In the Shadow of Employment Precarity: Informal Protection and Risk Transfers in Low-End Temporary Staffing

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Abstract

By no means an undifferentiated mass of disposable workers, the new urban ‘precariat’ is traversed by hierarchies and loyalties that not only impact its exploitation, but also influence its prospects for collective mobilization. In this chapter, I illustrate this argument by considering workforce differentiation in the first decade of the twenty-first century in Chicago’s formal day labor sector. This study is based on ethnographic fieldwork conducted from 2004 to 2006 involving participant observation in two different day labor agencies as well as several client-factories in Chicago’s metropolitan, suburban, and exurban areas. In it, I analyze the internal workforce hierarchies that structure day labor agencies, specifically the importance of ‘informal careers.’ In each agency, the degree of inequality relates to the level and type of insecurity afflicting workers. I describe three typical conditions within this formally externalized workforce: that of ‘casual temps,’ who work for various agencies and at various factories; that of ‘regular temps,’ who are employed by the same agency but are sent to various client companies; and finally, that of ‘permatemps,’ workers who are employed by the same agency within the same factory for years. The ranks of this last category have swelled even as light-industrial staffing staffing has come to play in the role of an insurance scheme on Chicago’s labor market, enabling client companies to
employ undocumented immigrants without assuming the legal risks that would otherwise be involved.

The paper shows how urban and ethno-racial segregation translates into the precarious workplace. As low-end staffing agencies consistently refuse to locate their offices in majority black areas, most African American job seekers are forced to travel daily to the city’s immigrant port-of-entry neighborhoods. There, they commonly wait for work tickets alongside mostly undocumented Mexican and Central American applicants. As a consequence, the dispatch rooms of day labor agencies are among the few places in segregated Chicago where “unskilled” African American men and recent Latino immigrants can physically experience mutual economic competition. Following ethno-racial dynamics of inequality, however, this competition in securing employment has uneven consequences for different workers. African American workers tend to be less often and less durably used by client companies. To insure a maximum number of assignments and become ‘regular temps’ they are thus forced to construct loyalty relations with agency dispatchers. In contrast, a growing number of Latino migrant workers are joining the ranks of ‘permatemps’: they owe their job security to onsite supervisors, rather than agency dispatchers with whom they only keep contact irregularly. Industrial permatemps, even when undocumented, do not always remain in the lowest tier of the occupational ladder but sometimes benefit from informal careers through which they gradually gain positions of authority, wage increases, and, for some, paid vacation. These careers lead to an imbricated segmentation of the workforce, a configuration which is at odds with those traditional models of segregated segmentation that predict a strict containment of outsourced workers in the secondary labor market. Capped and only partially accessible, those benefits are not formal rights but personal and often reversible favors which one could accurately describe as paternalistic. Whether dependent on agency staff or factory supervisors, informal careers and conflicting loyalties are central to the challenge faced by labor organizations that aim to improve the condition of outsourced, mediated, and precarious workers in the United States and beyond.
Introduction

Until recently, Euro-American debates concerning employment precarity and the new urban precariat have mostly focused on the rise of short-term contracts, the narrowing of internal labor markets, and the deterioration of protected lifetime employment across the western economies.¹ Much of the contemporary discourse surrounding the “precariat” still tends to rest on the presumption of an undifferentiated mass of marginalized, disposable, and eminently exchangeable employees repeatedly hired in a more or less anonymous spot market. In the past decade, however, commentators have initiated an empirical and analytical shift, substantially qualifying earlier teleologies of risk and flexibility—whether those teleologies had presented themselves as utopian or dystopian prophecies. Echoing prior scholarship critical of the myth of an unambiguously “stable” Fordist period,² more recent studies of employment trends in several countries—including the United States, France, and the United Kingdom—have shown, (i) that overall job tenure had in fact remained quite stable in the decades preceding the Great Recession, even as neoliberal policies were being implemented;³ (ii) that average stability in job tenure had obscured a deepening bifurcation of the labor market where short tenures are becoming shorter and long tenures longer; and (iii) that a general increase in forced labor mobility (measured in the number of layoffs) was attended by a parallel decrease in free mobility, as approximated by a count of the number of resignations.⁴

Increases in labor market uncertainty, along with the overall decline of social security, nevertheless remain undeniable. Why then don't the aggregate numbers reveal the trend of intensifying precarity? What other forms of stability emerge to replace disintegrating formal welfare state and labor law protections? What ties the new “precariat” to its employers? To answer these questions we must refine our understanding of precarity. First, this involves distinguishing job insecurity from job instability. It turns out that increased insecurity can in fact lead to increased stability, particularly because insecurity increases a worker’s fear of unemployment, thus diminishing worker-initiated turnover. Second, we must recognize that durable employment insecurity forces ever more precarious workers to “accept work at any
condition.”

Third, it is important to take into consideration that the state is a central player in the institutional production of insecure, subordinate (un)employability, not “creating jobs for people who don’t have them,” but instead “creating workers for jobs that nobody wants.”

Finally, we can sharpen the analytical focus of the study of precarity by abandoning postmodern tales of universal fragility, and instead recognize flexibility as a condition that is necessarily asymmetrical and power-ridden. Clearly, flexibility requires complementary inflexibility, raising the issue of who is going to be flexible for whom. Studies of employment precarity can explore the web of institutional and social arrangements in which economic security is unequally transferred and distributed: across social, ethnic, and gender groups; between companies and workers; and among precarious workers themselves, working both long-term and short-term jobs.

One can understand precarity not only as an individual condition but also as an unequal social relation making an entire group more insecure relative to other groups. Yet, precarious workers themselves do not constitute a homogenous monolith. Many formally “contingent” employees develop long-term relationships with a limited number of employers—sometimes with one of them exclusively over the course of years. Employers cannot always easily substitute one of these workers for one another. Rather than claim that precarious employment is now irreversibly determined by external market forces, a number of researchers have started to describe the complex informal loyalties that obtain in the shadow of formal labor protections between the new precariat and its employers.

In a context of increasingly complex labor-market arrangements, however, even when precarious workers do develop durable relationships of mutual loyalty with their employers the issue of which employer to be loyal to remains open to negotiation and subject to competing strategies. In this paper I analyze the unequal distribution of uncertainty within a precarious labor force, as well as the dilemmas of loyalty faced by precarious workers with multiple employers. The analysis is based on a case study of light-industrial staffing services in the United States, sometimes called day labor agencies. These services are typically presented as extreme incarnations of precarity. Every morning, usually as early as 4 or 5 am, job applicants must come and wait in the agency’s offices for the possibility of work that day.
The study is based on ethnographic fieldwork I conducted in and around Chicago between 2004 to 2006. It consisted of participant observation at two different day labor agencies with racially and linguistically mixed workforces, as well as in several client-factories. Minute Staff is a small agency on the Southwest side of Chicago; Bob Labor is a larger one that borders a predominantly Polish community on the Northwest side. I applied for job assignments in these agencies and worked as an unskilled industrial day laborer for a total of three months. Participant observation was complemented by thirty in-depth interviews with a diverse set of local actors in the light-industrial sector, as well as parallel work with two Chicago community organizations that address the issue of day labor.

Spatial and ethno-racial dynamics help explain the mixed composition of the agencies I studied. In segregated Chicago even more than in other U.S. cities in the 1990s and 2000s, African Americans and undocumented Latino immigrants would not often physically meet on the local labor market. The places where they lived, worked, and sought work were typically separated by space, language, and industry. When competition allegedly took place between the two groups at the bottom of the occupational ladder, they mostly experienced it at a distance, through media representations and political discourse.

Chicago’s day labor industry offered a significant exception. The immigration and criminal justice systems have made both groups victims of state-induced unemployability. As a consequence, African American and Latino workers have been channeled into the staffing industry, which functions as an intermediary employer conditionally allowing them access to light-industrial employment through a small door. Nonetheless, as low-end staffing agencies have consistently refused to locate their offices in majority black areas, most African American job seekers are forced to travel to the city’s immigrant port-of-entry neighborhoods early in the morning where they commonly wait for work tickets alongside Mexican and Central American applicants.

As this chapter will show, precarity falls along different spatial and ethno-racial lines. Whereas African American workers are less often maintained by client companies and must construct loyalty relations with agency dispatchers to insure a maximum number of assignments,
a growing number of immigrant workers are joining the ranks of “permatemps,” workers who have been employed by the same factory and through the same agency for years. They owe their job security to onsite supervisors rather than the agency dispatchers with whom they keep only minimal contact. Industrial permatemps, even when undocumented, do not remain in the lowest tier of the occupational ladder but may benefit from informal careers through which they gradually gain positions of authority as well as wage increases. Those informal careers are dependent on agency staff or factory supervisors, who alternately collaborate and compete for the conflicting loyalties of workers.\(^{15}\)

In what follows I describe the dispatch process in low-end staffing agencies, in which the distribution of uncertainty renders some workers more equal than others. I then analyze the racialized dilemmas faced by both workers and employers over whether a worker’s loyalty should lie with the agency or the final employer (the client company). Finally, I focus on the specific case of undocumented permatemps, the “informal careers” they achieve at the workplace beyond successive changes in intermediary employers, and the degraded paternalism that structures these forms of informal promotion.

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*Photo 1 - The dispatch room of a day labor agency in the Chicago area*
Photo 2 - Another dispatch room within the city of Chicago, emphasizing bilingualism

Photo 3 - "Mucho Trabajo" – bilingual recruiting posters in a Chicago day labor agency
Dispatching Tickets, “Loyalizing” Uncertainty

Factories having recourse to staffing agencies are not merely seeking contingency, but aim for a “reliably contingent labor supply.” In most of Chicago’s agencies, applications stipulate that all contracts would be “at will” by default, no matter how long workers end up working somewhere with this status, whether for four hours or ten years. Under U.S. labor law, at-will employment defines a contract that can be breached without prejudice by either party “for good cause, for no cause, or even for bad cause,” to quote the famous formula employed by the Tennessee Supreme Court when it first formulated the at-will doctrine in 1884. In terms of employment rights, the irony of at-will contracts is that they make workers simultaneously “permanent” (in the sense that no duration is specified) and extremely insecure, as they offer no formal protection against dismissal.

With temp workers they wish to retain and make more loyal but not hire directly (especially if these workers are undocumented immigrants), client companies might offer monetary bonuses in the form of pay raises. But these monetary bonuses are rarely allocated by
agencies themselves which overwhelmingly offer the state minimum wage as their standard rate. Theoretically, the higher a day labor’s hourly wage, the bigger in absolute terms the agency’s “markup.” All things being equal, agencies would benefit substantially from increasing their laborers’ wages. But as Nik Theodore and Jamie Peck showed for the 1990s, Chicago-area day labor agencies adopt “quantitative” rather than “qualitative” strategies: they opt for price-based rather than product-based competition and thus prefer hiring more laborers rather than hiring them better. Moreover, because of intensified competition between agencies in the mid-2000s the average markup on that segment of the local labor market was very low. Close margins left little leeway for day labor services to drop their markups any lower in order to make certain laborers more loyal and “reliable.” In addition to low margins, the economic dependency of agencies on their corporate clients, as well as how companies used temporary staffing services in the 2000s (increasingly having recourse to them for the durable externalization of a whole segment of their workforce), gave user firms a monopoly over decisions pertaining to wage levels. As a consequence, agencies for the most part did not have direct control over the compensation of their own laborers, and so typically could not retain them through monetary means.

Unable to unilaterally change wage levels, day labor agencies instead remunerate and retain the “core” of their workforce through certainty bonuses, i.e. guarantees of relative continuity in employment. At the center of that selective distribution of security and insecurity resides the dispatcher. Hector, the dispatcher at Minute Staff, called these workers his “regular guys.” Such “regular guys” knew they would have priority in being put on the “ticket.” Their names would be picked up from the morning’s arrival list even if their rank on it was not favorable. They could afford arriving a little later than 5 am, in some cases even called the dispatcher the day before to find out about job opportunities or to secure a guaranteed spot on a collective ticket opening the next morning.

But these small measures of security are rather uncertain. Failing to come, wait, and socialize regularly in the agency is incompatible with the accumulation of the internal social capital necessary for a worker to remain a part of the “core,” and could lead to the dispatcher scratching him or her off the informal list of the “regulars.” Indeed, there can only be a limited number of regulars. Finally, such loyalties are most often anchored not to an agency in general
but to a dispatcher in particular. Uncertainty is again the rule when a different dispatcher happens to be at the counter, or if a particular dispatcher is fired or quits.

The official doctrine of agencies is that workers are assigned tickets on a “first come, first served” basis, turning time into a form of capital and treating patience as a virtue. Yet favoritism and informal loyalization belie the doctrine, and the dispatcher becomes the focal point of social relations within day labor agencies. Dispatchers are objects of personal investments by day laborers who seek to reduce the uncertainty weighing on them, if need be by having it transferred onto other workers. When in the beginning of the 2000s sociologists Tim Bartley and Wade Roberts carried out a survey among day labor agency workers in Tucson, Arizona, to their question, “Among the following items, what is the most important thing you have to do to get a good job assignment in an agency?” only 18 percent of the respondents chose the option “arriving early at the agency.” By contrast, 35 percent opted for “having a good relationship or a good reputation with the manager or the dispatcher.” The gifts that workers sometimes offered dispatchers (from soda, to coffee, to fast-food meals) essentially function as retroactive counter-gifts, thanking the dispatcher for the jobs they allocated them and thus revealing the nature of the work allocation.

**Loyalty to Whom?**

But neither all levels of certainty nor all forms of loyalty are equally accessible to all types of workers. One could discern three typical conditions within the temporal hierarchy structuring the day labor agencies I studied: that of “casual temps,” who had been working for various agencies and in various factories; “regular temps,” who had been employed by the same agency but sent to different client companies; and finally, “permatemps,” workers who had been employed by the same agency within the same factory for years. It would be naive to try to classify each individual unequivocally in one or the other essentialized category. In what follows, I instead describe the system of constraints that shaped temporal positions and potential strategies. Thus, the model is not a “typology without topology.” Each type is connected to the others through power relations marked by transfers of uncertainty.
The first category is that of “casual temps,” working in multiple factories for multiple agencies. Within certain limits, these workers could play on the competition between agencies in order to go where the contracts are. Such a strategy makes sense when a large number of agencies happen to be within geographical proximity. It allows day laborers to play against those agencies at their own quantitative game—that is, by reducing uncertainty not through loyalty to one agency but through the sheer number of agencies to which they apply. As in other contexts, workers could embrace mobility, as well as the ability to leave, as strategies of resistance in the face of temporariness.23

The strategy, however, is not without its limits. Nomadic mobility is dependent upon two conditions: first, there needs to be a strong demand for unskilled labor at the city level; second, an individual laborer must be party to sufficiently developed information networks in order to be warned quickly enough when a big ticket becomes available at an agency. This strategy has some costs: the absence of loyalty between casual temps and dispatchers excludes them from the informal retribution systems which alleviate the insecurity of each agency’s core workers. Consequently, casual temps are directly subjected to the “legal-rational” violence of the waiting list: they are the ones upon whom external uncertainty is transferred. These contradictions point to a major feature of precarity as a regime of workforce mobilization: it functions in such a manner that worker-initiated turnover is always simultaneously resistance and resignation, liberation and alienation, a flight from bad jobs and a functional effect of the system of bad jobs.24

The second category is that of “regular temps”, to borrow a phrase from Minute Staff’s dispatcher. These are laborers who, while remaining loyal to a single agency, are sent to work at multiple companies. They form the core of an agency’s workforce and are the dispatcher’s followers. They are the ones the agency consults at the end of a collective ticket’s first day when they need to know if such and such worker in their team “worked well.” In case of a labor shortage, they sometimes serve as brokers—the agency then mobilizes their relationships and networks, including friends waiting in other dispatch rooms. Rather than physically and morally perform their availability in the dispatch room, as with casual temps, regular temps need only to warn the dispatcher of their unavailability: “please warn me if you’re not going” was a recurring sentence dispatchers used when talking to “regulars.” When a ticket came to an end, or was
interrupted for a few days, dispatchers would place their regulars first, regardless of where the regular temps fell on the list.

Access to this category also depends on a number of conditions. First, one must have spent a sufficient amount of time waiting at the agency. Second, one must continuously maintain an informal and friendly relationship with the dispatcher. To become or to remain a “regular,” one needs to pose questions regularly, to show oneself often, come and talk, strategies that a worker interviewed by Bartley and Roberts called “wake-up calls” to the dispatcher. In March 2005, I worked as a Minute Staff employee at a box factory I call USCartons. During the morning break, William, a black man in his thirties, explained to me what to do to be picked up by the dispatcher. “You gotta know the people. You gotta work here for a bit before you can be part of the clique and get the jobs. You ain’t gonna get nothing if you just be sitting in the back and ain’t showing yourself” (my emphasis).

There was a certain irony to belonging to the “clique” of agency regulars. As it happened, the category of “regular temps” was not necessarily composed of the most “employable” workers. Indeed, the most prized and “reliable” laborers tended to be employed more often and more durably by client factories. They spent most of their time on the latter’s premises, and as a result they maintained only distant connections with the agency’s staff, including the dispatcher. In contrast, people who hoped to become “regular temps” within an agency were primarily people who needed to do so, most notably because they lasted, on average, for a shorter time on each ticket (at a factory). In Chicago, the workers who fell into this category were most often African American applicants.

The need for in-agency clout accumulation helps explain why, as I had observed in the early stages of my fieldwork, although they tend to get fewer tickets, African American men appear to boast more freedom for themselves in dispatch rooms; why, for example, they can continuously engage the agency staff in a way that could sound aggressive and almost “dominant” at first sight. In the same way the promotion of the black female shop floor workers analyzed in the 1940s by Everett Hughes was always seen by the management as a consequence of their “individuality” (because they had shown they were not like the rest of the category), the loyalization of black
males in day labor agencies tended to take on the informal character of a personal relationship with the dispatcher. As with Hughes, this is not necessarily a good sign. It means they have to prove themselves more than the others. If “Mexican” day laborers are less likely to cultivate intimate discussions at the counter, if they also appear less proactive in dispatch rooms by comparison, it is mostly because “relational skills” are the skills mobilized by those—in this case, black laborers—who have only that strategy at their disposal.

Notably, the loyalization of a “core” of workers by an agency does not imply that the rest of the workforce is condemned to pure “contingency.” Even when workers are made highly replaceable, as with casual temps, the agency still needs to maintain a stock of applicants on the premises, preferably a supply exceeding the expected labor demand. The core and the periphery of an agency are the targets of two different types of retention: personalized loyalization for some, and impersonal and collective stabilization for the others. To a certain extent, those two types of labor force retention are complementary: “stabilized” workers are always needed to replace “loyalized” ones in case they are absent.

The last key category of temp workers, that of “permatemps,” describes day laborers who have been kept by a single factory for years, through one, or sometimes several successive agencies. These workers are the most invisible in the dispatch rooms even though, in Chicago, they probably represent the largest share of the unskilled temp workforce. The growth of this category is inextricably linked to the new function temporary agencies began to play on the unskilled industrial labor market in the 2000s: that of insurance companies allowing client firms to durably employ undocumented immigrants without assuming the legal and reputational risks involved in the practice. Employers who resort to these “insurance” services keep their workers for years while never directly hiring them. Almost mechanically, in the context of the racially bifurcated system of workforce loyalization that obtains in Chicago between agencies and factories, light-industrial permatemps turn out to be mostly undocumented Hispanic immigrants. While final employers arguably do use temporary staffing as a way to test the reliability of “casual temps,” the latter are not tested in order to become statutorily permanent employees, but instead towards the end of being durably recruited as “permatemps.”
Permatemps, Imbricated Segmentation and the Rise of Informal Careers.

In this last section, I analyze in the factory itself the labor segmentation consequences of these hiring processes. As it turns out, unskilled industrial permatemps do not remain in the lowest tier of the occupational ladder forever. Instead, many benefit from “informal careers,” gradually assuming positions of authority, wage increases, and, for some, paid vacations beyond the eight official paid holidays granted by federal law. They also enjoy a degree of symmetry in flexibility. For example, it is easier to take a day off when one is a durable worker, even when this condition rests solely on an informal basis. The multiplication of informal careers has given rise to a peculiar type of workforce segmentation, which I call “imbricated segmentation.” At odds with traditional models of segregated segmentation that predict a strict containment of outsourced workers within the secondary labor market, imbricated segmentation allows some “temp” workers into the primary market and grants them access to internal careers within factories—ironically, not in spite of, but because of their additional undocumented status (which discouraged employers from hiring them directly). The limited benefits that some undocumented permatemps enjoy are not formal rights, however, but personalized, reversible, and non-portable favors which can be described as paternalistic. Moreover, in the context of mediated employment, these relationships often lead to conflicts between company and agency over the informal loyalty of “precarious” workers.

Filiberto, Real “Fictive Temp” at a Chicago Foam Factory

Many of the ironies of informal promotion can be found in the career of Filiberto. Filiberto was an undocumented worker who was my supervisor when for three weeks in June 2006 I worked as a Bob Labor employee at USPolyst, a foam production factory. He was born in 1978 in the state of Michoacán in Mexico. When I interviewed him, in the north of Chicago, he was 28 years old. After a first unauthorized stay in the United States from 1994 to 1996, he went back to Mexico and lived for two years with his girlfriend in the city of Morelia. In 1997 he had a daughter. He returned to Chicago in 2000, where he went to work at USPolyst, loading and unloading trucks.
In order to get this job, Filiberto first went to the factory, located a few minutes away from his home. The factory hired him as a temp laborer by sending him to a nearby agency, SuperStaff, where he filled out an application. At this agency, he provided a counterfeit social security card along with a counterfeit green card bought for sixty dollars on 26th street. As many undocumented migrants, he invented his own number using the birthdates of some of his friends. Although he had changed it several times before, since 2002 he had been using the same number.31

On paper, Filiberto was a highly “casual” worker. First entering the factory as an employee from SuperStaff, he was then transferred a year later to Bob Labor agency, which had made a more advantageous offer to the company. In fact all of the factory’s workforce, several dozen workers, were thus transferred in one stroke. After one more year, temps (including Filiberto), were sent back to SuperStaff. The following year, Bob Labor struck again and became the official labor intermediary for USPolyst, until one year later when SuperStaff won back the contract, only to lose it again in 2006 to Bob Labor. When I first encountered Filiberto in early June 2006, we were both employees at the same agency.

Filiberto had changed his “official” employer five times in five years. Along with the rest of the temp workers at USPolyst, he was “moved” back and forth, contingent to the intense competition waged by two agencies, which constantly tried to undercut each other by offering cheaper collective contracts. In reality, Filiberto never left the foam factory. Although in 2000 he had shown up to SuperStaff in person to sign his employment papers, every time the factory flipflopped from one labor agency to another, management sent in Filiberto’s application, filled out and signed, directly to the agency. Filiberto had never stepped inside Bob Labor, despite the fact that when he sat for our interview Bob Labor was the company that legally employed him and signed his paychecks.

Repeated agency changes aside, Filiberto could secure, year after year, certain advantages that other low-wage workers, legal or illegal, would envy. After two years, he asked his white manager whether he could get a week’s vacation, a request which was immediately granted. The manager himself offered to make that vacation time paid time off. Filiberto visited Florida twice, and even traveled to the Bahamas, thanks to the passport of a “legal” friend “who looked like
[him].” Among these advantages was what he considered his good salary and the continuous raises he earned. Filiberto started work at USPolyst earning minimum wage (first $5.25, then $6.50), and received pay raises of one dollar every year, reaching an hourly rate of $11.50 in 2006. Thanks to these pay raises he managed to secure a monthly income of $1,700, allowing him to send regular $500 payments to his seventy-four-year old mother in Michoacán.

In 2006, Filiberto was a shipping and receiving manager in charge of the teams loading and unloading boxes from trucks that drove in and out all day long at the back of the factory. Filiberto attributed this promotion to his excellent skills in forklift driving which he acquired while working on the premises. He also recognized, however, that his seniority at the factory played an important role, because the mere fact of his long tenure there gave him some informal authority over the other freight handlers. Nevertheless, he admitted that several of his subordinates had been in the factory for a longer time that he had: “This one was here seven years.” In fact, several of them, Puerto Ricans or “legal” Mexicans, were permanent employees at the company. As a temp worker (“de oficina”), Filiberto had ended up in the position of supervising permanent freight handlers (“de planta.”) He was also responsible for the hiring (and occasional retention) of casual temps.

His direct supervisor, Julio, a Puerto Rican man in his thirties, had only been in the company for a year and a half, and his management position and title were similar to those of Filiberto’s: “He’s my boss, but it’s the same title.” With him, Filiberto had the advantage of seniority. He recognized, perhaps with an excess of self-confidence, that his supervisor would not be in a position to fire him, even if he wanted to. Whereas Julio started at $10 an hour, in the summer of 2006 he had only reached $12.25: “It depends on how he works.” That is, he only earned 75 cents more than Filiberto, who commented: “I think this year it will be equal.” When I asked him about possible competition between him and Julio, Filiberto answered:

- No, not competition for me!
- And for him?
- For him, yes, maybe for him but not for me. I know more than him. He respects me more.
As long as he remained without papers, Filiberto could not climb the internal hierarchy of the company further. As an informal policy, the factory did not hire unauthorized workers directly and had decided, as many other workplaces, that higher management positions could not reasonably be outsourced to a day labor agency. Filiberto did not challenge the ceiling he was bumping up against. He attributed it exclusively to his legal status. “If I had papers, I can be this position,” he explained to me by pointing to a spot located midway between the “general manager” and Julio’s position within the organizational chart I had asked him to draw.

USPolyst had been in contact with an immigration lawyer in the hopes of obtaining some form of legalization for Filiberto (“we talked with a lawyer and we made an application”). The document, Filiberto explained, detailed how many years he had been working at – if not for – the company, what his role was within the company, and the reasons why management had decided to help him. Filiberto did not own these papers, which remained in the factory offices (“No, not here, it’s at the job. With my boss”). He acknowledged the company for doing this (“they’re just trying to help me”) and was confident that his patience would pay off: “[The lawyer] can do it. We just have to give him time.” The success of this strategy implied that Filiberto would remain loyal to his job, and to his final employer, beyond the changes of agencies to which he had been subjected. While waiting for legal papers, every Monday Filiberto would get a paycheck, at the factory, from Bob Labor.

Filiberto’s case illustrates the distinctive temporality of the “careers” of undocumented permatemps: (i) on one hand, the status of “permatemp” does not function as a path towards permanent “direct-hire” status but, on the contrary, is a symptom of the inexistence of such a path; (ii) on the other hand, the status of temporary worker- to be distinguished from its reality- defines an internal ceiling limiting upward mobility, only allowing a moderate degree of promotion into the lower levels of management. In the same way that “illegality” is for undocumented immigrants a “spatialized social condition,” “temporariness” thus remains, for undocumented day laborers, a “temporalized social condition.”
When the undocumented workforce coincides quite narrowly with temp employees, then by contrast the employment status of these workers turns out to be relatively disconnected from their real position held in the places where they physically work. These observations suggest a model of civic, status-based segmentation different from traditional models of segregated segmentation. In the traditional model, one would understand undocumented day laborers as contained within an airtight secondary labor market, whereas authorized workers would be on the primary market enjoying easy access to internal careers. Instead, a model of imbricated segmentation between authorized and unauthorized workers within the labor force of a specific workplace would better account for the existence of informal loyalization, a process that transcends civic-status inequalities as well as successive shifts in official intermediary employers.

Conclusion

In the segregated urban landscape of Chicago in the 2000s, light-industrial temporary staffing presented a diverse ethno-racial mix of unskilled and otherwise “unemployable” workers who were afforded a rare opportunity to experience economic competition physically. However, the hiring process functioned differently for African American men than it did for undocumented Hispanic immigrants. Whereas black applicants could boast a modicum of certainty from agency dispatchers that they would receive work, recent Hispanic migrants mostly developed loyalty relations within client factories that more readily employed them as long-term permatemps. The experience of Chicago day laborers provides arguments for rejecting teleologies of universal economic atomization, and instead invites further investigation into relations of long term loyalty that develop in the shadow of formal employment and immigration law. The triangular relation that defined the staffing industry also raised the twin questions of -for employers- which employees to loyalize, and -for workers- which employer to be loyal to. The Chicago case suggests that responses given to those conundrums are often entrenched in spatial, civic, and ethno-racial inequality.

Whether dependent on agency staff or factory supervisors, informal careers and conflicting loyalties need to be taken into account by community organizations working to
improve the formal day labor sector in the United States. Considering that a sizeable core of workers will develop limited careers based on informal loyalty and clientelistic relationships with “precarious” employers, mobilizing the “precariat” requires a break with the image of a homogeneously precarious workforce. Although the question of legal status is particularly central in determining the durable precarity of undocumented permatemps, the complex knot of factors that structure the contemporary precariat means that even long awaited comprehensive immigration reform will by no means solve the problem of migrant employment precarity. Indeed, that a long-term, undocumented temp could informally approach the level of benefits of a documented direct-hire in the same company says as much about the hidden functions of temp work as it reveals about generalized precarity at the industry level.

In this chapter, I provided evidence of the limits of informal promotion. In the strongly asymmetrical configuration that obtains within formal day labor, the incentives offered to some were two-sided to such an extent that one could never say if, at a broader level, they were punitive or retributive mechanisms. In the specific setting of day labor agencies, temporal retributions (certainty, continuity, priority) tend to form a zero-sum game in which a given amount of uncertainty was distributed. Certainty for some was the cause of uncertainty for others, and fed into the latter’s sense of arbitrariness. By indefinitely deflecting onto some the uncertainty that is at the basis of day labor, such a hierarchy of security did not contribute, for the most part, to reducing collective insecurity.

Finally, the present analysis of an ideal-typical case of durable employment precarity in the United States can contribute to shedding light on contemporary European debates. Whereas in most countries protests against conservative counter-reforms to labor legislation have focused on limiting the number of temporary contracts (such as the “Contrat à durée déterminée” or CDD in France), the U.S. case of the “at-will” contract might help shift our focus towards a more threatening project. As we saw, the “at-will” contracts under which day laborers work in most Chicago agencies are in substance permanent contracts—which, ironically, could be broken any time. Permanent contracts (such as the “Contrat à durée indéterminée”, or CDI) are not protective for being permanent, but because of an architecture of pro-worker features that were attached to them as a result of decades of labor struggle and progressive social legislation.
As it happens, the bulk of counter-reforms in Europe today are not taking the form of a heightened promotion of temporary contracts, but aim instead at depriving permanent contracts of most of their protections. By bringing employment relations closer to the indeterminate precarity of the “at-will” regime, these conservative reforms will no doubt bring with them many elements of the degraded paternalism described in this chapter, informally linking the precariat to its employers, within and beyond labor-market intermediation.

References


15 Chauvin, Les agences de la précarité.


17 “[M]en must be left, without interference to . . . discharge or retain employees at will for good cause or for no cause, or even for bad cause without thereby being guilty of an unlawful act per se.” (Payne v. Western & Atlantic Railroad, Tennessee 1884).

18 Chauvin, Les agences de la précarité.
19 Peck and Theodore, “Contingent Chicago.”


21 Bartley and Roberts, “Relational Exploitation,” 47.


25 Bartley and Roberts, “Relational Exploitation.”

26 Peck and Theodore, “Carceral Chicago.”

27 Everett Hughes summarizes the injunctions weighing on black workers in the polishing room with the following words: “You are on trial. I doubt whether you can make it, but if you do I will give you credit. Most people of your kind can’t make it. I shall be astonished if you do,” in Everett Hughes, The Sociological Eye (New Brunswick,NJ: Transaction Publishers, 1971).

28 Chauvin, Les agences de la précarité.

29 Chauvin and Jounin, “L’externalisation des illégalités.”

30 Chauvin, Les agences de la précarité.

31 On this practice, see Sébastien Chauvin, “Waiting for papers: The Bridled Incorporation of Undocumented Migrants in the United States”, Politix vol.87, no. 3 (2009), English edition 2014,

32 Spanish terms express more frankly that tenure or contract duration has nothing to do with the division between “temps” and “perms.”


34 Sébastien Chauvin, “Bounded Mobilizations: Informal Unionism and Secondary Shaming


36 Chauvin and Jounin, “L’externalisation des illégalités.”