct-hire employees. According to government data, 63% of full-time temp workers receive employer-provided health insurance, compared to 77.7% of all full-time workers. Temp Worker Justice's survey found that only 13% of temp workers and 24% of temp workers who had been working at their current assignment for over a year reported having access to paid sick leave.
 - **"Permatemping," Job Mobility, and Career Advancement Issues:** 35% of temp workers reported that their current temp assignment lasted over one year, and 18% reported that their current temp assignment lasted over two years. "Temporary work" is often not actually temporary, and "permatemping" traps workers in low-paying, dangerous, and exploitative jobs. Host employers and staffing agencies limit job mobility and career advancement using many strategies, including "no-poach" clauses that prohibit or financially penalize host employers for hiring temp workers as permanent employees.
 - **Underemployment:** 14% of temp worker survey respondents said they were working part-time involuntarily, compared to the overall underemployment rate of 2.8–8.2% reported in government data from during the COVID-19 pandemic.
 - **Health and Safety Issues:** Lack of safety training, unclear liability structures, and frequent job-switching make temp workers vulnerable to workplace injury and illness. The Occupational Safety and Health Administration (OSHA) has a specific initiative focused on protecting temp workers,³⁹ who are at an increased risk for work-related illness and injury. According to OSHA, studies have shown that new workers are at greatly increased risk for work-related injury; many temp workers are "new" workers multiple times of year.⁴⁰ Over the last decade, there have been several high profile and tragic deaths of temp workers due to corporate recklessness. In 2015, 21-year-old temp worker Day Davis was killed after being asked to help with a machine at a Bacardi bottling plant in Florida even though he did not have proper training.⁴¹ OSHA found that Day's death was part of a larger pattern of temp workers dying on their first days on the job. His death in part prompted the agency to establish their Temp Worker Initiative to protect temp workers and clarify the joint responsibility of both staffing agencies and host employers to ensure employee safety.⁴²
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"I STARTED GETTING WORK THROUGH TEMP AGENCIES BECAUSE IT WAS HARD FOR ME TO FIND WORK WHEN I CAME BACK HOME TO THE CITY IN 2016 UP UNTIL 2017 WHEN I LEFT AGAIN. WHEN I CAME BACK IN 2019 I STUMBLED UPON ANOTHER TEMP AGENCY THAT PLACED ME AT SUGAR HOUSE AS A CUSTODIAL WORKER.

WHILE LOOKING FOR STEADY EMPLOYMENT THROUGH INDEED IS HOW I FIRST APPLIED TO JJJ. THEY GOT BACK TO ME IN A WEEK, SENDING ME TO ARAMARK DOING DISHWORK. THAT IS WHEN I KNEW IT WAS A GIG JOB. I HAVE BEEN SENT TO THE AQUARIUM, WELLS FARGO AND THE RED RABBIT WHICH IS A CHARTER SCHOOL DOING MOSTLY CATERING JOBS. ONE TIME I WAS AT THE LINCOLN FINANCIAL FIELD FOR A SHIFT WITH JJJ AND WAS APPROACHED BY A MEMBER OF TRINITY STAFFING.

THEY TALK TO YOU IN ANY KIND OF WAY BECAUSE YOU ARE A TEMP WORKER. ESPECIALLY BLACK FEMALES. I WAS TOLD I MIGHT BE BEING SNIPPY BECAUSE THAT IS WHAT WOMEN GO THROUGH DURING THAT TIME OF THE MONTH. INSTEAD OF THEM TELLING YOU WHAT TO DO THEY WOULD YELL WHAT TO DO. SOMETIMES WE WOULD GET ALL THE WAY TO JERSEY BEFORE THEY WOULD SEND FOLKS HOME BECAUSE THEY HAD ENOUGH STAFF.

I DEFINITELY WASN'T TREATED WITH ANY DIGNITY OR RESPECT. WE DESERVE FAIR PAY, WE DESERVE TO BE LISTENED TO."

- ANTIONETTE, TEMP WORKER IN SERVICE & JANITORIAL INDUSTRY



"WE DESERVE FAIR PAY, WE DESERVE TO BE LISTENED TO."

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- **Employer Retaliation:** 71% of temp worker respondents to Temp Worker Justice's survey said they had experienced some form of retaliation for raising concerns about working conditions with a superior or management.
 - **Lack of Worker Voice:** Temp workers want a voice at their workplace. They want equity and dignity on the job. According to government data, only 2.3% of temp workers are union members, compared to 10.8% of all U.S. wage and salary workers. 80% of temp worker respondents to Temp Worker Justice's survey said they were interested in joining a worker organization like a union that works to improve conditions for temp workers.

THE HISTORY OF THE TEMPORARY STAFFING INDUSTRY

Where did the contemporary temporary staffing industry come from? The business model has its roots in late 18th century North America and England, where businesses called "intelligence offices" advertised labor for sale, often selling enslaved Africans and indentured servants directly to landowners and businesses.⁴³ After slavery was abolished in the mid-19th century, "intelligence offices rebranded as "employment agencies" in order to distance themselves from their association with slavery."⁴⁴ These employment agencies continued to grow, first by relying on immigrant labor from southern and eastern Europe, then by relying on labor from migrant Mexican workers.⁴⁵ The racist legacy of this industry endures today, with its outsized reliance on Black and Brown low-wage workers and the treatment those workers endure on the jobs they are placed in.

TEMP WORK IS BIG BUSINESS & GROWING

Temp workers are part of a growing contingent workforce facing below-standard wages, a lack of benefits, restricted job mobility, and other obstacles. As of 2022, the booming temporary staffing industry was worth \$186 billion.⁴⁶ According to the American Staffing Association (ASA), about 2.4 million temporary and contract employees work for American staffing companies during an average week in 2024, and in 2023, American staffing companies hired 12.7 million temporary and contract employees.⁴⁷ These temp workers are part of an ever-growing contingent workforce that includes "gig" or platform workers, formerly incarcerated individuals, fast-food franchise workers, underemployed part-time workers, immigrant guest workers, and adjunct professors. All of these workers face below-standard wages, a lack of benefits, restricted job mobility, systemic uncertainty of long-term employment, and difficulty securing their rights under workplace laws.⁴⁸

The number of temp workers across the U.S. is growing. In February 2021, the Bureau of Labor Statistics released a report entitled “What Happened to Temps? Changes Since the Great Recession.”⁴⁹ The report concluded that the temporary help services industry grew significantly from 2008–18. In that period, temp jobs grew by 75%, or 1.3 million jobs. In the Northeast, temp jobs grew at an annual rate of 3.6% from 2010–18.

In the popular imagination, the phrase “temp worker” sometimes still conjures up the outdated “Kelly girl” and people doing very short-stints taking over jobs for office-workers who are on vacation or sick. This is not accurate. Temporary staffing now encompasses many low-wage, blue collar jobs. One ProPublica analysis found that the share of jobs that were blue collar jobs in the temp industry grew from 30% in 1993 to 47% in 2012.⁵⁰ The share is likely even greater now. Staffing agencies work with the biggest and wealthiest corporations in the world, including Amazon, Walmart, Google, and Tyson Foods.⁵¹ Low-wage temp work is common in manufacturing, warehousing, food processing, service/entertainment, technology, and construction. According to the Bureau of Labor Statistics, the industries employing the largest number of temp workers are: transportation and material moving, production occupations, and office and administrative support. Jobs in these categories include transportation workers, office clerks, and warehouse workers.⁵²

TEMP AGENCIES BLOCK ACCESS TO PERMANENT JOBS

Temporary staffing agencies—and the corporations that use them—block access to permanent jobs with benefits, thereby undermining employment standards for all workers. Under most labor laws, companies that contract work to intermediaries like staffing agencies are jointly responsible when temp workers experience wage theft, discrimination, health and safety violations, or other workplace problems. But in practice, enforcement of joint liability is spotty and opens the way for employers to avoid legal and public accountability for the working conditions their employees experience. In recent years, regulators have worked to tighten rules requiring corporations to assume joint responsibility for workers hired through a contractor like a temp staffing agency. For example, in 2023, the National Labor Review Board issued the Joint-Employer Standard Rule, which reversed a Trump-era ruling on joint employment and treats companies as the employers of many of their contract and franchise workers and requires them to bargain with those workers’ unions.⁵³ A coalition of businesses led by the U.S. Chamber of Commerce is currently attempting to invalidate the rule.⁵⁴



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The “triangular employment relationship” often leaves temp workers confused about who their actual boss is – is it the company with whom they signed up a contract or the company whose name is on the building where they show up every day? The triangular employment model also makes it difficult to get a clear picture of the size of the temporary workforce in the U.S., because regulations do not specify whether staffing agencies or employing businesses are responsible for reporting temporary workers as their employees.

BLACK AND LATINX WORKERS ARE OVERREPRESENTED IN TEMP WORK

According to the National Employment Law Project’s (NELP) analysis of Bureau of Labor Statistics and Census data, Black and Latinx workers are overrepresented in staffing agency work. NELP found: “Black workers are overrepresented in temp work by a factor of nearly 2: Black workers are 12.2% of the overall workforce, but they make up 23.2% of temporary help and staffing agency workers. In manufacturing and warehouse occupations, Black workers are overrepresented by a factor of more than 2: Black workers are 33% of temp workers in those occupations, compared to 15.5% of overall manufacturing and warehousing workers.”⁵⁵

Latinx workers are 19.3% of the overall workforce, but 17.9% of staffing agency workers. For manufacturing and warehousing occupations, Latinx workers are overrepresented by a factor of 1.3: Latinx workers are 30.9% of temp workers in these occupations, compared to 23.9% of overall manufacturing and warehousing workers.⁵⁶

The true overrepresentation of Black and Latinx workers in temp work, and specifically in blue-collar temp work, is likely even greater than what Census and Bureau of Labor Statistics data suggests. There is very little mandated governmental reporting about temp workers. Illinois has the most robust reporting requirements, which went into effect in 2018 as part of the Responsible Jobs Creation Act. Illinois’ data provides a glimpse into the true overrepresentation of Black and Latinx workers in temp work. Analysis of the Illinois Department of Labor’s demographic data for 2018–2019 revealed that 85% of blue-collar temp assignments were staffed by non-white workers; non-white workers are only 35% of the workforce-⁵⁷ 78% of those temp assignments went to Black and Latinx workers. The overrepresentation of Black and Latinx workers found in Illinois state data was twice as significant as the overrepresentation found in Bureau of Labor Statistics data.

PART 2: TEMPORARY WORK IN PHILLY AND PA

The Bureau of Labor Statistics reports there were 8,367 temp workers in Philadelphia County in December 2023.⁵⁸ Like with all Bureau of Labor Statistics data regarding temp workers, this most likely significantly under-reports the true number of temp workers in our city.

There is currently no publicly available, accurate demographic data about temp workers in Philadelphia. The most detailed temp worker demographic data available comes out of Illinois, where concerted efforts by workers and advocates to expand worker rights and transparency contributed to the establishment of robust data collection policies. Although it is an imperfect model, we can use the Illinois Department of Labor’s temp worker demographic data to estimate the number of Black temp workers in Philadelphia.

According to the Illinois data, the number of Black temp worker assignments to total temp workforce assignments in Cook County, Illinois was 85,093 to 211,514.⁵⁹ This ratio of 40% can be applied to the total temp worker population in Philadelphia to provide an estimate of Black temp workers in Philadelphia (see below).

Figure 1: Estimate of Black Temp Workers in Philadelphia, Based on BLS Data⁶⁰



Figure 2: Estimate of Temp Work Assignment Demographics in Philadelphia, Based on Illinois Department of Labor Data ⁶¹

	COOK COUNTY, ILLINOIS (2019)	TOTAL TEMP WORKERS, DECEMBER 2023
<u>TOTAL POPULATION</u>	5,194,675	1,550,542 ⁶²
TOTAL TEMP ASSIGNMENTS	211,514	63,134
TEMP ASSIGNMENTS - LATINX	100,554	30,014
TEMP ASSIGNMENTS - BLACK	85,093	25,339

Using Cook County, Illinois data as a model, we estimate there are 63,134 temp assignments in Philly, 55,413 of which go to Black or Latinx workers. Philadelphia has a significantly larger Black population than Cook County, Illinois (23% of Cook County’s population is Black, compared to 43% of Philadelphia County’s population),⁶³ so it is reasonable to expect the ratio of Black temp workers in Philadelphia would be higher than in Cook County.

Figure 3: Percentage of Pennsylvania Workforce - Black & Hispanic or Latino Workers ⁶⁴

	OVERALL WORKFORCE	EMPLOYMENT SERVICES
BLACK OR AFRICAN AMERICAN	12%	20%
HISPANIC OR LATINO	8%	18%
<u>TOTAL: BLACK OR AFRICAN AMERICAN & HISPANIC OR LATINO</u>	20%	42%

Black and Latinx workers are overrepresented in temp work in Pennsylvania. According to the Bureau of Labor Statistics, 20% of the Pennsylvania workforce is Black & Hispanic or Latino, as compared to 42% of the employment services workforce.

At the end of 2023, temp workers in Pennsylvania made an average wage of \$906 a week. ⁶⁵ This is in stark contrast to the temp staffing agencies that bring in billions of dollars in revenue every year. For example, in 2023, Kelly Services, headquartered in Troy, Michigan, made \$4.8 billion in revenue. ⁶⁶ CEO Peter Quigley made \$4.3 million in total compensation in 2023, which averages out to about \$83,000 every week. ⁶⁷

**PA TEMP WORKERS MAKE \$906 A WEEK,
WHILE THEIR CEOS MAKE \$83,000 A WEEK**

THE PRISON-TO-TEMP-WORK PIPELINE

Formerly incarcerated people are particularly vulnerable to exploitation by the temporary staffing industry. In fact, a federal tax credit intended to help marginalized workers get permanent jobs incentivizes a cycle that traps formerly incarcerated workers in exploitative, temporary jobs with few pathways to permanent, high quality employment.⁶⁸ The prison-to-temp-work pipeline is a clear racial justice issue, especially in Philadelphia, where Black residents are overrepresented at every stage of the carceral system.⁶⁹ As of February 2022, Black Philadelphians made up 73% of the prison population while white Philadelphians made up just 8.5%, despite both groups comprising about 44% of the city population.⁷⁰

Formerly incarcerated people face huge obstacles to finding permanent, high-quality employment.⁷¹ For these workers, administrative hurdles (such as background checks), social stigma, and emotional health issues from their time in prison can make accessing high-quality, safe, permanent jobs seem almost impossible. Recent estimates by the Prison Policy Initiative suggest that a staggering 60% of formerly incarcerated people are jobless.⁷² In this environment, formerly incarcerated people often turn to temp work as their only option.

THERE'S NO BENEFITS TO WORKING IN TEMP AGENCIES. AGENCIES BENEFIT, NOT THE WORKERS. THEY GET TO MAKE MONEY OFF OF EVERYBODY ELSE'S WORK AND YOU DON'T KNOW HOW MUCH THEY TAKE, YOU JUST GET A CHECK. SOME PEOPLE HAVE BEEN IN JAIL SO LONG, THEY THINK SMALL CHECKS ARE REALLY SOME MONEY.

WE GO TO TEMP AGENCIES BECAUSE HALFWAY HOUSES WILL LET YOU GO HOME AND GET VISITS IF YOU HAVE A JOB. YOU CAN GET EXTRA HOURS AND LONGER VISITS IF YOU HAVE WORK. THE TEMP JOBS ARE A WAY TO GET SOME MORE FREEDOM AND SEE YOUR FAMILY, IT'S LESS ABOUT THE MONEY.

YOU TOOK EVERYTHING FROM US IN JAIL AND TOOK SO MUCH WHEN [WE] GOT HOME. THEY KNOW IN PRISON THE HIGHEST YOU GET IS LIKE 25 CENTS AN HOUR, A COOK MAY GET \$200 A WEEK. SO THEY FIGURE IF YOU CAN TAKE THAT INSIDE, YOU WILL TAKE IT OUTSIDE. AND YOU ARE GOING TO DO IT, BECAUSE THE PO IS ON YOUR BACK. YOU ARE WALKING A THIN LINE. ONCE YOU ARE HOME, YOU'VE GOT MORE OPTIONS. BUT WHILE YOU ARE IN THE FACILITY, YOU GOTTA DO WHAT YOU GOTTA DO!

-GORDON, TEMP WORKER IN FOOD SERVICE INDUSTRY

Workers report numerous reasons why they turn to temp work after leaving prison. As part of an in-depth analysis of the Work Opportunity Tax Credit program, ProPublica reporters spoke to workers with criminal records about their experiences with temp work and why temp jobs were often their first and only job after leaving prison.⁷³ ProPublica found that “while failed background checks and the need for food and rent were common themes, longstanding carceral policies were often equally powerful factors.”⁷⁴

Examples of carceral policies funneling formerly incarcerated people into temp work include:

- Workers who are required to live at halfway houses often have strict curfews, which means they cannot work the nightshift at nearby factories and warehouses, some of the only decent-paying, permanent/direct-hire jobs available to them. Unable to access those jobs, workers turned to temp-work.
- For most formerly incarcerated workers, employment is a condition of their parole. *ProPublica* obtained a list of employers that one parole office in New Hampshire provides to parolees. The first nine employers were temp agencies.
- The rules overseeing federal grants to reentry nonprofits promote temp work. According to ProPublica, “To receive federal grants for employment services, reentry nonprofits must show high job-placement rates. Because they needn’t specify whether those jobs are permanent positions or if they include benefits, some advocates say, nonprofits rely on temp agencies to keep their numbers up.”
- The U.S. Employment Service, a federal program that helps job seekers at centers across the country, used to instruct their counselors not to refer clients to temp work. But today, the agency instructs people with felony records that “employment agencies can be a good path to a job.”
- The White House’s “Incarceration to Employment Strategy” highlights the Work Opportunity Tax Credit (WOTC) program,⁷⁵ a tax credit that incentivizes temp work for residents of high-poverty areas and formerly incarcerated people.

**“ YOU TOOK
EVERYTHING FROM
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HOME. ”**

PUBLIC DOLLARS PROP UP THE EXPLOITATIVE TEMP INDUSTRY

Public dollars subsidize the temporary staffing industry in several ways, including through federal tax credits and public contracts. The Work Opportunity Tax Credit, or WOTC, is a federal tax credit that awards employers subsidies for employing particular categories of vulnerable workers, including formerly incarcerated workers and workers from high-poverty areas. The temporary staffing industry is one of the largest recipients of WOTC credits. Temporary staffing agencies including Kelly Services, Express Employment Professionals, and PeopleReady are among the top recipients of WOTC tax credits.⁷⁶ A *ProPublica* analysis of WOTC data from nine states found that almost 25% of jobs certified for the WOTC from 2018 to 2020 were with temp agencies.⁷⁷ A whopping thirteen of the top fourteen employers certified to get tax credits for workers with felony records were temp agencies.⁷⁸

These tax credits have a significant impact on temp agencies' bottom lines. In corporate filings, Kelly Services said they received tax credits ("primarily" WOTC) worth more than \$164 million over 10 years, or 48% of its domestic pre-tax earnings. TrueBlue said they received tax credits worth \$114 million over 10 years, or 29% of its pre-tax income. These credits reduced each companies' federal income taxes by 73% and 69%, respectively.⁷⁹ These credits are intended to help marginalized workers access high-quality jobs. Instead, the program is incentivizing temporary staffing agencies to target poor and formerly incarcerated workers for low-paying, unsafe, and unreliable jobs.

The stakes are high. For formerly incarcerated people, access to well-paying, reliable work is critical for avoiding recidivism.⁸⁰ One study found that people released from prison during weak labor markets were significantly more likely to return to prison, with larger impacts for Black people and first-time releasees.⁸¹ Another study found that nominal increases to the minimum wage reduces the probability of an individual returning to prison within three years of being released.⁸² Formerly incarcerated people, especially Black formerly incarcerated people, face steep, structural barriers to well-paying jobs. The unemployment rate for formerly incarcerated Black women, ages 35–44, is 43.6%, as compared to 6.4% for Black women in the general population. For formerly incarcerated Black men, unemployment is 35.2%, as compared to 7.7% for Black men in the general population.⁸³ For those who are able to become employed, formerly incarcerated people earn, on average upon release, only 53% of the wages of the average worker.⁸⁴

Another source of public funding for the temporary staffing industry are the public contracts they secure, totaling hundreds of millions of dollars every year. For example, from FY2020–FY2023, ManpowerGroup Public Sector, Manpower Group’s business arm that works with government agencies, was awarded \$12.2 million in contracts. In recent years, Manpower has been awarded contracts with agencies⁸⁵ including the Department of Justice, Department of Homeland Security, and Department of Treasury.⁸⁶

In Pennsylvania, there is very little reporting and transparency about the Work Opportunity Tax Credit Program (WOTC). We submitted a Freedom of Information Act request for records showing which employers have been awarded WOTC credits and which populations (food stamp recipients, formerly incarcerated people, etc.) were targeted with the credits, but the state was only able to provide a list of the employers that applied to the credits. The list of employee applications from 2018–2020 includes numerous temporary staffing agencies including Allegis Group, Kelly Services, Express Employment Professionals, and Bear Staffing Services, but there is no way to know which of these companies actually received the credits, the amount of credits they received, or which kinds of workers they employed to be eligible for the credits.⁸⁷

“IN MY POSITION, I NOTICED A LOT OF THE JOB OPPORTUNITIES OFFERED TO FOLKS ON PROBATION OR PAROLE WERE TEMP POSITIONS. SOME POSITIONS WERE OUT OF STATE AND IF THEY PROVIDED TRANSPORTATION, THERE WAS A FEE. MOST POSITIONS WERE TEMPORARY WITH A FEW OFFERING FULL-TIME EMPLOYMENT AT THE MAIN EMPLOYER AFTER A CERTAIN TIME FRAME. I DO NOT RECALL ANYONE EVER BEING OFFERED FULL-TIME EMPLOYMENT, IT SEEMED TO BE A FAKE PROMISE.

MY DEPARTMENT INTERACTED WITH TEMP AGENCIES, THEY WOULD SEND MASS EMAILS TO ALL PROBATION OFFICERS WITH JOB OPPORTUNITIES FROM THE TEMP AGENCIES TO SHARE WITH PEOPLE ON OUR CASELOADS. I CONSIDER THE PRISON-TO-TEMP-WORK-PIPELINE TO BE HARMFUL. IN MY EXPERIENCE, FOLKS WERE NOT CONNECTED TO CAREERS OR LONG-TERM EMPLOYMENT. THEY WERE USED TO MEET THE EMPLOYERS NEEDS, NOT ADEQUATELY COMPENSATED, AND OFTEN DISRESPECTED DURING THE EMPLOYMENT PROCESS. I RECALL HEARING STORIES OF PEOPLE HAVING TO GET UP EARLY AND SHOW UP AT A CERTAIN LOCATION WHERE WORK OPPORTUNITIES WERE OFFERED ON A FIRST COME BASIS. PEOPLE DID NOT RECEIVE CONSISTENT SCHEDULES, SOMETIMES WERE NOT PAID, AND ENCOUNTERED ISSUES ON THE JOB THAT WERE NOT RESOLVED BY THE TEMP AGENCIES.”

-MONICA, FORMER ADULT PROBATION PAROLE OFFICER

PART 3: STAFFING AGENCIES & THEIR POWER

Temporary staffing agencies make billions of dollars every year while temp workers are trapped in poverty and exploitative working conditions. The biggest temporary staffing agencies in the United States make tens of billions of dollars in revenue every year. See table below.

Figure 4: Top Temporary Staffing Agencies in the United States - 2022 Annual Revenue ⁸⁸

AGENCY	ANNUAL REVENUE (2022)
ALLEGIS GROUP	\$14.8 BILLION (GLOBAL)
TEAMHEALTH HOLDINGS	\$7.3 BILLION (U.S.)
RANDSTAD, N.V.	€ 5.5 BILLION, ~ \$5.9 BILLION (NORTH AMERICA)
MANPOWERGROUP INC.	\$3.5 BILLION (U.S.)
EMPLOYBRIDGE	\$3.9 BILLION (U.S.)
KELLY SERVICES	\$3.7 BILLION (U.S.)
EXPRESS EMPLOYMENT PROFESSIONALS	\$4.5 BILLION (GLOBAL)
THE ADECCO GROUP	€ 3.7 BILLION, ~ \$4.1 BILLION (U.S.)
TRUEBLUE, INC.	\$2.1 BILLION (U.S.)

Temporary staffing firms charge host sites an hourly fee that is much higher than the hourly wage they pay temp workers. This “markup rate” can range from 30% to 150%.⁸⁹ The difference between what staffing agencies charge host sites and what they pay temp workers is pure profit.

THE STAFFING AGENCY LANDSCAPE IN PHILLY AND PENNSYLVANIA

Lack of regulation means it is difficult to get a complete picture of the temporary staffing agencies operating in Pennsylvania. The state does not require temporary staffing agencies to register with the state in order to operate. Host employers are also not required to disclose that they work with staffing agencies.⁹⁰

We found that many of the biggest national staffing agencies operate in Philadelphia and the surrounding region, including: Allegis Group,⁹¹ Randstad,⁹² Kelly Services,⁹³ Express Employment Professionals,⁹⁴ and Manpower.⁹⁵ Mid-size, regional chains that operate in Pennsylvania include Accu Staffing Services,⁹⁶ which operates in Philadelphia, and JFC Global.⁹⁷ There are also smaller, neighborhood-based agencies that tend to fly under the radar.

A recent assessment of temporary staffing agency job postings in the Philadelphia region shows the wide range of workers impacted by the temporary staffing business model. Temp agencies are hiring for positions including Aircraft Mechanic, Helicopter Mechanic, Welder, Custodian, and Warehouse Receiver.⁹⁸

Below, we describe some of the temporary staffing agencies that operate in the Philadelphia region.

- 1 **KELLY SERVICES**
- 2 **EXPRESS EMPLOYMENT SERVICES**
- 3 **BEST PERSONNEL**

KELLY SERVICES

Kelly Services, headquartered in Troy, Michigan, is one of the biggest temporary staffing agencies in the U.S.⁹⁹ The corporation made \$4.8 billion in revenue last year.¹⁰⁰ CEO Peter Quigley made \$4.3 million in total compensation in 2023.¹⁰¹ He is also on the board of the American Staffing Association,¹⁰² the biggest staffing industry lobbying group, which is suing to block Temp Worker Bill of Rights legislation in New Jersey¹⁰³ and Illinois¹⁰⁴ and fighting protections for temp workers in other states. As of August 25, 2024, Kelly Services has 124 jobs posted for the Philadelphia region.¹⁰⁵ Kelly Services is also among the top recipients of WOTC credits in the country. According to their corporate filings,¹⁰⁶ Kelly applied for tax credits (“primarily” WOTC) worth over \$164 million over ten years, which reduced their federal income taxes by a whopping 73%.¹⁰⁷ A ProPublica investigation also found that Kelly Services was among the temp agencies with the most reports of severe injuries according to the Occupational Safety and Health Administration.¹⁰⁸



EXPRESS EMPLOYMENT SERVICES

According to temp worker advocates, Express Employment works with Chestnut Hill Hospital. As of August 25, 2024, Express Employment has dozens of jobs posted for the Philadelphia region,¹⁰⁹ including positions for hotel housekeeping, box truck drivers, and warehouse associates. Express Employment was also among the top recipients of WOTC tax credits according to ProPublica and applied to WOTC tax credits in Pennsylvania for over 199 different sites from 2018–2020.¹¹⁰ The Department of Labor’s wage and hour compliance data,¹¹¹ Express Employment was found to have committed Fair Labor Standards Act violations from 2011–2020 in states across the country,¹¹² including in Pennsylvania. A ProPublica investigation found that, like Kelly Services, Express Employment was also among the temp agencies with the most reports of severe injuries according to the Occupational Safety and Health Administration.¹¹³



BEST PERSONNEL

Best Personnel is a Philadelphia-based temporary staffing agency.¹¹⁴ The firm works with the food service, janitorial, light industrial, and clerical industries.¹¹⁵ According to temp worker advocates, Best Personnel works with Philadelphia host employers including Citizens Bank Park, Lincoln Financial Field, the Wells Fargo Center, and Chestnut Hill Hospital. Best Personnel also applied for WOTC tax credits in recent years.¹¹⁶



THE STAFFING INDUSTRY'S LOBBYING

There are solutions to the challenges temp workers face. Temp workers in Illinois¹¹⁷ and New Jersey¹¹⁸ are leading the way in winning legislation that prevents permatemping, increases wage and safety protections for temp workers, equalizes pay and benefits between temp workers and direct-hire workers, and increases transparency and oversight of temporary staffing agencies.

In 2023, New Jersey and Illinois state lawmakers passed landmark legislation after years of temp workers organizing and speaking out about the conditions they face. The temporary staffing agencies that make billions of dollars every year off of the temp work status quo fought the bills at every stage,¹¹⁹ and are continuing to spend money to weaken the protections enshrined in the bills. For example, in New Jersey, the New Jersey Staffing Alliance, New Jersey Business and Industry Association, and the American Staffing Association lobbied aggressively against the “Temp Worker Bill of Rights” for years.¹²⁰ Once the bill passed, these same groups sued the New Jersey Department of Labor in an attempt to block protections that ensure dignity and fairness for temp workers.¹²¹ In Illinois, the American Staffing Association, Staffing Services Association of Illinois, and three staffing agencies (The AllStaff Group, TempsNow Employment, and Placement Services LLC) filed a lawsuit in 2023 to challenge the Illinois Day and Temporary Labor Services Act.¹²² They have so far been successful in rolling back certain elements of the law, including the provision that temp workers receive equivalent benefits to direct-hire workers.¹²³

The American Staffing Association is the biggest, most powerful temporary staffing industry lobbying group advocating for policies that keep temp workers underpaid and exploited.¹²⁵ In 2022, the American Staffing Association had \$14.5 million in revenue, \$7.7 million of which came from membership dues. The corporations leading the American Staffing Association include Employbridge, Allegis Group, Randstad, and Kelly Services, all of which operate in the Philadelphia region.¹²⁶ Since 2020, the American Staffing Association has contributed over \$515,000 to influence federal elections, the vast majority of which went to supporting Republicans.¹²⁷ The American Staffing Association has also spent almost \$600,000 lobbying at the federal level since 2020.¹²⁸

The American Staffing Association has local chapters that advance an anti-worker policy agenda at state and municipal levels.¹²⁹ In Pennsylvania, the Mid Atlantic Staffing Association is the primary staffing agency industry lobbying group.¹³⁰ Leaders of the Mid Atlantic Staffing Association include staffing agencies the Emerson Group, CSS Staffing, and The Job Exchange.¹³¹

"I GOT INTO TEMP WORK BECAUSE I WAS NOT BEING HIRED BY REGULARLY APPLYING TO A JOB. I FEEL LIKE MOST JOBS IN PHILADELPHIA YOU HAVE TO GO TO TEMP AGENCIES FOR THEM TO HIRE YOU ANYWAY. THE TEMP INDUSTRY HAS A LOT OF JOBS ON LOCK IN PHILADELPHIA.

WHEN I GOT OUT OF JAIL THAT WAS THE FIRST PLACE I WENT TO BECAUSE THEY TOLD ME I COULD GET FASTER EMPLOYMENT AND I DID. IT SEEMED LIKE THAT WAS WHAT THEY WERE ADVOCATING FOR US TO DO. I WOULD FIND MYSELF WORKING FOR AT LEAST 3 TEMP/GIG APPS AT ONE TIME BECAUSE I DIDN'T HAVE A CONSISTENT WORK SCHEDULE.

AS A TEMP WORKER THERE IS NOT SECURE WORK AND WORK IS NOT CONSISTENT. THERE ARE A LOT OF MIDDLE MEN TO DEAL WITH, LOTS OF CONFUSION AND FOLKS NOT KNOWING WHAT IS GOING ON. I FEEL LIKE I WAS THROWN IN A POND WITHOUT BEING ABLE TO SWIM BECAUSE I WASN'T TRAINED FOR THE JOB BEFORE I STARTED. BLACK WORKERS DESERVE MORE MONEY AND BETTER OPPORTUNITIES TO ADVANCE IN THE FIELD THAT THEY WANT TO WORK IN!"

-NURI, TEMPORARY WORKER IN HOSPITALITY INDUSTRY



CONCLUSION AND RECOMMENDATIONS

Temp workers across the country are fighting back against this exploitative business model to win safety, dignity, and equity on the job. From New Jersey to Illinois, temp workers have won historic regulations mandating equal pay for equal work, stronger safety regulations, and increased reporting requirements. Here in Pennsylvania, we are calling on legislators and regulators to intervene in the temp staffing agency business model and ensure temp workers have fair wages and benefits, safe working conditions, and the right to organize. We offer the following recommendations.

AT THE LOCAL, STATE, AND FEDERAL LEVEL, POLICYMAKERS AND REGULATORS SHOULD:¹³²

1. Enact policies to improve the quality of temporary jobs and conditions for temporary workers, such as:

- a. Addressing pay and benefit inequity by **mandating equal pay for equal work policies** that ensure temporary workers have the same pay and benefits as permanent, direct-hire employees performing similar work.
 - b. Lifting workers out of poverty by **increasing the minimum wage to at least \$15 per hour and removing barriers** to unionized employment.
 - c. Addressing wage theft, discrimination, and health and safety violations by **strengthening enforcement through increased allocations to labor enforcement agencies**, allowing third party complaints to be filed by unions and workers centers, and developing and resourcing strategic partnerships between labor enforcement agencies and community organizations working at the ground level with low-wage and contingent workers.
 - d. Providing health and safety protections for temporary workers by **guaranteeing access to paid sick days without onerous barriers on eligibility**, like waiting periods of slow accrual timelines; banning temp work in high-risk jobs that require substantial training and experience, such as construction; and requiring host employers to provide workers' compensation for all temp workers in the event of injury or illness at work.
-

e. Ending permatemping by **establishing strict, enforceable limits on the duration of temp assignments** (such as 90 days). After the time limit, workers should be offering the position on a permanent, direct-hire basis.

f. **Establishing automatic joint employer liability** for staffing agencies and host companies, to improve compliance with labor standards. Enforcement agencies should adopt joint employer regulations. Additionally, employers should be required to create plans ensuring companies in their supply chain comply with employment laws and should be held jointly liable if those companies fail to do so.

g. Fostering economic mobility and creating opportunities for career advancement by **banning conversion/bondage fees and non-compete clauses**.

h. Addressing retaliation by **establishing “just cause” termination policies** to rein in employer retaliation, which would require employers to provide a good reason for termination as well as fair warning and chance to improve performance.

i. **Strengthening and renewing the Deferred Action for Labor Enforcement program** to ensure immigrant workers can defend their labor rights without fear of immigration-based retaliation.

j. **Integrating good jobs principles into public grant opportunities**, including those that fund re-entry programs, to favor applicants who commit to minimizing the use of temporary labor and ensuring that temporary workers receive equal pay and benefits.¹³³

k. **Integrating good jobs principles into the Department of Labor’s administration of the Work Opportunity Tax Credit (WTOC)** to ensure that temporary agencies are not subsidized for funneling formerly incarcerated people, poor people, and other vulnerable groups into exploitative, low wage work.¹³⁴

l. **Requiring that workforce development boards, organizations, and agencies develop high road employment standards and worker protection standards**, in partnership with second chance employers, for formerly incarcerated workers.

m. **Reviewing and, as appropriate, terminating public contracts with temporary staffing agencies found to be engaging in patterns of racial and gender discrimination.**

2. Strengthen reporting requirements and enforcement of existing labor laws in the temporary staffing industry by:

a. Amending the Equal Employment Opportunity Commission (EEOC) and Department of Labor’s Office of Federal Contracting Compliance Programs (OFCCP)’s reporting requirements to ensure employers report on the size and demographics of their temporary workforce, along with their permanent employees. The EEOC must also require temporary staffing agencies to report EEO-1 data that includes both temporary and direct-hire workers.

b. Requiring temporary staffing agencies to register with a local, state or federal regulator and keep records about each temporary assignment, including its length, pay, and hours; each temp worker applicant and placement, including each applicant’s race, gender and ethnicity; and, for those applicants who are hired, the type and length of the assignment, whether the workers received health insurance, and whether the assignment leads to a permanent position.



c. Introducing regulations that require temporary staffing agencies to provide temporary workers with written notice of the terms and conditions of each assignment in their primary language, including the length of the assignment, the criteria for transition to permanent employment, and the “markup rate” (the difference between the temporary worker’s hourly wage and the agency’s hourly charge to the client company). Additionally, temporary workers should be provided with notice and the right to refuse work assignments at worksites where strikes, lockouts, or other labor disputes are ongoing.

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A Note on Data: Most reports about temp work, including this one, rely heavily on Bureau of Labor Statistics (BLS) data since it is the most comprehensive national data set on temporary workers. However, BLS data is incomplete and may significantly under-report the number of temporary workers across the country, because of a lack of clarity and regulation on whether the staffing agency or hiring corporation is supposed to report the temporary workers.

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132.These policy recommendations are borrowed from “Untangling Discrimination: How Temporary Staffing Agencies Rely on a Racist Business Model to Discriminate Against Black & Female Workers in Houston and Nashville,” (see Note II) with small adjustments. We thank the authoring organizations—National Legal Advocacy Network, Unemployed Workers United, Equal Rights Center, and Action Center on Race and the Economy—for providing a clear, comprehensive policy blueprint for improving temp workers’ working conditions and lives

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