

1 Temporary Work, Agencies and Unfree Labour

Insecurity in the New World of Work

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1. INTRODUCTION

In the last decade, studies of labour market change, especially in the industrialised global North, have theorised and provided evidence of a number of interlinked processes related in different ways to the breakdown of the postwar normative model of paid employment. This model of employment, although differentially articulated, embedded and enforced, nevertheless provided key threads of continuity that bound nations to a common understanding of the employment relationship. These threads of continuity included the standard contract of employment, the male breadwinner gender contract (encompassing the family wage), and the “classical” labour law regulatory regime grounded in a triangular relationship between companies, trade unions and the state (Supiot 2001) through which the benefits afforded by the standard employment model were institutionalised and enforced (Fudge and Owens 2006). The standard contract of employment itself conveyed a model of risk sharing in which fidelity to an employer over the life course was rewarded with continuous, full-time employment, on the employer’s premises or under the employer’s supervision, with adequate occupational welfare benefits (e.g. a pension, health insurance, sickness and holiday pay entitlements), a standardised working day and week and often (although not universal) union representation (Vosko 2000). Moreover, as the work of economic and labour geographers has highlighted, this normative model constructed, and was influenced by, geographical, spatial and scalar configurations of the space-economy that have been disrupted and reconfigured along with the standard employment relationship (Herod 2001).

The processes related to (both driven by and driving) the breakdown of the standard employment relationship include the generalised but uneven deregulation (or, more accurately, reregulation) and flexibilisation of labour markets (Peck, Theodore and Ward 2005), discourses and policies of neo-liberal globalisation (Herod 2000), increased—although vastly unequal—mobility of capital and labour and deindustrialisation and the rise of the service economy, with concomitant declining union power and density (*cf.*

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Cumbers, Nativel and Routledge 2008). Macro-level outcomes of these processes have included a shift in the power of global capital relative to the power of (national and international) labour and more localised policies attacking the power of national working class and labour movements (see e.g. Wills et al. 2009). In this sense these processes are illustrative of new formations of state-capital relations because as Fudge and Owens (2006: 5, emphasis added) point out in relation to globalisation and the “new economy”: “the market has assumed a central place in the global order, dominating and driving it, but forged by *interdependency of capital and the state.*”

But the new economy has been remade *socially* as well as economically: women’s increased labour market participation is (although again uneven) one of the most significant transformations of the postwar period, entailing shifting (and often blurring) patterns and norms across public and private spheres. Women’s widespread entry into paid work is, contentiously, associated with the expansion of nonstandard work within core labour markets. Standing (1989) has called this the “feminisation” of employment because what was nonstandard work for men was in many liberal capitalist countries standard paid work for women; in theories of labour market segmentation, these were the jobs in the secondary sector. The concept of feminisation also overlaps with trends identified in, for example, Fudge’s (1997) and Vosko’s (2000) explorations of the rise of “precarious work”: part-time work and self-employment, temporary work, contract work, on-call work and home-based work, all of which tend to be poorly paid, lacking in security, with few occupational benefits and an absence of collective representation. In the industrialised economies of the global North these jobs were traditionally on the margins of the labour market, at the core of which was the normative model of the standard employment relationship, and were performed by women, people of colour and ethnic minorities and others who did not conform to the (white) male breadwinner/worker identity. Now, however, nonstandard forms of work are becoming the “new normal” for workers and sectors previously associated with the primary sector (see e.g. Peck and Theodore 2007 on US employment trends).

A less explored dimension of the rise of nonstandard work is the increasing importance of labour intermediaries, especially temporary employment agencies (TEAs; also called temporary staffing agencies, or TSAs). A key milestone was the International Labour Organisation’s (ILO) passage in 1997 of Convention 181, which reversed its traditional opposition to labour intermediaries and recognised the “constructive” role of private employment agencies in “well-functioning” labour markets. In the fifteen years since the ILO’s about-face, temporary agency employment has increased dramatically, albeit from a low base, especially in those countries with tightly regulated but liberalising labour markets (Coe, Johns and Ward 2007). While some of that expansion reflects the hypermobility of highly skilled, highly paid professionals and “knowledge economy” workers (Carnoy, Castells and Benner 1997)—Beck and Beck-Gersheim’s (2001) “individualized”

employees—it also reflects the incursion of “feminised” forms of employment into blue- and white-collar sectors traditionally defined by the standard employment relationship. As Wills and colleagues (2009: 26) point out, in what has become known as neoliberal economic management, subcontracting is used to push down the wages and conditions of work in jobs like cleaning, care and construction; large parts of the low-wage economy are “sweated” through subcontracting, a mode of the organisation of work that has its roots in pre-Fordist production practices. Moreover, evidence suggests that “sweating” at the bottom end of the labour market (increasingly populated by migrant workers, both documented and undocumented, in many countries) often involves labour intermediaries who exploit the ways in which processes of racialisation and the construction of new categories of social difference, instigated by immigration regimes, render some workers extremely vulnerable—including to forced and unfree labour (Theodore 2003; Brass 2011; Strauss 2012a; 2012b).

2. AIMS AND OBJECTIVES

While these processes—the numerical and normative rise of nonstandard work, the de- and reregulation of labour markets to achieve “flexibility,” the increasing importance of temporary employment agencies and the (re-)emergence of conditions of extreme exploitation and unfreedom—have been explored individually, there has been relatively little work to date that has attempted to explore the linkages between them. This volume utilises a bifocal lens to focus, on the one hand, on linking up disparate literatures on, and debates about, different regulatory approaches, new and expanding institutions of labour intermediation and the coevolution of precarious temporary work and unfree labour; on the other, it grounds this contribution in a series of empirically rich and geographically diverse case studies. We thus aim to make a distinctive contribution to the body of research on temporary employment agencies in the following three ways:

1. By bringing together new empirical and theoretical contributions that integrate agency, worker and regulatory perspectives.
2. By grounding this integrative approach in a cross-national comparative framework, which highlights how the processes implicated in the rise of temporary work are both global and multi-scalar.¹
3. By using this approach as the basis for assessing how, and to what extent, temporary agency work represents a particular kind of reconfiguration of the standard employment relationship. In particular, we are interested in its interrelationship with new and evolving patterns of migration and the ways in which it challenges the normative and ideological model of “free” wage labour (and can thus, conversely, be understood as unfree labour).

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Our overarching theoretical framework is grounded in a feminist political economy approach that shares with labour geography and feminist legal studies a relational understanding of wage labour that “connect[s] work and the reproductive sphere, class and non-class identities, local affairs and global forces, and so on” (Castree 2007: 859). These domains, however, are mediated by institutional and social arrangements that shape labour markets and regulate employment relationships: the legal regime is a significant configuration of these arrangements, and it tends to operate to naturalise power relations, but in highly uneven ways. In this sense our approach has affinities with the “continuum” approach to understanding the context of forced and unfree labour (see e.g. Skrivankova 2010). What we seek to explore is how the particular constellation of economic, social and legal norms, institutions and practices differentially positions workers within particular labour markets in relation to this continuum of labour exploitation and how this constellation either reinforces or challenges what could be called, to paraphrase Melissa Wright (2006), the myth of the disposable temporary worker.

In what follows we first explore the rise of new institutions of labour intermediation and their regulation. We then explore how these phenomena relate to the expansion of precarious labour and the overlap between precarious temporary labour and unfree labour. We conclude with an exploration of the links between precarious work and precarious lives, making the argument for an analytical framework and theoretical lens that facilitates an understanding of temporary agency work from a standpoint grounded in the interrelationship of production, the labour process and social reproduction (see also Strauss 2012b).

3. NEW INSTITUTIONS OF LABOUR INTERMEDIATION: TEMPORARY EMPLOYMENT AGENCIES AND THEIR REGULATION

Like Peck and Theodore (2010: 87), we have a heterodox understanding of what labour markets are and how they function: “site[s] of conflicting power relations, enduring regulatory dilemmas, necessary but problematic forms of institutionalisation, embedded path dependencies and systematic uneven development . . . institutionally cluttered zone[s] marked by successive waves of restructuring and re-regulation.” This heterodox understanding also highlights the role and agency of multiple actors rather than focusing solely or predominantly on one (e.g. capital, and especially firms, in “traditional” economic geography; workers and unions in labour studies and labour geography) or framing all as the autonomous, rational, profit-seeking agents of mainstream economics. This volume thus conceptualises temporary employment agencies, the socioeconomic and regulatory contexts in which they operate and the workers they employ as active

but differently positioned constituents of the larger process of the ongoing social construction of labour markets (see also Ward 2004; Coe, Johns and Ward 2007).

Two of the key trends in contemporary labour markets are the rise of nonstandard—contingent or precarious—work and new and increasing forms of labour intermediation.² What this means in practice is that more and more workers are no longer employed directly by a single employer, but rather are in *intermediated* employment relationships that in some context strain the bounds of what is understood by “employment.” Employment has traditionally been understood as a bilateral contract between an employer and an employee who is under the control and direction of the employer. Intermediated employment is a subcategory of nonstandard employment, and temporary agency workers are a subset of temporary or contract workers. Not all intermediated work is temporary; for example, subcontractors in production chains may employ workers on an ongoing and indeterminate basis. Nor are all temporary workers employed through intermediaries. However, there is a close relationship between intermediated and temporary employment. For example, in countries like the UK, temporary agency workers, in particular those at the bottom end of the labour market, have little power over their terms and conditions and typically no access to collective representation, making them some of the least secure and most exploited nonstandard workers (McDowell et al. 2008). The precarious nature of the employment of these agency workers is related to the ways in which labour intermediation is entangled with new regimes of labour market governance: as Rittich (2006: 32) states, the marginal status of those engaged in precarious work is not something “that can be attributed to the nature of investment, production and exchange in the new economy alone. Rather they are intimately linked to the institutional structure in which work takes place and the choices states make about the structure of legal entitlements; the distribution of resources through taxation and income transfers and expenditures on public goods; and the sharing of risk through legal and social institutions.”

3.1 Labour Intermediation

Labour intermediaries are “economic agents who co-ordinate and arbitrate transactions in between a group of suppliers and customers” (Wu 2004, quoted in Harrington and Velluzzi 2008: 171), whereas brokers are a kind of intermediary who provide coordination services without themselves buying and selling goods. Thus labour market intermediaries (LMIs) are institutions, mechanisms or actors that intervene between job seekers and employers. In orthodox economic thinking, LMIs reduce labour market inefficiencies by redressing gaps and inefficiencies in information: thus their relatively benign “value added” is in increasing the efficiency of employers’ and employees’ searches, creating economies of scale in searches, providing

specialised skills and reducing uncertainty (for example, on the part of the employer, the risk of a mismatch between demand for a product or service and the labour needed to fulfil that demand).

This understanding of labour intermediation of course ignores power differentials between labour and capital and downplays the fact that intermediaries generate a profit from the services they provide. For TEAs this profit often derives from the difference between the fee charged to the employer for supplying labour and the wage paid to the worker who supplies that labour. Thus, as Harrington and Velluzzi's (2008: 174) typology of LMIs illustrates, internal labour markets are the only type of labour market intermediary to transfer risk from the worker to the producer whereas TEAs transfer risk from the firm to the employee. As Ciscel and Smith (2005) point out, LMIs shift responsibility for working conditions from the primary producer, and even from the contract producer, in production and commodity chains to a labour supplier or individualised contract worker.

LMIs, including TSAs, have historically done the bulk of their business in industrial and clerical occupations, although in many countries they are increasingly present in almost all sectors of the economy (especially hospitality and, as Wills and colleagues 2009 point out, where the contracting out of formerly public services such as cleaning and social care has occurred). LMIs provide quantitative (or numerical) flexibility and the ability to avoid regulatory constraints (especially related to occupational welfare and social benefits), as well as economies of scope for specialised workers. Organisational forms interact with the structure of markets to influence work arrangements. Some organisations and markets are structured in ways that increase the vulnerability of workers to poor outcomes and labour market risk. Thus, the actual use of LMIs often reflects their regulatory capability to shift risk and lower wages, rather than the heralded role of matching skilled and mobile workers with flexible and highly paid contract work. Harrington and Velluzzi (2008: 176), for example, note that in the US all industrial and clerical occupations had lower hourly average wages in TEAs than in the economy overall: the five occupational titles with higher wages included computer programmers and specialised nursing staff. In the UK, research by Forde, Slater and Green (2008) has shown that while agency workers have broadly similar qualification levels to the permanently employed workforce they are clearly overrepresented in professional jobs (but underrepresented in managerial and associate professional jobs), as well as secretarial, semiskilled process jobs and unskilled elementary occupations. Moreover being a black and minority ethnic (BME), older worker or married woman increases the likelihood of agency work, as does being a recent arrival to the UK. Temporary agency workers also earn less than both permanent employees and other types of temporary employees; the average hourly wage gap between permanent and agency workers in the UK is £3.67 and is higher for men than for women (Forde, Slater and Green 2008: 20).

However, the lower wages that agency workers receive do not necessarily translate into lower costs for the firm contracting with the agency for workers (McKay and Markova 2008: 20). TEAs charge the client (or user) firm a fee for supplying workers, which may eat up some of the client firm's wage savings. What agency workers provide client firms is a great deal of flexibility in the allocation of payroll costs. In many instances, the TEAs also provide the day-to-day payroll and administration, and they also enable client firms to reduce recruitment and training expenses.

Research on new and emerging forms of intermediation, and on the importance of migration and migrant workers in increasingly globalised labour markets, has highlighted the increasing role of international labour intermediaries (Krissman 2005; Pijpers 2010) and the overlap between labour providers and smugglers in the context of "illegal" economic migration. Some recruiters work for employers in supervisory roles, as well as being labour brokers, whereas others are independent agents or representatives of agencies. As work by Neil Coe, Jennifer Johns and Kevin Ward (see e.g. Coe, Johns and Ward; 2008; 2009a; 2011; Ward 2003) has shown, labour intermediaries, and the different types of TSAs, have coevolved with different regulatory, economic and social conditions of labour markets in different places in ways that are often quite sector specific (see also Vosko 2000; Theodore and Peck 2002). Moreover, TSAs of different size and type may coexist within sector-specific labour markets, inhabiting different niches. As Pijpers (2010) pointed out, for example, in her exploration of the Dutch context, the recruitment of temporary labour (especially from Poland) was initially the purview of (mostly small) cross-border intermediaries operating in part through kinship and occupational networks; by 2006 large multinationals like Adecco, Manpower, Vedior and the Dutch TSA Randstad were also seeking to recruit Polish temporary labour into the Dutch market, while smaller Polish-Dutch agencies were scaling up to operate in new sectors of the Dutch economy, including providing placement services for long-term Dutch unemployed. Likewise the operation of gangmasters in the agricultural sector in the UK incorporates both individual labour suppliers (often agricultural workers themselves, who simultaneously work as on-site supervisors) and large multisector agencies.

Local and national labour market institutions determine types of labour market intermediaries and the roles available to them, as well as the legal and normative status of temporary agency workers (Harrington and Velluzzi 2008). But while there is a diversity of types of labour intermediaries, what is distinctive about intermediated forms of employment is that they are triangular and, as such, depart from the traditional bilateral employment model defined by the "direct" employment relationship between a standard worker and her employer. The labour contract is of particular importance because of its role in establishing the parameters of workers' employment rights; it thus embodies power relationships in the workplace and broader society (Terry 2009: 466). The triangular nature of

intermediated employment creates difficulties when identifying and attributing employment-related legal rights and duties, and it can have very different consequences for temporary agency workers depending on the regulatory regime under which they labour. Much depends on whether the temporary agency workers are treated as employees or self-employed workers³ and whether the firm that supplies or the firm that uses their labour is identified as the employer for purposes of attributing responsibility for legal obligations pertaining to employment. Where the identification of the employer is unclear, wages, working conditions and occupational welfare benefits are easily compromised.

The labour law regulation of contracts and assignments is only one aspect of the regulation of TSAs; the other is the regulation of the agency business itself (Storrie 2002). Many countries impose licensing requirements on TSAs, including financial guarantees, reporting requirements and limitations on scope and activities (McKay and Markova 2008: 35). Where licensing and regulatory regimes for TSAs are abolished or watered down many are likely to emerge that operate “under the radar”: Pijpers (2010) cites five thousand as the estimated number of IEAs operating in the Netherlands that are involved in recruiting or posting activities that are not entirely, or at all, legal—involving up to eighty-thousand workers, mostly from non-EU countries. Significantly, the extent to which the bilateral (or direct) employment relationship is regulated is closely related to the use of TSAs. The greater the degree of regulation of direct or standard employment, especially when it comes to dismissals, the more likely it is that, if permitted, firms will resort to TSAs for labour. Peck and Theodore (2002) note temporary employment arrangements make up a smaller proportion of total employment in the US, where the direct employment relationship is not normatively embedded within the regulatory regime, than in other Organisation for Economic Co-operation and Development (OECD) countries, where the standard employment relationship has greater statutory protection.

3.2 Temporary Employment Agencies and the (Re)making of Labour Markets

As McDowell, Batnitzky and Dyer (2008) point out, the rise of TEAs is a highly significant, yet relatively unexplored, phenomena in the assemblage of workers—including economic migrants—in national and regional labour markets. TEAs are theoretically and empirically important because they are themselves active institutional agents in the remodelling of labour market norms and conventions (Peck and Theodore 2001). Temporary employment agencies have long existed in several countries, in particular the US and UK, but were prohibited in a number of others (such as Italy, Spain and Sweden) until relatively recently, as well as being opposed in international regulatory conventions such as those of the ILO (Peck, Theodore and Ward 2005).

This legal status of TSAs changed “along with concerted moves—beginning in the 1970s, gathering pace in the 1980s and dramatically accelerating in the 1990s—to liberalize labor market regulation and foster ‘flexible’ employment practices,” often through the de- and re-regulation of national labour markets in both “developed” and “developing” countries that produced conditions favourable to TEAs (Peck, Theodore and Ward 2005: 3). These conditions have in part resulted, in the EU, from the Lisbon Action programme, which has aimed to foster “dynamic” and “competitive” European labour markets (Pijpers 2010). They have also been affected by a wider set of debates over labour market reform in international financial and economic institutions, such as the IMF and World Bank, which have tended to promote deregulated, flexible labour markets governed only by property and contract law (Rittich 2006).

The regulation of precarious or contingent work serves to either reinforce or reduce differences—for example in access to collective representation and to occupational welfare benefits—between “standard” and “nonstandard” workers, which makes it both useful and interesting to compare regimes among different nation-states in the context of both remarkable durability in regulatory frameworks and concomitant (albeit uneven) shifts towards legal pluralism (Fudge and Owens 2006; Rubery and Grimshaw 2003). Changes in regulatory regimes to enhance labour market flexibility have contributed to what McDowell, Batnitzky and Dyer (2008) characterise as a labour market, which TSAs both construct and operate within, polarised between “bottom-end” agencies supplying “warm bodies” and top-end agencies supplying highly skilled professional workers—a trend that seems to parallel wider labour market polarisation between those in secure permanent jobs and those in insecure, poorly paid work.

These polarizing trends operate at, and simultaneously construct, the interrelated geographical scales of local, regional, national and international labour markets. In this sense they are related to new and evolving mobilities of both capital and labour, especially patterns of economic migration and financial globalisation. The remaking of labour markets through migration and new forms of intermediation involves both state and nonstate actors and practices, interlinked geographies of sending and receiving places and issues of demand (from employers, usually for low-paid flexible labour) as well as supply (Krissman 2005). Wills and colleagues (2009) discuss issues of supply and demand in relation to the reconfigured geography of the “reserve army of labour,” which has been transformed by the globalisation of transport and communications, on the one hand, and by national welfare regimes on the other (see also Silver and Arrighi 2003).

Geographers have been at the forefront of exploring and documenting the new geographies of labour intermediation, especially the globalisation of TSAs, the role of agencies in shaping conditions at the bottom end of the labour market, how agencies “assemble” workforces in global cities such

as London and the regulatory contexts which TSAs simultaneously construct and inhabit (Peck and Theodore 2002; Theodore and Peck 2002; Ward 2004; Datta et al. 2007; Coe, Johns and Ward 2008; 2009a; 2009b; McDowell, Batnitsky and Dyer 2008). Research on the latter has drawn attention to the ways in which TSAs and other actors, including workers and trade unions, seek to actively shape the regulatory and institutional landscapes that are part of the social construction of labour markets. An important insight of this work is how TSAs themselves have intervened in processes of de- and reregulation in order to create the necessary conditions for their flourishing. As Peck, Theodore and Ward (2005: 22) highlight, “for the staffing industry to get real traction . . . host economies must be both comparatively prosperous and relatively well regulated, since the industry finds its markets in the underside of these conditions . . . most developed economies in the world have become prime targets for the staffing industry, which is now capitalizing on the scope for commodifying employment relations in an unusual set of ‘emerging markets’ within the global North.” And whereas the significance of these processes in the industrialised economies has been well documented in this literature, work by labour law scholars has shown that norms of flexibility are equally salient in industrialising and emerging economies (see e.g. Benjamin on South Africa, chapter 6, this volume). Thus, the temporary staffing industry has enormous importance in relation to understanding new kinds and practices of precarious work across a range of contexts.

4. PRECARIOUS LABOUR

Although precarious employment relationships have long been features of labour markets even in high-income countries of the global North, what is new is the pervasiveness of labour market insecurity today. The rise in precarious employment and the contraction of the standard employment relationship has come to be recognised as “the dominant feature of the social relations between employers and workers in the contemporary world” (Kalenberg 2009: 17).

Precariousness is a complex notion, and its use has differed from country to country (Vosko, MacDonald and Campbell 2009: 5–6). It is also closely related to the concept of precarity, which was used by Pierre Bourdieu in the late 1960s to refer to nonstandard forms and relations of employment. The term “precarity” tends to capture “a different, more theoretically oriented debate that has been associated with Marxist intellectuals and activists in Italy and France” (McDowell and Christopherson 2009: 338). By contrast, what the concept “precarious work” or “precarious labour” attempts to encapsulate is the insecurity and instability associated with contemporary employment relationships. It is often, but not always, associated with non-standard types of employment arrangements such as part-time, fixed-term

and intermediated agency work that deviates from the normative model of employment. Although employment security is a crucial aspect in all definitions of precarious employment, a multidimensional approach reveals the broader institutional, social and political factors that make employment precarious. Rodgers (1989) identified four dimensions of labour market insecurity that make a particular employment arrangement precarious: (1) the degree of certainty of continuing employment; (2) control over the labour process, which is linked to the presence or absence of trade unions and professional associations and relates to control over working conditions, wages and the pace of work; (3) the degree of regulatory protection; and (4) income level. When combined with the type of employment arrangement, these dimensions of labour market insecurity reveal a great deal about precarious employment.

While this multidimensional approach to precarious work highlights the broad range of labour market insecurities associated with these forms of work arrangements, it fails to account for the social processes and relationships that determine who becomes a precarious worker and the nature of their work. In order to illuminate these broader social processes, Vosko (2006) has integrated social context and social location into her conception of precarious employment. She defines precarious employment “as work for remuneration characterized by uncertainty, low income, and limited social benefits and statutory entitlements. Precarious employment is shaped by the relationship between employment status (i.e. self-employed or paid employment), form of employment (e.g. temporary or permanent, part-time or full-time) and dimensions of labour market insecurity, as well as social context (e.g. occupation, industry, and geography) and social location (or the interaction of social relations, such as gender, and legal and political categories, such as citizenship)” (Vosko 2010a: 2). The benefit of this conception is that it not only emphasizes the relationship between the normative model of employment and the dimensions of insecurity, it also brings the social relations of demand and supply into the equation.

Social location combines both social relations and legal and political status, and it provides an important dimension that helps in the conceptualisation of precarious employment. This expansive conception of social location includes both the categories of race and gender, but also nationality and migrant status (McDowell, Batnitzky and Dyer 2009: 8), which, in turn, provides an important empirical and conceptual bridge to understanding how migration status contributes to precarious employment. Anderson (2010: 306) emphasizes how “immigration controls” produce different types of legal migrant statuses that “impact . . . on migrants’ positions in labour markets.” Under international law, states can, through their immigration laws and rules, require particular categories of entrants to have certain skills and experience and place restrictions on the freedoms, privileges, rights and entitlements of migrants who enter their territory. In this way the state produces different migrant statuses through immigration

law, policies and practices that “work with and against migratory processes to produce workers with particular types of relations to employers and to labour markets” (Anderson 2010). Moreover, migrant status has long-term effects on where migrants work in the labour market, effects that linger even if the migrant’s status has improved (Anderson 2010: 308; Goldring and Landolt 2011).

Another benefit of this capacious and theoretically complex conception of precarious work is that it appreciates that there is a spectrum or continuum of work arrangements in terms of the security of the work and the adequacy of the income generated. In understanding the spectrum of precariousness, it is important to be attentive to how the social location of the worker—the way in which regional and local political economies interact with social relations of subordination that are linked to workers’ attributes, such as sex, ethnicity, caste, race, immigration status, linguistic group and skill and ability levels (Lamphere, Zavella and Gonzales 1993)—is connected to different forms of work and the working conditions and employment security of the worker. In this sense, migrant status is one of the signifiers of social difference that facilitates and enables new and evolving forms labour market segmentation. Migrant status is in turn premised on social categories of difference including nationality, race and ethnicity that intersect with gender and occupation to construct “desirable” migrant workers.

Theoretically, the process of labour market segmentation by sector in which ethnicity and race and migrant status are the key categories of differentiation is associated, especially in relation to agricultural labour, with both racialisation and unfreedom by Miles (1987) and Satzewich (1991). Racialisation and unfreedom are of course also experienced in sectors unrelated to agriculture, like care, construction and manufacturing. In countries like the UK, race, ethnicity and nationality are coproduced through racialisation and “hierarchies of whiteness” because of the nature of immigration flows within and beyond the EU (McDowell 2008). It is therefore important to recognise that precarity and unfreedom, produced in and through processes of segmentation and instituted by employment and immigration regimes, are complex, contingent and variegated.

Thus, neither the spectrum of precarious work arrangements nor the hierarchy of social locations are stable, but rather change over time and vary in different places. For example, the huge growth in temporary labour is a consequence of global capitalism and has been accompanied by a growth in employment agencies and labour brokers (Standing 2011). When combined with workers who are in subordinated social locations, these forms of intermediated labour are very precarious indeed. Moreover, TSAs often place restrictions on the mobility of the workers they recruit, prohibiting them from accepting a more permanent position with the client firm in which they are placed. The relationship between the TSA and the client firm combines to limit the legal freedoms of agency workers. As Vosko (2010b: 633–34)

notes, when workers register with a TSA, they “generally forfeit their ability to select their preferred type of work; agencies not only assign workers to specific worksites but to particular locations within the occupational division of labour, often with limited regard to the skill set claimed by the workers.” These contractually imposed restrictions on the freedom of agency workers to take up more secure forms of employment function as a form of “voluntary” unfreedom.

Moreover, TSAs often operate as crucial agents facilitating transnational temporary migration. Despite a worldwide dip in numbers during the depth of the worldwide economic recession, temporary migration from one state to another has been accelerating since the late 1990s. A distinctive feature of many temporary migration programmes is that the workers who are recruited across borders must maintain their employment with the employer who initially sponsored them or they will lose their legal status to reside and to work in the host country. The concept of unfree labour is used to describe migrant workers who are not free to circulate in the labour markets of the host countries in which they are working (Miles 1987; Satzewich 1991; Basok 2002). Some, like Sharma (2006), consider these unfree migrant workers who cross national boundaries in order to work as the exemplary post-Fordist workforce. The ILO (2010: 213) notes that “evidence suggests that, in some situations, there may be a deliberate link between policies and practices of excluding migrants from legal and social protection while apparently tolerating their presence in precarious situations that ensure they remain low-paid, docile and flexible.” Significantly, these workers also “facilitate the reduction of overall wage levels, help to lower labour standards, and assist in introducing more flexible employment practices” (Bauder 2006: 4).

5. LINKING PRECARIETY AND UNFREEDOM

As the temporary staffing industry has become of a subject of interest, so have the rise and/or intensification (numerical, or in type) of precarious work, new and evolving forms of unfreedom in labour markets and incidences of forced labour and slavery in both the industrialised economies of the global North and the “developing” nations of the global South. This is mirrored by an increased interest among national and supranational institutions such as the ILO and national governments in countries including inter alia the US, UK, Germany, Brazil and the UN in “modern slavery,” trafficking and forced labour. While it is clear that unfree labour and precarious labour are epistemologically distinct, the conditions that have contributed to more widespread conditions of precarity and insecurity, especially for workers at the bottom end of the labour market, have also contributed (although not in a teleological manner) to greater labour market unfreedom, including forced labour.

The free/unfree distinction originates in the political economy literature, which has sought since the eighteenth century to understand (and define) linkages between political and social power and economic systems of production and reproduction. Marx, influenced by Hegel's association of the freedom of the subject with the ability to engage in the exchange of property (which included, for Hegel, her own productive capacity), defined labour power as a commodity (Brass 2011). Marx (2008: 113, emphasis added) characterised the buying and selling of labour power in capitalist societies as a process wherein "both buyer and seller of a commodity, say of labour-power, are constrained only by their free will. They contract as free agents, and the agreement they come to, is but the form in which they give *legal expression* to their common will." This equality of exchange was subsequently reified in orthodox political economy and economic theory, which understands buyers and sellers of labour power as utility-maximizing agents operating in a frictionless world, and in contract law. But Marx, while using the stylized facts of political economy to represent both the buying and selling of labour power and the labour process (especially the creation of surplus value), nevertheless highlighted in his dialectical understanding of labour the fundamental tension at the heart of capitalist social relations: that workers are free insofar as they have the capacity to sell their labour as a commodity, and unfree insofar as they are compelled to do so in order to reproduce themselves.

This tension is also at the heart of attempts to define and regulate unfreedom in contemporary labour markets (Strauss 2009; Phillips 2011). Our goal in this volume is to apply a heterodox understanding of labour markets and labour market change to the concept of a "continuum" of unfreedom in order to understand how de- and reregulation and new institutions of intermediation have served to differently position groups of workers in relation to conditions of exploitation and unfreedom. Chapters on changing regulatory regimes related to labour markets and migration, the internationalisation of TSAs and the rise of precarious forms of work including temporary agency work and precarious labour describe the diverse geographies of new forms of unfreedom. This project is grounded in critical engagements with debates about the ontology of (un)freedom, epistemologies of unfree labour and a reworking of the continuum approach (set out by Strauss, chapter 8, this volume). As Skrivankova (2010: 18) suggests: "The concept of a continuum comes in to help us understand how the denial of rights to certain categories of workers (allowing for their exploitation) fills the space between the desirable (decent work) and the unacceptable (forced labour) . . . The continuum of exploitation aids understanding of the persistent problem of the changing reality of work, captures various forms of exploitation and assists in identifying ways of addressing it." We use this continuum approach to query the extent to which temporary agency work, especially at the "bottom end" of the labour market, equates with recognised (although contested) understandings of unfreedom, how this relationship is institutionally mediated

development of the concept of social reproduction, yet there has been remarkably little exploration of relations of freedom and unfreedom in and through this concept. As Federici (2010) points out: “Starting in the early 1970s, a feminist theory took shape that radicalized the theoretical shift which the Third World critiques of Marx had inaugurated, confirming that capitalism is not identifiable with waged, contractual work, that, in essence, it is un-free labour, and revealing the umbilical connection between the devaluation of reproductive work and the devaluation of women’s social position.”

6. PRECARIOUS LABOUR TO PRECARIOUS LIFE: TOWARDS A FEMINIST POLITICAL ECONOMY OF TEMPORARY AGENCY WORK AND UNFREE LABOUR

The concept of social reproduction, which is drawn from political economy literature, has been used by feminists to illuminate the significance of women’s unpaid labour for the functioning of labour markets and the constitution of social relations. “Social reproduction” refers to the social processes and labour that go into the daily and generational maintenance of the population. It also involves the reproduction of bodies and minds located in historical times and geographic spaces. It “includes the provision of material resources (food, clothing, housing, transport) and the training of individual capabilities necessary for interaction in the social context of a particular time and place” (Picchio 2003: 2). Social reproduction is typically organised by families in households and by the state through health, education, welfare and immigration policies (Fudge 2011). It can also be organised through the market and through voluntary organisations such as churches. Production and reproduction are highly gendered. However, as Rittich (2002: 129) notes, “there is nothing natural or inevitable about the boundaries between productive and reproductive activity or the ability of different parties to pass on or absorb greater or lesser parts of the costs of production.”

Traditional accounts of work and labour have tended to ignore all the unpaid domestic work, overwhelmingly performed by women, that is involved in maintaining living spaces, buying and transforming the commodities used in the family, supplementing the services provided to family members by the public and private sectors, caring for people and managing social and personal relationships. Neoclassical, as well as many institutional, economists fail to recognise the socially valuable labour that goes into the processes of social reproduction. Not only do orthodox accounts of the labour market deny the huge productive contribution that women make through their socially necessary, although unpaid, labour, they ignore the link between production and social reproduction. By contrast, for feminist political economists like Picchio (1981, quoted in Vosko 2010a: 7–8), social

reproduction is crucial for understanding the operation and outcomes of labour markets because it “determines the position of individuals within the labour market, provides the basis for standards of living (and is thus the reference point for wage bargaining), [and] structures inter-and intra-class relations and the distribution of the product.”

Women’s precarious position in the labour market is inextricably bound up with the gendered division of labour in the family and women’s disproportionate responsibility for unpaid caring labour. Focusing on Canada, Vosko (2000) describes employment through TSAs as a paradigmatic form of feminised or precarious work, providing women with access to a wage to supplement that of the primary breadwinner while accommodating their primary role, which is to provide unpaid reproductive labour. However, the erosion of the standard employment relationship and the proliferation of feminised forms of precarious employment, which are poorly paid, insecure and fall outside legal and other forms of social protection, have eaten away at the basis of the traditional male-breadwinner and female-housewife gender contract (Fudge and Vosko 2001). Increasingly men are in feminised or precarious forms of employment. But, although the material basis for the traditional gender contract has been eroded in the global North, especially since the 1980s, with the decline in male wage and the increase in women’s labour force participation, the continued gender division of labour within the family has undermined women’s employment equality. Although the majority of women, including those who live in a household with another adult and have young children, work for wages, paid and unpaid work remain deeply gendered activities. Women work at jobs that are different from those of men. Labour markets are hierarchically segmented according to gender (Rittich 2006). Thus, feminists have argued that labour markets, the family and welfare policy are witnessing the simultaneous intensification and erosion of gender (Fudge and Cossman 2002: 25).

Walby (1997: 2), for example, identified a convergence and polarisation in the contemporary restructuring of gender relations across Europe. In some ways, the visibility and relevance of gender difference is disappearing as the employment experiences of men and women converge. Yet, in other ways, the relevance of gender in the labour market is increasingly marked. Although the employment history of many women increasingly resembles that of men as women continue to work after childbirth and while they are raising children, women remain overrepresented in precarious employment (jobs that are temporary, part-time, insecure, lacking in benefits and poorly paid) in order to accommodate their disproportionate share of unpaid caring and domestic labour. These processes of intensification and erosion, of convergence and divergence, are occurring both within labour market and family institutions and discourses.

In the global North, a single wage is no longer sufficient to sustain a dependent spouse and children, and the privatisation of hitherto public responsibilities for shared risks—such as illness and old age—has increased

insecurity. Moreover, new types of risk have to be met, including care deficits and the failure of training and skills to provide secure employment. In the global South, most workers are in informal forms of employment that fail to provide them with access to legal and social protection (Fudge 2012). Around the globe, precarious work condemns growing numbers of people to precarious lives.

Feminist scholars have also argued that gender inequalities are constitutive of contemporary patterns of intensified globalisation and that gender differences in migration flows often reflect the way in which gender divisions of labour are incorporated into uneven economic development processes (Herrera 2008). On the demand side, the feminisation of migration is fuelled by the increase in women's labour force participation, falling fertility rates, increasing life expectancy, changes in family structure, shortage of public care and the increasing marketisation of care in the North. On the supply side, economic trends such as growing inequalities between high- and low-income countries, and insecurity, vulnerability and instability due to economic crises, combine with gender-related factors such as abuse, family conflict and discrimination to increase the numbers of women who migrate in order to obtain paid work (Benería 2008). Remittances are key for the survival of household, community and country in a number of developing countries as exporting workers is one means by which governments cope with unemployment and foreign debt. Migrant women have become crucial agents in "global survival circuits" (Sassen 2002).

Historically across a diverse range of countries, both developed and developing, women from disadvantaged racial and ethnic groups have provided care and household services to meet the needs of more powerful social groups, while their own care needs have been downplayed and neglected (Razavi 2007). Nowhere is this process of racialisation and subordination more evident than when it comes to the globalisation of care and social reproduction (Parreñas 2005). Many of the women who leave the South to work in the North are temporary migrant workers who do not enjoy either the right to become permanent residents in their host country or the right to circulate freely in the labour market. Given the basic gender division of labour in destination countries, women migrants are often restricted to traditionally "female" occupations—such as domestic work, care work, nursing, work in the domestic services and sex work—that are frequently unstable jobs marked by low wages, the absence of social services and poor working conditions (Antonopoulos 2008: 28).

Racialised and gendered transnational migration is often facilitated by TSAs, increasingly important labour market actors themselves, who place workers in specific labour market niches. These temporary migrants constitute the ultimate disposable workforce, freeing host countries of the burden of social reproduction of both the migrant workers and their families. Moreover, temporary migrant worker programmes function as a device to regulate labour markets, creating a differentiated labour supply and segmenting

local labour markets in terms of the type of contract offered and wages and benefits provided. Migrant workers who are recruited into the bottom of the labour market exemplify the growing contradiction between social and economic reproduction under conditions of global capitalism. Crises, tensions and contradictions in social and economic reproduction are thus manifested in, and coproduce, labour market precarity, increasing polarisation between workers with social and legal protections and those without, and precarious households and lives. Class formation occurs at different scales and enrolls workers through a variety of processes operating in and through a range of institutions, including local and transnational labour markets, systems of immigration control, trade regimes and households and their consumption decisions.

Emerging networks of migration and the insertion of new groups of workers into labour market niches are part of the evolving articulation between the various capitalist modes of production (which include both material and cultural reproduction) within an economic system and relations of production within a single social formation such as a nation-state (Miles 1987). Different relations of production include *unfree* relations. Processes and patterns of uneven development, state-sanctioned capital-labour imbalances in mobility and the intersection of axes of inequality such as gender, race and class curtail the ability of workers to commodify their labour at home and subject them to conditions of coercion and exploitation when they migrate, whether “illegally” or through state-sanctioned channels, to seek work. These restrictions produce, and institutionalise, new forms and relations of unfree labour (Strauss 2012a).

What a feminist political economic approach highlights is the constellation of processes, norms and institutions through which such relations of re/production emerge. The challenge is to theorise the new forms of unfree labour that are emerging and to situate them in the context of evolving relations of re/production and accumulation. The complexity of the processes at work, which highlight the equal importance of understanding individual and household experiences, local and regional specificities and macro processes over time—all mediated by national institutions and regimes of regulation—make this a challenge that extends beyond the boundaries of a single discipline.

In order to do justice to this multidisciplinary approach, and the diverse perspectives offered by the chapters that follow, we employ a heterodox framework for conceptualising not only labour markets, but also processes of regulation. Political economists conceive of labour markets as instituted processes because labour power has an essentially social character (Peck 1996). Related to this is the understanding that regulation is necessary to constitute the labour market and not simply to adjust it as many orthodox and institutional economists claim. However, the precise form that regulation takes at a specific place in time depends on the social, political and cultural context as well as the balance of power between men,

women, workers, employers and different segments in the labour market. Moreover, different epistemologies of regulation understand even these diverse processes differently due to their focus on particular actors and institutions. So political economists and labour geographers may describe macroeconomic processes relating to the global political economy (Coe and Ward, chapter 5, this volume), as well as the role of heterogeneous institutions in regulating local labour market dynamics within a national economy (Peck and Theodore 2010), whereas scholars of labour and immigration law are more likely to understand regulation as national and supranational legal regimes. A key contribution of this volume is to bring these approaches into dialogue.

The chapter by Theodore and Peck sets the context for understanding the role of the TSI in creating flexible labour markets; they examine the role of temporary staffing agencies in creating a volatile US labour market. Wynn explores the political process of adopting a Directive on Temporary Agency Work in the EU, and shows how the UK was able to mould the European regulatory framework to protect its own highly developed TSI. Fudge and Parrott trouble the neat separation of global and local labour markets by examining the role that employment agencies play in constructing and facilitating a global market in migrant domestic workers, and the attempts by the Philippine government and different Canadian provinces to regulate the agencies that place Filipina domestic workers in Canadian homes. Conceptualising the TSI as having an institutional and norm-setting presence in labour markets, Coe and Ward investigate the construction of variegated temporary staffing markets across the globe. Benjamin contrasts the different regulatory choices and dilemmas related to agency work in South Africa and Namibia despite the common history of contract labour as system of labour control with a long and ugly past in southern Africa. Situating the globalisation of the TSI within China's specific national context, Xu elaborates the hugely significant changes taking place in Chinese labour markets and their implications for living standards. Exploring the linkages between regulation and conditions of social reproduction and unfreedom, Strauss focuses on the establishment of the Gangmaster Licensing Authority in the UK. Vallée and Bernstein illustrates how regulatory actors – the legislature, the courts, and enforcement agencies – together shape and define the precariousness and unfreedom of agency work in the Canadian province of Quebec. The chapters emphasise approaches to regulation, situating law within a broad conception of regulation, and the linkages between regulation and conditions of social reproduction and unfreedom. Taken together, these chapters both challenge hierarchical notions of scales of regulation, and illustrate how regulation *constructs* scale through processes of institutionalisation in ways that are significantly related to new and evolving processes of segmentation, unfreedom and the intensification of social reproduction.

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NOTES

1. While this framework focuses on cross-national comparisons, it does not privilege the nation-state as the sole locus of reregulatory activity or “the global” as the absolute scale at which, for example, the powers of transnational capital and supranational regulation are exerted. Following Peck (1996), we understand labour markets as inherently local, and following Featherstone, Ince, MacKinnon, Strauss and Cumbers (2012), we understand the global and local as co-constitutive of the multi-scalar processes that “come to ground” in different ways in different places.
2. We recognise the labour markets and regimes of labour regulation are highly diverse, and to the extent that the standard employment relationship was and is normative and aspirational as much as descriptive, it only represented the horizons and experiences of a minority of the world’s labouring population (see e.g. Gidwani and Chari 2004: 477 on geographies of work versus labour, in the context of diverse “sites where ‘work’ is enrolled as ‘value’ through various modalities of power”). Nevertheless, as contributions to this volume illustrate, in locales where the wage relation structures production there are trends related to temporary work and labour intermediaries that can be analysed in relation to each other despite the diversity of those locales.
3. In some jurisdictions, like the UK, there is an intermediate legal category of “worker” with entitlement to some, but not all, employment-related statutory benefit.