

Temporary Worker Bill of Rights

State bills called Temporary Worker “Bill of Rights” legislation began surfacing in the 1990s. Sponsored by organized labor, they aimed specifically at the staffing industry, especially industrial temporary and day labor. Key provisions include disclosure of client bill rates, written job descriptions prior to assignment, limitations on employee wage deductions and charges, wage and benefit mandates, and shifting workers’ compensation liability to clients.

Summary of Bills Introduced in 2006

Massachusetts – Bill as introduced would require employers to furnish in writing, prior to assignment, information on whether the job would be permanent or temporary, the name and address of the person who authorized the hiring of the applicant, and the expected duration of the assignment.

Tennessee – Bill would bar employers from charging check-cashing fees and require staffing firms to pay assigned employees wages no less than those of a full-time employee with similar skills.

New York – Bill provides detailed regulation of “day and temporary labor.” The bill exempts “clerical and professional” services and services involving “advanced applications, a screening process, and interviews,” but it’s unclear how the exemptions would be construed. ASA and its affiliated chapter have proposed changes to reduce operating burdens on day labor firms.

Illinois – amendments to day and temporary labor act required non-day labor firms to provide employees detailed written job notices “at the time of dispatch” which such firms could not comply with. Industry worked with state department of labor to allow firms that don’t send their workers to jobs directly from the firms’ locations to mail the notice.

Arguments Against Bill of Rights Proposals

Employees already are covered under myriad labor and employment laws including federal and state wage and hour laws, equal opportunity, and work site safety laws. Most bill of rights provisions would place unnecessary and impractical operating burdens on temporary and day labor firms. Below are arguments against the key provisions.

- **Wage and benefits mandates** – would upset existing agreements between workers and employers, violate market principles, and conflict with the voluntary U.S. benefit system.
- **Written job descriptions** – are unworkable for the great majority of staffing firms that don’t dispatch employees directly from their offices to the client’s work site.
- **Disclosure of client bill rates** – no industry is forced to disclose confidential business information that could fall into competitors’ hands. Disclosing bill rates to employees would mislead them unless they knew what the staffing firm’s costs were.
- **Shift workers’ compensation liability to client** – former California Gov. Gray Davis, a Democrat, said this was bad policy. In 2001, he vetoed such a bill, saying, “In no other area of the law do we relieve the temporary employer or any employer of the responsibility to their employees.”