Race, To The Bottom:  
TEMP WORKER JUSTICE (TWJ) | TEMP WORKER UNION ALLIANCE PROJECT (TWUAP)  
THE DEMOGRAPHICS OF BLUE-COLLAR TEMPORARY STAFFING  
DECEMBER 2020 / BY DAVE DeSARIO & JANNELLE WHITE
Where we are TODAY

Race, to the Bottom (defined): a situation in which temp agencies compete with each other to reduce costs by paying the lowest wages or giving workers the worst conditions based on race.

The worst and most dangerous jobs are disproportionately assigned to African-American and Latinx workers, as temporary staffing agencies cut corners and cut costs in a race to the bottom.

An analysis of newly available and unpublished data from the Illinois Department of Labor (IDOL) finds extreme occupational segregation in low-road temp agency jobs, exacerbating racial inequalities, and signaling widespread discrimination in the temporary staffing industry throughout the country. This report from Temp Worker Justice (TWJ) and the Temp Worker Union Alliance Project (TWUAP) raises new questions about flawed data collection methods and inadequate public policies, and proposes solutions to lift African-American and Latinx temp workers up from the bottom.
Temp Worker Justice (TWJ) empowers workers and workers’ organizations. Launched in 2019, it is the only national organization dedicated to addressing the issues facing temporary workers. TWJ provides research, education, organizing, and legal support. TWJ builds the capacity for action through partner organizations and workplace leaders, replicating the successes our team and allies have achieved on a local level, bringing them to temporary workers across the country.

The Temp Worker Union Alliance Project (TWUAP) is comprised of union leaders, worker center leaders, and allies who are deeply concerned about the steep rise of non union temp labor and are working to stop it.

TWUAP aims to strengthen the labor movement by ensuring that temporary workers are no longer used to divide and dilute worker power at job sites, but are instead brought into collective bargaining agreements and grow both worker power and the power of local unions.

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Summary

Most blue-collar temp jobs in the U.S. are staffed by African-American and Latinx workers. This is not a measure of diversity: it’s discrimination. There is “diversity” in temp staffing as there is among payday loan recipients\(^1\) or in the prison system\(^2\). Newly available data shows that the problem is even worse than previously known.

The Illinois Department of Labor began tracking demographic information of temp agency workers in 2018/2019 as mandated by the Responsible Jobs Creation Act. The data collection methods differ from established U.S. Bureau of Labor Statistics (BLS) practices, capturing a clearer picture of blue-collar temp workers. This first ever analysis of the new data reveals:

- 85% of blue-collar temp assignments are staffed by non-white workers in a state where non-white workers are just 35% of the workforce (Illinois). 78% of those temp assignments went to African-American and Latinx workers.

- **Blue-collar temp workers are nearly 3 times more likely to be African-American and Latinx than the overall workforce.** (2.80x for African-American and 2.74x for Latinx - Illinois)

- The over-representation of African-American and Latinx workers found in blue-collar temp assignments is more than twice as significant as BLS data has established for the temporary staffing industry.

Temp jobs perpetuate poverty instead of providing a pathway out of it. They often require the same skills and responsibilities as traditional, direct-hire positions, but offer far less compensation and stability. As companies cut corners and cut costs, it’s often temporary staffing agencies that facilitate the race to the bottom. Temp workers receive less training and suffer higher rates of injury. They almost never receive benefits, have unpredictable schedules where assignments can end at any moment, and are treated like second-class citizens in workplaces where legal barriers make unionization almost impossible, and where managers and permanent workers may never bother to learn their names. That is not even to speak of abuses like wage theft, sexual harassment, hidden non-compete agreements that block access to good jobs, and permatemping: where so-called “temps” are on the job for years. In Illinois, the average temp spends six years in “temporary” assignments, and 4 out of 5 never have a temp job turn into a permanent one\(^3\).

The temp industry may get a worker’s foot in the door, but it isn’t letting them all the way in, preventing a mostly African-American and Latinx workforce from achieving stable employment, economic security, and equality.
Workforce Demographics

OVERALL IL WORKFORCE:
35.6% NON-WHITE, 64.4% WHITE

IL TEMP ASSIGNMENTS:
14.8% WHITE, 85.2% NON-WHITE

IL TEMP ASSIGNMENTS:
BLACK 36.2%, LATINX 41.9%, WHITE 14.8%, OTHER 6.1%

OVERALL IL WORKFORCE:
12.9% BLACK, 15.3% LATINX, 64.6% WHITE, 7.2% OTHER
Temp agency work has long been associated with an extensive list of negative outcomes for workers. Therefore, any over-representation of African-American and Latinx workers in temp jobs is a measure of discrimination, not diversity.

Employed by temporary staffing agencies, so-called “temp” workers can be in the same position for years, or remain in the industry, shuffled between many different temp assignments for the length of a career. Temporary workers often perform the same work side-by-side with traditional, direct-hire, “permanent” employees. However, temps earn an average of 41% less pay for that same work\(^4\). Only a small fraction receive benefits of any kind: just 12.8% of temps receive health insurance through their employer, the benefit they are most likely to receive\(^5\). And, they are twice as likely to be injured on the job while working in higher-hazard blue-collar industries like construction, warehousing, or manufacturing\(^6\).

The U.S. Bureau of Labor Statistics (BLS) has provided the best data on the number of temporary workers in the U.S. and on temporary worker demographics. These figures provide an important baseline, though significant issues with their data and data collection methods will be discussed in this report. According to BLS, there are approximately 3 million temp workers on the job during the average week, and they are much more likely to be Black or Latinx than the overall working population. Nationally, Black workers account for 12.1% of the overall workforce but 25.9% of the temp workforce, an over-representation of 2.14\(x\). Latinx workers make up 16.6% of all workers, but 25.4% of temp workers, an over-representation of 1.53\(x\)\(^7\).

Demographic data for Illinois’ temporary workforce, according to BLS, is similar to national averages, making data from the state good for a case study. Black workers account for 12.9% of the Illinois workforce but 23.6% of the temp workforce. Latinx workers make up 15.3% of all workers, but 23.0% of temp workers.

Illinois is also an important state for analysis of the temporary staffing industry because on-the-ground worker organizing and legislation to protect temporary workers are more advanced than in any other state. This is in large part due to the efforts of the Chicago Workers Collaborative (CWC), a workers’ center that has been organizing among temporary workers for more than two decades. Researchers are able to gain greater access to temp workers to understand their experiences, can capture a long view of changes in the industry over the last twenty years in which temp workers have been engaged and organized, and the state is the only in the nation to require reporting of any demographic data in the temporary staffing industry. Demographic data is now reported annually to the Illinois Department of Labor (IDOL) using a unique method, giving a clear view that is specific to blue-collar assignments within the temporary staffing industry.
Most large employers with more than 100 employees must report the demographic data of their workforce to the U.S. Equal Employment Opportunity Commission (EEOC) on annual EEO-1 surveys. Large temporary staffing agencies file this survey for their internal staff positions including recruiters, dispatchers, and salespeople. However, these same agencies are exempt from reporting on temp workers, despite their identical legal status to internal employees. This leaves a significant gap in our understanding that Illinois’ data collection is, in part, able to remedy.

The Illinois’ Day and Temporary Labor Services Act⁹ became law in 2000 and has been amended several times since. The most recent addition, the Responsible Jobs Creation Act, was passed in 2017, adding an annual record-keeping and reporting requirement for temporary staffing agencies effective in 2018. It is the first and only law in the country that begins to hold temporary staffing agencies accountable for the occupational segregation and discrimination reported by many workers, and shown in BLS data as an extreme over-representation of Black and Latinx workers.

The Illinois law requires day and temp labor services agencies to submit annually to the Illinois Department of Labor (IDOL) “the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer.” The data are available to the public on the county level, with privacy protections given to individual agencies. Furthermore, the law limits reporting to “day and temporary laborers,” generally interpreted to mean “blue-collar workers,” and thus excluding significant portions of temps in healthcare, information technology, and other higher-income fields. This Illinois-specific definition of “temporary laborer” may miss as much as 60% of the state’s temp agency workforce⁸, but what it does provide is a unique and valuable view of industrial temp staffing.

This demographic information for the state of Illinois first became available following the first full year of reporting in 2019, and was obtained by Temp Worker Justice via FOIA request in May 2020.
FINDINGS

Day and temporary labor assignments in Illinois are overwhelmingly staffed by non-white workers, particularly African-American and Latinx workers.

According to IDOL, day and temporary work assignments in Illinois go to Black residents at a rate 2.71x greater than the overall population of Illinois. Latinx workers are overrepresented at a rate 2.18x greater than the state's population.

Labor participation rates in Illinois vary significantly by race (56.8% for Black workers, 65.7 for white workers, and 70.5% for Latinx workers). This variation is more pronounced in Illinois than national averages. Therefore, when comparing labor participation rates and IDOL data on temporary worker demographics, the disproportionate assignment of temp staffing jobs for Black and Latinx workers is even greater.

The over-representation for Black and Latinx workers in Illinois is mirrored by under-representation of white workers. Whites are a majority in both the state population (60.8%) and the state's workforce (64.6%). However, IDOL finds that white workers in Illinois are only placed in 14.8% of day and temporary labor assignments, an under-representation compared to labor participation rates by 4.36x.

Black and Latinx workers are also significantly over-represented in BLS data on temporary workers in Illinois. While IDOL reaches the same conclusion, it shows it to a far greater degree, warranting additional analysis.

In Illinois there is a gender gap in labor participation, with women trailing men by 11.2%. In temp staffing, that gap is 15.4% in the state. This gender disparity was most pronounced for white and black workers, and less significant or reversed for other groups in the temp workforce.
The Illinois Department of Labor (IDOL) data analyzed in this report show a much greater degree of occupational segregation and discrimination than previously known through Bureau of Labor Statistics (BLS) data. This should add urgency to the effort to create a better understanding of discrimination in temp staffing, and to improve working conditions for temporary workers.

Table 4.2
BLS, 2019: Illinois NAICS (5613) Employment Services Demographic Data
IDOL, 2019: Illinois Temporary Laborer Demographic Data

<table>
<thead>
<tr>
<th></th>
<th>Black</th>
<th>Latinx</th>
<th>White</th>
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<tbody>
<tr>
<td>BLS</td>
<td>23.6%</td>
<td>23.0%</td>
<td>46.1%</td>
</tr>
<tr>
<td>IDOL</td>
<td>36.2%</td>
<td>41.9%</td>
<td>14.8%</td>
</tr>
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</table>

The difference in temp worker demographic data produced by IDOL and BLS needs further exploration to understand fully why variation exists, and to create a new, more accurate measurement. The discrepancies are in large part due to differences in the definitions of "temporary agencies" and "temporary workers," and in the timing of data collection. This in itself is revealing, but it does not provide a complete answer.

BLS uses the North American Industry Classification System (NAICS) code for “employment services” including “temporary help services” to establish the temporary staffing industry for the purposes of their analysis. The NAICS code is self-reported by businesses based on their principal product or service. So, businesses that engage in more than one activity, of which temporary staffing is included, are not having their temporary workers counted by BLS if temporary staffing is not how they define their principal product or service. For example, a 2002 study found temporary staffing agencies reporting under at least 20 different NAICS codes\(^3\). For those agencies that identify as "employment services," all employees are included in the data collected, which means that internal agency staff, such as recruiters, salespeople, and executives, are counted along with temporary workers. This pollutes the pool of temporary workers. In addition, BLS data examines the workforce population at one limited point in time. So, it cannot capture the frequency of turnover in temporary staffing throughout a year. This one-off collection period can help capture the occupational segregation that exists in temporary staffing, but not discrimination in job quality as correlated to the frequency of different job placements, an indicator of poor job quality and insecurity.
IDOL requires reporting by "any person or entity" placing day and temporary laborers, regardless if that is the self-described principal service. This eliminates the BLS issues of variable NAICS codes. But, IDOL uses a more limited interpretation of “temporary workers,” defined as only “day and temporary laborers.” This essentially confines the data collection to only blue-collar work. This fails to track the full range of industries in which temporary workers are placed, but it does create a unique and clearer view of industrial temp assignments.

On data collection timing, the IDOL data are measured “whenever” a worker is sent on an assignment during the course of a year, so the same individual may be counted more than once. A single worker may be sent on many assignments by an agency, or work for several different agencies during the course of the annual reporting period. This method can roughly capture the quality of job assignments received by workers: the more frequent assignment on many shorter, less stable jobs is a negative outcome, and can be seen as an indication of discrimination if applied disproportionately to a group. But, this measure is only useful in context when it is compared to a count like BLS that defines the population at a set time.

It is clear that flaws exists in the BLS and IDOL methods to measure temporary staffing industry demographics. But, there are two ways to understand the discrepancy between IDOL and BLS data:

A) IDOL and BLS demographic data are different because they define the temporary staffing industry differently. IDOL is measuring blue-collar “day and temporary laborers” exclusively, while BLS is measuring a full range of occupations in temp staffing. If this is the only reason for the differences in demographic data, then white-collar temp jobs must be vastly over-staffed by white workers in Illinois, with almost no Black or Latinx workers. This would indicate an additional layer of occupational segregation and discrimination: blue-collar temps vs. white-collar temps in addition to the known differences between temp vs. perm workers.

B) IDOL and BLS data are different because they count workers differently. IDOL counts demographic information for each assignment during a year, whereas BLS counts during a brief moment in time. Temp positions may turnover many times during the course of a year, so a single individual may be counted many times by IDOL, but just once by BLS. If this is the only reason for the discrepancy, then IDOL's higher rate of participation by Black and Latinx workers is capturing discrimination in job placements: Black workers in particular may be given less stable or shorter assignments, are laid off more often, or are converted to permanent positions less frequently than white temp workers, thus starting new assignments more often and being counted more often.

Either or both of these reasons can lead one to the same conclusion: there is a greater degree of occupational segregation and discrimination in temporary staffing than we knew from BLS data, and we need better data collection methods to know the scope and magnitude.
RECOMMENDATIONS
ILLINOIS & BEYOND

This new Illinois Department of Labor (IDOL) data adds to evidence of extreme occupational segregation and discrimination in temporary staffing. It makes clear two urgent needs for Illinois and beyond: 1) the need to improve data collection methods to fully understand the extent of this issue, and to track changes over time, and 2) the need to improve the quality of temporary jobs and outcomes for temp workers now, as we move to eliminate discrimination and occupational segregation in the industry over time.

In Illinois, data collection can be improved by amending the Day and Temporary Labor Services Act, adding to the existing framework and reporting requirements.

1) Require temporary staffing agencies to report the demographic information of all job applicants, not just of those hired. This will help monitor discrimination in hiring.

2) Require agencies to provide additional details about each job assignment including total hours worked, hourly pay rate, if the assignment ended with a conversion to a permanent position, if workers received health insurance, the industry in which work is performed, and the name of the worksite employer. This will monitor discrimination in the quality of job assignments and direct-hiring. It can also show whether any over-representation by race or gender is a reflection of the occupational segregation that may exist separately within industries, or if there is additional occupational segregation or discrimination by staffing agencies and specific worksite employers.

3) Value accountability over privacy by monitoring the demographics of each day and temporary labor services agency, making those agency names and demographic data available to government regulators and the public. Currently, IDOL data is aggregated and only available on a "municipal and county basis." This will identify the worst actors, distinguish better ones, and encourage enforcement where necessary.

4) Expand the definition of “day and temporary agency” and “day or temporary laborer” under the IL law to capture the full temporary staffing industry, inclusive of its large presence in healthcare, information technology, and office work, among other industries. This will demonstrate if temp workers in higher-wage fields are also experiencing discrimination in hiring or placement.
Nationally, data collection can be improved by using existing systems, or new legislation could be passed.

1) The U.S. Equal Employment Opportunity Commission (EEOC) can require temporary staffing agencies to track demographic data of temporary workers through the existing EEO-3 survey. This survey is currently used for unions, detailing demographic information of individuals employed, those who are applying, and for the number of job referrals. This will capture data on discrimination and job quality where it is missing on the more common EEO-1 surveys that are designed for workforces with more standard employment arrangements.

2) The Restoring Worker Power Act of 2020, H.R. 7638, would require reporting of demographic data on all temporary workers and applicants for temporary jobs, among many other reforms.

Collecting better data is a preliminary and necessary step, but improving outcomes for temp workers would eliminate the root of the problem. An over-representation by Black and Latinx workers in temp staffing would not be an issue if temp jobs provided a fair wage, safe working conditions, and a real path to a permanent job. The factors that make temp work bad can be abated or eliminated through increased enforcement of existing laws, high-road employer practices, or legislation (not to mention worker organizing).

1) Enactment of the Temp Agency Seal of Approval Program in Illinois and beyond would improve enforcement. The Citizens’ Task Force to Improve Enforcement of Temp Worker Rights in Illinois has been bringing together public officials, labor unions, workers’ centers, academic experts, and legal and workforce development professionals since December 2018 to identify effective, innovative enforcement models and create a new program that adapts these models to the task of bringing temp agencies into compliance with Illinois law. The emerging proposed program seeks to create market incentives for temp agency compliance with basic labor laws and an independent monitoring and complaints program grounded in community partnerships that can reliably verify compliance. In addition to requiring temp agencies that join the program to abide by Illinois’ existing laws, the Seal of Approval addresses discrimination in hiring by requiring them to provide demographic information on their applicants as well as employees.

2) Implementation of conscientious worksite employer practices like the High-Road Staffing Contract would improve job quality in workplaces that use temporary staffing agencies. This model contract for worksite employers and staffing agencies raises standards within individual organizations and provides: A) A clear path to permanent employment to reduce permatemping, B) Greater occupational safety protections to minimize workplace injuries, C) Clear procedures for reporting and handling of claims of sexual harassment and discrimination. The High-Road Staffing Contract staffing service agreement was developed by Temp Worker Justice, with input from alternative and non-profit staffing agencies to ensure that the terms and financial considerations would fit the industry’s business model.
3) Expand legislation in Illinois and in other states, or pass a federal law like the Restoring Worker Power Act of 2020, H.R. 7538, to raise standards, expand rights, improve enforcement, and increase job quality. Legislation could include provisions that provide:
A) Equal pay for equal work, removing the wage penalty in this majority-minority workforce,
B) Equal safety training for temp and permanent employees, reducing the higher burden of workplace injury on temp workers,
C) Transparency so temp workers know, in advance of arriving at a worksite, the terms of their employment including pay rate, expected duration of assignment, and if there are any required certifications to safely perform the work,
D) Limitations on the “conversion fees” that agencies charge worksite employers to convert temp workers to permanent employees, reducing barriers to good jobs,
E) Priority hiring of temp workers for open positions at worksite employers, giving temps an advantage over workers with less on-site experience,
F) Eliminating non-compete clauses for temp workers, allowing them to freely seek better employment,
G) Enforcement mechanisms that make it possible for temp workers to exercise their rights without fear of retaliation, holding agencies accountable when laws have been violated.
The data collected by the Illinois Department of Labor (IDOL) is an important new piece of evidence. But, the findings of this report are no surprise to many temporary workers and those who have spent time organizing temp-ed out workplaces. For them, discrimination is often clear and layered throughout the work experience in temporary staffing: from the advertising of temporary assignments, to the hiring by temp agencies, to the quality of job placements, to the consistency of work, to treatment at the workplace by supervisors, to the division of people within workplaces, to the conversions from temp worker to permanent employee.

Temporary staffing agencies cannot create these negative outcomes on their own. They require clients, the worksite employers of temps, to ignore or facilitate discrimination and abuse. They require policymakers to take a pass on regulating the industry, unlike nearly every other industrialized and semi-industrialized nation on earth. They need organized labor to remain generally passive as the temp industry continues to erode and degrade jobs that were once good, and often union. A strong effort by any one of these groups could end discrimination in temp staffing, and ensure that temp jobs provide fair pay, safe workplaces, and a real path to stable, permanent work.

The new data made available by IDOL and analyzed in this report should add to the urgency for action. If low-road temp assignments took advantage of specific demographic groups 2% more often than the overall working population, it might not be cause enough to act. If it was 10% more often, there might be better ways to address racial and economic inequality than reforming the temporary staffing industry. But, when we find that African-American and Latinx workers are nearly 3 times more likely to work in a system that is preventing them from achieving economic equality, and putting that at significantly greater risk of injury, there can no longer be any delay to our collective action.
# APPENDIX

## Table 1.1
Illinois Department of Labor (IDOL), 2019
Day and Temp Labor Assignments Demographic Data

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## Table 1.2
Illinois Department of Labor (IDOL), 2019
Men: Day and Temp Labor Assignments Demographic Data

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## Table 1.3
Illinois Department of Labor (IDOL), 2019
Women: Day and Temp Labor Assignments Demographic Data

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## Table 2
U.S. Census Bureau, 2019
Illinois Population Demographics

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## Table 3
U.S. Bureau of Labor Statistics (BLS), 2019
Illinois Workforce Demographics

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Table 4.1
U.S. Bureau of Labor Statistics (BLS), 2019
Illinois NAICS (5613) Employment Services Demographic Data

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Table 4.2
BLS, 2019: Illinois NAICS (5613) Employment Services Demographic Data
IDOL, 2019: Illinois Day and Temp Labor Assignments Demographic Data

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<tr>
<td>IDOL</td>
<td>36.2%</td>
<td>41.9%</td>
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Table 5
Illinois Department of Labor (IDOL), 2019
Illinois Day and Temp Labor Assignments Demographic Data

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<td>%</td>
<td>57.7%</td>
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</table>
REFERENCES & NOTES


"White" is identified as White-Alone, Non-Hispanic. Non-White is identified as any other race, or Two or More Races which may include White

