**Judy Fudge and Kendra Strauss (Eds) *Temporary work, agencies and unfree labour: insecurity in the new world of work,* New York and London: Routledge 2013**, pp 217 Hardback: $125.00 978-0-415-53650-9 (<http://www.routledge.com/books/details/9780415536509/>)

 Reviewed by Ben Rogaly for Society and Space Open Site. Published version available at <http://societyandspace.com/2014/05/14/fudge-judy-and-strauss-kendra-eds-2013-temporary-work-agencies-and-unfree-labour-reviewed-by-ben-rogaly/>

Please cite as: Rogaly B (2014) Review of Judy Fudge and Kendra Strauss (Eds) 2013 “Temporary work, agencies and unfree labour”, *Society and Space Open Site*

The ‘new’ in the title of this book, and its emphasis on workers’ insecurity, might appear to give it much in common with Guy Standing’s widely cited polemic *The Precariat: The New Dangerous Class* (Bloomsbury, 2011). If *Temporary Work*, so far much less skillfully marketed than *The Precariat*, achieves a lower readership than the latter, this will be an injustice to the contributors to this fine book, and also to the workers whose interests both books seek to align themselves with. While *The Precariat* generated heat, *Temporary Work* sheds intense beams of analytical light on the role of agencies, and of temporary work, both in the production of precarious employment and in the continuing, deepening and uneven connections between that precariousness and unfree labour relations.

*Temporary Work* adopts a multidisciplinary, collaborative approach, combining insights from the fields of law, labour studies, feminist political economy and economic geography. It moves discussions beyond an impasse reached in a labour geography, which, as Neil Coe, one of the contributors to the book, pointed out in another recent piece, has paradoxically ‘blossomed as a field of academic endeavor over a timeframe that has seen the continued ascent of neoliberal globalization’ (Coe, 2013, page 279). The earliest self-defined labour geography sometimes overcompensated for what it identified as economic geographers’ obsession with the agency of capital and the firm, and concomitant neglect of labour’s capacity to shape landscapes of capitalism. *Temporary Work* restores some balance. In their tightly argued introduction the editors offer a “heterodox understanding [that]… highlights the role and agency of multiple actors rather than focusing solely or predominantly on one” (page 4).

One set of actors that receives timely attention in the book is the temporary staffing industry and its component institutions of labour intermediation. Following the introduction the reader is taken on eight empirical journeys, varying in scale from studies of a particular sector (live-in care) at the level of the Canadian province (Fudge and Parrott), through national to supra-national analyses of recent changes in the industry. Major international players loom large: there are chapters dedicated to the USA (Theodore and Peck), the European Union (Wynn) and China (Xu) respectively. Other contributions include a close look at labour intermediation in the province of Quebec (Bernstein and Vallee), in southern Africa (Benjamin) and the UK (Strauss). The middle chapter of the nine offers a cross-country comparison of developments in the temporary staffing industry in Australia, Czech Republic, Japan, Poland and Sweden (Coe and Ward).

[](http://societyandspace.files.wordpress.com/2014/05/workermarch.jpg)

Indian shipworkers accuse their employers of human trafficking and forced labour (Photo Credit: Ted Quant)

*Temporary Work* makes two further significant contributions. First, on regulation, it builds on insights from the geographic literature, highlighting the intersection of scales of regulation, including the sub- and supra-national; the different directions of regulatory activity – *re* as well as *de*regulation; and the regulatory roles of both private and public players, including those of the temporary staffing industry itself. Secondly, every one of the contributors links their analysis to *social reproduction*, which the editors define as the “social process and labour that go into the daily and generational maintenance of the population… [including] the reproduction of bodies and minds located in historical times and geographic spaces” (page 16). *Temporary Work*’s power lies in the combination of its analytical strength (both conceptually and in its cogent, painstaking analyses of legal cases and geographical data), with its urgent political and moral messages regarding i) the ways in which a rapid international growth in the proportion of employment that is intermediated has contributed to a deterioration in conditions of work and respect for workers, and, crucially, ii) ways in which this might be addressed through the passing of laws and their effective implementation.

In their introduction Strauss and Fudge describe how precarious ‘nonstandard’ forms of work have become the ‘“new normal”’, encompassing self-employment, and part-time, contract, on-call and home-based work (page 2). “[I]ntermediated employment” is then “a subcategory of nonstandard employment”. These authors are at pains to point out further that “[n]ot all intermediated work is temporary” (page 5), just as some temporary workers are recruited directly by final labour users. And in a later chapter Strauss adds that “temporary agency work is not inherently precarious” (page 168). Rather it is often made so through weak and ineffective protection for the workers concerned. Strauss and Fudge’s introduction also stresses the socially differentiated distribution of precarious work of all kinds, with social location in terms of ‘race’, gender, immigration status and nationality all being important factors, with shifting and spatially variable hierarchies.

Nik Theodore and Jamie Peck’s chapter is a vitally important, and also deeply depressing analysis of the use of temporary workers in the USA during and after the three recessions of the 1990s and 2000s. They show how the transformational power of the temporary staffing industry has lain not so much in the number of workers it employs at any one time, but in its emergence as a norm-setter at the “bottom of the US economy” (page 27). The industry’s volume- rather than quality- led approach to business “helped “make” [the market for contingent labour] by propagating its own logics of price-based competition and wage suppression and screening for friction-free workplace compliance” (page 33). Theodore and Peck attribute to the actions of this industry a large share of responsibility for the USA’s adoption of the ‘low road’ following the post-World War Two social contract. The first two words of the chapter title ‘Selling Flexibility’ say it all. The resulting low road consists of an intensification of work, the temporary staffing industry serving to “[flatten] out recoveries… delaying and dampening permanent hiring, holding down wages and enabling worksite employers to “sweat” productivity gains” (page 42). The people most affected are “marginalised and poorly paid workers.” (page 43)

Feng Xu’s analyses of temporary work and of labour intermediation in China is equally disturbing. Xu too takes an historical approach, beginning with the emergence of the temporary staffing industry in the late 1990s, and illustrating the complex interweaving of national regulation, transnational capital, inter-provincial competition, and the nexus of business and local government interests, in producing both unfreedom and precarity for many millions of temporary workers in China. She argues that the state has been more involved than in the US case in leading people to rely on insecure, temporary employment, as it did away with the ‘iron rice bowl’ approach to social reproduction, and implemented a new law of labour contract in 1986. The international dimension has been critical in China, with foreign firms leading the way in the introduction of flexible labour practices. Moreover, the International Labour Organisation’s passing of Convention 181 on Private Employment Agencies in 1997 made triangular employment relations involving intermediaries legitimate in the eyes of Chinese legislators, even though China did not ratify the whole convention. Xu notes that in spite of the Labour Contract Law in 2007, which was intended as a form of regulation (through licensing and registration) that would ensure China’s temporary staffing industry could operate as a “modern service sector” (page 151), abuses of workers have remained high. These are enabled by loopholes in law and policy. There is no ­*national* social insurance scheme, for example, so labour market intermediaries can evade having to pay relatively high contributions in one province by hiring workers from another where lower payments are required. At the same time the identity of the employer in labour disputes remains vague – both end-user and intermediary can deny having employment relations; and migrant workers being officially referred to as ‘migrant-peasants’ lends instability to the definition of worker.

Taken together, the two chapters on Canada (Fudge and Parrott; Bernstein and Vallee) provide a glimmer of possibility that provincial-level state regulation can effectively protect workers. This hope lies in the comparison of trends in the province of Manitoba with two other provinces (Quebec and British Columbia). As with Wynn’s chapter on the regulation of temporary agency work in the European Union, and Strauss’s on the UK Gangmaster Licensing Act, the lessons from the Canadian cases revolve around alliances for effective political action. Fudge and Parrott focus on the regulation of international employment agencies involved in intermediating Filipino nationals seeking employment as live-in carers in British Columbia through Canada’s official Live-In Caregiver Program. British Columbian recruiters are shown to evade regulation of employment agencies in the Philippines through recruitment of a large proportion of Filipinos resident in third countries, such as Saudi Arabia and Taiwan. This legal analysis shows how, though employers of domestic workers are required to register and to provide written contracts to workers, there is no linking up or enforcement between the contract required for immigration and that stipulated as compulsory by the provincial government. Meanwhile recruitment agencies combine to lobby to weaken state regulation of their activities, and live-in caregivers are very unlikely to complain about their employers given their multiple dependence on them.

In contrast, the specific issues faced by foreign nationals employed as temporary workers were addressed in Manitoba through the 2008 Worker Recruitment and Protection Act. According to Fudge and Parrott this followed recognition among provincial politicians of the value of international migrant workers to the economy, and the intention of the Act was to aid retention of workers by providing effective protection through both recruitment and employment. The effect was strongly to discourage employers of foreign migrant workers from recruiting them through agencies – most now recruit directly. Meanwhile both international and domestic temporary staffing agencies are carefully supervised. The key point made by Fudge and Parrott is that where there is political will, there is a way to regulate and effectively enforce employment rights for temporary workers – in the case of Manitoba, this was done in part through incentivizing employers not to use recruitment agencies at all.

Quebec is the third Canadian province examined in the book – in the chapter by Bernstein and Vallee. Read alongside Fudge and Parrott’s chapter, Bernstein and Vallee’s work shows just how much variation exists between Canadian jurisdictions. In Quebec, employment contracts are legally viewed as occurring between two parties, employer and worker. Thus temporary employment agencies are taken out of the equation – resulting in the irony that in a province with extensive legislative protection for workers, temporary agency workers experience both precarious employment relations through the insecurity that comes with end-users of labour legally not carrying the responsibilities of employers at all, and unfreedom, in that agencies can tie in workers through contractual clauses that insist on exclusivity and noncompetition. Precarity is exacerbated by the wage penalty involved in working for a temporary employment agency, and agencies, as in other case studies, are involved in shaping the (lack of) regulation of their activities by adopting an ethical code of their own, which, the authors argue, “may forestall [state] regulation of [the temporary staffing industry’s] activities” (page 197).

[](http://societyandspace.files.wordpress.com/2014/05/helmets.jpg)

Indian Shipworkers down helmets in the demand for dignity (Credit: http://neworleans.indymedia.org/news/2008/03/12261.php)

Paul Benjamin details regulatory struggles over labour hire in South Africa and Namibia, again offering an historical approach, and reaching back to the discovery of gold in South Africa in the late 19th century and the Masters and Servants Law which sprang up to criminalize breaches of contract by workers. Cognizant of this history, and following campaigning by unions and politicians, first Namibia, then South Africa introduced national legislation to ban temporary employment through agencies or ‘labour hire’. Benjamin reveals an unintended consequence of the 1997 ILO Convention 181: “Although the convention recognizes that temporary employment agencies can be the employers of workers they place, it is evident that its drafters did not anticipate the extent to which this legal fiction would come to be used (in Namibia, South Africa and many other countries) as a technique to deprive employees, whose work was by no means temporary, of labour law protection” (page 121). In South Africa the use of temporary work agencies for long-term workers has become widespread (123). Collective bargaining is key for Benjamin’s analysis. Temporary agency employees are spatially weaker as they do not work at their employer’s site so they have less opportunity for collective discussion and are less able directly to disrupt the smooth operation of the agency. Draft legislation in South Africa in 2012 sought rights for unions to organize among temporary agency workers at the site of the end user. The laws continued to be opposed by business. Benjamin argues that it is possible for legislation to enable effective protection of temporary agency workers and that this can prevent a new race to the bottom, and the accompanying expansion in precariousness and unfreedom.

Both Strauss’ individual contribution and Michael Wynn’s chapter deal with the case of the United Kingdom and its re-regulation of employment rights for temporary agency workers. Wynn takes the reader inside the process by which the UK government used both inter-country negotiations and an attempted national tripartite meeting between state, business and union representatives to secure an opt-out from the 2008 EU Directive on Temporary Agency Work. The UK government of the time – and remember this was a Labour government - is shown to have been driven by a determination to protect the temporary staffing industry and their role in the UK’s relatively flexible labour market. Although numerically more important in the UK than in other European Union countries, the temporary staffing industry was not merely a national interest – one powerful lobby influencing the EU’s legislative process was EuroCIETT, which ‘represent[ed] the interests of seven of the largest multinational staffing companies worldwide’ (page 54). By the time it was implemented the Directive had been watered down in negotiation by a process of attrition. The UK in particular was able to negotiate an optout that meant the Directive did not apply to workers who had been in their posts for less than twelve weeks.

Strauss focuses on the parallel sector-specific development of the Gangmaster Licensing Agency (GLA) in the UK, which was set up following the deaths of twenty-three undocumented Chinese migrant workers who had been cockle-picking in the north-west of England when they were drowned by the incoming tide. She points to the problematic specificity of the GLA to agriculture and fisheries – why not regulate agencies in other sectors too? – and to its gradual weakening under the Conservative-Liberal Democrat coalition government from 2010, both in terms of funding and through its shift to the Department for Environment, Food and Rural Affairs. After *Temporary Work* was published, in April 2014, the GLA was shifted again to the National Crime Agency in the Home Office, an agency concerned with combatting organized violations of immigration control, for example through trafficking, and therefore turning the state’s attention further away from an employment rights focus and from the generalized increases in precarity and unfreedom that this book so skillfully show to be interconnected and inherent, if spatially differentiated, components of contemporary capitalist employment relations.

It should be stressed that Strauss’ chapter consists of much more than this case study. Strauss argues forcefully that many low-wage temporary agency workers, and migrant workers in particular, have limited effective freedom to move out of precarious work. This is self-reinforcing because of its negative implications for social reproduction, including greater in-work poverty, and less money for, and access to, child and elder care, and forms of social care that enable people “to facilitate irregular hours and places of work” (page 178).

Coe and Ward’s expert comparative analysis of different national regimes for the regulation of labour markets places these and other contributors’ observations into perspective. Coe and Ward reveal both the power of the transnational temporary staffing industry in contributing to “a particularly neoliberal re-regulation of labour markets” (page 114), and the continuing significance of national differences in regulatory regimes. Within varying national histories of welfare provision, industrial relations, and labour market change, the temporary staffing industry has shaped emerging norms of employment relations and, where temporary agency work has become relatively ubiquitous, of social reproduction.

*Temporary Work* is both an impressive, multidisciplinary intellectual project and an urgent call to action in the face of international deterioration in labour conditions and employment rights, many of them associated with the burgeoning power of the temporary staffing industry. In *The Precariat* Standing was also concerned with the increasing number of workers, since the mid-1970s, who did not have access to standard employment relationships. Drawing attention to the rise of such conditions, as Standing does, is of value in itself. But, unlike *Temporary Work*, Standing’s book falls short in at least three ways. First, there is a lack of conceptual clarity in *The Precariat* over what the ‘precariat’ actually consists of. At one moment the precariat is contrasted with the ‘salariat’ – people in jobs with some security and regular predictable incomes. At another, the salariat itself is being precaritised. Have a look at Jan Breman’s *A Bogus Concept?* in *New Left Review* (2013, Nov-Dec, issue 84) for a thorough critique. Secondly, Standing risks contributing to worker disunity in the UK by uncritically drawing on anti-immigration group Migration Watch’s main academic apologist David Coleman for evidence to bolster the speculative claim that ‘the “white” British could be in a minority [in the United Kingdom] in the second half of [the 21st] century’. And, thirdly, Standing’s ready-made political answer to precaritisation (basic income) and his parallel panning of what he refers to as union-led “twentieth century labourism” (page 155), puts the cart before the horse in terms of action before proper analysis of the complex, multiscalar dynamics that cause precarity, including through temporary agency work in its variegated forms. Indeed, in April 2014 Standing published a follow-up *A Precariat Charter* developing his proposed way forward.

Yet, while even the Kindle edition of *Temporary Work* retails at fifty-five pounds (ninety-two US dollars) on Amazon’s UK site as against ten pounds (seventeen dollars) for *The Precariat*, the clear-sighted and urgent, though politically non-prescriptive, approach of *Temporary Work* is likely to languish in university libraries. I urge the publisher to consider a paperback edition soon. This is vital and original work with major potential impact beyond academia. It is not without faults. I would have liked the book to have had a conclusion to draw together the contributions, and it is always helpful to have a list of contributors and brief details of their previous and current work. Nor is the index always precisely accurate. However, none of these issues detract from the quality of the work and all of them could be addressed in a revised edition. In the meantime, for those *EPD* readers in a position to access it, head for *Temporary Work* for a brilliant example of academic work that matters.

**Ben Rogaly is Professor of Human Geography and Head of Department of Geography at the University of Sussex**. He has researched the intricacies of employment relations involving migrant workers in rural India and the UK since the early 1990s. His most recent ethnographic and oral history work has focused on class, place, migration and belonging in the provincial cities of Norwich and Peterborough in England, and has led to a co-authored book with historian Becky Taylor [*Moving Histories of Class and Community: Identity, Place and Belonging in Contemporary England*](http://www.theguardian.com/society/2011/mar/23/norwich-council-estates-class-community) (Palgrave, 2011); an article with anthropologist Kaveri Qureshi on [Diversity, urban space and the right to the provincial city](http://www.tandfonline.com/doi/abs/10.1080/1070289X.2013.822375#.U3JCvK1dVGl); and a website emerging from his AHRC Fellowship [Places for all? A multi-media investigation of citizenship, work and belonging in a fast-changing provincial city](http://www.placesforall.co.uk) co-produced with artists and grassroots organizations.

**References**

Coe N, 2013 “Geographies of production III: making space for labour” *Progress in Human Geography* 37(2): 271-284