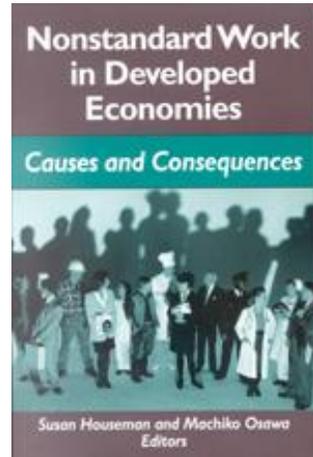

Upjohn Institute Press

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Institutional Contexts, Labor
Market Conditions, and
Patterns of Use

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Chapter 5 (pp. 131-174) in:
Nonstandard Work in Developed Economies: Causes and Consequences
Susan Houseman, and Machiko Osawa, eds.
Kalamazoo, MI: W.E. Upjohn Institute for Employment Research, 2003
DOI: 10.17848/9781417505326.ch5

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5

Nonstandard Work Arrangements in France and the United States

Institutional Contexts, Labor Market Conditions, and Patterns of Use

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Over the past 25 years, nonstandard work arrangements have become a notable feature of labor markets in France and the United States. This chapter compares patterns of nonstandard work in the two countries and examines explanations for the growth of these arrangements. Differences in institutional and macroeconomic contexts in France and the United States are fruitful areas for exploring the factors that shape nonstandard arrangements and their implications for workers and policy.

The two countries invite a comparison because of shared experiences as well as differences. They both have experienced the growth of nonstandard arrangements. Also, both have witnessed an increase in female labor market activity, particularly that of mothers with young children. In contrast, the two countries differ in their institutional settings of employment relationships and social protection policies, as well as in policy on nonstandard work arrangements. Also, the countries differ in their macroeconomic experiences over the past 15 years. France experienced little or no aggregate job growth and high levels of unemployment, while the United States experienced comparatively high job growth and low unemployment. The average unemployment rate between 1986 and 1996 was 10.6 percent in France and 6.2 percent in the United States (OECD 1999). Unemployment in both countries is unevenly distributed across age and race/ethnicity. Gender differences in unemployment are greater in France than in the United States. Thus, a comparison of nonstandard arrangements in these two settings should

enable us to examine how patterns of use, workforce characteristics, and implications for workers are affected by conditions of labor demand and by the institutional setting.

The chapter proceeds as follows. The first section outlines differences in context across the two countries. We then review trends in short-term, temporary agency, and part-time employment, followed by implications for workers. The final section reviews explanations for trends and their implications. We review workforce characteristics and preferences, as well as employer motivations and the role of each country's institutional context in shaping these.

CONTEXTS

Different Macroeconomic Contexts

In France, low job growth and high unemployment in the 1980s and 1990s has meant particularly high unemployment rates for young workers and higher unemployment rates for women than for men. The male unemployment rate was 7 percent in 1990 and 10 percent in 1998, and the female rate was 12 percent in 1990 and 14 percent in 1998. The corresponding U.S. figures were 6 percent in 1990 and 5 percent in 1998 for men as well as women.¹ In France, employment rates (employment to population ratio) were lower overall than in the United States: 60 percent in 1990 and 59 percent in 1998, compared with 72 percent and 74 percent, respectively, in the United States (OECD 1999, p. 225). Employment rates in France, however, were much lower for younger workers (age 15 or 16 to age 24) and older workers (ages 55 to 64). For example, in 1998, the employment rate for young workers was 21 percent in France and 59 percent in the United States. The same year, the employment rate for older workers was 33 percent in France and 58 percent in the United States (OECD 1999, pp. 228–230).

Different Institutional Contexts

On the face of it, the two countries have strikingly different institutional employment contexts. The common law contract for standard employment in France is a contract of indeterminate duration (*Contrat*

à Durée Indéterminée, CDI); the Labor Code states that a contract of employment is “made without limit of time.” This is a standard shared with other Western European countries. Nonstandard employment contracts are defined in contrast to this contract of indeterminate duration. The package of worker rights and benefits in France has been constructed over time around the norm of the CDI. A worker under a CDI is entitled to socially provided benefits, the right to organize and bargain, and specific conditions governing discharge and layoffs. Thus, the growth of nonstandard employment has warranted close policy attention because workers in these arrangements initially stood in a regulatory vacuum. This situation was remedied with legislation governing specific nonstandard contracts during the 1970s and 1980s.

In contrast, the U.S. common law standard for employment is “employment-at-will,” meaning that dismissal is at the employer’s will. There are no due process or “just cause” restrictions on discharges. In addition, the extent of government involvement in setting terms of employment is less extensive than in France. One should not equate legal standards with practice, however. In the United States, employment conditions have also been shaped by personnel policies of large employers and by collective bargaining agreements in the unionized sector. In these settings, the employment-at-will standard has been tempered with due process clauses on discharge and other policies meant to imply some attachment between worker and employer. In addition, several grounds for exception to the employment-at-will legal standard have been upheld in court decisions.

Therefore, policy and practice have resulted in basic employment terms in the two countries that are more comparable than the respective legal standard in each country would suggest. This is particularly true for workers in firms with internal labor markets, most often large companies, but often medium-sized ones as well. Nevertheless, there remain significant differences in terms of employment and institutional settings between the two countries. Most salient, France relies on more formal, explicit, and specific employment regulation than the United States. France also provides key social protection benefits through national systems for health and national or industry-wide pension coverage. In contrast, the United States relies on tax deductible, employer-sponsored health plans and pension plans (providing retirement income that is expected to complement the federal Social Security minimum);

most of these plans generate benefits that are rarely portable and, when they are, only under specific conditions.

Other elements of the French institutional setting, to which we will return later, are in seeming contrast with the United States and have bearing on use of nonstandard work arrangements. First, during the 1970s, France implemented administrative oversight of economic layoffs, a policy that was revoked in 1986. The U.S. layoff notification legislation enacted in 1988 (WARN Act)² is less restrictive. Second, beginning in the early 1980s, France explicitly regulated nonstandard work arrangements. Key to this discussion is that, since 1982, France has mandated wage and benefit parity between workers in nonstandard work arrangements and those with regular arrangements in the same jobs, whereas the United States has not.

The different macroeconomic and institutional contexts in France and the United States have several implications, which will be addressed in this chapter. On the one hand, the different contexts may be the source of the differing patterns of nonstandard work arrangements in the two countries. On the other hand, the different contexts shape the implications of nonstandard work arrangements for workers and, to some extent, their degree of choice and satisfaction. The weak employment picture in France has meant that nonstandard work arrangements are mainly studied and understood in terms of their relation to unemployment and underemployment and, more generally, to employment flux. Nonstandard work arrangements tend to be seen as a way station to regular employment, particularly for young workers and women. In contrast, in the United States, nonstandard work arrangements have been examined mainly in terms of their relation to wages and benefits.

TRENDS AND WORKERS AFFECTED

Two main categories of nonstandard work arrangements can be compared: short-term, or fixed-term arrangements, and employment arranged through a temporary work agency. Short-term arrangements seem to be more common in France than in the United States. In both countries, women are more affected than men. Temporary agency help,

or “temp” employment, is more common in France and displays a different industrial distribution of user firms than in the United States. French temporary employment is concentrated in manufacturing and construction, which results in a much higher representation of men in temporary employment in France than in the United States.

Definitions for nonstandard work arrangements differ somewhat across the two countries. Therefore, comparisons of aggregated categories are not possible. *Fixed-term employment* in France is a specific employment contract of “determinate duration” (*Contrat à Durée Déterminée*, or CDD); these are employment contracts that must explicitly state a duration of employment. In the United States, short-term arrangements entail cases where workers are hired directly by firms to work for a specified period of time. *Direct hire temporary work* is a category estimated rather than directly reported in federal statistics (see below). *On-call* workers, defined as those who work only on an as-needed basis, are compared here with the French category of fixed-term contracts. *Temporary agency work*, an assignment through an intermediary temp/staffing service or agency, is categorized as a separate “employment status” with a specific “temp contract” (*Contrat d’Interim*) in France. In the United States, temporary agency employment is documented by a specific category in federal statistics. Throughout this chapter, we refer to temporary agency workers as “temp contracts” or “temps.”

Short-Term Employment in France and the United States

Fixed-term employment (CDD) in France is slightly greater than direct-hire temporaries and on-call workers combined in the United States. According to the French annual national labor force survey, the share of CDDs in private wage and salary employment has grown steadily, from 2.2 percent in 1982 to 6.1 percent in 1999 (INSEE 1982–1999).³ In the United States, data on nonstandard work arrangements have only been recorded systematically since 1995, in the Alternative Employment Arrangements Supplement to the February Current Population (household) Survey (CPS).⁴ On-call workers represented 1.5 percent of U.S. employment in 1999 (2,180,000 workers), a slight decrease from 1.7 percent in 1995 (Table 5.1). Direct hire temporaries were estimated at 2.1 to 2.7 percent of employment in the 1995 CPS

Table 5.1 Percentage of Workers with Alternative Employment Arrangements, United States

	1995		1997		1999	
Independent contractors	6.7		6.7		6.3	
On-call workers	1.7		1.6		1.5	
Temporary help agency workers	0.1		0.1		0.9	
Workers provided by contract firms	0.5		0.6		0.6	
Total	9.9		9.9		9.3	
Distribution of workers with alternative arrangements by gender						
	Men	Women	Men	Women	Men	Women
% of independent contractors	67.3	32.7	66.6	33.4	66.2	33.8
On-call workers:	48.4	51.6	49.0	51.0	48.8	51.2
Temporary help agency workers:	47.2	52.8	44.7	55.3	42.2	57.8
Workers provided by contract firms	71.5	28.5	69.8	30.2	70.5	29.5
Workers with traditional arrangements:	52.8	47.2	52.7	47.3	52.4	47.6
Male and female workers with alternative arrangements						
	Men	Women	Men	Women	Men	Women
Independent contractors	8.4	4.8	8.3	4.8	7.8	4.5
On-call workers	1.4	1.8	1.4	1.7	1.4	1.7
Temporary help agency workers	0.8	1.1	0.9	1.2	0.7	1.1
Workers provided by contract firms	0.7	0.3	0.8	0.4	0.8	0.4
Workers with traditional arrangements	88.5	92.0	88.6	91.9	89.2	92.2

SOURCE: U.S. Bureau of Labor Statistics, various years.

(Houseman and Polivka 2000)⁵ and 2.6 percent in the 1997 survey (Houseman 1999).

These types of short-term arrangements concentrate in both countries in similar industries (services, trade, and construction), with one exception; in France, the incidence of CDDs is particularly high in manufacturing (food processing and consumer goods manufacturing) (Table 5.2). These industry patterns are mirrored in the occupational concentrations of short-term employment in the two countries. From 1982 to 1999, the incidence of CDDs increased across all major occupation groups in France (Table 5.3). It is particularly high for the “employees” category, which includes office clerical, retail clerks, and direct service workers. In the United States as well, direct hires cluster in administrative support and services (Houseman 1999, Hudson 1999). A major difference is that, in France, the incidence of CDDs is also high for manual workers, while in the United States, professionals account for one cluster of on-call workers.

Evidence from the United States indicates distinct gender and race/ethnicity occupational patterns. Female on-call workers cluster in elementary and secondary schools, hospitals, and restaurant and bar services, while male on-call workers cluster in construction. The most common occupation for Hispanic male on-call workers is farm worker, while for white males, it is truck driver. For Hispanic females, the most common on-call occupation is domestic worker in a private household, while for white females, it is elementary school teacher (Hudson 1999).

In France, women are overrepresented in the CDD workforce relative to their share in the total workforce (Table 5.4). For example, in 1989, women accounted for 49.8 percent of CDDs and 38.9 percent of total employment. Although men accounted for the majority of workers on CDDs through the 1980s, they were underrepresented relative to their share of the total workforce. In 1989, men accounted for 50.2 percent of CDDs but 61.1 percent of the workforce. When the entire period 1982–1999 is considered, however, men’s share of CDDs and of total private employment both decline so that, by 1999, women are the majority of CDDs (53.1 percent). The incidence of CDDs among employed women rose steadily throughout the period, while for men, albeit consistently lower, it increased as well. Thus, over the past two decades, as the incidence of CDDs increased overall in the economy,

Table 5.2 Incidence and Distribution of CDDs^a (Fixed-Term Contracts), by Industry, France

CDD – Both sexes	Incidence ^b			Distribution ^c		
	1982	1989	1999	1982	1989	1999
Unspecified sector	4.13	8.17	17.59	1.28	0.91	0.11
Agriculture	3.88	8.00	14.75	4.03	3.45	4.59
Manufacturing						
Food processing	3.26	5.27	6.54	5.43	4.46	4.10
Energy	0.70	0.84	0.93	0.59	0.34	0.21
Intermediate goods mfg.	1.57	4.15	3.88	7.20	8.23	6.25
Production goods mfg.	1.55	3.85	3.86	8.98	9.34	3.35
Consumer goods mfg.	2.34	5.14	5.79	9.93	9.46	4.66
Automotive industry	—	—	2.59	—	—	0.84
ALL MANUFACTURING	1.87	4.25	4.35	32.13	31.83	19.42
Construction and public works	2.57	3.57	4.73	11.88	7.60	5.75
Trade	2.55	5.14	6.00	16.41	16.92	16.60
Transportation and communications	1.20	3.05	6.03	3.05	3.92	5.82
Market services	2.98	5.67		22.72	25.63	
Services to business			5.25			12.36
Services to individuals/ households			9.23			14.76
Financial institutions	0.99	3.31		2.04	3.61	
Financial activities			3.54			2.66
Real estate activities			4.71			1.12
Nonmarket services	2.22	4.37		6.46	6.14	
Education, health, social services			9.29			12.49
Administration			9.05			4.33
Tertiary sector	2.35	4.85	6.68	50.68	56.22	70.14
ALL ACTIVITIES OR TOTAL	2.24	4.60	6.08	100	100	100

^a CDD = *Contrat à Durée Déterminée* (contract of determinate duration).

^b Figures represent the percentage of workers within the industry in CDDs.

^c Figures represent the percentage of all CDD workers in the particular industry.

SOURCE: INSEE (1982–99), Table PA09.

Table 5.3 CDDs^a in Total Private Wage and Salary Employment, by Major Occupation, France (%)

	Incidence			Distribution		
	1982	1989	1999	1982	1989	1999
Executive and intellectual professions	1.39	2.26	3.84	4.81	4.77	7.83
Middle-level occupations	1.63	3.25	4.63	13.01	13.83	15.82
Employees	2.68	5.40	7.79	32.45	32.95	38.03
Manual workers	2.35	5.21	6.26	49.74	48.45	38.32
Total	2.24	4.60	6.08	100	100	100

NOTE: This table includes workers in nationalized companies. Public-sector workers are excluded, as are artisans and business owners (CDDs do not apply to them). "Employees" include clerical, retail clerks, and direct service workers.

^a CDD = *Contrat à Durée Déterminée* (contract of determinate duration).

SOURCE: INSEE (1982–99), Table PA05.

and as women's share of total employment increased, CDDs disproportionately affected women workers, and CDDs had come to represent a significant share of female employment by the turn of the century. In the United States as well, women are overrepresented among on-call workers relative to their share of the workforce. They are also overrepresented among direct hire temporaries (Houseman 1999).

Temporary Help Employment

In both countries, temporary employment has two "poles" of activity: manual labor in manufacturing or construction and clerical and administrative support in trade and services (broadly defined). However, the incidence of temporary work is from two to three times greater in France than in the United States, depending on definitions used. Manual labor assignments in manufacturing and construction have come to dominate temporary employment in France and, as such, it has become an overwhelmingly male work arrangement. This situation differs dramatically from that in the United States, where female workers, while in declining preponderance over time, continue to predominate in temporary employment.

Table 5.4 Incidence of CDDs^a (Fixed-Term Contracts) and Agency Temporary Help Contracts, by Gender in Private Employment, France

	1982	1989	1999
Total private employment	13,335,750	13,299,435	14,683,276
Male (%)	63.2	61.1	57.9
Female (%)	36.8	38.9	42.1
CDD in all sectors	298,391	611,137	892,207
Male (%)	55.3	50.2	46.9
Female (%)	44.7	49.8	53.1
Temporary help in all sectors	124,651	233,719	446,959
Male (%)	61.2	70.0	71.5
Female (%)	38.8	30.0	28.5
Share of total CDD (%)	2.2	4.6	6.1
Share of employed males (%)	2.0	3.8	4.9
Share of employed females (%)	2.7	5.9	7.7
Share of total temporary help (%)	0.9	1.8	3.0
Share of employed males (%)	0.9	2.0	3.8
Share of employed females (%)	1.0	1.4	2.1

NOTE: Temporary and CDD employment affect private wage and salary employment only.

^a CDD = *Contrat à Durée Déterminée* (contract of determinate duration).

SOURCE: INSEE (1982–99), Table PA09.

In France, temporary employment tripled, from 0.9 percent of private wage and salary employment in 1982 to 3 percent in 1999, and it grew particularly rapidly during the 1990s (Table 5.5). In the United States, temporary help workers accounted for about 1 percent of employment from 1995 to 1999 according to the CPS. Although temporary workers are overwhelmingly white, the incidence of temporary employment is twice as high among black workers (2 percent) and slightly higher for Hispanics (1.4 percent) (Houseman 1999, Hudson 1999). The U.S. temporary help service industry has also been tracked with national time series data. Although these data are not comparable to household data (the number of jobs is greater than the number of workers), they provide useful trend information. From 1986 to 1996, temporary help service employment grew from 0.5 percent to 1.9 per-

Table 5.5 Incidence and Distribution of Agency Temps, by Industry, France

	Incidence ^a			Distribution ^b		
	1982	1989	1999 ^c	1982	1989	1999 ^c
Unspecified sector	3.73	0.85	—	2.77	0.25	—
Agriculture	0.00	0.24	—	0.00	0.27	—
Manufacturing						
Food processing	0.82	2.69	—	3.25	5.97	—
Energy	1.18	1.75	—	2.36	1.84	—
Intermediate goods mfg.	0.95	3.14	—	10.49	16.29	—
Production goods mfg.	1.64	3.37	—	22.75	21.37	—
Consumer goods mfg.	0.59	1.56	—	5.96	7.49	—
ALL MANUFACTURING	1.09	2.70	—	44.81	52.95	—
Construction and public works	1.07	2.39	—	11.84	13.30	—
Trade	0.57	0.55	—	8.84	4.70	—
Transportation and communications	0.47	1.25	—	2.83	4.20	—
Market services	1.35	1.78	—	24.57	20.99	—
Services to business	—	—	21.28	—	—	100
Financial institutions	0.34	0.93	—	1.68	2.64	—
Nonmarket services	0.38	0.19	—	2.67	0.71	—
Tertiary sector	0.79	1.10	4.77	40.59	33.23	100
ALL ACTIVITIES OR TOTAL	0.93	1.76	3.04	100	100	100

^a Figures represent the percentage of workers within the industry who are agency temporaries.

^b Figures represent the percentage of all agency temporaries who are in that particular industry.

^c Starting in 1990, all temp employment is reported under "Market Services."

SOURCE: INSEE (1982–99), Table PA09.

cent of employment. For comparison, over the same period, estimates derived from the CPS indicate growth from 0.5 percent to 0.8 percent of employment (Blank 1998).⁶

In France, between 1982 and 1989, the sectors that rely relatively heavily on temporary help are manufacturing (particularly production goods and intermediate goods) and construction and public works (Table 5.5).⁷ In the United States, temporary workers cluster in ser-

vices, trade, and manufacturing, but in the latter sector to a lesser degree than in France. However, manufacturing assignments have been growing in recent years. There is also a distinct gender pattern to industrial concentration.⁸

From 1982 to 1989, the incidence of temporary contracts in France grew for all major occupation groups except executives, for whom it declined (Table 5.6). The group with the highest incidence of temporary employment is manual workers (6.6 percent in 1999); it accounted for 81.8 percent of temporary workers in 1999. In the United States, temporary workers cluster in administrative support and operator (fabricators, laborers) occupations. Female workers cluster in secretarial, nursing, data entry, and office clerks, while males cluster in assembly and laborers outside of construction. Occupational characteristics vary across racial and ethnic groups. For example, the most common occupation for black women in temporary positions is a secretary and for Hispanic women, it is a nursing aide (Hudson 1999).⁹

Throughout the 1980s and 1990s, temporary employment remained a male phenomenon in France (Table 5.4). Men began the

Table 5.6 Incidence and Distribution of Agency Temps in Total Private Wage and Salary Employment, by Major Occupation, France^a

	Incidence ^b			Distribution ^c		
	1982	1989	1999	1982	1989	1999
Executive and intellectual professionals	0.34	0.16	0.24	2.80	0.91	0.98
Middle level occupations	0.56	0.68	0.88	10.76	7.55	6.01
Employees	1.05	1.09	1.26	30.39	17.46	12.26
Manual workers	1.11	3.05	6.61	56.05	74.08	80.75
TOTAL	0.93	1.76	3.04	100	100	100

^a This table includes workers in nationalized companies. Public-sector workers are excluded, as are artisans and business owners (CDDs do not apply to them). "Employees" include clerical, retail clerks, and direct service workers.

^b Figures represent the percentage of workers within the occupational category who are agency temporaries.

^c Figures represent percentage of all agency temps in the occupational category.

SOURCE: INSEE (1982–99), Table PA05.

period slightly underrepresented in temp employment relative to their share of the workforce, but by the end of the period, they were overrepresented—71.5 percent in 1999. As temp employment grew, particularly in the 1990s, and men's share of total employment declined, temp employment became an increasing factor in male employment. In contrast, although the incidence of temporary employment also grew steadily for women over the period, their share of temp employment declined steadily.

The shifting gender composition in temporary employment in both countries points to the role that demand plays in the composition and characteristics of the temp workforce. In France, temp workers were not always predominantly male; women were the majority in 1962 (Huet and Schmitz 1984). They were slightly overrepresented in 1968, accounting for 40 percent of the temp industry's workforce compared with 34 percent of the total wage and salary workforce. As unskilled jobs in manufacturing fueled the temp industry's growth, the female share of employment declined, from 38 percent in 1970 to 28 percent in 1981. Huet and Schmitz (1984) attribute this growing underrepresentation to the fact that three-fourths of women concentrate outside blue-collar jobs and, when they are employed in manufacturing, they work in sectors that are light users of temporary workers (Huet and Schmitz 1984, p. 45).¹⁰ The *Enquête Emploi* confirms the relative concentration of temp assignments in manufacturing and construction during the 1980s as well.

In the United States, women were the majority of temp workers prior to 1985 (Plewes 1988). Since then, the gender and occupational compositions of industry employment have evolved, but women remain the majority of temps. As the temporary agency industry grew rapidly and steadily over the 1980s and 1990s, the share of clerical and service occupations within it declined (and blue-collar occupations grew), and with it, the prevalence of women workers declined as well. The share of women in temporary employment declined from 76.7 percent in 1984–1985 to 60.4 percent in 1994–1995, while the share of clerical and service jobs in temporary employment declined from 59 percent in 1984–1985 to 45 percent in 1994–1995.¹¹ Should the share of blue-collar assignments continue to grow, it is possible that the gender pattern may reverse.

In summary, the evolving characteristics of temp employment in France and the United States point to the role of demand by user firms and their industry distribution, and to the history and market strategy of the temp industry in each country.

Other Forms of Alternative Work Arrangements

Other nonstandard arrangements are not discussed here due to the lack of readily comparable data across the two countries. United States independent contractors are usually self-employed. French independent workers, a broader group, account for 7.9 percent of private employment (INSEE 1999).¹² Contract company workers are employed by a company that provides their services to other firms and usually are on the worksite of the client.¹³ They are not a separate category in French statistics.

Part-Time Work

Because jobs with part-time hours are often associated with terms of employment that are different from those for full-time work, they warrant separate consideration. Part-time work has followed different paths in the two countries. It expanded in the United States earlier than in France and represented a higher share of employment for much of the 1970s and 1980s. During the 1990s, however, its share of total employment grew rapidly in France while it remained level in the United States.

Comparable Data on France and the United States

Based on the Organization for Economic Cooperation and Development (OECD) definition of part-time work as fewer than 30 hours per week, the gender difference in incidence is greater in France than in the United States.¹⁴ In 1997, part-time work in France accounted for 5.9 percent of total male (wage and salary) employment and 25.2 percent of total female employment. In the United States, it accounted for 8.3 percent of male and 19.5 percent of female employment (OECD 1999, p. 39). The incidence of part-time work of fewer than 20 hours per week (short part-time) is lower in France than in the United States. In 1997, it constituted 2 percent of male employment and 8.9 percent of

female employment in France, and 3.5 percent and 8 percent of male and female employment, respectively, in the United States (OECD 1999, p. 39).¹⁵

Over the past decade, the contexts for part-time work have contrasted sharply in the two countries. In France, the number of part-time jobs grew, while full-time employment declined. Between 1987 and 1997, the change in total employment was 0.26 percent, the growth of part-time work as percentage of total 1987 employment was 0.29 percent, while the change in full-time employment was -0.03 percent. During the same period in the United States, total employment grew by 1.42 percent; part-time employment growth was 0.12 percent, and full-time growth was 1.30 percent (OECD 1999, p. 36).

National Data on Part-Time Work

To build a reliable time series from published INSEE data, we define part-time work as at least 30 hours per week, yet considered below the prevailing full-time norm in each workplace.¹⁶ Thus defined, the incidence of part-time work in France has risen economy-wide from 8.5 percent in 1982 to 18 percent in 1999. Further, it had risen in all industrial sectors and occupations over the period (Table 5.7). (The employment base includes private and public wage and salary workers.)

In the United States, according to national statistics, part-time work grew from 13 percent of nonagricultural employment in 1958 to 18 percent in 1989 (Tilly 1992, reporting from *Employment and Earnings*, with part-time work defined as fewer than 35 hours per week). Data from recent years are not strictly comparable to those of historical trends owing to a survey change. In 1997, the share of the workforce in part-time work was 17.8 percent (Mishel, Bernstein, and Schmitt 1999). Regular part-time work—which corresponds to part-time jobs less those with nonstandard arrangements—amounted to 13.6 percent of employment in 1997 and 13.7 percent in 1995 (Hudson 1999).

In both countries, the incidence of part-time jobs is high in similar industries and occupations. In France, incidence is particularly high in trade (retail, wholesale) and market and nonmarket services (Table 5.7). In 1999, several subsectors had particularly high incidence: services to household or individuals, education and other social services, and real estate. In the United States, industries with high incidence of

Table 5.7 Incidence and Distribution of Part-Time in Public and Private Wage and Salary Employment, by Industry, France

	Incidence ^a			Distribution ^b
	1982	1989	1999	1999
Unspecified sector	11.6	28.5	34.8	0.1
Agriculture	15.5	13.8	16.5	1.3
Manufacturing				
Food processing	4.7	7.4	11.6	1.8
Energy	1.9	3.2	6.3	0.4
Intermediate goods mfg.	2.0	3.0	4.4	1.7
Production goods mfg.	1.6	3.2	5.4	1.2
Consumer goods mfg.	4.8	6.6	8.2	1.7
Automotive industry			3.9	0.3
Total Manufacturing	2.8	5.1		
Construction and public works	2.8	2.7	4.7	1.4
Trade	11.3	14.0	19.8	13.7
Transportation and communications	4.4	5.2	6.6	1.6
Market services	11.5	16.4		
Services to business			16.4	11.3
Services to individuals/ households			42.6	18.4
Financial institutions	7.3	9.1		
Financial activities			13.8	2.6
Real estate activities			21.9	1.6
Nonmarket services	8.6	16.2		
Education, health, social services			26.4	28.1
Administration			18.8	13.0
Tertiary sector	11.8	16.2	22.2	41.1
All activities	8.5	12.2	18.0	100.00

^a Figures represent the percentage of workers within the industry working part-time.

^b Figures represent the percentage of all part-time workers in the particular industry.

SOURCE: INSEE (1989–99), Table PA07.

part-time work in 1997 were retail trade, services, and finance (including insurance and real estate).¹⁷

Correspondingly, the occupational patterns are parallel. In France, in 1999, part-time work clustered broadly in employees (e.g., clerical, retail), and mid-level occupations (e.g., paraprofessionals, technicians, and forepersons) (Table 5.8).¹⁸ In the United States, part-time work is clustered in occupations such as cashiers, waitresses, secretaries, nurses, and sales clerks for women, and cooks, cashiers, stock handlers, janitors, and truck drivers for men (Hudson 1999).

In both countries, women constitute the bulk of part-time workers, a pattern consistent with the occupational distribution of these jobs. This pattern holds in France even though part-time work has grown faster among men in recent years. In France, part-time work has grown from 17.8 percent of women's wage and salary employment in 1982 to 31.7 percent in 1999. The corresponding figures for men are 2 percent in 1982 and 5.5 percent in 1999 (Table 5.9). In the United States, in 1998, the incidence of part-time work was 28.6 percent for women and 11.4 percent for men (*Employment and Earnings* definition). Regular

Table 5.8 Incidence and Distribution of Part-Time, by Broad Occupation in Total Employment, France (Wage, Salary, Independent Workers)^a

	Incidence ^b		Distribution ^c
	1993	1999	1999
Farm operators	15.8	16.7	2.83
Artisans, shopkeepers, and business operators	7.8	8.1	3.25
Executives and intellectual professions	8.1	9.6	7.56
Middle-level occupations	10.1	13.7	16.81
Employees ^d	26.2	31.8	53.52
Manual workers	8.1	10.8	16.01
Total	13.7	17.2	99.99

^a This table includes all employment (wage employment and independents).

^b Figures represent percentage of workers in the occupation who are part-time.

^c Figures represent the percentage of all part-time workers who are in the occupation.

^d "Employees" include clerical, retail clerks, and direct service workers.

SOURCE: INSEE (1989–99), Table PA03.

Table 5.9 Part-Time Work, by Gender, in Public and Private Employment, France^a

	1982	1989	1999
Part-time in all sectors	1,515,535	2,241,015	3,935,529
Male total (%)	13.9	15.6	15.6
Female total (%)	86.1	84.4	84.4
Part-time share of total employed	8.5	11.7	17.2
Part-time share of employed males	2.0	3.4	5.5
Part-time share of employed females	17.8	23.6	31.7

^a Self-reported; up to 30+ weekly hours.

SOURCE: INSEE (1982–99), Table PA07.

part-time work accounts for 21.3 percent of female employment and 6.9 percent of male employment (Hudson 1999).

Recent French research points to clear distinctions by gender and household characteristics. There are those who use it for “complementary” income, and those with limited time because they are female single heads of households. A 1995 *Enquête Emploi* study of private-sector part-time workers found that workers in couples in which one partner works full-time have a part-time rate of 20 percent compared with rates at or under 10 percent for those whose partner works part-time, is unemployed, or is out of the labor force. The rate of part-time work for single women is 20 percent and 24 percent for female heads of households (Galtier 1999b, 1999c).

Part-time work in the United States varies notably by race and ethnicity. In 1997, the incidence of regular part-time work was lower for non-Hispanic black women (15.7 percent) and for Hispanic women (20.2 percent) than for white women (22.6 percent). It is, however, slightly higher among black males (7.1 percent) and Hispanic males (7.1 percent) than for white males (6.7 percent) (Hudson 1999).

IMPLICATIONS FOR WORKERS

In both countries, there is an association between fixed-term and temporary employment, on the one hand, and employment flux or

instability and short part-time work hours, on the other. Instability is a significant issue in France, while lack of access to benefits and differential treatment in pay are much greater issues in the United States.

Employment Flux

Fixed-term contracts (CDDs) have been strongly associated with employment flux and with having a role in hiring and in unemployment (Audibert 1980; Audier 1985; Corbel, Guergoat, and Laulhé 1986; INSEE 1980; Voisin 1989). For example, from 1977 to 1985, the share of CDDs among new unemployment claims rose from 19.1 percent to 37.4 percent (Henriet 1988). Conversely, in a 1985 national survey, CDDs accounted for 64 percent of employment entries in firms of 50 or more workers and 46 percent of employment exits (Corbel, Guergoat, and Laulhé 1986).¹⁹ A later study reports that, in 1992, 67.5 percent of those hired in establishments with 50 or more workers were for CDDs (DARES 1993).

A study of registered unemployment insurance cases from 1993 to 1996 noted a growth in the incidence of intermittent employment (with partial benefits) among the unemployed who were formerly working in CDDs. The authors conclude that these workers expect difficulty in their job search and are more willing to accept intermittent work during the first four months of unemployment. They are likely to not use the full duration of unemployment benefits to look for work (Granier and Joutard 1999).²⁰

Also, the French temp industry sees its mission primarily as facilitating access to (any) job and, secondarily, as meeting the needs of segments of the workforce for intermittent employment. Temp services do not apply a penalty when a user firm recruits a temp worker. In some sectors, the industry generates a recruiting pool for user firms.

In France, worker experience in part-time work during the 1990s was colored by a climate of high unemployment. When part-time work is not chosen (or “constrained,” that is, workers report wanting more hours), it is more likely to be associated with short-term employment (CDD, temp, or short-term internship). In the 1995 *Enquête Emploi*, 21.5 percent of women in constrained part-time jobs worked in a temporary arrangement, compared with 8 percent of full-time women and 7 percent of women in “chosen part-time”; the corresponding numbers

for men are 11 percent, 6.5 percent, and 37 percent, respectively (Galtier 1999c).

Part-time work, particularly when constrained, appears to be associated with flux in employment status and work arrangement. In a cohort of part-time workers from 1994 to 1996, one-third of those in constrained part-time work in 1994 (42 percent of all part-time work) had not been in part-time work in 1993 (Galtier 1999a).²¹ By 1996, 37 percent of those in constrained part-time work in 1994 were in the same situation; 25 percent worked full-time, 10 percent were unemployed, 7 percent were out of the labor force, and 20 percent reported working in “chosen” part-time jobs.²²

In the United States, workers in nonstandard arrangements, except independent contractors, also appear to experience more job instability than regular full-time workers. Examining CPS data from 1995 to 1996, Houseman and Polivka (2000) found that on-call workers, temps, direct hire temporaries, contract company workers, and regular part-time workers were more likely to be with a different employer, be unemployed, or be voluntarily out of the labor force one year later than were regular full-time workers.²³

Access to Benefits

Since the early 1980s, French law mandates parity of wage and benefits between workers in CDD, temporary agency assignments, and part-time arrangements, on the one hand, and regular workers holding similar positions with equivalent skills, on the other. The parity of socially provided health benefits, in particular, is comparatively easy to implement. The context for parity enforcement is fairly strong. The Ministry of Labor has a well-developed cadre of labor inspectors who have strong powers of investigation, mediation, and enforcement. Their investigative role is enhanced in workplaces with labor unions. Nevertheless, parity is most easily enforced when workers are in virtually identical positions. Disparities in socially provided benefits are possible in practice, particularly for part-time workers. Hour thresholds for key benefits exclude workers with very short hours from benefits (fewer than 507 hours in the previous 12 months, or fewer than 200 hours in the previous three months). Eligibility for old age insurance (pension) is also based on hours and earnings. In addition, those hold-

ing several part-time jobs are ineligible for unemployment insurance if they lose one of these jobs (Gauvin 1988).

In the United States, there is a strong association between non-standard arrangements and the lack of employer-sponsored benefits (Hudson 1999; Kalleberg et al. 1997; Kalleberg, Reskin, and Hudson 2000). Access to employer-sponsored health insurance is particularly low for temporary workers (8.5 percent) and on-call workers (21.1 percent) (U.S. Bureau of Labor Statistics 1999). Part-time jobs have a similar liability; 18 percent of workers in regular part-time jobs have insurance compared with 87 percent in regular full-time jobs (Hudson 1999). Eligibility to enroll in an employer-provided pension plan is limited. In 1999, 11.8 percent of temp workers and 29 percent of on-call workers were eligible to enroll compared with 54.1 percent of workers in standard arrangements (U.S. Bureau of Labor Statistics 1999). Similarly, 19 percent of regular part-time workers have employer-provided pension coverage compared with 60 percent of regular full-time workers (Hudson 1999). Participation in employer-provided pension plans is lower still because workers must choose to contribute a portion of their earnings: 5.8 percent of temp workers and 22.5 percent of on-call workers are included in their employer plan compared with 48.3 percent of workers in standard arrangements (U.S. Bureau of Labor Statistics 2000). Over time, this reduced access to benefits may create difficulties for workers. Ferber and Waldfogel (2000) find that past experience in part-time employment reduces the probability of a worker having health insurance and pension coverage.

Wage Parity Issues

Although in France, mandated wage parity is not always simple to enforce, wage disparity has not been the subject of comprehensive national research. In the United States, wage differentials have been documented. On-call workers, temp workers, and direct hire temporaries earn lower wages than workers in regular full-time arrangements. This difference holds true even after controlling for worker and job characteristics (industry, union status, occupation) (Houseman 1999, using 1995 CPS results). Hudson (1999), using 1997 CPS data, finds that, after controlling for individual worker characteristics, women in on-call positions earn 20 percent less and those in temp arrangements

earn 18 percent less in hourly wages than women in regular full-time employment. The corresponding figures for men are 15 percent lower in temp employment and 10 percent lower in on-call employment.²⁴ The author finds that after adding controls for job characteristics (including health and pension coverage), the negative wage effects for both groups are statistically insignificant. In other words, the job characteristics of on-call and temp arrangements account for virtually all the pay differential, a result that departs from those obtained in other research based on earlier surveys. However, a negative hourly pay differential—6 percent for women and 8 percent for men—between regular part-time and regular full-time workers remains (Hudson 1999).

EXPLANATIONS FOR TRENDS

The macroeconomic context of nonstandard employment has shaped the questions raised by researchers in each country. There is broad agreement that both regular, long-term relationships and others are in transition (Cappelli 1999; Freyssinet 1982; Michon 1982; Osterman 1999; Piore 1980; Ramaux 1993), and the growth of nonstandard arrangements is a manifestation of these changes.

Three labor demand factors have shaped the use of nonstandard work arrangements. First, employment structures within large firms have changed. Job ladders have become truncated; some jobs, particularly entry-level ones, are severed from internal paths of promotion and their tasks are designed to be performed by workers on short-term or contract arrangements. Second, and as a corollary to the first change, outsourcing and contracting out for specialized skills and products have increased. Third, primarily in the United States, state and local governments have contracted out the public service delivery to private operators.

Labor supply factors shaping nonstandard work can be conceived in two ways. Workforces with characteristics suited to nonstandard arrangements are “found” (Piore 1980); for example, employers will recruit workforces with limited labor market attachment, or restricted time availability, in short-term arrangements. Alternatively, workforce preferences for nonstandard arrangements are considered the driving

force. To determine the relative weight of labor supply and labor demand factors, one must consider the evidence on both workforce characteristics and worker preferences. It is also necessary to examine employer motivations by looking at patterns of use. Finally, information on how institutional factors affect both labor demand and supply rounds out the picture.

To assign relatively less weight to labor supply factors, and correspondingly more weight to labor demand factors, one only need argue that workers in nonstandard arrangements do not differ from others. Unobserved differences are considered by some researchers. Reported preferences—degree of satisfaction with current arrangement or desire for another arrangement—also help weigh relative effects. Reported preferences are context dependent, however, given that they are also shaped by the availability of alternatives and the extent of worker knowledge about these. This context varies in the two countries.

Fixed-Term and Temporary Work in France and the United States

Workforce Characteristics

The shared pattern of female overrepresentation in fixed-term, direct hire temporary, and on-call employment, and the contrasting pattern of male overrepresentation in temp employment in France and female overrepresentation (though declining) in the United States preclude explanations based primarily on labor supply characteristics. In particular, comparisons point to characteristics of labor demand in the two countries as the driving factor in the composition of temporary agency employment.

Young workers in both countries are more likely than other employees to choose nonstandard work; the pattern is very marked for very young workers (under age 25) in France (Houseman 1999; Voisin 1989). Whether these arrangements lead to regular employment is unclear. In France, young unemployed workers are more likely to leave unemployment than are older workers, but they are also more likely, when hired, to be in a nonstandard arrangement (Voisin 1989).²⁵

Worker Preferences

In the French context of high unemployment, temp work is seen as a means to regular employment. In a 1989 survey commissioned by the

leading temp business association, approximately three-fourths (73 percent) of people who worked as temps in January 1989 responded they had taken a temp assignment “in hopes of finding permanent employment during an assignment” or because they “could not find anything else” (77 percent). Another 39 percent reported wanting the work experience. Only 18 percent reported they wanted intermittent employment (PROMATT 1989).²⁶ A 1980 supplement to *Enquête Emploi* found that 60 percent of temp workers declared that they were looking for stable employment, while 17 percent reported that temporary work suited them (Huet and Schmitz 1984).

Workers in fixed-term, temporary, and part-time work have comparatively high rates of job search, and more frequently report looking for less precarious employment. A study based on the 1986 *Enquête Emploi* finds that 28.2 percent of those in CDDs and 44.8 percent of those in temp employment were looking for a permanent job, compared with 5.9 percent of those in the total workforce. Rates of job search are higher for young workers (under age 25); 32 percent of young workers in CDD and 49 percent of those in temp work reported looking for a permanent job.²⁷ In 1986, 72 percent of job searchers in CDDs, 76 percent in temp assignments, and 41 percent of searchers working part-time reported wanting a “less precarious” job as their reason for job search (Heller 1986, p. 33).

In the United States, a majority of workers in short-term and temporary arrangements also report that they would rather have a regular full-time job. In 1997, 57.6 percent of female temporary workers and 64.1 percent of male temporary workers reported they would rather have a full-time job, and 52.6 percent of female and 56 percent of male on-call workers preferred full-time work (Hudson 1999). About 50 percent of direct hire temporaries reported that they would take a job that is permanent or lasts more than a year (Houseman 1999).

Part-Time Work in France and the United States

Women and Part-Time Work

Because part-time work affects primarily women, cross-country differences in female labor force participation are a logical area to explore in accounting for different trends. However, differences are insufficient to account for lower part-time work in France in the 1970s

and 1980s. Female labor force participation rates were about equal in the two countries in the mid-1970s, but employed French women tended to have full-time schedules (OECD 1993). Since then, the United States has outpaced rates in France so that, by 1998, the average (all ages) female labor force participation rate was 71 percent in the United States and 61 percent in France. This difference is owing to much lower rates for young women (under age 25) and older women (55+). Prime-age French female labor force participation rates were about as high as those in the United States (more than 76 percent) during the 1990s (OECD 1999). It is during this period that part-time work increased rapidly in France.

Involuntary Part-Time Work

Involuntary part-time work is both higher and more divergent by gender in France than in the United States. In 1997, OECD data show that involuntary part-time work was a higher share of total part-time work in France (41.3 percent) than in the United States (7.8 percent) (OECD 1999).²⁸ The share of involuntary part-time work among total part-time work was 52.9 percent for men and 38.8 percent for women. The corresponding numbers for the United States were 7.4 for men and 8 percent for women (OECD 1999, p. 33). Based on U.S. data, involuntary part-time work (those reporting being unable to find full-time work) grew from 3 percent in 1973 to 4 percent in 1989.²⁹ It had declined to 3 percent by 1997 (Mishel, Bernstein, and Schmitt 1999).

Part-Time Work and “Underemployment” in France

Underemployment—those wanting to work more (both available or searching for another job)—grew during the 1990s in France. The rate of underemployment in the part-time workforce grew from 3.6 percent in 1990 to 6.2 percent in 1999. Women and young part-time workers—two groups with high unemployment—are more likely to report underemployment than other workers. Women’s rates of underemployment were 7 percent in 1990 and 10.7 percent in 1999. The rate of underemployment among female single heads of households was 13 percent in 1999. The corresponding numbers for men were 1.1 percent in 1990 and 2.6 percent in 1999. Underemployment rates for young workers (ages 15 to 24) were 10 percent in 1990 and 13.9 percent in 1999 (Kontchou and Brunet 2000, Table 5.1). Workers who combine

part-time and CDD or temporary work are overrepresented in under-employment relative to the share of other employed workers.³⁰

Employer Motivations

Employers in the two countries share similar motivations for using nonstandard work arrangements as well as similar institutional factors that shape employer behavior. They also, however, exhibit differences. The search for quantitative (workforce composition and volume) and qualitative (skill content) flexibility motivates U.S. and French employers, albeit in different ways across industrial sectors, and with somewhat different results in patterns of use. Institutional factors—the regulations, rules, and customs that shape internal labor markets and partially protect workers in regular arrangements from fluctuation—motivate some use of short-term and temporary work in both countries. The ability to save on benefits and wages, however, is distinct to the United States.

Shared Motivations and Production Conditions

During the 1970s, when the growth of fixed-term and temporary contracts as well as contracting out was first noted in France, researchers pointed to increased flux and uncertainty in markets as the source of changing practices. For example, Germe and Michon (1980) examined whether nonstandard arrangements in manufacturing were associated with market conditions, firm size, and employment conditions, but found no straightforward relationships between patterns of use and product characteristics, demand uncertainty, or employment fluctuation. Instead, nonstandard arrangements were best understood either as a tool that allowed firms to avoid work reorganization and a change in workforce management, or as a tool in implementing new production and management practices. In other words, nonstandard arrangements could be put to seemingly contradictory uses and were a polyvalent tool for workforce management.

More proximate motivations fell into three categories. The first entailed the need to achieve qualitative as well as quantitative variability in labor use. Some firms contracted out for specialized labor while others rendered a layer of jobs unstable, thus externalizing labor costs, to

handle uncertainty. The second category achieved cost savings by closely adjusting workforce size to balance actual work time and compensated work time (also found by Ramaux 1993). The third motivation was to intensify workforce discipline, for example, by conveying that regular jobs were “rationed.” As Michon (1982, p. 94) concluded, “variability and flexibility are broader requirements than uncertainty . . . irregular forms of employment are neither the only instrument of flexibility, nor an instrument used to this sole end.”³¹

Researchers have since placed nonstandard arrangements in the context of work reorganization within firms. Large manufacturing firms couple internal flexibility (new scheduling practices, multitasking, broad job definitions) with reliance on subcontracting chains, and with the systematic use of nonstandard arrangements. Most recently, a study of 36 automobile manufacturing plants and supplier chains depicts practices of lean staffing for regular production jobs coupled with a high and systematic use of temp contracts, as well as CDDs. The use of these practices ranges from 10 percent of total employment among automobile manufacturers to 50 percent among first- and second-level suppliers. Temporary contracts are used to renew the pool of potential recruits should regular positions open, with the same screening criteria and education requirements applied.³² Due to legal restrictions on the successive renewal of temporary contracts for the same worker, auto manufacturers and suppliers in France intersperse temporary assignments with a lengthy CDD (18 months). Temporary assignments offer certain advantages relative to CDDs. Temporary workers are not counted in workforce productivity measures, and their relative cost is lowered owing to volume discounts on the markup obtained from the agency (Gorgeu and Matthieu 2000).³³

Case studies of firms outside of manufacturing have connected the reorganization of production and changes in employment structures with the systematic use of CDD and temp contracts, although at levels not as high. Findings are consistent with those reached by Germe and Michon (1980), which depict nonstandard work arrangements as a tool facilitating work reorganization and a change in management practices. In finance and insurance, the nature and size of markets and the reformulation of market strategies have mattered more than fluctuation and uncertainty in product demand per se. A study of major banks and insurance companies conducted in the early 1990s found that these

large organizations used CDD, temporary contracts, and part-time arrangements to make the transition to a new workforce composition that would enable firms to successfully compete in an evolving industry (Carré 1993). Banks and insurance companies used nonstandard arrangements primarily in low and mid-level job categories to 1) control the volume of hiring, 2) accelerate flux at the margins of employment systems that they considered stagnant, and 3) provide leeway to reconsider and modify the career paths of certain workforce categories. Changes entailed replacing one workforce (high-seniority clericals performing account or contract administration in central offices) with another (higher-skilled workers for commercial and customer activities). The shift was to occur in a national context and industry tradition of few layoffs, near zero job growth (or even decline), and for jobs that had not changed sufficiently to attract and retain a workforce with the desired education levels for the future job structure. Nonstandard arrangements were used along with early retirement and other job departure incentives. For example, CDDs were used for extended screening periods, for the replacement of workers on maternity leave (to permit job reduction if the job holder did not return), and for maintaining work productivity while planning for job elimination and redesign.

A 1993 in-depth case study of 24 French manufacturing and service establishments mapped key determinants of the pattern and extent of CDDs and temporary contracts (Ramaux 1993).³⁴ The first determinant shaping patterns of use was the legal and institutional context (see section below). Second, the variation in the activities of the establishment, whether seasonal, related to product cycles, or tied to market uncertainty and business cycles, also shaped patterns of use. Third, the history of employment structures within firms—whether a mature firm having restructured and downsized (and weathered recessions) or a new company increasing regular rolls sparingly—affects the use of nonstandard work. Both result in lean staffing. Fourth, jobs with low skill requirements are more amenable to CDD and temporary contracts. Fifth, organizational characteristics play a role. For example, the percentage of user firms is higher among large firms, but the use intensity is higher among smaller firms (also confirmed in national statistics). Belonging to a conglomerate affects whether internal mobility is an alternative, the degree of local control over workforce management,

and the possibility of negotiating volume discounts on agency fees with temporary services. Sixth, CDDs and temporary contracts are used in jobs slated for elimination once a new technological process is fully installed or to facilitate the installation of new equipment. Seventh, labor relations do not seem to have significant impact on use of CDDs and temp contracts. Finally, local labor market conditions such as skill bottlenecks or the market penetration of temp agencies affect patterns of use (Ramaux 1993).

In the United States, employer surveys also reveal the desire to achieve control of quantitative and qualitative flexibility in staffing and other motivations parallel to those identified in France (Conference Board 1995; Houseman 2001; Kalleberg and Reynolds 2000). Results from the Upjohn Institute nationally representative survey of employers underscore that "fluctuations in staffing needs" is the most cited reason for using temps, on-call workers, and direct hire temporaries (Houseman 2001).³⁵ These fluctuations include unexpected increases in business; filling a vacancy until a hiring decision is made; absences or leaves among regular employees; cyclical fluctuations (for temp use); or industry-specific fluctuations (particularly when coupled with "just-in-time" staffing). Houseman (1999) further reports that the degree of seasonal fluctuation is an important determinant of whether an organization uses temps, direct hire temporaries, or on-call workers. The use of nonstandard work arrangements, particularly temporary agency workers, for screening candidates is cited by 21 percent of firms in the Upjohn study. Also, Kalleberg and Reynolds (2000) find that smaller firms tend to use nonstandard work arrangements to obtain special skills and reduce their administration costs, while larger firms tend to use them to screen workers. The desire to cut benefit costs is reported by 12 percent of employers in a survey of large firms (Conference Board 1995). Another survey of large employers finds that saving on total labor costs, and health insurance costs in particular, is a frequently cited reason for their use (Christensen 1995). In the Upjohn study, 59 percent of companies using direct hire temporaries and 73 percent of those using on-call workers report the hourly wage and benefit cost of these workers is lower than for regular workers (Houseman 1999).

The use of part-time work in both countries has been associated with the service sector, particularly those jobs with variation in demand and extended hours of operation. The increase in the use of part-time

work in France during the 1980s and 1990s has been primarily related to the growth of personal services, the expansion of hours of operation of retail trade and other similar activities, the change in the nature of food service (fast food chains), and, to a small extent, the development of nonstandard hour shifts in manufacturing. These changes have taken place later relative to the United States. Case studies of retail trade have documented employers' greater use of part-time work schedules relative to previous decades (Maruani and Nicole 1989), bringing the practices of this sector on a par with those of U.S. retailers (Tilly 1996).

Shared Institutional Factors

Despite rather divergent legal standards, the two countries share a set of institutional factors affecting regular employment that have a bearing on employer motivation. Over time, in both countries, regular employment has assumed features that have rendered some nonstandard arrangements appealing to employers. With the growth of worker rights in regular employment during the 1970s, CDDs and temporary contracts grew in appeal to French firms. In 1975, faced with layoffs prompted by the economic crisis, France established an administrative oversight of collective and individual layoffs for economic reasons. Employers were mandated to obtain a preauthorization by Ministry of Labor inspectors, to provide prior notification to workers³⁶ and severance pay, as well as to formulate a "social plan" (redeployment, retraining, job search assistance, early retirement) for review by labor inspectors and discussion with worker representatives.³⁷ The impact of the legislation has been much debated. In practice, the mandate included clauses already in effect in national collective bargaining agreements in major sectors, and thus did not introduce significant changes in those sectors. Large firms were more likely to have elaborate oversight procedures than smaller ones. Also, layoffs were most often approved. However, labor inspectors' discretion and their ability to raise questions, require revisions, and introduce lags in the procedure have been seen as having a dampening effect on some layoff decisions and singling out regular employment as a protected arrangement (Caire and Kerschen 1999, Piore 1980).³⁸

However, the use of nonstandard contracts has since become widespread and sustained despite the weakening of layoff protections for workers in regular contracts. For example, the administrative preauthorization of layoffs of regular workers was removed in 1986 owing to employer opposition and implementation difficulties. Prior notification (with a worker interview), severance pay,³⁹ and the requirement to consult with worker representatives about the social plan and to “present” the latter to a labor inspector remain following legal changes in 1993 and 1995. Also, disputes arising about the social plan or about the economic reasons for an individual layoff are handled through a system of individual and collective (union, works committee) recourse to the court system—both peer representation labor courts and courts of appeal (Caire and Kerschen 1999). Layoff avoidance remains fairly common in large employers, particularly in white-collar employment. It is also more common among similar employers in the United States (compared to manufacturing), although to a lesser degree.

Increasingly, the use of nonstandard work arrangements has been understood as motivated by a complex set of decisions shaped only in part by regulations. Employers in 24 firms report a number of costs related to layoffs that are conducive to their circumscribing regular employment contracts only to positions unlikely to be cut. These reasons relate only indirectly to the institutional framework. Employers wish to avoid costs related to prenotification and severance pay as well as those (staff time) associated with mandates for individual meetings or consultation with worker representatives. They also aim to avoid costs related to employee relation problems created by a layoff (Ramaux 1993).

In the United States, laws and executive orders enforcing equal employment opportunity by protecting workers from discrimination in hiring, promotion, and discharge have also entailed some oversight of employer behavior. Factors that have altered termination costs and possibly encouraged the use of temporary work, in particular, include restrictions on the employment-at-will common law standard. Temporary employment entails no firing costs. Autor (2003) finds that states that recognized exceptions to the employment-at-will legal standard, particularly those recognizing “implied contracts,” experienced higher growth in temporary agency employment between 1979 and 1995. These exceptions recognize that workers with an implied contractual

right to continued employment (for example, language in personnel policies) may successfully challenge a discharge in court. Autor finds that “implied contracts” led to 14 percent to 22 percent excess temporary agency employment in adopting states (46 out of 50) compared with nonadopting states. He concludes that the adoption of exceptions to the employment-at-will standard explains as much as 20 percent of the temporary employment growth over the period.⁴⁰

Differing Institutional Factors

France has undergone several waves of regulation and deregulation of nonstandard contracts. Temporary contracts first became subject to regulation in 1972 and CDDs in 1979. Regulations became more stringent in 1982 and attempted to achieve two things at once: 1) to restrict the use of fixed-term and temporary contracts to nonpermanent jobs and, concurrently, 2) to provide guarantees to workers in nonstandard work arrangements that were equivalent to those for regular workers. In the end, they partially succeeded on the second goal but not the first. From 1982 to 1986, regulations explicitly spelled out the economic situations in which short-term and temporary contracts could be used. In 1986, and later in 1989, the government abandoned this close monitoring. In the environment of virtually stagnant job growth during the 1980s, government policy came to reflect the view that removing barriers to the use of nonstandard work arrangements would facilitate job creation even if only nonstandard jobs (Carré 1993). Quarterly data on temporary contract use indicate that the 1982 restrictions indeed had a dampening effect on temporary agency employment. However, the temporary agency trend turned up again in 1984. The laws of 1985 and 1986, designed to favor the growth of temporary employment, did not have a significant impact on this upward trend (Charraud 1993). The reintroduction of a list of allowed reasons for using CDDs and temporary contracts in 1990, coupled with penalties, has compelled employers to monitor the reasons they report to the Labor Ministry but does not appear to have affected patterns of use. The easing of restrictions on successive contract renewals seems to have encouraged the longer-term use of CDDs (Ramaux 1993).

Several key regulations remain that distinguish the situation in short-term and temporary work in France from that in the United

States. First, the regulations mandated parity of wages and benefits between workers in nonstandard work arrangements and those in regular employment in similar positions, with equivalent skills, and not on probation. Laws, collective bargaining agreements, and policies (pay, benefits) that apply to regular workers apply to workers on short-term, temporary, and part-time contracts. In addition, workers in CDDs and temporary contracts receive notice of the exact duration of their contract and a lump-sum payment at the end of it. Second, the operations of temporary agencies are closely regulated. Since 1972, temporary agencies must purchase a form of insurance that guarantees payment of back wages and social benefits to workers in case of bankruptcy. The Ministry of Labor also publishes a list of dangerous activities for which temporary work is illegal. Marginal temporary agencies have been weeded out by the inability to sustain higher costs or by penalties (Puel 1989). It is illegal to use workers on temporary contracts (as well as CDDs) during a labor strike. Also, the government compelled industry-wide collective bargaining for the temporary agency industry as a whole as an alternative to regulation. Since 1985, all temp workers are covered by sectoral collective bargaining agreements that have defined principles for industry-wide seniority, and established peer-representation structures to administer benefits such as sick pay, or supplementary retirement benefits, or the extension of some job-related benefits beyond the duration of a temporary work assignment. In the 1980s, these provisions made temp contracts relatively more expensive than CDDs. The latter were more likely to be used for a large volume of short-term workers while temporary contracts were used for limited and very short-term needs. Since 1990, legislation has brought terms of employment under the two types of contract nearly on a par.⁴¹ The agency markup that makes temporary contracts costlier per hour is often reduced by large firms, which are able to negotiate a significant volume discount with temporary agencies (Ramaux 1993).⁴²

Mandated parity of wages and benefits does not wholly eliminate cost incentives because nonstandard workers, for example, may be in different jobs than regular workers and do not benefit from seniority-based wage premiums and other aspects of nonwage compensation (seniority-based profit sharing, productivity premium). In addition, employers may alter the notion of “equivalent skills” or assign nonstandard workers to a job while requiring tasks be performed at a

higher level of skill (Ramaux 1993). Nevertheless, mandated parity greatly diminishes the incentive to differentiate worker pay levels and access to benefits, a sharp contrast to the U.S. situation.

The regulation of work hours and hours of operation for retail businesses has differed significantly over time in the two countries, a situation that may account for the contrasting part-time trends. French legislation on work hours was revised in the 1990s, allowing more non-standard schedules and shift work. In addition, part-time work has been used as a policy tool, albeit one with multiple, some would even say contradictory, purposes—flexible work options, unemployment alleviation, easing labor market entry, or contributing to internal flexibility (Favennec-Henry 1998). Beginning in 1973, it was fostered with employer incentives to meet worker requests to switch from full-time to part-time schedules.⁴³ In the 1980s, part-time work was seen as a means to job creation and the sharing of work. Its use was fostered for the progressive retirement of high-seniority workers in industries undergoing restructuring such as banking, insurance, and automotive industries (Carré 1993). In these industries, high-seniority workers could convert to part-time at half pay and receive a government subsidy toward their full pay if the company agreed to keep them for two years. Since the 1980s, mandated social security contributions have remained “neutral” with regard to work hours, whereas they had previously penalized part-time work (Marimbert 1992). In the 1990s, to ease labor market entry and provide employers with flexibility, the government facilitated employer use of part-time work. Eligibility for government supports was expanded from 19–30 weekly hours to 16–32 weekly hours averaged on a yearly, as well as monthly or weekly, basis. The count of part-time workers was prorated for all regulations dependent on workforce levels (e.g., works committee representation), and employers could introduce part-time schedules without prior consultation with work committees and unions. In addition, employers benefit from reductions (25 percent in 1992 and 30 percent after 1992) in their social security (health, pension) tax contribution for creating new part-time jobs. The reductions correspond to an 18 percent decline in the wage bill for a given amount of work (Caire and Kerschen 1999).

In the 1990s, part-time work has also been used to trim costs. It has become fairly common practice in retail trade to hire some workers on part-time contracts while also having them work “complementary”

hours up to an additional 10 percent of their scheduled hours (as high as 33 percent in 1986). These complementary hours are paid at straight, rather than at overtime, rates.⁴⁴ The threshold of allowable complementary hours is subject to policy change according to the priorities of successive governments.

It is difficult to sort out the relative effects of successive policies, changing employer practices, and the high unemployment context on part-time trends in the 1980s and 1990s in France. The concentration of women in part-time employment, coupled with high reports of underemployment by young women in part-time work, seem to indicate that newly created part-time positions are behind much of the growth, as opposed to workers converting full-time schedules to part-time by choice. As part-time work has grown in France, its gender composition and occupational distribution have come to resemble that in the United States, suggesting similarities in patterns of use by firms. The remaining differences are in pay and benefits, suggesting that cost savings play a part in U.S. employer motivations.

CONCLUSION

Despite rather different policy environments of employment relations as a whole and for nonstandard work arrangements in particular, both countries now face policy challenges created by the sustained presence of nonstandard work arrangements in their economies. First, in both countries, key social protection programs are tied to employment experience. For example, the degree to which workers benefit from unemployment insurance and pension is related to steady employment. This issue is much more acute in the United States, where these programs offer less generous benefits and less extensive coverage for workers in both regular and nonstandard work arrangements. Second, the employment regulation problem created by triangular relationships in temporary agency work has been addressed in France with industry-level agreements (as well as specific regulations) for the temp industry. It remains an unsolved problem in the United States, however, although recent court decisions have found an employment “relationship” between the temporary worker and the user firm for representa-

tion purposes. Because triangular relationships entail a mix of business contracts (client-intermediary), employment contract (intermediary-worker), and a supervisory relationship (client-worker) with little legal definition, they are a challenge for the existing policy apparatus. Both countries have little experience with regulating business contracts to protect individual employees and have yet to grapple with the supervisory relationship (Triomphe 1999). Third, in both countries, the issue of skill maintenance and upgrading for nonstandard workers over the course of lengthy careers is salient. Neither country has found ways to substitute for employer-sponsored, on-the-job training and skill enhancement in the absence of a regular work arrangement and steady employment.

Notes

Many thanks to Natasha Iskander, Pamela Joshi, Laura O'Neill, Elizabeth Quinn, and Ilana Brito for excellent research assistance. Thank you to Susan Houseman, Hiromasa Suzuki, and conference participants for their helpful comments.

1. For young workers (age 15 to 24), the male unemployment rate was 15 percent in 1990 and 22 percent in 1998.
2. Worker Adjustment and Retraining Notification Act.
3. INSEE *Enquête Emploi* is conducted yearly in April–May for 1982, in March for 1983 to 1997, and in January for 1999. Information on “employment status/arrangements” is available for wage and salary workers, except those employed by the national and local governments (and those in national military service). All computations reported here are for “private wage and salary workers.” Starting with the 1990 survey, one category of workers previously counted in the private sector, “interns,” is redefined and moved outside of the private sector. It now combines “interns and government subsidized contracts,” a group of arrangements created to favor access to the labor market for youths; it is in an ambiguous “public-private” position. For consistency with prior years, these workers are not included in the base for total private-sector employment in this chapter. As a result, the incidence of CDD and temporary workers may be higher beginning in 1990 than in previous years because the base no longer counts “interns”; actually, incidence for CDDs and temporary workers declined from 1989 to 1990–1991, making it difficult to discern the impact of this small change in the base number. Also, beginning in 1995, several broad industry categories are broken down more finely.
4. The CPS is conducted by the Bureau of Labor Statistics; see Table 5.1. All employed persons except unpaid family workers are included in the March supplement, and the base for figures is civilian employment.

5. Based on an employer survey, Houseman (2001) reports an estimate of 3.4 percent for direct hires.
6. Establishment level numbers from the Current Employment Statistics are for SIC 736, Personnel Supply Services, in which over 75 percent of workers are estimated to be in the temp industry (see Carré 1992).
7. Unfortunately, reporting of the incidence of temporary contracts across industrial sectors of assignment in the national labor force survey was discontinued in 1990. Workers with temporary contracts were counted as working in market services from 1990 to 1993, after which they were counted in the subcategory of business services, where they accounted for 21.3 percent of employment in 1999.
8. In addition to personnel supply services (they report the temporary agency as their employer), female temporary workers cluster in telephone and communications, and electrical machinery. Male temp workers cluster in motor vehicles (and equipment) as well as in construction, telephone and communications, and engineering/architectural and surveying industries, in addition to personnel supply.
9. For black male temporary workers, the most common occupation is assembler and for Hispanic males it is truck driver.
10. The authors use the establishment file from the UNEDIC, the unemployment insurance fund run jointly by employer and union representatives. Earlier studies also confirmed the concentrated use of temporary workers in manufacturing and construction.
11. The author reports tabulations based on the March Current Population Survey for 1985, 1986, 1995, and 1996 using information on main job in previous year (see Table 8.3 in Blank 1999).
12. In the United States, a nonnegligible number of survey respondents report that they are wage and salary workers, which seems to contradict their “independent contractor” status. In France, private-sector employment excludes government-sponsored internships. Independent contractors who also include self-employed business owners account for 9.5 percent of male employment and 5.7 percent of female employment. The share of “independents” in public and private employment is 8.6 percent for the total, 7.7 percent for males, and 3.9 percent for females (INSEE 1999, Table PA05).
13. Broader definitions yield estimates ranging from 0.6 percent to 1.2 percent of employment (U.S. Bureau of Labor Statistics 2000; Houseman and Polivka 2000; Kalleberg, Reskin, and Hudson 2000).
14. Although different hour thresholds yield significant differences in part-time levels, the relative rankings of countries in terms of the incidence of part-time work vary little by definition (OECD 1999, p. 22).
15. Between 1987 and 1997, the share of short hours among total part-time hours in France declined from 37.4 percent to 33.7 percent for males, and from 38.9 percent to 35.5 percent for females. This share declined as well in the United States, although it remained higher than in France throughout the period; it declined from 45.4 percent to 42.3 percent of total part-time work for males, and from 44.8 percent to 40.8 percent for females.

16. Definitions of part-time work have changed over time. The *Enquête Emploi* reports as part-time workers anyone declaring a part-time job, usually up to 32 weekly hours. For policy purposes, a part-time job is defined as working at least one-fifth fewer than the statutory, or conventional (bargained), weekly, monthly, or yearly hours (Caire and Kerschen 1999). Those working between 32 and 40 hours may self-report as full-time or part-time, depending on the prevailing schedule in their workplace. With the full implementation of the 35-hour work week, the definition for part-time may change.
17. The particular subsectors with high incidence are eating and drinking establishments, grocery and department stores, and in colleges and universities.
18. Published data on occupations do not separate wage and salary from independent workers.
19. The study uses the monthly *Déclaration des Mouvements de Main d'Oeuvre* and compiles employer reports on regular contracts and CDDs that have either started or expired during the survey month. Public administration, local governments, public health services, and national defense establishments are excluded.
20. The study used a sample of files for those who registered between September and November 1993 with the unemployment agency, ANPE. A sample of 23,882 registered unemployed was followed monthly until July 1996.
21. The study includes private wage and salary workers in the *Enquête Emploi*, having participated in all three labor force surveys (1994, 1995, and 1996). As surveys provide retrospective information, the period covered by the study is 1993–1996. 716,000 reported working in “constrained” part-time work in 1994, and 970,000 reported working in chosen part-time work (Galtier 1999a).
22. Those in short part-time hours (fewer than 15 hours per week) in 1994 were likely to have been unemployed in 1993. By 1996, those with short part-time hours in 1994 were less likely to work full-time; only 14 percent worked full-time compared with 43 percent of those working in long hours in part-time work (30 or more weekly hours).
23. They are also more likely to have part-time hours than workers in standard arrangements. In 1997, 54 percent of on-call workers, and 21 percent of temporary agency employees worked part-time (Houseman 1999).
24. The hourly wage of independent contractors, however, does not differ markedly from that of regular full-time workers.
25. In a 1986 sample of the registered unemployed, 58 percent of males under age 25 and 48 percent of females were employed 18 months later. Corresponding figures for those ages 25–49 were 51 percent and 35 percent, respectively. Of those under age 25 who had found employment, only 45 percent of males and 33 percent of females had found a regular job; 23 percent of males and 33 percent of females had found jobs with a CDD or temporary contract.
26. Of those workers in the survey who were still temps six months later (July)—57 percent of the January sample—most (66 percent) reported they were still temps because they had not found other employment, and 32 percent reported that temporary employment suited their needs. The survey was conducted in July 1989 by

- Institut Français de l'Opinion Publique (IFOP) for PROMATT and included a representative sample of 1,000 persons who were temporary workers in January 1989.
27. Job search to find a standard arrangement is also higher for part-time workers with fewer than 30 hours per week; their rate is twice as high as that for the total workforce and six times as high in the case of young women in short part-time hours.
 28. The numbers for France exclude the self-employed and family workers. The definition for involuntary part-time is "workers who say they are working [part-time] because they could not find [full-time] work" (OECD 1999, p. 33).
 29. Tilly (1992) reports that two-thirds of the growth of total part-time work between 1969 and 1988 was accounted for by the growth of involuntary part-time work.
 30. In 1999, workers on CDDs accounted for 12.4 percent of the underemployed compared with 3.4 percent of other workers (public and private sectors combined); 14 percent of underemployed women worked under CDDs compared with 4 percent of other workers. Workers in temporary assignments represent 2.3 percent of the underemployed compared with 1.9 percent of the total employed (Kontchou and Brunet 2000, Table 3). Study based on *Enquête Emploi*, 1990–1999. Differences noted are significant; logit model controlled for sex, age, diploma, nationality, and broad region of residence.
 31. Translation by author.
 32. Sometimes the auto plant selects the workers and sends them to the temporary service for processing. Tests used for all production workers are administered during the first three-month temp assignment, which is renewed if the tests are passed.
 33. The two main auto manufacturers are experimenting with a partnership with temp companies to generate an industry-wide pool of temp workers trained within auto plants and whose skills are "vetted" by the industry so they can readily shuttle among plants.
 34. The establishments include 14 from manufacturing, two in construction and public works, and eight in service-producing activities (e.g., FIRE, and services proper).
 35. This section relies extensively on Houseman 1999.
 36. One month for those with at least six months seniority and two months for those with more than two years of seniority.
 37. The procedure created an opening for forging public-private agreements to draw on government aid to dislocated workers.
 38. The legislation provided additional grounds for clerical and professional workers, categories of workers previously immune from layoffs, to challenge their layoffs due to restructuring in peer representation labor courts, an action which many took. Labor courts thus became backlogged. In construction, with its frequently recurrent layoffs, the legislation prompted the rapid adoption of temporary contracts simply to avoid the oversight and the lags it entailed.
 39. This amounts to about 17 weeks of pay (Caire and Kerschen 1999, p. 309).

40. States in which union density declined less slowly (unions were stronger) had more rapid temporary agency employment growth than those with rapidly declining union density (Autor 2003). In contrast, earlier research on temporary agency trends (1982–1988) concluded that the decline in union power enabled firms to increase their use of temporary workers (Golden and Appelbaum 1992).
41. For example, the lump sum payment is set at 10 percent of total compensation for temps and 6 percent for CDDs.
42. Although the average factor is estimated to be 2.2 in 1993 for the entire temp industry (i.e., for an hourly pay of 100, the temp cost is 220), some large employers were able to negotiate it down to 2.05 or lower (Ramaux 1993, p. 95).
43. One principle remains from this era. Within a workplace, those working part-time and preferring full-time work, and those working full-time but preferring part-time have priority in bidding for jobs with equivalent skill levels to their own.
44. This practice was facilitated by 1986 legislation that revoked a 1982 provision mandating the conversion of part-time contracts to full-time contracts when the worker had effectively worked full-time for a period of 12 weeks.

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Nonstandard Work in Developed Economies

Causes and Consequences

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And
Machiko Osawa
Editors

2003

W.E. Upjohn Institute for Employment Research
Kalamazoo, Michigan

Library of Congress Cataloging-in-Publication Data

Nonstandard work in developed economies : causes and consequences /
Susan Houseman and Machiko Osawa, editors.

p. cm.

“These papers were originally presented at a conference sponsored by the
Japan Foundation and the W.E. Upjohn Institute for Employment Research
in August 2000”—Introd.

Includes bibliographical references and index.

ISBN 0-88099-264-6 (alk. paper) — ISBN 0-88099-263-8 (pbk. : alk.
paper)

1. Hours of labor, Flexible—Developed countries—Congresses. 2. Part
time employment—Developed countries—Cross-cultural
studies—Congresses. 3. Temporary employment—Developed
countries—Cross-cultural studies—Congresses. 4. Employment (Economic
theory)—Congresses. I. Houseman, Susan N., 1956- II. Osawa, Machiko.

III. Title

HD5109.N66 2003

331.2572091722—dc22

2003019015

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W.E. Upjohn Institute for Employment Research
300 S. Westnedge Avenue
Kalamazoo, Michigan 49007-4686

The facts presented in this study and the observations and viewpoints expressed are the
sole responsibility of the authors. They do not necessarily represent positions of the
W.E. Upjohn Institute for Employment Research.

Cover design by J.R. Underhill.

Index prepared by Nancy Humphreys.

Printed in the United States of America.

Printed on recycled paper.