

UDC 349.2

**Nataliia DURAVKINA**

associate Professor at the Department of Legal Disciplines, Kharkiv National University of Internal Affairs, Sumy Branch, Candidate of Juridical Sciences (Ph. D.)

ORCID: <https://orcid.org/0000-0002-5075-9109>

## **THE CONCEPT OF «ATYPICAL FORMS OF EMPLOYMENT»**

After financial crisis in 2008, precarious form of employment has increased drastically around the world. As of 2019, only a quarter of the world's workers are on permanent contract, while the rest are on temporary work, part-time, or self-employed.

Precarious work has been growing since the 1980s when corporations realized that a global supply chain of precarious workers is both cheaper and can protect them from regulations and responsibility. It quickly began to return more profits to shareholders and to the salaries of CEOs and executives. International financial institutions like the World Bank and IMF also promoted these policies as part of the neoliberal agenda. Precarious work is one of the main causes of the widening, obscene levels of wealth inequality and the growing gap between wages and profits.

Non-standard forms of employment (hereinafter «non-standard employment», or «NSE») have become a contemporary feature of labour markets around the world. Their overall importance has increased over the past few decades in both industrialized and developing countries, as their use has become more widespread across economic sectors and occupations.

NSE comprises four different employment arrangements (see figure below) that deviate from the «standard employment relationship», understood as work that is full time, indefinite, as well as part of a subordinate relationship between an employee and an employer.

For some, working in NSE is an explicit choice and has positive outcomes. However, for most workers, employment in NSE is associated with insecurity. NSE can also pose challenges for enterprises, the overall performance of labour markets and economies as well as societies at large.

There is no official definition of non-standard employment (NSE). Typically, the term encompasses work that falls out of the realm of the «standard employment relationship», understood as work that is full time, indefinite, as well as part of a subordinate and bilateral employment relationship. In some instances, researchers also define the standard employment relationship as occurring at a set place of work outside the home. When this characteristic is included, then an even broader scope of tasks falls under NSE, including telework and other forms or remote work.

There are four types of non-standard employment:

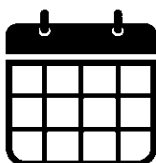
- (1) temporary employment;
- (2) part-time work;

(3) temporary agency work and other forms of employment involving multiple parties;

(4) disguised employment relationships and dependent self-employment.

## NON-STANDARD EMPLOYMENT

### TEMPORARY EMPLOYMENT



Fixed-term contracts, including project- or task-based contracts; seasonal work; casual work, including daily work.

**Not  
open ended**

### PART-TIME AND ON-CALL WORK



Normal working hours fewer than full-time equivalents; marginal part-time employment; on-call work, including zero-hours contracts.

**Not  
full time**

### MULTI-PARTY EMPLOYMENT RELATIONSHIP



Also known as 'dispatch', 'brokerage' and 'labour hire'. Temporary agency work; subcontracted labour.

**Not direct,  
subordinate  
relationship  
with end user**

### DISGUISED EMPLOYMENT / DEPENDENT SELF-EMPLOYMENT



Disguised employment, dependent self-employment, sham or misclassified self-employment.

**Not part  
of employment  
relationship**

Within the four categories of non-standard employment, there are various forms of employment arrangements, some of which are specific to particular countries.

Temporary employment whereby workers are engaged for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labour.

Fixed-term contracts (FTCs) can be either written or oral, but are characterized by a predefined or predictable term. In the majority of countries, FTCs are regulated by specific legal provisions on the maximum length of the contract, the number of renewals, and valid reasons for its use. Fixed-term contracts, as well as project- or task-based work, are found in both formal and

informal employment relationships. Casual work is the engagement of workers on a very short-term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialized economies in jobs associated with the «on-demand» or «gig» economy.

In part-time employment, the normal hours of work are fewer than those of comparable full-time workers. Many countries have specific legal thresholds that define part-time versus full-time work, thus distinguishing part-time work in legal terms. For statistical purposes, part-time work is usually considered as working fewer than 35 hours, or 30 hours, per week.

In some instances, working arrangements may involve very short hours or no predictable fixed hours, and the employer thus has no obligation to provide a specific number of hours of work. These arrangements come under different contractual forms depending on the country, including so-called «zero-hours contracts», but are commonly referred to as «on-call work». Their main characteristic is the high variability of the number and scheduling of working hours. Yet because a substantial number of these workers are employed on a part-time basis, in this report they will be considered under «part-time work and on-call work», even though these arrangements overlap with the concept of casual work.

«Non-standard employment» is thus an umbrella term which groups together distinct forms of work contracts that deviate from the standard employment relationship. In many cases it is preferable to analyse and refer to each form individually, especially since the policy responses to any potential decent work deficits may need to be distinct.

Nonetheless, it can be useful to have a general framework when examining nonstandard work, for example, when addressing situations in which two or more “nonstandard” dimensions are present. For instance, a worker may be hired on a fixed-term contract by a temporary work agency and work a part-time schedule. Thus forms of non-standard work can often be associated and should not necessarily be regarded only on a discrete basis.

Moreover, referring to a more general group of such work contracts can prove worthwhile, particularly when it is necessary to examine and address problems that are common to various forms of non-standard employment.

## References

1. Non-standard employment around the world: Understanding challenges, shaping prospects International Labour Office – Geneva: ILO. 2016// URL: [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_534326.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534326.pdf)