

Organizations, Objectives, and Opposition:
Barriers to the Temporary Workers' Rights Movement in Chicago

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Abstract

Despite having some of the strongest protections for temporary workers in the nation, Chicago is no exception to the patterns of wage theft, workplace injuries, and rights violations prevalent in U.S. temporary work. Critical analyses of the practices and policies of organizations are largely absent from the literature, even though worker centers, attorneys, and the Illinois Department of Labor are involved in every aspect of temporary worker policy. This paper considers the challenges of the temporary workers' rights movement from an organizational perspective. Data comes from in-depth, qualitative interviews with key informants at worker centers, legal institutions, and the IDOL. Informants provide insight into the organizational landscape surrounding temporary work in Chicago and the factors that contribute to the disconnect between policy and reality. In the face of these challenges, cooperation between organizations becomes critical. I conclude with recommendations to facilitate organizational cooperation and to address the specific failings of temporary worker policy in Chicago.

Introduction

Temporary employment in the United States has experienced massive growth in recent decades, and temporary workers are now estimated to comprise nearly 8% of the total workforce (GAO, 2015). Accompanying the growth of the temporary work sector has been a change in the nature of temporary work, enabled by neoliberal policies of deregulation and decentralization. Employers no longer restrict their use of temporary employees seasonally or for short-term projects, but are instead using temporary workers as cheap and flexible replacements for permanent positions (Kalleberg, 2011; Stone, 2006). Temporary help agencies have capitalized on this changing economic structure and their number has increased in parallel with the temporary work sector. The agencies facilitate the flow of temporary workers to positions at client companies and profit from the continued growth of the temporary work sector (Peck and Theodore, 2002).

U.S. labor regulations have not adequately responded to this shift in employment structure. In particular, the triangular relationship between the temporary help agency, employer, and temporary worker confounds the applicability of wage and safety regulations, rendering many labor rights inaccessible to temporary workers (Peck and Theodore, 2002). Individual workers also do not have the ability to collectively bargain or join unions, and receive little to no benefits with their employment, as the laws governing these rights assumed the existence of a stable, ongoing relationship between an individual and their employer. That employment relationship is no longer the standard in the U.S., and with few effective protections in place, the structure of temporary employment permits a myriad of workplace abuses (Stone, 2006; Kalleberg, 2000). For instance, studies indicate that temporary workers are more prone to workplace injury than their permanent counterparts (Grabell, 2013a), have poorer physical and

mental health (De Cuyper, 2007; Aronsson, 2002), and regularly suffer abuses such as wage theft and racial discrimination (Bernhardt et al., 2013; Grabell, 2013b; Bobo, 2011).

Advocacy and legal aid, therefore, are imperative for temporary workers, especially considering temporary workers are primarily low-income and minority individuals (GAO, 2015). Their status as vulnerable populations, in combination with their hyper-precarious work situations, make it difficult for temporary workers to find the means or methods to seek redress for workplace abuses. As temporary workers are not contracted and are easily replaceable by the waiting pool of temporary workers, they have little bargaining power to improve their positions. The triangular employment relationship between worker, temporary help agency, and employer further facilitates abuse in that the staffing agencies and client firms can easily push blame on one another, making it unclear which party was responsible for labor law violations (Kalleberg, 2000).

Chicago is no exception to the patterns of workplace abuses that permeate temporary workers' daily experiences, despite having some of the most comprehensive protections for temporary workers in the country (Scott, 2016; Bernhardt et al, 2013). Temporary workers in Chicago experience similar levels of wage theft, workplace injury, and other reported abuses as temporary workers nationwide (Scott, 2016; Bernhardt et al, 2013). The plight of the Chicago worker is further aggravated by the fact that the temporary work sector in Chicago has developed a highly racialized structure, in which temporary help agencies explicitly recruit Latino workers, particularly undocumented workers, and turn Black workers away (Peck and Theodore, 2001). This discrepancy between written laws and regulations in Illinois and the lived experiences of temporary workers is a tension that has been largely unexplored.

The divergence of policy theory and policy reality for temporary workers in Chicago is not for lack of support systems in place. Several pathways exist for workers who desire individual justice for a claim or want to participate in collective action. To seek help for a specific incident, an individual could file a claim with the Illinois Department of Labor (IDOL), the state's enforcement agency for its 20+ labor laws, or could hire a private attorney. For both individual claims and collective action, a worker could reach out to one of Chicago's eight worker centers, organizations that empower workers, organize for social change, offer workers rights education and outreach, and advocate for legislation to address workplace problems (Bobo and Pabellon, 2016). Each of these organizations has seen some success in achieving individual redress for workers or pushing legislation for more widespread reform. On the whole, however, temporary workers in Chicago still struggle to exercise their rights and face widespread abuse in the workplace.

It is therefore important to understand the barriers to success in the temporary workers' rights movement. The current focus in literature, reports published by workers centers, and other workers' rights advocacy materials has been on retaliation: the practice of temporary help agencies and client companies punishing workers for speaking out or reporting law violations in the workplace (Scott, 2016; Grabell, 2013). This focus on retaliation is not unwarranted; if the threat of punishment or job loss prevents workers from reaching out to a worker center, filing a claim with the IDOL, or seeking legal aid, it does not matter how effective the organizations' strategies are. However, the emphasis on retaliation has left critical analyses of the practices and policies of organizations largely ignored, shifting the blame to workers' inaction. Organizations such as worker centers, attorneys, and the IDOL are critical actors in the workers' rights movement, and are involved in every aspect of temporary worker policy, from collecting

workers' stories, to direct action and advocacy, to drafting legislation, to enforcing regulations. Yet, little research has been done exploring barriers to accessing these three types of organizations, and whether or not there are unique barriers to the success of each organization in achieving redress for workers. This paper considers the challenges of the temporary workers' rights movement from an organizational perspective, providing a more nuanced view of how these organizations are operating, how they interact with one another, and their complex relationship with larger economic and political forces. The goal of this exploration is to identify factors that contribute to the disconnect between written policy and lived reality for temporary workers in Chicago.

I conducted in-depth, qualitative interviews with key informants at worker centers, legal institutions, and the IDOL, in order to understand both the practices of organizations that advocate for temporary workers and their perspectives of the challenges of achieving redress for temporary workers. Rather than relying on abstract ideas of what policy implementation looks like, interviews provide rich detailed accounts and examples of what organizations and individuals are encountering and accomplishing concretely. Speaking directly with individuals about their organizations' goals, achievements, and challenges gives insight into the divergence between policy intent and outcome in a city where laws intended to protect temporary workers do not result in abuse-free workplaces.

Discussions with informants revealed that the barriers to the success of the temporary workers' rights movement go far beyond the individual worker's fear of redress due to employer's threats of retaliation. Worker centers, attorneys, and the IDOL operate in a tension-charged field around temporary work in Chicago, and must contend with the antagonistic operations vying to deregulate temporary work on a daily basis. These profit-motivated and

business-oriented actors such as interest groups, third party employers, and temporary help agencies strive to evade compliance, cripple pro-temporary worker legislation, and prevent workers from reaching out to worker centers and private attorneys. On the whole, informants emphasized that there are many steps between abstract state policy and its translation into workplace policy, including organizing temporary workers for policy campaigns, drafting and passing strong legislation, and strictly enforcing laws and regulations. Informants outlined barriers that exist at every one of these steps for an organization that is attempting to support temporary workers.

The interviews provide insight into the organizational landscape surrounding temporary work in Chicago, as well as the many factors that contribute to the disconnect between policy theory and workplace reality for temporary workers in Chicago. In the face of these challenges, cooperation between organizations striving to help temporary workers becomes critical. I conclude with recommendations to both facilitate this organizational cooperation and to address the specific failings of the current resources for temporary workers in Chicago.

Background

Definition of temporary work

Studies on the temporary work sector are difficult to compare, both because they explore markets in different countries and also because the definition of temporary work is fluid. Previous literature refers to temporary work as ‘atypical employment’, ‘flexible employment’, ‘casual work’, ‘nonstandard work arrangements’, ‘underemployment’, and ‘informal work’, often interchangeably (Benach et al, 2014). There is no universally accepted vocabulary and definition of temporary work, though researchers in some countries are more likely to use some

terms over others. For example, ‘contingent employment’ is used most prevalently in United States and Canadian literature, while ‘temporary,’ ‘fixed-term,’ or ‘non-permanent’ employment are used in European research (De Cuyper, 2007; Kalleberg, 2000).

Terminology aside, there is general agreement that temporary work refers to all forms of non-permanent contracts, such as fixed-term or project-specific contracts, on-call work, and temporary help agency jobs (Benach et al, 2014). Usually, an understanding of ongoing employment is absent in temporary employment arrangements; temporary employment is instead characterized by limited duration (in the case of temporary help agencies, as short as one day) and often includes a fixed termination date (Benach et al, 2014; De Cuyper, 2007). This is still a broad definition, and the temporary workforce is consequently diverse and heterogeneous. Even within categories of temporary labor, workers may experience different levels of economic insecurity, ability to bargain with their employers, workplace rights and protections, and capacity to exercise those workplace rights.

While some researchers treat all temporary workers as a homogeneous group, most make a point to distinguish between workers who are directly hired by a company and those who are hired by a third party – a temporary help agency – on behalf of a company (De Cuyper et al. 2005; Feldman 2005; Kalleberg 2000). While all labor in the U.S. is commodified in the sense that humans are attributed economic value when they sell their labor to an employer (Marx, 1976), the triangular relationship between workers, temporary help agencies, and employers is a particularly nefarious form of the commodification of labor, where companies who need workers are the buyers and staffing agencies are the sellers (Benach et al, 2014; Peck and Theodore, 2001). A worker’s autonomy is subordinate to an employer’s demand for flexibility and cheap labor, resulting in extremely precarious positions with restrictions on a worker’s labor market

mobility, job stability, and ability to terminate contracts. Temporary workers, who are not afforded even the limited stability of other types of low-wage jobs, therefore experience a hyper-commodification of their labor. This paper will focus on temporary workers involved in these triangular relationships, as these relationships have become characteristic of temporary employment in the U.S. (Peck and Theodore, 2002), but it is important to note that many studies describing the growth and effects of temporary work include other forms of non-permanent contracts as well.

History of temporary work in the United States

The structure and extent of temporary work in the United States have changed dramatically over the course of the last half-century. Beginning in the 1970s and continuing through today, temporary employment has experienced massive growth nationwide. The number of temporary jobs in the U.S. grew from 250,000 in 1973 to 4.4 million in 1999, up to 3.4% of total employment. In 2010, the core group of contingent workers (such as agency temps and on-call workers, but excluding self-employed workers, independent contractors, and other stable part-time forms of employment) was estimated to comprise about 7.9 percent of the employed labor force (GAO, 2010; Peck and Theodore, 2001; GAO, 2000).

This growth originates from economic restructuring and neoliberal policies, as well as changing demographic factors in the U.S. Beginning in the 1970s, several macrostructural forces combined to decrease wages and labor standards and increase the amount of precarious work in the U.S. The intensification of global competition and rapid technological innovation led to companies searching for more flexible methods of employment, such as subcontracting, outsourcing, and franchising (Weil, 2014; Peck and Theodore, 2002). This search was facilitated

by government-initiated neoliberal policies of the early 1980s that favored deregulation and flexible forms of labor, giving employers more power to strategically reduce labor costs. Those same Reagan-era reforms simultaneously weakened the power of unions and individual workers (Peck and Theodore, 2002). At the same time, the number of non-White and female workers in the labor force – demographic groups that are more vulnerable to exploitation – was increasing (Kalleberg, 2011). Employers were able to capitalize on this combination of factors. Their operations required more flexibility and innovation, and they aimed to reduce labor costs and administrative complexity. These profit-minded motivations were decisive causal factors in the growth of temporary labor in the U.S, rather than a shift in worker preferences or an increase in the productivity of temporary work (Peck and Theodore, 2002). Employers, therefore, created the demand for a temporary workforce, and changing demographics in the U.S. provided a supply of near-desperate workers willing to supply the labor (Kalleberg, 2011; Stone, 2006; Peck and Theodore, 2002).

The institution primarily responsible for facilitating temporary work in the U.S. is the temporary help agency, which has grown in parallel with the expanding temporary work sector. Utilizing a temporary help agency as a secondary party to source labor provides an employer with several advantages. Beyond eliminating the time and costs associated with hiring full-time employees, temporary help agencies become the legal employer of the temporary worker. This relationship effectively nulls many of the regulations and protections that typically apply to employee-employer relationships in the U.S. in the worker's physical place of work (Peck and Theodore, 2002). The triangular relationship proves advantageous to temporary help agencies as well: temporary help agencies see temporary workers as 'no strings attached workers,' as temporary contracts generally do not require benefits packages and can be terminated easily

(Peck and Theodore, 2001). One researcher quipped that temporary help agencies are “The only major institution that has found a way to make money by finding people jobs” (Sharpe and Quintanilla, 1997). Without temporary help agencies, forms of contingent work are not nearly as feasible or convenient for employers, as the agencies facilitate employer access to low-wage workers. In Chicago, for example, temporary help agencies recruit and transport hundreds of temporary workers each day to Ty Inc., a plush toy manufacturer located in suburban Westmont, Illinois. With a temporary help agency facilitating this system, Ty Inc. is able to access a steady stream of low-cost, flexible labor from Chicago’s low-income neighborhoods that it would have much greater difficulty accessing otherwise (Grabell, 2013b).

In summary, concerns regarding the impact of temporary employment on individuals have been raised from the following observations. First, the increased use of temporary employment was not initiated or desired by the employees who perform the work; and second, there has been a corresponding growth of institutions that exist to profit from temporary labor and confound employer-employee relationships (De Cuyper, 2007).

Characteristics of temporary work

Though a major limitation of studying temporary workers in the past has been a nonstandard definition of temporary work, most researchers agree on the characteristics of the ‘core contingent’ of temporary workers (defined as those who lack job security and have unpredictable work schedules, such as agency temps and on-call workers). Compared to full-time workers, these temporary workers are more likely to be male, young (aged 18-29), Latino, and without a high school diploma (GAO, 2015; Alterman et al., 2013). Researchers have estimated that Latinos make up about 29% of the U.S. contingent workforce, with that percentage

increasing for specific occupations such as manufacturing and construction. For certain high-risk temporary occupations, Latino workers comprise a larger proportion of the workforce, such as general construction laborers, where Latinos comprise 43.1% of the total workforce (GAO, 2015; Bureau of Labor Statistics, 2011).

Studies indicate an association between temporary work and hazardous worker health and safety. Temporary work jobs are concentrated in the construction and manufacturing sectors, tend to be fast-paced, labor-intensive, and repetitive, and often require the use of dangerous tools and machinery (Madigan et al, 2017; GAO, 2010). Temporary workers report receiving inadequate information about their work environment from their employers and undergoing incomplete training for performing their tasks. They are seldom represented in health and safety committees, and are often not provided with necessary safety equipment at the job-site or are required to purchase their own (Benach et al, 2014). Due to this poor access to safety equipment, training, and information, temporary workers report more workplace accidents and injuries than permanent workers, even for workers in the same occupations. An analysis of data from workers compensation claims in California, Florida, Massachusetts, Minnesota and Oregon over a five-year period found that the incidence of temporary worker workplace injuries was much higher than that for non-temporary workers. In California and Florida, states with some of the largest numbers of temporary jobs, temporary workers had about 50 percent greater risk of being injured on the job than non-temporary workers. The risk was 36 percent higher in Massachusetts, 66 percent higher in Oregon, and 72 percent higher in Minnesota. The differences were particularly pronounced for severe injuries: temporary workers were between two and three times more likely to suffer crushing injuries, dislocations, fractures, and amputations (Grabell, 2013a).

Researchers have also demonstrated unfavorable mental health outcomes associated with temporary work. Work stressors such as job insecurity and the effort of balancing demands from multiple jobs are associated with damaging psychological outcomes, and in general, these work stressors are exacerbated in temporary employment arrangements (Underhill and Quinlan, 2011; De Cuyper, 2007). Temporary workers, particularly those placed through temporary help agencies, are more likely than standard workers to experience job instability. An analysis of Census data found that about 15% of workers categorized as contingent in a given month either left the labor force or became unemployed in the following month (GAO, 2015). A meta-analysis of temporary work studies found that temporary workers show a higher incidence of antidepressant use and more likely to have lower perceptions of their own health status (Benach et al, 2014). Additionally, temporary workers are thought to be vulnerable to job strain owing to poor job characteristics: their work is often highly monotonous, and temporary workers appear to have little autonomy and little say in workplace decisions (Hall, 2006; Aronsson et al. 2002).

Temporary workers are particularly vulnerable to wage theft, a practice that is so common among employers in low-wage industries in the U.S. that it has been dubbed “standard practice” (Bernhardt et al, 2013). Multiple surveys report that about half of day and temporary laborers report being a victim of recent wage theft (Scott, 2016; Bernhardt et al, 2013; Torres et al, 2012; Valenzuela et al, 2006). Wage theft can take many forms, including being paid below the minimum wage, being unpaid or underpaid for overtime, being misclassified as an independent contractor, or being subjected to an illegal pay deduction (Bobo, 2011). Wage theft is particularly prevalent when temporary staffing agencies are involved, as these agencies have a unique incentive to cut labor costs. Mark Meinster, the executive director of Warehouse Workers for Justice in Illinois, argues that the low-margin business of staffing agencies incentivizes them

to cut corners, explaining, “Because staffing agencies only do one thing: provide labor, the corners that get cut tend to be worker’s wages, worker’s comp coverage...In order to compete, because the margins are so low, temp agencies are almost forced to break the law” (Contreras, 2017). Smaller temporary agencies, as well as those that do not require agency registration with the state, are more likely to routinely steal wages (Bobo, 2011).

The need for redress for temporary workers

Incidents such as workplace injury, inadequate worker training and protections, and wage theft are all abuses that require legal redress for any laborer, but the need for legal services, worker protection laws, and advocacy is especially great for temporary workers. Temporary laborers tend to be externally vulnerable populations of minorities and immigrants, whose employment position puts them in hyper-precarious situations that they have little control over and few means to rectify.

Workplace abuses are particularly exacerbated for temporary workers by the fact that the triangular employment relationship between worker, temp agency, and placement employer leaves workers with little power to improve their conditions. For instance, temporary workers almost universally lack union representation, as the problems of having two employers make it difficult for unions to organize temporary help agency employees and negotiate agreements between parties (Kalleberg, 2000; Kochan et al, 1994). The triangular relationship also makes it easy for staffing agencies and their client firms to pass blame on who is responsible for providing training, or who is responsible for instances of wage theft. Enforcement agencies, then, have difficulty identifying the parties at fault for rights violations and mandating corrective action (Freeman and Gonos, 2011; Kalleberg, 2000).

Current U.S. laws and regulatory frameworks intended to protect workers and enforce compliance with labor standards are insufficient to protect temporary workers. Regulations have not kept up with the structural shifts in employment and thus strain agencies' abilities to enforce the law (Stone, 2006; Kalleberg, 2000). The laws governing collective bargaining and individual workers' rights, as well as the provision of benefits to employees, all assumed the existence of a stable, ongoing relationship between an individual and their employer. However, that employment relationship is no longer the standard – the economy is now characterized by a range of contingent employment relationships as firms decentralize and outsource (Stone, 2006). Laws and rights guaranteed to workers in the United States are less definitive for temporary employees, as they do not fit under common definitions of 'employee' used by agencies like ERISA and OSHA, and most state laws define the worker's employer as the temporary agency rather than the client firm. This denies temporary workers access to unemployment and workers' compensation benefits and restricts their right to unionize and bargain collectively with their employer. It also renders non-applicable certain workplace safety regulations and laws requiring employers to accurately report and compensate workers for work-related injuries non-applicable (Freeman and Gonos, 2011; Stone, 2006).

The absence of workplace law reform to address the challenges associated with temporary work has led the Organization for Economic Cooperation and Development (OECD) to rank the United States 41st among 43 developed and emerging economies with respect to quality of legal protections for temporary workers (OECD, 2013). While other countries have adopted laws that limit the length of temp assignments, guarantee equal pay for equal work, and restrict companies from hiring temporary workers for hazardous tasks, U.S. federal laws do not guarantee these minimum workplace standards (Grabell, 2014). The biggest indicator that the

U.S. has fallen behind other countries for temporary worker protections is the prevalence of ‘permatemping’ in the U.S. The lack of restrictions limiting the length of temporary worker assignments in the U.S. mean that many “temporary” positions are anything but short-lived. Some temporary workers report working the same job for the same company for more than a decade, but never receiving the benefits a worker classified as non-temporary would receive (Grabell, 2014).

In sum, the hyper-precarious situation of temporary workers creates a particular need for legal services, increased worker protections, and advocacy. The triangular employment relationship prevalent in temporary work confounds issues of liability, and facilitates noncompliance for temporary help agencies and placement employers. The U.S. falls behind other developed countries in temporary worker protection laws, and where those laws do exist they are difficult to enforce and temporary workers have few outlets through which to appeal to them. Temporary workers are usually vulnerable populations of low-income and minority individuals, and are inherently ill-positioned to advocate for themselves or seek legal help. This aggravates the issue: temporary workers are in hyper-precarious situations but have little means or methods to seek redress for workplace abuses. In short, temporary workers are laborers with some of the most pressing need for legal redress, but have systematic barriers to that redress made possible by the structure and regulations of the temporary work sector in the U.S.

Literature Review

The Chicago context: A tension in Illinois worker protections

Several factors make Chicago an interesting location for the study of temporary workers. Illinois has some of the strongest protections in place for temporary workers, and Chicago has an

extensive network of worker centers, attorneys, and government agencies to support temporary workers. However, temporary workers in Chicago suffer the same abuses seen nationally and face additional challenges stemming from Chicago's historical segregation and racial tensions.

Chicago is no exception to national trends in the growth and characteristics of the temporary workforce. Similar to the rest of the U.S., Chicago experienced an exodus of manufacturing companies from the city to the suburbs and overseas in the late 1970s and early 1980s. Metropolitan-area share of total state employment fell from 56% in 1972 to 34% in 1996, while suburban employment share grew. Under-employment became a systemic condition in poor neighborhoods, and many residents turned to low-wage jobs rather than unemployment (Peck and Theodore, 2001; Chicago Urban League, 1994). One sector that did grow and continues to grow in disadvantaged neighborhoods is the temporary economy. Temporary help agencies flooded Chicago's inner-city neighborhoods to take advantage of their highly elastic and readily available labor pools, leaving residents dependent on temporary employment. Between 1990 and 2012, employment by temporary staffing agencies in Illinois increased from 58,645 to 158,000 persons. In some neighborhoods, the four or five largest local employers are temp agencies (Scott, 2016; Peck and Theodore, 2001).

Illinois' response to these economic changes has been more comprehensive than that of most states, and Illinois now boasts some of the strongest worker protection laws in the country. In 2005, Illinois passed Illinois Day and Temporary Labor Services Act, which the Sargent Shriver National Center on Poverty Law claimed gave the state "the country's most aggressive protections for temporary staffing agency workers" (Ayala, 2012). Under the Act, any worker who is sent to a third party client through a temporary agency but then is not utilized by that client must be paid a minimum of four hours of pay at the agreed upon rate. Temporary agencies

are also prohibited from charging workers for transportation from the agency to the worksite, and are required to keep detailed records of every day laborer's work for three years. Most recently, the Responsible Job Creation Act (HB0690) was passed in 2017 that requires staffing agencies to make an effort to place workers into permanent positions and to report the race and gender of all job applicants to the Illinois Department of Labor in order to combat the prevalence of permatemping and discrimination in the temporary work industry. The only other states with similarly strict regulations are Massachusetts, New Jersey, and California (Grabell, 2014).

Despite having stronger than average laws protecting temporary workers, rates of wage theft, workplace injury, and other reported abuses for temporary workers is largely the same in Illinois as in other states (Scott, 2016; Bernhardt et al, 2013). Chicago also has unique challenges for its temporary workforce that make it an interesting location of study. Several investigations have revealed that temporary help agencies in Chicago are targeting particularly vulnerable populations. First, temp agencies cluster in low-income Chicago neighborhoods, and further, cluster near homeless shelters and welfare offices (Peck and Theodore, 2001). Second, the structure of contingent work in Chicago is highly racialized, with minority workers heavily concentrated in temporary work. This structure is further racialized in a way that favors Latino workers and denies African American workers access to labor. One study found that temporary work agencies explicitly target Latino workers, especially undocumented workers, presumably due to the belief that these populations are the most easily exploitable. The authors observed that virtually none of the agencies are located in majority Black neighborhoods, but are clustered in West-side Latino neighborhoods (Peck and Theodore, 2001). Some of these neighborhoods, like Little Village, now have such high concentrations of temporary workers that they are dubbed "temp towns" (Grabell, 2013b). Latino residents were perceived as cheap, hard-working, and

potentially undocumented by temp agency employees. As a result, positions were advertised in Spanish and on Latino radio stations, and agency workers were told to give Latino workers job assignments but to tell black workers there was no work for them (Peck and Theodore, 2001).

Overall, strong regulations for temporary work exist in Illinois but have made little impact on the daily experiences of temporary workers. Workers in Chicago continue to experience wage theft, workplace injury, inadequate training, and other workplace violations, and these issues are compounded by the heavily racialized structure of temporary labor in Chicago. The ways in which theoretical policy regulations are realized insufficiently in reality demonstrate a clear need for legal services, workplace safety and rights training, and other support services for temporary workers in Chicago.

Methods for redress

Chicago provides a comprehensive package of options for temporary workers who have suffered workplace abuses and exploitation. Workers have three main pathways for seeking individual redress for rights violations or collective action for improvements for the temporary worker sector as a whole: participation at a worker center, contacting the Illinois Department of Labor (IDOL) or other government agency for government enforcement of the law, and enlisting the help of a private attorney (Martin, 2012).

Worker centers have historically provided an all-angles approach to temporary worker protections. Janice Fine defines worker centers in her groundbreaking book as “community-based and community-led organizations that engage in a combination of service, advocacy, and organizing to provide support to low-wage workers” (Fine, 2006:2). Kim Bobo, author of The Worker Center Handbook, adds that worker centers “create a safe space where workers organize

and build power. Workers learn about their rights, work with others to address problems they are experiencing, access training and services, and organize for social and economic change in their communities and nationally” (Bobo and Pabellon, 2016:4). The number of worker centers in the United States has grown in recent decades, from approximately ten worker centers nationwide in 1990 to 250 in 2015. Worker centers usually focus on one sector of labor, and often form around particular types of work or ethnic groups (Bobo and Pabellon, 2016). Common initiatives and programs include “building power” (strengthening workers’ self-efficacy so that they can organize for workplace change), organizing for policy change, offering workers rights education and outreach, organizing to address workplace problems, training leaders, developing democratic structures for participation, and challenging racism and concentrated power (Bobo and Pabellon, 2016; Fine, 2008).

There are currently eight worker centers in Chicago, all of which came together in 2015 to form Raise the Floor Alliance, a support center that provides resources and a collective voice for worker centers. Worker centers have contributed to several major victories for temporary workers in Illinois, including the passage of most of Illinois’ recent laws protecting temporary workers (Raise the Floor Alliance, 2017; Bobo and Pabellon, 2016). Their organizing efforts, such as the Chicago Living Wage Campaign, have brought a sense of collective efficacy to the most precarious workers (Meyer, 2017), and Chicago worker centers have recovered millions of dollars in owed wages, even just since 2010 (Zamudio, 2012).

Next, the IDOL is the government’s official resource for addressing workers’ claims. The IDOL is responsible for the administration and enforcement of Illinois’ labor laws, including the Day and Temporary Labor Services Act and other laws governing wages, overtime, and worker classification. One relevant issue that does not fall under the jurisdiction of the IDOL is

employment discrimination, which should be reported to the Illinois Department of Human Rights (Illinois Department of Labor, 2017). For both institutions, the process of filing a claim is similar. The IDOL has a list of complaint forms for download on its website, which can be printed and mailed in, or a worker can visit the office in person to file a complaint.

Finally, private attorneys can be used to bring both individual claims and class action lawsuits to court for temporary workers' rights. For individual claims, some private practices in Chicago, like the Workers' Law Office, PC, provide their services pro bono to low-income temporary workers. Other private practices charge fees or recover fees from settlements (Quigley, 2016). Private attorneys can also bring class-action lawsuits against temporary help agencies or client companies, participate in the creation and negotiation of proposed legislature, or can provide legal support for policy work. For example, since its inception in 2007, the Working Hands Legal Clinic in Chicago has filed many class action lawsuits against both temporary help agencies and large corporations like Walmart and Kelly Services. The clinic also provided legal support and counsel for the recent laws and amendments protecting temporary workers in Chicago, and now is affiliated with Raise the Floor Alliance as legal aid (Raise the Floor Alliance, 2017; Quigley, 2016).

Barriers to organizational success: a focus on retaliation

Once we understand the pathways for temporary workers in Chicago to seek legal redress, it is important to investigate the challenges of achieving that justice. The disconnect between written policy in Illinois and the lived experiences of temporary workers makes clear that creating a safe workplace for temporary workers entails more than just writing new

regulations and laws. Somewhere in the process of policy creation, implementation, and enforcement, the intent of temporary worker regulations has been lost.

The current focus in literature, reports published by workers centers, and other workers' rights advocacy materials has been on retaliation. Retaliation can take many forms, but is generally defined as the strategies temporary agencies and client employers use, capitalizing on temporary workers' vulnerable positions, to prevent them from reaching out to organizations for help (Scott, 2016). It has been demonstrated that temporary help agencies in Chicago target Latino workers, and speculated that this is based on the belief that workers may be less likely to speak up about exploitations or other injustices. The temp agency and client company hold the power in the triangular relationship, because they have the ability to hire or rehire workers. Thus, temporary workers, who know they could be readily replaced by another in the waiting labor pool, have a massive disincentive to report workplace injuries, wage theft, or any other rights violation (Scott, 2016; Grabell, 2013b).

The prevalence of retaliation is confirmed anecdotally by many Latino contingent workers in Chicago. In one large survey of low-wage workers in Illinois, one-third of workers who complained to their employer about a violation of their rights or tried to unionize were fired or otherwise retaliated against by their employer. More than one-fifth of those surveyed faced retaliation for reporting an injury. In another survey, half of all workers who shared an example of a time they had tried to fix a problem at work reported experiences of retaliation (Scott, 2016; Grabell, 2013a). Retaliation can take the form of job loss, cut hours and pay, worse assignments, or even harassment and physical abuse (Scott, 2016). Recent laws in Illinois, such as HB0690, have attempted to target this retaliation, but retaliation remains a systemic business practice used against low-wage and temporary workers in Chicago.

The emphasis on retaliation from researchers and worker centers is understandable, as retaliation is an important factor to consider when attempting to understand the barriers to creating impactful change for temporary workers in Chicago. When the threat of punishment or job loss prevents workers from reaching out to a worker center, filing a claim with the IDOL, or seeking legal aid, the extent and efficacy of any services these organizations provide are immaterial. However, the focus on retaliation creates two problems. First, it places the burden of responsibility for wide scale policy change on individual workers, implying that workers have the ability and responsibility to reform workplaces for themselves, if only they were not too paralyzed to take action. This mindset is misguided, as it ignores the agency of other actors involved in temporary worker policy – government agents, activists, worker center staff, attorneys, and Chicago’s constituents, all of whom could play a part in affecting policy implementation. Second, the focus on retaliation has meant that little research has been done exploring other barriers to accessing these three types of organizations, and whether or not there are unique barriers to the success of each organization in achieving redress for workers. In other words, once a temporary worker makes the decision to come to an organization, what factors hinder an organization’s ability to successfully achieve its mission? On this topic, some research has been done involving in-depth case studies of organizations (Lesniewski, 2013), but little work has been done exploring and comparing the challenges that face each of the different types of organizations. Understanding the limitations of the temporary workers’ rights movement from an organizational perspective will provide a more nuanced view of how these organizations are operating, how they interact with one another, and their complex relationship with larger economic and political structures. This information will then help identify the factors that

contribute to the divergence of policy intention in Chicago and the lived experiences of temporary workers.

Methodology

I employ a mixed methods approach in order to understand both the practices of organizations that advocate for temporary workers and their perspectives of the challenges of achieving redress for temporary workers. I began by examining literature, laws, and Illinois government web pages to identify the pathways available to temporary workers for achieving individual legal justice or participating in collective action. These pathways have been summarized in the literature review section. Then, I conducted 10 semi-structured, in-depth interviews with current and former staff at the organizations that are critical to these pathways, including worker center staff, private attorneys, and mid- to high-level administrators at government agencies such as the Illinois Department of Labor.

Qualitative interviews are ideal for this type of project, as the quantity and complexity of information garnered from qualitative interviews is difficult to obtain by using alternative techniques such as questionnaires or observations (Blaxter et al., 2006; Kvale, 1996). For a study of Chicago organizations, qualitative interviews shed light on the practices that complement their goals and policies, allowing the development of a holistic description of the structure and functions of these agencies. Rather than relying on abstract ideas of what policy implementation looks like, interviews provide details and examples of what organizations and individuals are encountering and accomplishing concretely, and what challenges they face. Further, speaking with individuals about their organizations' goals and achievements allows me to analyze the divergence between policy intent and outcome in a city where laws intended to protect temporary

workers do not result in abuse-free workplaces. These discussions provide the missing link of traditional policy assessment, as informants can identify the specific factors that contribute or detract from organizational success. Rather than evaluating observable inputs and outputs, an analysis of qualitative interviews explores how and to what extent individual and organizational action can influence policy results.

Interview candidates were identified from online research of current and former staff at the Illinois Department of Labor, worker centers in Chicago, and private attorneys in Chicago who specialize in employment law. Chain referrals were also used to identify and contact more informants. In total, 10 individuals were interviewed for the project. All informants could be defined as top-level management at their organization, such as an executive director or director. Thus, these individuals were well-positioned to speak about and on behalf of their organizations.

Interviews ranged from 40 minutes to over 2 hours long and took place in various Chicago locations at the convenience of the informant. In some cases, interviews were conducted over the phone.

As the interview topics often delved into potentially sensitive topics such as personal experiences with workers in precarious situations and organizations' ongoing projects, steps were taken to preserve the informants' confidentiality and to relay their responses accurately. At the start of each interview, informants were asked verbally for permission to use their name as a key informant throughout the body of the paper. All respondents agreed to this request. A full list and brief biography of each respondent can be found in the Appendix, and respondents are quoted and referenced throughout the results and conclusions sections. All interviewees agreed to allow their interview to be audio recorded.

An interview topic checklist and pre-written open-ended questions were prepared in advance, but interviews tended towards a conversational format, and new questions and topics were often generated during the interview. This approach allowed me to tailor interviews towards the informant's specialties and gave the informants the freedom to elaborate on topics that they felt were most important to the understanding of temporary workers' experiences. In some cases, follow-up interviews were conducted for clarification purposes.

The interview questions aimed to understand how organizations in Chicago complement or undermine one another, to identify factors that inhibit workers from achieving redress, and to explore the disconnect between theoretical protections for workers and their lived experiences. To these ends, topics discussed in the interviews included information about each organization's goals, services, and history of interacting with other organizations in Chicago; the perceived or experienced challenges for turning proposed bills for temporary workers into law in Illinois; the barriers to connecting temporary workers with services or other organizations; and issues affecting the enforcement of temporary worker laws in Illinois.

It is important to note that many of the informants interviewed are stakeholders in the temporary workers' rights movement and are working to serve temporary workers. They are therefore likely to have an interest in circulating papers such as this one and in providing information favorable to the plight of temporary workers. However, these individuals are the people who have direct knowledge of the policies and practices of the most important organizations and resources available to temporary workers, and have firsthand experience working with individuals who are in extremely precarious positions. Their insights and observations are invaluable to understanding organizational perspectives and the temporary worker experience.

I also attended a daylong workshop for labor organizers in Chicago entitled “Neoliberal Economic Policies: Women’s Safety and the Challenges of the Gender Violence Movement” at the DePaul University Labor Education Center. The speakers at the workshop were not recorded, but detailed notes were taken.

Lastly, the analysis included an in-depth examination of Illinois state law, worker center and IDOL publications, and any news articles or reports related to the temporary help industry in Chicago and the temporary workers’ rights movements. I used this additional information to clarify or corroborate interview data with textual data, and vice versa, wherever possible.

Results

Discussions with informants revealed that many actors – worker centers, attorneys, the IDOL, and several unforeseen others – operate in a tension-charged field around temporary work in Chicago. Each organization is guided by its institutional interests; these interests may complement or clash with other organizations’ initiatives. Even organizations that have similar objectives may disagree about the most effective way to regulate temporary work and influence policy. In this field of antagonistic interests, collaboration becomes crucial for organizations aiming to support temporary workers. The business-oriented and profit-minded strategies of interest groups, temporary help agencies, and third-party employers create serious barriers for organizations on the side of temporary workers. The results section discusses these barriers within the framework of organizational interests, antagonism, and cooperation in Chicago. The information informants provided on challenges they face and how they interact with other organizations provides insight into factors that prevent well-intentioned laws in Illinois from translating into abuse-free workplaces for temporary workers in Chicago.

Cooperation between organizations in Illinois

Informants described how worker centers, attorneys, and the Illinois Department of Labor are heavily intertwined in their efforts to strengthen and enforce protections for temporary workers in Chicago. Informants also revealed that the extent and type of cooperation between the organizations can profoundly influence the outcomes and efficacy of initiatives for temporary workers. For that reason, a description of how the three types of organizations usually interact and examples of how they have interacted in the past is important for any further discussion of the challenges facing the organizations.

Each of the eight worker centers in the Chicago area has developed its own “specialization” – a target worker population that is defined by work industry or worker demographics (Kader, 2018; Rodriguez, 2018). Analia Rodriguez, the executive director of Latino Union of Chicago, explained: “Each one of us specializes in a sector or a geographical area. We have the Chicago Workers Collaborative, which specializes in temporary workers, the Restaurant Opportunities Center, the Warehouse Workers for Justice, for example” (Rodriguez, 2018). Rodriguez’ organization, Latino Union of Chicago, serves primarily Latino domestic and day laborers, while the majority of members at the Workers Center for Racial Justice are Black workers. There is some overlap between the groups of workers served by each organization (for example, the Chicago Workers Collaborative and Warehouse Workers for Justice both serve temporary workers), but on the whole, staff at the centers respect the efficiency of the division of labor and are comfortable referring certain types of workers to other centers where they will be better served. For example, Adam Kader, Executive Director of Arise Chicago (a worker center that serves a wide range of workers), said that if a temporary worker approaches the center, they would most likely refer the worker to the Chicago Workers Collaborative. Kader said:

“We don’t see ourselves as the sole actor, we see ourselves as part of a field...We’re lucky that here in Chicago we have eight worker centers, so that allows us to have a little more focus. It allows each one of us to be more impactful. So with that said, temporary agency workers do contact us. We typically, without asking any questions, just refer them straight to Worker’s Collaborative...and we do that because we want to support the Worker’s Collaborative power building...and because we know that they would have a more strategic intervention than we would.”

Kader, 2018

Specialization is common for worker centers nationwide. Of the near-200 worker centers in the United States, many types of sector, ethnicity, and geographically focused organizations have emerged in response to the weakening of labor laws and lax enforcement of employment policy. Worker center networks have developed that connect centers that have similar target groups, such as the National Day Laborer Organizing Network, the Restaurant Opportunities Center, and the National Domestic Workers Alliance (Cordero-Guzman et al, 2013; Fine, 2006). Sectoral worker center networks are an important growth strategy, as they allow centers to share organizing and advocacy strategies, redistribute and increase resources, and build the low-wage worker movement (Cordero-Guzman et al, 2013).

The Chicago worker centers not only create networks by associating with national sectoral networks, but also have created strong cross-sectoral ties within Chicago. In 2015, all eight worker centers came together to form Raise the Floor Alliance, a coalition that facilitates communication and collaboration between the individual organizations. Informants stated that the worker centers had not collaborated much before joining Raise the Floor (Kader, 2018; Colunga-Merchant, 2018). Local collaboration is rare in the worker center world: while networks are increasing, nearly all of the growth is generated from occupation- or industry-specific networks (Fine, 2011).

Informants agree that Raise the Floor Alliance has accelerated worker centers' ability to reach clients, organize workers, and generate policy change. Raise the Floor Alliance has separate staff members under its own name who provide support for worker centers. This support can be in the form of providing a gathering space for multiple worker centers to come together or providing communication between the centers or outreach to outside parties. It also could take the form of legal support. Lydia Colunga-Merchant, the Legal Director at Raise the Floor Alliance, explained how the Alliance has its own legal department that assists worker centers with drafting and negotiating bills, gives advice for direct action initiatives, and supplies extra enforcement power to worker centers by filing lawsuits and wage claims on behalf of workers. Recently, the legal team at Raise the Floor reviewed the language of the 2017 HB0690 bill that the Chicago Workers Collaborative and Warehouse Workers for Justice were pushing, in order to ensure that the law was clear and enforceable (Colunga-Merchant, 2018). Roberto Clack, the Assistant Director of Warehouse Workers for Justice, spoke to the importance of Chicago's local worker center network:

"Raise the Floor is a very important organization. It provides a legal clinic that's readily available to all of us. And that's a resource that frankly doesn't exist in other parts of the country. It also gives us some funding support...along with a staff team. Raise the Floor has not only helped us with our legal needs, but when we were working on HB0690 they helped us with our communication and legislative outreach."

(Clack, 2018)

HB0690 is an example of an initiative that was spearheaded by the two worker centers that specialize in the temporary work sector, but Raise the Floor also facilitates the collaboration of all eight worker centers for campaign or policy initiatives. For example, all eight worker centers have been involved in the legislative debate of a proposed Wage Lien Act, which will ensure that workers who win their claim or lawsuit actually receive their compensation (as is, attorneys and city fines are paid first, and sometimes temporary help agencies or employers file for bankruptcy

to avoid paying back workers). This initiative has been in the works for three years but has never made it out of committee in the Illinois State Legislature (Colunga-Merchant, 2018).

Raise the Floor Alliance and the eight worker centers have formed additional connections with government agencies, private attorneys, and other organizations that serve temporary workers. The IDOL has in the past consulted and cooperated with worker centers in Chicago, though their interactions have been inconsistent (Costigan, 2017). This relationship will be explored in greater detail in a later section of the results chapter, as these particular interactions greatly influence organizational success. As mentioned, Raise the Floor has attorneys on staff, but a worker center may also have its own staff attorneys, depending on its size. All worker centers interviewed had an ‘attorney referral network:’ a list of trusted attorneys in Chicago who have been known to take cases for low-wage workers in the past (Kader, 2018; Bell, 2017; Rodriguez, 2018; Clack, 2018). Class action cases in particular take up a lot of time and resources, so staff attorneys at worker centers or Raise the Floor Alliance will reach out to private bar attorneys in their network for support. On the other hand, a private bar attorney may refer a case to Raise the Floor Alliance if they believe they won’t be able to recover compensation for the case or if the amount is small (Colunga-Merchant, 2018).

Informants described how in isolation, worker centers, government agencies, and private attorneys have their own strengths and weaknesses. For example, informants view worker centers as local, trusted organizations, and therefore crucial intermediaries for temporary workers. Workers feel comfortable reaching out to worker centers, which then can provide workers’ rights training, engage the worker in collective action, or support the worker in seeking redress individually. Worker centers are not usually an enforcing or legislative agent though;

they rely on direct or collective action to rectify workplace abuse (Bobo, 2018; Bell, 2017; Costigan, 2017).

Directly hiring an attorney is often the quickest way to get recompense for a worker, and attorneys can usually reclaim the most wages or other form of compensation. Attorneys are generally hesitant to take on small cases, though; they would prefer class action cases or suits for larger sums of money as an individual case for a worker's compensation is unlikely to recover enough money to both cover attorney's fees and provide for the worker. Additionally, reaching out to an attorney is not the obvious first step for many low-wage workers, nor the one they feel most comfortable doing. "For low-wage workers, their world is not attorneys," Kim Bobo, founder of a national chain of worker centers, Interfaith Worker Justice, said. Two informants added that resolving workplace abuses on a case-by-base basis via attorneys is a 'Band Aid solution' to systemic problems (Kader, 2018; Rodriguez, 2018). Kader said:

"[Workers] see things legalistically. And the problem with that is they see themselves as clients of a service, they don't see themselves as agents of change. So our first step with workers is to show them that they have power that they're not exercising and that a lawsuit will not bring them more power. You may win a concession from an employer, but you won't bring change. The point of a lawsuit is to contain change, to make sure that change isn't happening."

(Kader, 2018)

Informants described how an individual claim or lawsuit may bring justice for a single worker, but systematic improvement and policy change require bringing together many workers for direct action or to gather evidence and testimonies to change laws. Direct action is a technique for resolving conflict that has existed as long as labor relationships have existed, but has gained much traction in the low-wage industry in the last century due to the increasing precariousness of employment and decreasing ability for temporary workers to engage in union organization (Meyer, 2017). Direct action has been successful for temporary workers in Illinois and

nationwide, and has the added benefit of empowering workers who otherwise feel powerless compared to their employers (Meyer, 2017; Bell, 2017). One informant described a situation where workers at their worker center used direct action techniques to resolve workplace health and safety issues for temporary workers:

“At that particular warehouse, the bathrooms were backing up into the shop floor. This is a warehouse, by the way, that’s part of Walmart’s distribution chain...But we were able to get the lines replaced and the bathrooms became sanitary. Actual workplace safety issues got addressed...You can still get quite a lot done working with an organization like WWJ and CWC, a lot of the different organizations with the Raise the Floor Alliance.”

(Clack, 2018)

In a work sector where workers not only lose many of their labor rights, but also their collective bargaining rights, direct action provides an alternate route to combatting temporary worker exploitation that often generates policy results (Galvin, 2018).

Finally, informants agreed that the government agencies like the IDOL have the potential to be powerful actors in the organizational field, but in practice are unreliable allies. Informants described how the IDOL can create excellent deterrents to abuse from temporary help agencies and client companies, but their success is dependent on if the IDOL demonstrates publicly that it is enforcing laws with a heavy hand. In addition, the IDOL is often overburdened and under-resourced, and has few enforcement mechanisms to appeal to. Kader said:

“I know some of my worker center colleagues will disagree with me on this, but I think even under the best conditions possible the Illinois Department of Labor is essentially useless...They have no real enforcement mechanism. They could tell an employer to pay, but if the employer doesn’t pay then the IDOL has to move the case to the Attorney General.”

(Kader, 2018)

Another informant added that the Attorney General’s Office is often equally over-burdened (Galvin, 2018). Finally, even informants from the IDOL acknowledged that the IDOL also struggles to build relationships with low-wage workers. The IDOL has not had consistently

strong relationships with workers or worker centers in the past, and many workers, particularly immigrant workers or undocumented workers, are wary of government agencies (Costigan, 2017; Bobo, 2018).

Overall, informants described a system of many-layered cooperation between worker centers, attorneys, and the IDOL. This cooperation is crucial in the face of powerful organizations that exploit vulnerable workers in Chicago, especially considering how the strengths of one type of organization can complement the weaknesses of another type of organization.

Organizing workers: paralyzing isolation, calculated divides

Any change public policy, creation of new legislation, or action taken against an individual employer is dependent on the willingness of workers to report abuses, testify in court or legal proceedings, or take direct action through a worker center. It makes sense, then, that the current discussion surrounding temporary workers centers on retaliation – if a worker fears being fired or blacklisted for reporting a labor law violation, they will be less likely to come forward and be the catalyst for any action to rectify the abuse. Discussions with informants, however, reveal that fear of retaliation is not the sole factor that would prohibit a worker from speaking out. The instability, constant turnover, and challenging physical requirements of temporary work are isolating for individual workers, and the particular racial and gender divides in the Chicago temporary workforce pit workers against one another rather than unite them.

Informants described an isolating and individualizing effect of temporary work, making temporary workers a difficult group to access and organize. Temporary workers have little opportunity to build relationships and solidarity with one another. The temporary help industry is

inherently isolating: Workers may not have continuous employment, may not have the same coworkers on a day-to-day basis, and are given strenuous tasks that require little interaction with other people (Bell, 2017). This sequestering on the job site is compounded by the fact that workers frequently switch job sectors as well. One informant gave the example of temporary construction workers, who are unable to work the same job year-round due to weather, saying, “They’ll move to a restaurant, or go back to a temporary work agency. They tend to move a lot, tend to not just stick with one thing, they tend to find other gigs on the side” (Rodriguez, 2018). Even workers who seek employment from the same temporary help agency will likely only be sent to the same work site as one or two other individuals, and will likely be sent to a different site the next week (Rodriguez, 2018). “The overwhelming sense I get is just that it’s so unstable,” said one informant. “You don’t really know what it’s going to be from one day to the next. You don’t know if you’ll continue to have a job or not” (Clack, 2018). This lack of stability makes it difficult for workers to form simple relationships with coworkers, let alone organize for workplace change.

Certain jobs that are overrepresented in temporary work are isolating to the extreme. One informant described how domestic work, a sector primarily served by temporary workers, is entirely solitary, saying that domestic workers “not only work for one of maybe various employers, but they also work by themselves in people’s homes...It’s definitely a little bit harder to organize especially considering the issue of different employers they have and also how much they move” (Rodriguez, 2018). Another informant explained a similar problem for organizing temporary workers in the manufacturing sector. “There’s a newer Amazon facility on 28th...There’s five or six different temp agencies that just represent the drivers. They’re part of this e-commerce that’s taking over retail. But it’s just this very atomized thing, where you’re just

an individual worker out on a drive all day by yourself" (Clack, 2018). These types of workers are cut off from interaction with other workers even within their industry.

On top of this tangible isolation, informants described a prevalent feeling of self-reliance and individualism among temporary workers stemming from greater societal pressures. Informants linked these feelings to nationwide neoliberal and capitalist trends, and researchers have argued that neoliberal reforms have indeed encouraged a paradigm shift from care and dependence to individual advances and meritocracy (Harvey, 2005). One researcher, Jennifer Silva, surveyed young working-class adults in the U.S. and found that young individuals were incredibly self-reliant and distrustful. Silva writes, "Experiences of betrayal, within both the labor market and the institutions that frame their coming of age experiences, teach young working-class men and women that they are completely alone, responsible for their own fates and dependent on outside help only at their peril" (Silva, 2013). Informants confirmed that temporary workers, many of whom are first- or second-generation immigrants and have grown up with this 'bootstraps' mentality, ascribe to the idea that problems should be borne and resolved by the individual (Bisnath and Romero, 2017; Rodriguez, 2018). The isolating nature of the work they are doing means that they often are unaware that what they are experiencing is happening to other workers (Bell, 2017). This limits their ability to collectively organize and makes each worker feel as if they are alone and powerless, especially when faced with the knowledge that an employer can retaliate (Jimenez, 2018). Tim Bell, the executive director of the Chicago Workers' Collaborative, said, "It's the next stage of capitalism to have workers extremely isolated and individualized in precarious situations, all looking for individual solutions to problems they can't solve themselves" (Bell, 2017). In short, the structure of the work emphasizes isolation and individuality, which undermines solidarity for temporary workers and

pressures them to attempt to solve workplace issues on their own rather than reaching out to an organization with the resources to help them.

Further, the discrimination based on race and gender prevalent in the Chicago temporary help industry creates deeper divides by pitting workers against one another as they compete for jobs. Client companies frequently request Latino immigrant workers from temporary help agencies in Chicago. They also make gender-based requests for certain types of work (Bell, 2017). Employers are aware that they have more leverage over certain populations. Immigrants, particularly undocumented immigrants, fear retaliation and job loss, and both temporary help agencies and third party employers exploit this vulnerability. Rodriguez explained:

“There’s a reason why there is a demand for these workers, and there’s a demand for these workers to be people of color and a lot of times undocumented. And that’s because they’re more vulnerable and because employers are able to use other tools to take advantage of them. So we see a lot of, you know, people have an accident or were fired or didn’t get paid...[employers] can tell the worker, ‘You don’t have papers, you don’t belong in this country...if you tell anyone about this I’m going to call ICE on you.’ So the retaliation aspect is pretty bad.”

(Rodriguez, 2018)

Employers believe that Latino workers are going to have a much higher level of production without complaint than other types of workers and therefore prefer to hire these groups (Bell, 2017). While the most-frequently-addressed consequence of this discrimination is that it enables retaliatory acts by employers, a second consequence informants brought to light is the tension it creates between different demographics of workers.

Discriminatory hiring practices create strife, particularly between Latino and African American workers. Rather than directing their frustration at employers, groups of workers who are discriminated against resent the groups of workers who gain temporary work with relative ease (Bell, 2017; Rodriguez, 2018). They see themselves as being in competition with these

other groups of workers, and are less willing to unite in legal or direct action. Bell said, “From an organizing perspective and a power perspective, dividing the workforce along lines of race and gender debilitates their ability to organize collectively” (Bell, 2017). Informants viewed these divisions as a calculated move on the part of temporary agencies and third party employers. When employers and temporary help agencies make it standard business practice to undermine the solidarity of their workers, they inhibit the ability of other organizations to both be aware of and understand the challenges facing workers, and to recruit the bodies necessary for many of their initiatives.

This barrier has led several of the worker centers in Chicago to create programs for their members targeting interracial strife in the workplace. The Chicago Workers’ Collaborative recently launched a ‘Breaking down Barriers to Racial Unity’ campaign, a program aimed at addressing the racial divisions caused by temp agencies’ and client companies’ practice of pitting African American and Latino workers against one another. The Latino Union of Chicago integrates discussions about race into all of their work with their members. Rodriguez, the Latino Union’s Executive Director, said:

“We definitely have a lot to learn from each other...We don’t have that many black members, but we have conversations around immigration law and what it means to come from another country. With our Latino members we have to have conversations and raise awareness for anti-Blackness in our communities. We have conversations about what it means to be darker or black...We use every chance we can get to build solidarity with one another.”

(Rodriguez, 2018)

On the whole, informants were acutely aware of the isolating effect of temporary work on individual workers and how the racial dynamics of temporary work in Chicago further divide the temporary workforce.

Pushing legislation

Strong laws are necessary tools for enforcement agencies in Illinois. One informant described the importance of statewide legislation by saying that laws “are like the collective bargaining unit for the entire state” (Bell, 2018). Without a regulation or law to appeal to, even the most well-resourced and devoted department has little ground to stop workplace abuses for temporary workers. Strong state laws can also influence federal law if they are implemented successfully. One informant, a former director at the U.S. Department of Labor, noted that a state law can act as a trial run for federal laws, and that federal labor law frequently follows trends in local laws (Nayak, 2018). Illinois’ written laws are more comprehensive than most states’ when it comes to temporary workers, but informants still described several ways in which the legislative process in Illinois can slow reform, or worse, have unintended consequences for temporary workers.

First, several influential lobbying and business groups in Chicago perceive worker center initiatives as threatening to their own agendas. The Chamber of Commerce, the Restaurant Association, and the Small Business Association, to name a few, oppose bills intended to expand rights and benefits for temporary workers due to the belief that they are anti-business (Bobo, 2018; Colunga-Merchant, 2018). The temporary industry also puts hefty sums of money into lobbying in Illinois, and some of these lobbyists are connected with the Democratic Party (Bell, 2018). Opposition, then, comes from both conservative and liberal politicians in Illinois. Worker centers and other advocates, on the other hand, work on behalf of workers with resources of a different kind. “They have their stories, their moral arguments, and in numbers, they can go to their legislators,” said one informant (Bell, 2018). These resources, however, are often not

enough to counter the capital offered by corporations and business lobbying groups. One informant described the large corporations that worker centers usually must oppose:

“They’re organized. A lot of these employers and temp agencies have a huge amount of political clout to be able to lobby against us and say ‘This is bad for business’ and ‘If you have too many regulations these jobs will go to Indiana’ where there’s a quote-unquote more friendly business environment...this hyperbolic stuff that’s not true...We’re always going to fight this opposition that has more resources than us and better-paid staff.”

(Clack, 2018)

Pressure from opposing groups can often simply result in a bill failing to pass, as is the case with HB1290, a Wage Lien Bill that Raise the Floor Alliance has been attempting to pass for the last three years but has never gotten out of committee. Opposition can also, perhaps more nefariously, create unintended consequences for bills that do manage to pass. Legislative negotiations processes often mean compromising on important aspects of bills. One informant, an attorney from Raise the Floor Alliance said:

“Compromises have to be made. You always start off with everything you ever dreamed of, so if you have to compromise some things can get cut. But you also have to have a line in place that you won’t cross, otherwise there’s no point in passing the bill – it’s a shell, it’s toothless, you won’t be able to enforce it.”

(Colunga-Merchant, 2018)

As a result, bills that have the potential to be radical reform nearly always are reduced to minor changes. In the worst-case scenario, compromise can lead to loopholes that make enforcement difficult.

For example, informants described the process of winning the recent HB0690 bill in Illinois. The first draft of the bill, to which the Chicago Workers Collaborative and Warehouse Workers for Justice were the main contributors, originally had strong language and provisions against retaliation from employers. Over the course of negotiations, however, the retaliation piece was removed in order to win other parts of the bill that eventually passed. Similarly, the

bill aimed to take important steps to combat discrimination against temporary workers. While the final version of the bill included a requirement that temporary help agencies must record the race and gender of all workers given employment, a crucial piece of legislation that was negotiated out was a requirement that the agencies also record the gender and race of all workers applying for jobs. Had this additional important stipulation passed, comparisons of the two groups might have helped prove or deter systematic racial discrimination in the Chicago temporary help sector, but as it stands the bill allows the issue to remain in obscurity. Informants present at the negotiations said that out of the 25 or so proposed regulations in the bill, only 7 passed (Bell, 2018).

Another example that came up several times in the interviews was transportation stipulations for temporary workers in recent legislation. Temp agencies located within Chicago often place workers at worksites in the suburbs, as many large manufacturers and warehouses are located outside of city limits. Urban, low-income workers do not usually have their own transportation to these sites though, and were consequently charged high rates by temp agencies for transportation to the sites. The Illinois Day and Temporary Labor Services Act (2005) mandated that temp agencies provide free transportation to job sites, but a similar mandate to provide transportation *back* from the site was negotiated out of the Act. Workers' rights advocates had to reintroduce this regulation in a later campaign. "That was part of HB0690, making sure that people got transportation to the workplace and also a ride back," said Clack. "It was actually a huge issue that people would get to the workplace and then at the end of the day be stuck there and not have a ride back. They'd be in the middle of nowhere, just be in a total crisis because there wasn't transportation" (Clack, 2018). As a result of this stalwart opposition during the legislative process, nearly every informant interviewed described the process of

passing strong labor laws as “incremental.” One informant described the process as an arduous journey to pass a bill followed by a period of waiting to see in which ways the new law was ineffective and using that data to support new legislation (Bell, 2017).

One strategy informants described to counteract conceptions that regulations for temporary workers are inherently anti-business was to strategically frame bills in terms of the business priorities of key stakeholders. Informants argued that strong labor regulations are in fact good for *ethical* businesses in that they can prevent law-abiding companies from being undercut by those who skirt regulations. Informants would pitch this argument to the Chamber of Commerce or the Small Business Association, and would also speak to ethical business owners to garner support and testimonies for their bills. Bobo said, “Every place that has won change has found ways to engage ethical businesses in the process” (Bobo, 2018). Informants described the success of this strategy for the recent HB0690 bill, but acknowledged that this framing did not always work if some of the main opponents to their initiatives were businesses that were not, in fact, ethical.

Enforcement matters

Strong laws can provide the structure and support necessary for strong enforcement, but, to state the obvious, a law cannot enforce itself. The primary enforcement agency for temporary worker laws in Illinois is the Illinois Department of Labor, though other government agencies like the Illinois Department of Human Rights or the Illinois OSHA enforce particular aspects of labor law when violations pertain to discrimination or health and safety standards. Attorneys are another entity that can enforce the law by forcing compliance through individual and class action lawsuits. Informants identified two main categories of barriers to enforcing temporary worker

regulations in Chicago. First, the IDOL has ceased to operate as a neutral enforcer of laws, and instead tends towards being either supportive of or antagonistic to temporary workers depending on the objectives of the people in the department. In other words, the urgency of enforcement changes by virtue of who is in state government office and who is appointed to the IDOL. Second, regardless of the IDOL's political orientation, characteristics of temporary work and temporary help agencies create specific challenges for enforcement.

First, the motivations and priorities of the administration charged with enforcement is key to how laws will be enforced. Surprisingly, even informants from the IDOL identified the main barrier to successful enforcement as the people involved in their own department. Informants have perceived a trend in Chicago where the strategies and standards of enforcement of temporary worker regulations change by virtue of who is in government office. Specifically, enforcement of temporary worker protections looks very different under Governor Bruce Rauner's administration than it did during the Patrick Quinn administration (Costigan, 2017; Jimenez, 2018; Bobo, 2018; Colunga-Merchant, 2018). Informants perceived the Rauner administration as extremely pro-business, meaning that the individuals appointed across departments (i.e, the IDOL) were likely to ascribe to a similar platform. Enforcement, then, is lackluster for laws that are seen as anti-business, such as protections and rights expansions for temporary workers.

As evidence, informants described several concrete differences between IDOL practices during the Quinn administration (2009-2015) and the Rauner administration (2015 -). First, efforts on the part of the IDOL to reach out to and cooperate with workers were much more evident during the Quinn administration. Joseph Costigan, who was the director of the IDOL under Quinn, and Lilian Jimenez, who was the Director of the Wage and Hours Division at that

time, outlined how they relied on community groups such as worker centers to inform the actions of the department. Costigan described how enforcement would be a gargantuan task without the help of worker centers, as the IDOL only has one office in Chicago and one office in Springfield and workers are often more likely to come forward to a local group than a government agency. He said, “We’re not easy to get to. So we worked with the worker centers to be kind of like our eyes and ears in the community” (Costigan, 2017). The former IDOL had monthly round tables with worker centers to talk about issues centers were seeing in their communities, strategies for improved enforcement, and updates on wage claim filings or other cases the IDOL was processing. Jimenez described worker centers as the “outreach arm” of the IDOL, making enforcement a smoother process by their involvement. Colunga-Merchant, a representative from Raise the Floor Alliance, confirmed the collaboration between worker centers and the IDOL under Quinn:

“With Quinn, we were able to have more of a constructive dialogue with the department, especially regarding their wage claim process...Now that Rauner was elected and the staff at IDOL changed, we noticed a shift where we haven’t really been able to have that dialogue with IDOL.”

(Colunga-Merchant, 2018)

The IDOL has the potential to be an important ally to organizations that fight for reform in the temporary help industry, but worker center staff are hesitant to align themselves with such an unreliable partner.

Beyond cutting ties with worker centers, informants described practices under the Rauner administration at the IDOL as no longer as worker-friendly as they were under Quinn. For instance, both informants at the IDOL and worker centers had noticed that the forms for filing a wage claim had changed (Costigan, 2017; Colunga-Merchant, 2018). Workers are now required to locate and send in evidence forms on their own, whereas the previous IDOL administration

sent all necessary forms for filing in a single packet to the worker. Workers also are now required to send evidence both to the IDOL and to their employer five days prior to a hearing. Costigan described how his administration placed the burden of proof on a temporary help agency or client company to prove that a violation had not occurred, while the current IDOL administration places the burden of proof on the individual worker and presumes employers innocent. The current administration is also hesitant to close a case in favor of the worker in the (common) event that an employer does not show up to a hearing. Costigan's administration would use that instance as an opportunity to rule in favor of the worker, but the current administration now reschedules hearings, forcing a worker to re-prepare and come back a second time (Colunga-Merchant, 2018). These types of strategy changes from the IDOL make filing claims particularly difficult for low-wage workers, who often are more unfamiliar with legal proceedings than large employers and do not have the leisure time to gather evidence and attend multiple hearings.

While there are certain elements of being an enforcement agency that the IDOL can deemphasize but cannot evade, such as processing wage claims, there are also many aspects of enforcement that an uninspired department could overlook entirely. Informants provided several examples of practices that existed in the IDOL under Quinn but have disappeared entirely under Rauner. One example of this is the enforcement of prevailing wage law in Illinois. Prevailing wage is the minimum wage that must be paid to construction workers who work on state- or federally-funded job sites. Many of these construction workers are temporary workers. Under Director Joseph Costigan, the IDOL would debar construction companies from doing public business if they had more than one violation of the prevailing wage law. This debarment is not something written into law, but a deliberate act by the IDOL to demonstrate commitment to

enforcing the law. Under Rauner's IDOL, however, the person appointed to enforce the prevailing wage law is well-known for being anti-prevailing wage, and has written many past opinion pieces on the topic (Knight, 2017). An examination of IDOL publications and publically available violation letters revealed that no companies have been debarred from doing public business for violating the prevailing wage law since 2015, while the IDOL debarred at least two contractors per year from 2011-2014 (IDOL, 2017; IIFFC, 2017).

A second example of a potential enforcement strategy that has been undercut by the Rauner administration is the use of personal liability for temporary worker claims in Chicago. Illinois has a law that allows for personal liability for a wage theft claim, meaning that a manager or supervisor can be held personally responsible if an employer does not respond to communications or refuses to compensate workers when found guilty of a violation. An administration can selectively choose whether or not to utilize this aspect of the law. The Costigan administration made it a priority to identify a worker's supervisors and then to send them a personal letter about the violation. He said:

“We would get all of the facts, investigate, we would figure out the names of company principles, the owner of the company, anybody who had anything to do with whoever's name is on the paycheck. We would serve papers to those people and say ‘if we find that you owe the money that somebody is claiming, and the company doesn't step forward, you could be held personally liable.’”

(Costigan, 2017)

Costigan said that prior to Quinn taking office in 2011, the IDOL would send impersonal letters to a company or a company's human resources department, and those letters would usually just be thrown away. After the IDOL began utilizing the personal liability aspect of the law, however, they began getting more responses and collecting more money as a result (Costigan, 2017).

Finally, the IDOL under Quinn created joint task forces and employed targeted enforcement strategies, which informants said have been largely nonexistent since Rauner took

office in 2015. Informants from the state IDOL, U.S. DOL, and worker centers corroborated that the IDOL headed by Joseph Costigan would unite different departments, such as the Unemployment Office, the Workers' Compensation office, the Department of Public Health, and occasionally the U.S. DOL to share information and resources (Costigan, 2017; Nayak, 2018; Jimenez, 2018; Colunga-Merchant, 2018). These task forces would then combine for joint enforcement campaigns. One of these campaigns was an annual investigation where they would visit every single temporary help agency in the state who was not in compliance with registration laws. "The goal was to make a big splash and let them know that the IDOL was serious," said a former director at the IDOL. "We wanted to show that it should not just be their business practice to screw people and not follow the law" (Jimenez, 2018). Informants perceived that these annual investigations, as well as any indication of cooperation with other groups for joint task forces, had ceased since 2015.

Problems of enforcement due to changes in administrative priorities, while extremely detrimental to temporary workers in Chicago, are not unique to temporary workers or even to the labor industry. Temporary workers, however, have further specific problems for enforcing their rights that exist regardless of how committed an enforcement agency is to supporting workers. Temporary workers are a uniquely vulnerable demographic of workers. Their employment is insecure, they are easily replaceable by other workers in the pool of temporary laborers, and they often are already part of other at-risk populations such as immigrants or undocumented workers. The fact that temporary help agencies even exist to funnel these individuals into temporary work "creates an environment for lawlessness," said one informant (Jimenez, 2018). The convolution of employer-worker relationships facilitates certain transgressions in a way not present in other labor sectors. For instance, wage theft has been nearly perfected in the temporary staffing

industry. Temporary help agencies can make wage cuts little by little, from thousands of workers that they send out to hundreds of different client companies. Bell said, “They may be cutting from 10,000 workers 10 hours here, 15 hours there, which when you add it up it’s in the millions of dollars in wage theft but because it’s being done in volume, if that worker were to bring a claim it would be very small (like \$100). That’s a lot for the worker but the claim is very small.” This also makes it difficult for a private attorney to bring a class action on behalf of a group because the patterns of wage theft are irregular.

Enforcement by government agencies is further complicated by the tactical efforts of temp agencies to avoid compliance. For example, temp agencies employ many varieties of strategies that make proving offenses difficult. One informant described the agencies as ‘fly by night,’ often closing and reopening under a different name, moving offices, or not even operating out of a physical office building (Jimenez, 2018). In cases where the temporary help agency is hard to pin down, the IDOL or a worker center will often go to the third party employer for recompense. Illinois is one of the few states to adopt a law that allows for joint responsibility between the third party employer and temporary agency in the case of a workers’ rights violation, and informants felt that the third party employer was most likely to be cooperative, as they tend to have more resources than the temp agencies and do not want to subject themselves to any publicity scandals over a workers’ rights case.

However, third party employers that have made it standard business practice to exploit temporary workers have found ways to sidestep the joint responsibility law by adding an extra layer of obscurity to employer-worker relationships. Sometimes a large corporation, Walmart for example, will hire one or multiple logistics companies, which will then employ temporary help agencies to find workers. Jimenez describes how a single warehouse can have multiple logistics

companies contracting with temporary help agencies to staff each section of the warehouse, leaving the third party employer at least two steps removed from an individual worker. “It’s ridiculously time consuming for the IDOL to sort out these relationships,” she said (Jimenez, 2018). A worker may know their direct manager or supervisor, or may know the name of the third party employer for which they work, but often don’t have all of the pieces of information needed for redress. With these problems, sometimes informants felt it was more effective to go to politicians or go to the press and force companies to change what they’re doing (Bell, 2017; Kader 2018). This approach has the added benefit of being more empowering for the workers than strategies that involve putting their claims in the hands of someone who they perceive to have more power than they do.

In short, enforcement of temporary worker regulations in Chicago has historically been inconsistent due to the changing priorities of administrators in the upper echelons of government and the IDOL. Even under a motivated IDOL, however, enforcement is made difficult by the tactical efforts of temporary agencies and third party employers to evade the law, efforts which are facilitated by the structure of the temporary work sector and the relationships between the worker, temp agency, and employer.

Conclusions

From these interviews, we gain insight into the organizational landscape surrounding temporary work in Chicago and the many factors that contribute to the disconnect between policy theory and workplace reality for temporary workers in Chicago. We find that organizations are engaged in constant and complex tension. Their clashing organizational objectives contribute to many barriers to the success of the temporary workers’ rights movement,

barriers that reach far beyond the individual worker's fear of redress due to employer's threats of retaliation. Worker centers, the Illinois Department of Labor, and private attorneys face unique challenges to serving temporary workers, from organizing workers to passing legislation to enforcing the law. These results provide much-needed exploration of factors that prevent well-intentioned laws in Illinois from translating into abuse-free workplaces for temporary workers in Chicago.

First, we find that the initiatives of worker centers, private attorneys, and the IDOL in Chicago are highly intertwined. The strengths and weaknesses of the different types of organizations make collaboration a natural and effective way to accomplish more, and organizations have worked together in the past to achieve policy reform. Advocacy and legal support for temporary workers is optimal when all three types of organizations are working towards a common goal, but this is not always the case, as we can see from informants' examples of IDOL inconsistencies. Cooperation or not, informants stressed that temporary workers are most likely to initially contact a worker center over any other organization in the event of wage theft or a labor rights violation. This puts worker centers in an absolutely crucial position for collecting data, building class action lawsuits, and initiating policy change. Because worker centers by themselves do not enforce the law in the traditional sense (but instead may force compliance through direct action techniques), support from attorney networks and the IDOL are necessary components of a comprehensive enforcement strategy.

We find, however, that there are many barriers in place both to individual organizational success and to the success of collaborative efforts across organizations. In addition, since organizations are most effective when they work together to influence policy and legislation, a barrier to one's success is a barrier to the others' success as well. The remainder of the

conclusions section will address the barriers informants identified, and I will attempt to link those challenges to how they contribute to the divergence of policy intent and outcome for temporary workers in Chicago.

Informants' accounts support the theory that the structure of temporary work perpetuates the system of exploitation. Temporary work is by nature isolating, and neoliberal society pressures workers to remain isolated rather than to reach out for assistance. In addition, a structure where workers form a reserve labor pool and have to compete with one another for work every day necessarily builds tensions between workers. Those tensions are heightened when factors like racial discrimination come into play. Worker centers are organizations that rely on uniting workers and collecting workers' stories to build a narrative and gather evidence of abuses, and are consequently going to be constricted by the number of workers willing to unite and organize. When isolation and discrimination undermines solidarity to the extent it does in the Chicago temporary labor industry, worker centers are at a disadvantage. As worker centers are the usual initiators of reform for temporary workers in Chicago, nearly every attempt at direct action, legislative progress, or improved enforcement is also then disadvantaged. The phenomenon of temporary worker isolation has similar effects to the threat of retaliation by employers, and is likely exacerbated when employers are utilizing these additional intimidation strategies.

Next, perhaps one of the strongest indicators for how Illinois can have comprehensive laws supporting temporary workers but not see tangible workplace improvements is the revelation that those laws may not be as comprehensive in practice as they are written. Informants' discussions of the incremental nature of progress in policy and legislation for temporary workers reveal how even when legislation is proposed, key elements are stripped

during negotiation. Worker centers are limited by funds and political clout, and face opposition in powerful organizations and business groups. Thus, while they are able to push some legislation into law, the clarity and future efficacy of that legislation is often crippled by the legislation process. Negotiations can introduce loopholes, wiggle room for government enforcement, and language that may have unintended consequences for temporary workers and their workplaces in Chicago. The most important takeaway from informants' discussion of the legislative process is that cooperation across organizations, which includes convincing pro-business actors to support temporary work regulations, is necessary for passing comprehensive laws. The legislative process requires testimonies from workers, drafts of bills from worker centers and attorneys, proofreading of legislation language by attorneys who are well-equipped to identify potential faults, and support from legislators, interest groups, and ethical businesses. Without the alliance of all of these actors, regulations for temporary workers in Chicago are likely to be at best ineffective and at worst harmful.

Finally, an important finding that helps explain the discrepancy between Illinois laws and the lived experiences of temporary workers is the enforcement issues brought up by IDOL and worker center staff. Strong laws are tools for enforcement, but don't have to be utilized in that way. The story of the IDOL reminds us that organizations, despite their mission and bylaws, are composed of people with motivations and goals of their own. A government organization in particular, one whose top administrators are appointed by a governor, a political being, is particularly susceptible to these influences. When Illinois laws do not have clear enforcement mechanisms that hold enforcement agencies accountable, those agencies can choose any means, however effective, to enforce laws. Additionally, the IDOL does not just affect whether or not an individual's claim is given complete attention, but it is clear that the department can be leveraged

to do more – to work with community groups, to establish its own investigative and collaborative task forces. When the organization no longer has the incentive to take these extra steps, the entire movement for temporary workers' rights can suffer. This relates back to the incremental nature of regulations; if legislation is most successful with the help of government agencies, then an uncooperative IDOL can hinder attempts to gain more protections for temporary workers in Illinois.

In summary, organizations striving to increase regulations and improve workplace environments for temporary workers face a myriad of barriers to their success. These barriers are largely generated by the strategies of antagonistic actors. Temporary help agencies and third party employers are profit-motivated and have incentives to commodify labor. Thus, they employ strategies to prevent workers from reaching out to a worker center or attorney, including isolating and building tension between workers by forcing them to compete for work. They also do whatever they can to evade compliance with the law, making enforcement difficult for agencies like the IDOL. Interest groups, lobbyists, and corporations have the upper hand when it comes to influencing Illinois policy legislation, as they have resources that greatly outweigh that of the workers and worker centers. Even the IDOL, which is ideally a champion for organizations that support temporary workers, has inconsistent enforcement of temporary work law. With these organizational interactions in mind, the policy-reality disconnect for temporary workers in Chicago is comprehensible. There are many steps between abstract state policy and its translation into workplace policy, and opposition exists at every one of these steps for an organization that is attempting to support temporary workers.

Policy Recommendations

Increased and targeted regulations

Law enforcement is susceptible to variation, but increases in regulations and increases in the specificity in those regulations will decrease the amount of discretion individuals at organizations such as the Illinois Department of Labor have to enforce those laws (Lipsky, 1980). In addition, increases in specific regulations provide a standard to which individual workers and organizations can appeal when enforcement is weak. These regulations must include enforcement mechanisms and strong penalties. An analysis of how the strength of state employment laws is related to incidences of wage theft found that states with strong enforcement capabilities had the lowest incidences of minimum wage violations and states that implemented the strongest penalties experienced statistically significant drops in violation rates (Galvin, 2016). In other words, while there may be a large number of laws regulating temporary work in Illinois, if those laws have no teeth – no clear path for enforcement and penalties for violators – they do not have their intended deterrent effect. Discussions with informants revealed, of course, that pushing new regulations into law is an uphill battle in Illinois, but the continued pressure, fronted by worker centers in Chicago, to pass highly specific and effective legislation protecting temporary workers seems the optimal strategy for bypassing inconsistent enforcement.

Implementation campaigns

After a campaign like a wage theft campaign, or the campaign to pass HB0690, worker centers should plan for an implementation campaign as well. When the Workers Defense Project won passage of the Texas Wage Theft Act in 2011, which created criminal penalties for employers who don't pay their workers, the organization then worked with local government and law

enforcement officials to put the law into effect and make sure it would be enforced. Chicago worker centers should follow this model, developing training memos for both workers and enforcement agencies, and developing plans for observation and data collection to hold enforcement agencies accountable (Bobo and Pabellon, 2016).

Separate institutions of enforcement

Most states have statewide bills regulating temporary work that are enforced by their departments of labor. In 2010, Dade County (Miami) became the first county in the U.S. to create its own wage theft bills and set up an office to enforce wage laws and help workers recover unpaid wages. The office was set up in the context of a lack of state Department of Labor – in 2006 the state legislature voted to close the Florida Department of Labor – but the office was considered a “smashing success” (Bobo and Pabellon, 2016). Other counties in Florida passed similar wage theft bills soon after, and one county set up a special legal aid program to address wage theft (Bobo and Pabellon, 2016). Illinois should follow suit by passing local temporary work bills and setting up offices auxiliary to the IDOL to enforce the laws regulating the treatment of temporary workers. These offices would be less susceptible to enforcement variability, as administrators and priorities would not change with government elections. An external office from the IDOL would also allow worker centers to build a stable relationship with a law enforcement agency, rather than a relationship that varies based on administration. An auxiliary system of enforcement has bipartisan appeal in that it would relieve some of the burden from the resource-deficient IDOL and promote less-biased law enforcement than a department associated with any political party.

Relatedly, one policy recommendation suggested by an informant was to train volunteers to help file and process wage theft claims (Bobo, 2018). If the IDOL is overwhelmed by the number of claims it receives, or if the IDOL is under an administration that has little motivation to process claims in a timely manner, a volunteer system could help provide the manpower and unbiased motivation to address workers' rights violations. The volunteer system would operate similarly to how the IRS trains volunteers to help individuals file their taxes.

Uniting workers, fighting alienated labor

While the overthrow of capitalism for a socialist society would be the most effective way to fight the hyper-commodification and alienation inherent to temporary work, alt-labor organizations (worker centers in particular) can take smaller steps in the meantime to unite workers. Policy campaigns from alt-labor groups are becoming increasingly prevalent in the workers' rights movement, and are proving both generative and empowering (Meyer, 2017; Fine, 2006). Results from this paper demonstrate that worker centers in Chicago are organized and powerful, but face challenges to organizing workers in the temporary work industry. Working with other community groups to recruit workers, holding public forums, and having current members recruit their coworkers will help expand the message to isolated workers. To unite multiracial workers, which some worker centers in Chicago have already begun campaigns to do, worker centers in the past have had success altering the message of their campaign to be more inclusive or specifically embarking on anti-discrimination campaigns for African American workers (Bobo and Pabellon, 2016). Uniting individual workers and collaborating with community groups will only strengthen the network of organizations that support temporary workers, which informants demonstrated is key to surpassing organizations antagonistic to worker center goals.

References

Alterman, T., Luckhaupt S.E., Dahlhamer J.M., Ward B.W., Calvert G.M. (2013). Prevalence rates of work organization characteristics among workers in the U.S.: Data from the 2010 National Health Interview Survey. *American Journal of Industrial Medicine, Volume 56*, 647–659.

American Public Health Association. (2014). Ensuring Workplace Protections for Temporary Workers. Accessed from: <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2015/01/28/14/43/ensuring-workplace-protections-for-temporary-workers>.

Aronsson, G. and Dallner, M. (2002). Work environment and health in different types of temporary jobs. *European Journal of Work and Organizational Psychology, Volume 11*, 151-175.

Ayala, A. (2012). Amending the Illinois wage payment and collection act: An organizing victory against wage theft. The Sargent Shriver National Center on Poverty Law. Accessed from: <http://povertylaw.org/clearinghouse/stories/ayala>

Benach, J., Vives, A., Amable, M., Vanroelen, C., Tarafa, G., Muntaner, C. (2014). Precarious Employment: Understanding an Emerging Social Determinant of Health. *The Annual Review of Public Health, Volume 35*, 229-53.

Bernhardt, A., Spiller, M., Polson, D. (2013). All Work and No Pay: Violations of Labor Laws in Chicago, Los Angeles, and New York City. *Social Forces, Volume 91*, Issue 3, 725–746.

Blaxter, L., Hughes, C., Tight, M. (2006). *How to Research*. (3rd Ed.) New York, NY: McGraw-Hill Education.

Bobo, K. (2011). *Wage Theft in America: Why Millions of Working Americans are not getting Paid and What We Can Do About It.* New York, NY: The New Press.

Bobo, K. and Pabellon, M.C. (2016). *The Worker Center Handbook.* Ithaca, NY: Cornell University Press.

Bureau of Labor Statistics. (2011). Employment, hours, and earnings from the current employment statistics survey (National). Accessed from:
<https://data.bls.gov/timeseries/CES6056132001>

Chicago Urban League. (1994). *The changing economic standing of minorities and women in the Chicago Metropolitan Area.* Chicago Urban League, Latino Institute and Northern Illinois University.

Contreras, D. (2017). Illinois Issues: The Trouble with Temp Work. NPR Illinois. Accessed from:[https://www.google.com/search?q=Contreras%2C+D.+\(2017\).+Illinois+Issues%3A+The+Trouble+with+Temp+Work&oq=Contreras%2C+D.+\(2017\).+Illinois+Issues%3A+The+Trouble+with+Temp+Work&aqs=chrome..69i57.208j0j9&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=Contreras%2C+D.+(2017).+Illinois+Issues%3A+The+Trouble+with+Temp+Work&oq=Contreras%2C+D.+(2017).+Illinois+Issues%3A+The+Trouble+with+Temp+Work&aqs=chrome..69i57.208j0j9&sourceid=chrome&ie=UTF-8)

Cordero-Guzman, H.R., Izvanariu, P.A., Narro, V. (2013). The development of sectoral worker center networks. *The Annals of the American Academy, Volume 647*, 102 -123.

De Cuyper, N. and De Witte, H. (2005). Job insecurity: mediator or moderator of the relationship between contract type and well-being. *SA Journal of Industrial Psychology, Volume 31* Issue 4, 79–86.

De Cuyper, N. (2007). Literature review of theory and research on the psychological impact of temporary employment: Towards a conceptual model. *International Journal of Management Reviews, Volume 9*, Issue 4.

Feldman, D.C. (2005). Toward a new taxonomy for understanding the nature and consequences of contingent employment. *Career Development International, Volume 11*, Issue 1, 28–47.

Fine, J. (2006). *Worker Centers: Organizing communities at the edge of the dream*. Cornell University Press: Ithaca, NY.

Fine, J., J. Grabelsky, & V. Narro (2008). Building a Future Together: Worker Centers and Construction Unions. *Labor Studies Journal, Volume 33*, Issue 1, 22-47.

Fine, J. (2011). Worker Centers: Entering a new stage of growth and development. *New Labor Forum, Volume 20*, Issue 3, 45-53.

Freeman, H. and Gonos G. (2011). The challenge of temporary work in twenty-first century labor markets: flexibility with fairness for the low-wage temporary workforce. Working Paper. Amherst, MA: Labor Relations and Research Center.

Friedman, L.S., Ruestow, P., and Forst, L. (2012). Analysis of ethnic disparities in worker's compensation claims using data linkage. *Journal of Occupational and Environmental Medicine Volume 54*, Issue 10.

Galvin, D. (2016). Deterring wage theft: Alt-labor, state politics, and the policy determinants of minimum wage compliance. *Perspectives on Politics, Volume 14*, Issue 2, 324-350.

GAO (Government Accountability Office). (2000). Contingent workers: income and benefits lag behind those of the rest of the workforce. GAO/HEHS-00-76. Washington, D.C.

GAO. (2015). Contingent workforce: Size, characteristics, earnings, and benefits. Washington, D.C.

Grabell, M., Pierce, O., and Larson, J. (2013a). How We Calculated Injury Rates for Temp and Non-Temp Workers. ProPublica. Accessed from: <https://www.propublica.org/nerds/how-we-calculated-injury-rates-for-temp-and-non-temp-workers>

Grabell, M., Pierce, O., and Larson, J. (2013b). Temporary work, lasting harm. ProPublica. Accessed from: <https://www.propublica.org/article/temporary-work-lasting-harm>

Grabell, M. (2014). U.S. lags behind world in temporary worker protections. ProPublica. Accessed from: <https://www.propublica.org/article/us-lags-behind-world-in-temp-worker-protections>

Hall, R. (2006). Temporary agency work and HRM in Australia: “Cooperation, specialisation and satisfaction for the good of all”? *Personnel Review, Volume 35*, Issue 2, 158–174.

Harvey, D. (2005). *A Brief History of Neoliberalism*. Oxford: Oxford University Press.

Illinois Department of Labor. (2017). List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Projects. Accessed from:
<https://www.illinois.gov/idol/Laws-Rules/CONMED/Pages/Debarred-Contractors.aspx>

Illinois General Assembly. (2017). Bill Status of HB0690. Accessed from:
<http://www.ilga.gov/legislation/BillStatus.asp?DocTypeID=HB&DocNum=690&GAID=14&SessionID=91&LegID=100992>

Indiana-Illinois-Iowa Foundation for Fair Contracting. (2017). Violation Notices Archive. Accessed from: <http://iiiffc.org/resource-category/violation-notices/>

Kalleberg, A.L. (2011). *Good Jobs, Bad Jobs: The Rise of Polarized and Precarious Employment Systems in the United States, 1970s to 2000s*. New York, NY: Russell Sage Foundation

Kalleberg, A.L. (2000). Nonstandard Employment Relations: Part-time, Temporary and Contract Work. *Annual Review of Sociology, Volume 26*, 341-365.

Knight, B. (2017, November 21). State Dept. of Labor dragging its feet: union reps. *Pekin Daily Times*. Accessed from: <http://www.pekintimes.com/news/20171121/knight-state-dept-of-labor-dragging-its-feet-union-reps>

Kochan, T., Smith, M., Wells, J., Rebitzer J. (1994). Human resource strategies and contingent workers: the case of safety and health in the petrochemical industry. *Human Resource Management, Volume 33*, 55–77.

Kvale, S. (1996). *InterViews: An introduction to qualitative research interviewing*. Thousand Oaks, CA: Sage.

Lesniewski, P.J. (2013). Constant contestation: Dilemmas of organizing, advocacy, and individual interventions at a worker center (Doctoral dissertation). Accessed from: <https://search.proquest.com/docview/1426182562?pq-origsite=gscholar>

Lipsky, M. (1980). *Street-level Bureaucracy: Dilemmas of the individual in public services*. 30th Anniversary Expanded Edition (2010). New York, NY: Russel Sage Foundation.

Madigan, D., Forst, L., and Friedman, L. (2017). Worker's compensation filings of temporary workers compared to direct hire workers in Illinois, 2007-2012. *American Journal of Industrial Medicine, Volume 60*, Issue 1, 11-19.

Martin, N. (2012). “There is Abuse Everywhere:” Migrant nonprofit organizations and the problem of precarious work. *Urban Affairs Review, Volume 48*, Issue 3, 389-416.

Marx, K. (1976). *Capital Volume One*, Penguin, Harmondsworth.

Meyer, Rachel. (2017). Precarious workers and collective efficacy. *Critical Sociology, Volume 43*, Issue 7-8, 1125-1141.

OECD. (2013). Detailed description of employment protection legislation, 2012-2013, OECD countries. Accessed from: <http://www.oecd.org/els/emp/All.pdf>

Peck, J.A. and Nikolas, T. (2001). Contingent Chicago: Restructuring the Spaces of Temporary Labor. *International Journal of Urban and Regional Research, Volume 25*, Issue 3.

Peck, J.A. and Nikolas, T. (2002). Tempted out? Industry rhetoric, labor regulation and economic restructuring in the temporary staffing business. *Economic and Industrial Democracy, Volume 23*, Issue 2, 143-175.

Quigley, B. (2017, May 2). Teacher, Union Leader, Labor Lawyer: Profile of Chris Williams, social justice advocate. *The Counterpunch*. Accessed from:
<https://www.counterpunch.org/2016/05/02/teacher-union-leader-labor-lawyer-profile-of-chris-williams-social-justice-advocate/>

Raise the Floor Alliance. (2017). About us: our accomplishments. Accessed from:
<https://www.raisetheflooralliance.org/our-accomplishments>

Scott, B. (2016). Challenging the Business of Fear Report. Chicago, IL: National Economic and Social Rights Initiative and Raise the Floor Alliance.

Sharpe, R. and Quintanilla, C. (1997, July). Temporary-help firm targets urban poor as its next labor pool. *Wall Street Journal*.

Silva, J.M. (2013) *Coming Up Short: Working-Class Adulthood in an Age of Uncertainty*. Oxford: Oxford University Press.

Stone, K.V.W. (2006). Legal Protections for Atypical Employees: Employment law for workers without workplaces and employees without employers. *Berkeley Journal of Employment and Labor Law, Volume 27*, Issue 2.

Torres, R., Heyman, R., Munoz, S., Apgar, L...Tang, E. (2012). Building Austin, building justice: Immigrant construction workers, precarious labor regimes and social citizenship. *Geoforum, Volume 45*, 145-155.

Underhill, E. and Quinlan, M. (2011). How precarious employment affects health and safety at work: The case of temporary agency workers. *Industrial Relations, Volume 66*, Issue 3, 397-421.

Valenzuela, A., Theodore, N., Melendez, E., and Luz Gonzalez, A. (2006). On the Corner: Day Labor in the United States. Chicago, IL: The Latino Union of Chicago.

Weil, D. (2017). *The Fissured Workplace: Why work became so bad for so many and what can be done to improve it*. Cambridge, MA: Harvard University Press.

Zamudio, M.I. (2012). Waiting in Vain. Chicago, IL: *Chicago Reporter Volume 41*, Issue 2.

Appendix

A. Key Informant Interviews

Name	Organization	Position	Interview Date
Tim Bell	Chicago Workers Collaborative	Executive Director	11.20.17
Joseph Costigan	Illinois Department of Labor	Former Executive Director	12.1.17
Kim Bobo	Interfaith Worker Justice	Founder and Executive Director	1.14.18
Lydia Colunga-Merchant	Raise the Floor Alliance	Legal Director	1.16.18
Raj Nayak	U.S. Department of Labor, National Employment Law Project	Former Policy Director at U.S. DOL, Director of Research at National Employment Law Project	1.19.18
Lilian Jimenez	Illinois Department of Labor	Former Director of the Wage and Hour Division	1.19.18
Adam Kader	Arise Chicago	Worker Center Director	1.30.18

Analia Rodriguez	Latino Union of Chicago	Executive Director	2.1.18
Roberto Clack	Warehouse Workers for Justice	Associate Director	2.7.18
Daniel Galvin	Northwestern University	Associate Professor of Political Science	4.13.18