

# 池添副主任研究員提出資料

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## 海外の労働者派遣制度に関するヒアリング ーアメリカー

(労働政策審議会 職業安定分科会 労働力需給制度部会 平成19年3月13日(火))

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### I 非正規労働者の実態

#### 1. 労働統計局(BLS)の調査

最新の統計調査結果は

Contingent and Alternative Employment Arrangements, February 2005 資料1

過去の統計調査結果は

日本労働研究機構『アメリカの非典型雇用』(2001年) 9-45頁 資料2 を参照

##### (1) 非正規労働者の定義と類型

A. コンティンジェント労働者 資料2 (1頁)

雇用継続の期待と実際、自営業者を除外するか否かによる三つの推計を設定

B. 代替的就業形態労働者 資料2 (2頁)

就業形態別に四つに類型化

##### (2) 代替的就業形態の類型ごとの規模 資料1 (2頁、14頁)、資料2 (2頁)

・派遣労働者と請負会社労働者は最近と過去であまり変化は見られないが、独立契約者と呼出労働者は増加。制定法の適用回避(制定法上の「労働者」概念との関係)あるいは人件費削減のためか

・なお、「派遣労働者」については、派遣会社の常勤スタッフ、テンポラリーでない派遣労働者も含まれる場合があることから、必ずしも本来の意味での派遣労働者のみを表すわけではないことに注意が必要

##### (3) 代替的就業形態ごとの傾向

A. 職種別 資料1 (17頁)

B. 産業別 資料1 (17頁)

C. 属性別

a. 年齢別 資料1 (14-15頁)

b. 性別別 資料1 (14-15頁)

b'. 理由別 資料2 (22頁)

c. 人種別 資料1 (14-15頁)

d. フルタイム/パートタイム別 資料1 (14-15頁)

d'. パートタイム理由別 資料2 (18頁)

e. 学歴別 資料1 (16頁)

f. 婚姻上の地位及び子の有無 資料2 (17頁)

D. 賃金 資料1 (20頁)

E. ベネフィット(健康保険、年金) 資料1 (18頁上方、Table 9)

F. 雇用保証期間 資料2 (20頁)

G. 今後の志向 資料1 (19頁上方、Table 11)

## (2) 労働者派遣に関するその他の実情（ただし断片的なもの）

- 企業としては、基本的にテンポラリーで派遣を活用するが、派遣就業中の職務遂行状況が良好な場合には、当該派遣労働者を自社の労働者として採用する場合がある。したがってこの場合、派遣就業は結果として紹介予定派遣（又は試用期間）のように機能することになる。
- 派遣会社（Temporary Help Agency）と雇用斡旋会社（Employment Agency）はまったく別のものだが、両者を兼ねた会社も存在するようである。上記のような、結果としての紹介予定派遣を活用するかは、派遣会社とクライアントである派遣先会社との契約内容（その場合の手数料に係る約定を含む。）によるのではないか。
- 派遣で就業する者も「労働者」であり制定法の適用が及ぶため、企業としては制定法の適用が及ばない「独立契約者」（あるいはコストが安くすむ呼出労働者）をより多く活用しているのではないかと推測される。これが派遣就業者数が増加しない理由の一つではないか。

## 2. 労働関連事業、非正規労働者に係る制定法による規整

### (1) 労働者派遣・職業紹介・労働者リース事業に係る規整

- いずれについても連邦制定法による規整はない

- 労働者派遣
  - 労働者供給事業（Labor Pool）に係る規整を行う州が幾つかある（FL, GA, TX）
- 職業紹介
  - 多くの州で規整があるが、いずれも制約を設けるものではないもよう
- 労働者リース
  - 幾つかの州で規整（免許制と登録制の二種）がある
  - なお、ほとんどの州は労働関係税に関連した規定を持つ
- 非正規労働者保護に関する制定法
  - 連邦レベルでは過去に法案が提出されているが、いずれも立法化に至っていない
  - 州レベルでは制定法が見られるが、実質的な保護には乏しいもよう（IL, RI）

#### \*参考文献

小島典明[1998]「民営職業紹介事業と規制のあり方」日本労働研究雑誌 No.437 号 31 頁  
 日本労働研究機構[1998]『欧米主要国における労働者派遣法の実態（調査研究報告書 No.93）』  
 47 頁以下、338 頁以下【小島典明執筆部分】  
 藤川恵子[1998]「労働者派遣の現状と展望」季刊労働法 186 号 149 頁  
 藤川恵子[1999]「従業員リースとその規制」阪大法学 48 卷 6 号 143 頁  
 日本労働研究機構[2001]『アメリカの非典型雇用』  
 Findlaw 及び Lexis による法令のネット検索

### (2) 非正規労働者の保護及び利益供与に係る規整

- 「労働者」概念と制定法の人的適用範囲
  - 人的適用範囲は、基本的に、「雇用関係」がある「労働者（employee）」に限定
  - 判断要素は、主に、就業者の労務遂行に対する使用者の「指揮監督権限（right to

control)」の有無（コモン・ロー代理法に基づく）又は同権限を表す解雇権限、機材・器具等の負担、賃金算定・支払い方法などによる

- ・差別禁止法は、「個人 (individual)」に対して差別的行為を行うこと禁じているため、自己の労働者でなく、受け入れている他社の労働者であっても差別的行為を行うことは違法となる (Title VII 703 条(a)(1), ADA 102 条(a), ADEA 4 条(a)(1)(2))
- ・差別禁止法に関しては「雇用斡旋機関 (employment agency)」も差別が禁じられる対象として条文に明記されている (Title VII 703 条(c), ADA 101 条(2), ADEA 4 条(b))

#### B. 「共同使用者」概念

- ・通常は雇用関係の一方当事者たる「使用者」が制定法上の義務履行主体
- ・しかし、雇用関係の複雑化を受けて「共同使用者 (joint employer)」概念が発達

##### a. 公正労働基準法

- ・「使用者」とは、使用者の利益のために労働者に対して直接・間接に働きかける者 (3 条(d))
- ・労務提供の共有や使用者間の関連性、労働者に対するコントロール権限の行使 (29 C.F.R. § 791.2)

##### b. 家族・医療休暇法

- ・使用者の定義は FLSA に同じ (101 条(4)(A)(ii)(I), 29 C.F.R. § 825.106(a))
- ・派遣・労働者リース会社は共同使用者 (29 C.F.R. § 825.106(b).)

##### c. 職業安全衛生法

- ・派遣労働者に関しては派遣先が法的責任負う（行政解釈）。
- ・日常的に指揮監督を行っている場合は受け入れている非正規労働者に生じた負傷・疾病に係る記録保存義務あり (29 C.F.R. § 1904.31)。

##### d. 差別禁止法

- ・コンテインジェント労働者に対する差別禁止法の適用に係るガイドライン
- ・コントロール権限の有無が指標

##### e. 全国労働関係法

- ・派遣元と派遣先の使用者両方が団体交渉について同意していることが必要 (dual consent requirement)。Oakwood Care Center and N&W Agency, 343 N.L.R.B. No.76 (2004)。ただし、今まで両方の同意を取り付けた事例はないらしい。

##### f. 労災補償、年金・健康保険、税（労働関係税、所得税）の各法の責任については、派遣会社や労働者リース会社が負う（ただし労災補償については派遣先が責任を負う場合もある）

#### \*参考文献

荒木尚志、山川隆一、労働政策研究・研修機構『諸外国の労働契約法制』(2006年) 365-373頁  
〔池添弘邦執筆部分〕

労働政策研究・研修機構『「労働者」の法的概念に関する比較法研究(労働政策研究報告書 No.67)』(2006年) 267-273頁〔池添弘邦執筆部分〕

# News

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## CONTINGENT AND ALTERNATIVE EMPLOYMENT ARRANGEMENTS, FEBRUARY 2005

The proportion of U.S. workers holding contingent jobs was little different in February 2005 than in February 2001, the Bureau of Labor Statistics of the U.S. Department of Labor reported today. Contingent workers are persons who do not expect their jobs to last or who reported that their jobs are temporary. Using three alternative measures, contingent workers accounted for 1.8 to 4.1 percent of total employment in February 2005. (See table A.) In February 2001, the last time the survey was conducted, they ranged from 1.7 to 4.0 percent. The first time the survey was conducted, in February 1995, the estimates ranged from 2.2 to 4.9 percent.

The analysis in this release focuses on the broadest estimate of contingent workers—all those who do not expect their current job to last.

In addition to contingent workers, the survey also identified those workers who have alternative work arrangements. In February 2005, there were 10.3 million independent contractors (7.4 percent of total employment), 2.5 million on-call workers (1.8 percent of total employment), 1.2 million temporary help agency workers (0.9 percent of total employment), and 813,000 workers provided by contract firms (0.6 percent of total employment). (See table 8.) The proportion of the total employed who were independent contractors increased from 6.4 percent in February 2001. The proportions for the other three alternative work arrangements showed little or no change from February 2001.

An employment arrangement may be defined as both contingent and alternative, but this is not automatically the case because contingency is defined separately from the four alternative work arrangements. In February 2005, the proportion of workers employed in alternative arrangements who also were classified as contingent workers ranged from 3 percent of independent contractors to 61 percent of temporary help agency workers. (See table 12.)

Data on contingent and alternative employment arrangements have been collected periodically in supplements to the Current Population Survey (CPS) since February 1995. The CPS is a monthly nationwide survey of about 60,000 households that obtains information on employment, unemployment, earnings, demographics, and other characteristics of the civilian noninstitutionalized population age 16 and over. A description of the concepts and definitions used in the supplement is included in the Technical Note that follows this analysis. Some highlights from the February 2005 survey follow:

**Table A. Contingent workers and workers in alternative arrangements as a percent of total employment, February 2005**

| Definition and alternative estimates of contingent workers  | Percent of total employed |
|---|---------------------------|
| <i>Contingent workers</i> are those who do not have an implicit or explicit contract for ongoing employment. Persons who do not expect to continue in their jobs for personal reasons such as retirement or returning to school are not considered contingent workers, provided that they would have the option of continuing in the job were it not for these reasons.   |                           |
| <b>Estimate 1</b><br>Wage and salary workers who expect their jobs will last for an additional year or less and who had worked at their jobs for 1 year or less. Self-employed workers and independent contractors are excluded from the estimates. For temporary help and contract workers, contingency is based on the expected duration and tenure of their employment with the temporary help or contract firm, <u>not</u> with the specific client to whom they were assigned. | 1.8                       |
| <b>Estimate 2</b><br>Workers including the self-employed and independent contractors who expect their employment to last for an additional year or less and who had worked at their jobs (or been self-employed) for 1 year or less. For temporary help and contract workers, contingency is determined on the basis of the expected duration and tenure with the client to whom they have been assigned, instead of their tenure with the temporary help or contract firm.         | 2.3                       |
| <b>Estimate 3</b><br>Workers who do not expect their jobs to last. Wage and salary workers are included even if they already have held the job for more than 1 year and expect to hold the job for at least an additional year. The self-employed and independent contractors are included if they expect their employment to last for an additional year or less and they had been self-employed or independent contractors for 1 year or less.                                    | 4.1                       |
| Type of alternative arrangement   |                           |
| <b>Independent contractors</b><br>Workers who were identified as independent contractors, independent consultants, or freelance workers, whether they were self-employed or wage and salary workers.  | 7.4                       |
| <b>On-call workers</b><br>Workers who are called to work only as needed, although they can be scheduled to work for several days or weeks in a row.   | 1.8                       |
| <b>Temporary help agency workers</b><br>Workers who were paid by a temporary help agency, whether or not their job was temporary.   | .9                        |
| <b>Workers provided by contract firms</b><br>Workers who are employed by a company that provides them or their services to others under contract and who are usually assigned to only one customer and usually work at the customer's worksite.   | .6                        |

- Under the broadest measure of contingency, there were 5.7 million contingent workers in February 2005, accounting for about 4 percent of total employment.
- Contingent workers were twice as likely as noncontingent workers to be under age 25. Contingent workers were less likely to be white than noncontingent workers.
- Young contingent workers (16- to 24-year olds) were more likely than their noncontingent counterparts to be enrolled in school.
- More than half of contingent workers (55 percent) would have preferred a permanent job.
- The demographic characteristics of workers in alternative employment arrangements varied widely between the four arrangements. For example, independent contractors were more likely than workers in traditional arrangements to be older, male, and white. Temporary help agency workers were more likely to be young, female, and black or Hispanic or Latino.
- The majority of independent contractors (82 percent) preferred their work arrangement to a traditional job, while only 32 percent of temporary help agency workers preferred their current arrangement.

#### Demographic Characteristics of Contingent Workers

Using the broadest estimate of contingency, 5.7 million workers were classified as contingent in February 2005. Contingent workers were twice as likely as noncontingent workers to be under 25 years old (27 versus 13 percent). Of these young workers, nearly three-fifths of contingent workers were enrolled in school, compared with about two-fifths of youth with noncontingent jobs. Contingent workers age 25 to 64 were found at both ends of the educational attainment spectrum. Compared with noncontingent workers, contingent workers were more likely to have less than a high school diploma (16 percent compared with 9 percent) and more likely to hold at least a bachelor's degree (37 percent compared with 33 percent). (See tables 1, 2, and 3.)

A slightly larger proportion of contingent workers than noncontingent workers were women (49 versus 47 percent). Contingent workers were slightly less likely to be white (79 percent compared with 83 percent) and much more likely to be Hispanic or Latino (21 percent compared with 13 percent) than their noncontingent counterparts.

Part-time workers—individuals who usually work less than 35 hours a week—made up two-fifths of contingent workers, compared with less than one-fifth of noncontingent workers. However, the vast majority of part-time workers (91 percent) were not employed in contingent arrangements. (See tables 1 and 2.)

#### Occupation and Industry of Contingent Workers

As in previous surveys, contingent workers were distributed throughout the major occupational groups. Compared with noncontingent workers, contingent workers were more likely to work in professional and related occupations and construction and extraction occupations. With regard to industries, contingent workers were more likely to hold jobs in the professional and business services, education and health services, and construction industries. (See table 4.)

#### Job Preferences of Contingent Workers

The majority of contingent workers (55 percent) would have preferred a job that was permanent. However, more than 1 in every 3 said they preferred their current arrangement. (The remainder expressed no clear preference.) (See table 10.) By comparison, the proportion was 40 percent in February 2001.

### Compensation of Contingent Workers

Full-time contingent wage and salary workers had median weekly earnings of \$488 in February 2005. (See table 13.) (Beginning with the February 2001 survey, information on the earnings of noncontingent workers is not available because it is no longer collected.)

Contingent workers continued to be much less likely to have employer-provided health insurance. Less than one-fifth of contingent workers (18 percent) were covered by health insurance provided by their employer, compared with slightly more than half of noncontingent workers (52 percent). Although four-fifths of contingent workers did not receive health insurance from their employer, nearly three-fifths (59 percent) did have health insurance from some source. (See table 9.)

Contingent workers also were much less likely to be eligible for employer-provided pension plans. Half of noncontingent workers were eligible for such plans, while only about 1 in every 5 contingent workers was eligible. Among those who were eligible, contingent workers also were much less likely to participate in such plans. (See table 9.)

### Independent Contractors

Independent contractors were the largest of the four alternative work arrangements. In February 2005, there were about 10.3 million independent contractors, accounting for 7.4 percent of the employed. These workers were more likely than workers in traditional arrangements to be age 35 and over (81 versus 64 percent), male (65 versus 52 percent), and white (89 versus 82 percent). Thirty-six percent of independent contractors had at least a bachelor's degree in February 2005, compared with 33 percent of workers with traditional arrangements. (See tables 5, 6, and 7.)

Independent contractors were more likely than those with traditional arrangements to be in management, business, and financial operations occupations; sales and related occupations; and construction and extraction occupations. In terms of industry, independent contractors were more likely than traditional workers to be employed in construction, financial activities, and professional and business services. Fewer than 1 in 10 independent contractors said they would prefer a traditional work arrangement. (See tables 8 and 11.)

### On-call Workers

The second largest group of workers employed in alternative arrangements was on-call workers. Nearly 2.5 million workers (1.8 percent of total employed persons) were on-call workers in February 2005. The characteristics of on-call workers were similar to workers with traditional arrangements, except that on-call workers were more likely to be young and to have less than a high school diploma. Twenty percent of on-call workers were 16- to 24-year olds, compared with 14 percent of traditional workers. Among on-call workers age 25 to 64, 14 percent did not have a high school diploma, compared with 9 percent of workers in traditional arrangements. (See tables 5, 6, and 7.)

On-call workers were much more likely than traditional workers to hold jobs in professional, service, and construction and extraction occupations. By industry, on-call workers were overrepresented, compared with traditional workers, in construction and education and health services. About 44 percent of on-call workers usually worked part time, a much higher proportion than either traditional workers or workers in other alternative arrangements. On-call workers were about equally likely to prefer a traditional arrangement to their alternative arrangement. (See tables 6, 8, and 11.)

### Temporary Help Agency Workers

In February 2005, there were about 1.2 million temporary help agency workers, accounting for 0.9 percent of all employment. These workers were more likely than traditional workers to be women and young. Fifty-three percent of temporary help agency workers were women, compared with about 48 percent of traditional workers. Nearly half of temporary help agency workers were under the age of 35 compared with only 36 percent of workers in traditional arrangements. Temporary help agency employees were much more likely than workers with traditional arrangements to be black (23 versus 11 percent) and Hispanic or Latino (21 versus 13 percent). Seventeen percent of temporary help agency workers ages 25 to 64 years old had less than a high school diploma, compared with 9 percent of workers in traditional arrangements. (See tables 5, 6, and 7.)

In terms of occupation, temporary help agency workers were more likely than traditional workers to hold office and administrative support and production, transportation, and material moving jobs. Compared with traditional workers, temporary help agency workers were more frequently employed in the manufacturing and professional and business services industries. (See table 8.)

Among workers employed in alternative arrangements, those employed by temporary help agencies were the least likely to prefer their current arrangement (32 percent). About 56 percent said they would prefer a traditional arrangement. (See table 11.)

### Workers Provided by Contract Companies

The smallest of the four alternative arrangements was contract company employment, with 813,000 workers or 0.6 percent of total employment. These are individuals who were identified as working for a contract company and who usually worked at the customer's worksite. Nearly 70 percent of contract company workers were men, compared with 52 percent of traditional workers. Compared with traditional workers, employees of contract companies were more likely to be black and Hispanic or Latino. Among 25- to 64-year olds, those employed by contract companies were more likely than traditional workers to have less than a high school diploma (13 versus 9 percent); however, the group also had a higher proportion of college graduates (37 versus 33 percent). (See tables 5, 6, and 7.)

Contract company employees were much more likely than workers with traditional arrangements to hold jobs in professional, service, and construction and extraction occupations. Compared with traditional workers, contract company workers were more frequently employed in the construction industry and public administration. (See table 8.)

### Compensation of Workers in Alternative Arrangements

Median usual weekly earnings varied widely among full-time wage and salary workers in the four alternative employment arrangements. Contract company workers (\$756) and independent contractors (\$716) earned significantly more than on-call workers (\$519) and temporary help agency workers (\$414). (See table 13.)

The differences in earnings between the four alternative work arrangements reflect in part the demographic and occupational concentration of each arrangement. For example, independent contractors tend to be older, highly educated individuals who work in relatively high-paying management, business, and financial operations occupations. In contrast, temporary help agency workers tend to be younger, less-educated persons who hold relatively low-paying office and administrative support jobs. (See tables 5, 6, and 7.)

Compared with workers in traditional arrangements, workers in alternative arrangements (except those employed by contract companies) were much less likely to be covered by health insurance from any source than workers in traditional arrangements. Workers in all alternative work arrangements were less likely than workers in traditional arrangements to have health insurance provided by their employer. At 49 percent, workers provided by contract firms were the most likely to have health insurance coverage from their employer, while employees of temporary help agencies (8 percent) had the lowest rate of coverage. Fifty-six percent of workers with traditional arrangements had employer-provided health insurance coverage. (See table 9.)

Workers in alternative arrangements were also less likely than those in traditional arrangements to be eligible for employer-provided pension plans. As with health insurance coverage, there was considerable variation between the four groups. For example, contract company employees were the most likely to be eligible at 43 percent, while only about 9 percent of workers in temporary help agencies were eligible. In contrast, 53 percent of employees with traditional work arrangements were eligible for employer-provided pension plans. (See table 9.)

# Technical Note

## Source of data

The data presented in this release were collected through a supplement to the February 2005 Current Population Survey (CPS), a monthly survey of about 60,000 households that provides data on employment and unemployment for the nation. The CPS is conducted by the U.S. Census Bureau for the Bureau of Labor Statistics (BLS). The purpose of this supplement was to obtain information from workers on whether they held contingent jobs, that is, jobs which are expected to last only a limited period of time. In addition, information was collected on several alternative employment arrangements, namely working as independent contractors and on call, as well as working through temporary help agencies or contract firms.

Several major changes introduced into the CPS in 2003 affect the data that are presented in this release. These include the introduction of Census 2000 population controls, the use of new questions about race and Hispanic or Latino ethnicity, the presentation of data for Asians, and the introduction of new industry and occupational classification systems. For a detailed discussion of these changes and their impact on CPS data, see "Revisions to the Current Population Survey Effective in January 2003" in the February 2003 issue of *Employment and Earnings* and available at <http://www.bls.gov/cps/rvcps03.pdf> on the BLS Web site.

All employed persons except unpaid family workers were included in the supplement. For persons holding more than one job, the questions referred to the characteristics of their main job—the job in which they worked the most hours. Similar surveys were conducted in February of 1995, 1997, 1999, and 2001.

## Reliability of the estimates

Statistics based on the CPS are subject to both sampling and nonsampling error. When a sample, rather than the entire population, is surveyed, there is a chance that the sample estimates may differ from the "true" population values they represent. The exact difference, or *sampling error*, varies depending on the particular sample selected, and this variability is measured by the standard error of the estimate. There is about a 90-percent chance, or level of confidence, that an estimate based on a sample will differ by no more than 1.6 standard errors from the "true" population value because of sampling error. BLS analyses are generally conducted at the 90-percent level of confidence.

The CPS data also are affected by *nonsampling error*. Nonsampling error can occur for many reasons, including the failure to sample a segment of the population, inability to obtain information for all respondents in the sample, inability or unwillingness of respondents to provide the correct information, and errors made in the collection or processing of data.

For a full discussion of the reliability of data from the CPS and information on estimating standard errors, see the "Explanatory Notes and Estimates of Error" section of *Employment and Earnings*.

## Concepts and definitions

*Defining and estimating the contingent workforce.* Contingent workers are defined as those who do not have an explicit or implicit contract for long-term employment. Several pieces of information are collected in the supplement from which the existence of a contingent employment arrangement can be discerned. These include: whether the job is temporary or not expected to continue, how long the worker expects to be able to hold the job, and how long the worker has held the job. For workers who have a job with an intermediary, namely a temporary help agency or a contract company, information is collected about their employment at the place they are assigned to work by the intermediary as well as their employment with the intermediary itself.

The key factor used to determine if a worker's job fits the conceptual definition of contingent is whether the job is temporary or not expected to continue. The first questions of the supplement are:

1. Some people are in temporary jobs that last only for a limited time or until the completion of a project. Is your job temporary?
2. Provided the economy does not change and your job performance is adequate, can you continue to work for your current employer as long as you wish?

Respondents who answer "yes" to the first question or "no" to the second are then asked a series of questions to distinguish persons who are in temporary jobs from those who, for personal reasons, are temporarily holding jobs that offer the opportunity of ongoing employment. For example, students holding part-time jobs in fast-food restaurants while in school might view those jobs as temporary if they intend to leave them at the end of the school year. The jobs themselves, however, would be filled by other workers once the students leave.

A job is defined as being short term or temporary if the person holding it is working only until the completion of a specific project, temporarily replacing another worker, being hired for a fixed time period, filling a seasonal job that is available only during certain times of the year, or if other business conditions dictated that the job is short term.

Workers also are asked how long they expect to stay in their current job and how long they have been with their current employer. The rationale for asking how long an individual expects to remain in his or her current job is that being able to hold a job for a year or more could be taken as evidence of at least an implicit contract for ongoing employment. In other words, the employer's need for the worker's services is not

likely to evaporate tomorrow. By the same token, the information on how long a worker has been with the employer shows whether a job has been ongoing. Having remained with an employer for more than a year may be taken as evidence that, at least in the past, there was an explicit or implicit contract for continuing employment.

To assess the impact of altering some of the defining factors on the estimated size of the contingent workforce, three measures of contingent employment were developed, as follows:

Under **estimate 1**, which is the narrowest, contingent workers are wage and salary workers who indicate that they expect to work in their current job for 1 year or less and who have worked for their current employer for 1 year or less. Self-employed workers, both incorporated and unincorporated, and independent contractors are excluded from the count of contingent workers under estimate 1; the rationale is that people who work for themselves, by definition, have ongoing employment arrangements, although they may face financial risks. Individuals who work for temporary help agencies or contract companies are considered contingent under estimate 1 only if they expect their employment arrangement with the temporary help or contract company to last for 1 year or less and they have worked for that company for 1 year or less.

**Estimate 2** expands the measure of the contingent work force by including the self-employed—both the incorporated and the unincorporated—and independent contractors who expect to be, and have been, in such employment arrangements for 1 year or less. (The questions asked of the self-employed are different from those asked of wage and salary workers.) In addition, temporary help and contract company workers are classified as contingent under estimate 2 if they have worked and expect to work for the customers to whom they are assigned for 1 year or less. For example, a “temp” secretary who is sent to a different customer each week but has worked for the same temporary help firm for more than 1 year and expects to be able to continue with that firm indefinitely is contingent under estimate 2, but not under estimate 1. In contrast, a “temp” who has been assigned to a single client for more than a year and expects to be able to stay with that client for more than a year is not counted as contingent under either estimate.

**Estimate 3** expands the count of contingency by removing the 1-year requirement on both expected duration of the job and current tenure for wage and salary workers. Thus, the estimate effectively includes all the wage and salary workers who do not expect their employment to last, except for those who, for personal reasons, expect to leave jobs that they would otherwise be able to keep. Thus, a worker who has held a job for 5 years could be considered contingent if he or she now views the job as temporary. These conditions on expected and current tenure are not relaxed for the self-employed and independent

contractors because they are asked a different set of questions than wage and salary workers.

*Defining alternative employment arrangements.* To provide estimates of the number of workers in alternative employment arrangements, the supplement includes questions about whether individuals are paid by a temporary help agency or contract company, or whether they are on-call workers or independent contractors. Definitions of each category, as well as the main questions used to identify workers in each category, follow.

**Independent contractors** are all those who are identified as independent contractors, consultants, and free-lance workers in the supplement, regardless of whether they are identified as wage and salary workers or self-employed in the responses to basic CPS labor force status questions. Workers identified as self-employed (incorporated and unincorporated) in the basic CPS are asked, “Are you self-employed as an independent contractor, independent consultant, or something else (such as a shop or restaurant owner)?” in order to distinguish those who consider themselves to be independent contractors, consultants, or free-lance workers from those who are business operators such as shop owners or restaurateurs. Those identified as wage and salary workers in the basic CPS are asked, “Last week, were you working as an independent contractor, an independent consultant, or a free-lance worker? That is, someone who obtains customers on their own to provide a product or service.” Eighty-seven percent of independent contractors were identified as self-employed in the main questionnaire, while 13 percent were identified as wage and salary workers. Conversely, nearly 3 in every 5 of the self-employed were identified as independent contractors.

**On-call workers** are persons who are called into work *only* when they are needed. This category includes workers who answer affirmatively to the question, “Some people are in a pool of workers who are ONLY called to work as needed, although they can be scheduled to work for several days or weeks in a row, for example, substitute teachers and construction workers supplied by a union hiring hall. These people are sometimes referred to as ON-CALL workers. Were you an ON-CALL worker last week?” Persons with regularly scheduled work which might include periods of being “on call” to perform work at unusual hours, such as medical residents, are not included in this category.

**Temporary help agency workers** are all those who are paid by a temporary help agency. To the extent that permanent staff of temporary help agencies indicate that they are paid by their agencies, the estimate of the number of workers whose employment is mediated by temporary help agencies is overstated. This category includes workers who say their job is temporary and answer affirmatively to the question, “Are you paid by a temporary help agency?” Also included are workers

who say their job is not temporary and answer affirmatively to the question, "Even though you told me your job is not temporary, are you paid by a temporary help agency?"

**Workers provided by contract firms** are those individuals identified as working for a contract company, and who usually work for only one customer and usually work at the customer's worksite. The last two requirements are imposed to focus on workers whose employment appears to be very closely tied to the firm for which they are performing the work, rather than include all workers employed by firms that provide services. This category includes workers who answer affirmatively to the question, "Some companies provide employees or their services to others under contract. A few examples of services that can be contracted out include security, landscaping, or computer programming. Did you work for a company that contracts out you or your services last week?" These workers also have to

respond negatively to the question, "Are you usually assigned to more than one customer?" In addition, these workers have to respond affirmatively to the question, "Do you usually work at the customer's worksite?"

#### **Additional information**

Persons interested in additional information about this release or the February supplements should contact (202) 691-6378 (e-mail: CPSInfo@bls.gov). Further information on the concepts used in this release can be found in "Contingent and alternative work arrangements, defined" in the October 1996 issue of the *Monthly Labor Review* available on the Internet at <http://www.bls.gov/opub/mlr/1996/10/art1full.pdf>.

Information in this release is made available to sensory impaired individuals upon request. Voice phone: (202) 691-5200; TDD message referral phone: 1-800-877-8339.