

UDC 349.2

DOI <https://doi.org/10.32849/2663-5313/2023.4.02>**Oleksandr Husarov,***PhD in Law, Head of Pechenizka ATC, Postdoctoral Student, Kharkiv National University of Internal Affairs, 27 Lev Landau avenue, Kharkiv, Ukraine, postal code 61080, oleksandr\_husarov@ukr.net***ORCID:** [orcid.org/0000-0001-7493-1789](https://orcid.org/0000-0001-7493-1789)

Husarov, Oleksandr (2023). Historical and legal analysis of formation and development of the regulatory framework for atypical forms of employment. *Entrepreneurship, Economy and Law*, 4, 15–20, doi <https://doi.org/10.32849/2663-5313/2023.4.02>

## HISTORICAL AND LEGAL ANALYSIS OF FORMATION AND DEVELOPMENT OF THE REGULATORY FRAMEWORK FOR ATYPICAL FORMS OF EMPLOYMENT

**Abstract. Purpose.** The purpose of the article is a historical and legal analysis of the formation and development of the regulatory framework for atypical forms of employment. **Results.** Relying on the analysis of scientific views of scholars, the article provides a historical and legal analysis of the formation and development of the regulatory framework for atypical forms of employment. It is summarised that today the regulatory framework for atypical forms of employment in Ukraine cannot be considered a perfect and complete process, despite the positive course of domestic legislation in the relevant area. **Conclusions.** It is concluded that it is advisable to distinguish three main stages of development of atypical forms of employment and the system of its regulatory framework: 1) post-Soviet, which provided for the use of atypical forms of employment as an exception mainly for citizens with special needs, for home-based workers, and persons on leave to care for a child under three years of age. A characteristic feature of this period is the regulatory framework for such forms of employment based on post-Soviet ideas about work outside the workplace; 2) pre-COVID period – 2000s and until the beginning of 2020 – associated with the rapid development of the Internet and computerisation, the transition of the economy and other fields of public life to a digital format, and the development of international cooperation in many sectors of economic activity. This period was characterised by the active use of foreign experience in atypical forms of employment in the absence of a proper regulatory framework for this field of labour relations, regulated mainly through the civil law prism. Furthermore, it became clear that relations arising in the field of atypical forms of employment require to be regulated by the labour law; the third stage (COVID-19 pandemic) – quarantine measures led to a sharp increase in the number of employers using atypical forms of employment. In addition, further terrorist actions of the aggressor country and the war caused massive resettlement of citizens from the areas of active hostilities to calmer places in Ukraine and abroad. Atypical forms of employment have become one of the most active ways for citizens to continue their work. This stage is characterised by active amendments to the current labour legislation to regulate the labour activities of employees working with irregular working hours, raising the issue of regulating the problems of borrowed labour by ratifying relevant international legal acts, providing legal definitions of certain forms of atypical employment, etc.

**Key words:** history, development, regulatory framework, atypical forms of employment, labour legislation.

### 1. Introduction

Atypical forms of employment have recently become increasingly popular in Ukraine, due to a number of different factors, both general, global and personal factors of the life circumstances of individuals. It should be noted that such forms of non-standard employment as part-time work; urgent or short-term work; home-based work; remote work; (electronic) work; self-employment; pseudo-employment;

temporary agency and contingent employment became widespread in the 70s in Europe and the United States (Prohoniuk, 2021). In Ukraine, such atypical forms of employment have emerged relatively recently, with the start of the gradual market transformation of the economy.

Some problematic issues related to the regulatory framework for atypical forms of employment were considered in their scientific works

by: I.O. Bezzub, L.O. Vasechko, O.Ye. Kostuchenko, Yu.O. Ostapenko, D.O. Plekhov, L.Yu. Prohoniuk, O.S. Prylypko, Ya.V. Svichkariova, I.O. Taran, and many others. However, despite numerous scientific achievements, the legal literature lacks comprehensive studies on the history of the formation and development of the regulatory framework for atypical forms of employment.

As a result, the purpose of the article is a historical and legal analysis of the formation and development of the regulatory framework for atypical forms of employment.

## **2. Formation of the international regulatory framework for atypical forms of employment**

The regulatory framework for atypical forms of employment in Ukraine is characterised by a rather slow response to social processes in the labour market. One of the first ways to regulate the issues of atypical forms of employment is through the provisions of Article 18 of the Law of Ukraine "On the Fundamentals of Social Protection of Persons with disabilities in Ukraine", which stipulate that the rights of persons with disabilities to work and gainful employment, including under the condition of working at home, shall be ensured by their direct address to enterprises, institutions, organisations or to the state employment service. For persons with disabilities who cannot work at enterprises, institutions or organisations, the State Employment Service assists in employment provided that they work at home (Law of Ukraine on the Fundamentals of Social Protection of Persons with disabilities in Ukraine, 1991). In the early 1990s, it was primarily about ensuring the right to work for people with special needs who were unable to work in a traditional workplace. It was about working at home. Methodological recommendations on the definition of workplaces, approved by the Protocol No. 4 of the Ministry of Labour of Ukraine of 21 June 1995 on workplaces of homeworkers, define homeworkers as workers whose workplace coincides geographically with their place of residence. Their workplaces are equipped mainly with tools, appliances and small machines (Methodological recommendations for determining jobs, 1995).

The situation in the relevant field somewhat changed in the early 2010s. The President of Ukraine's Address to the Verkhovna Rada of Ukraine "On the Internal and External Situation of Ukraine in 2013" specifically mentioned the spread of non-standard forms of employment as a significant drawback that hinders the effective dissemination of positive social effects of economic development. It is noted that the use of borrowed labour in

Ukraine within the framework of staff leasing, outstaffing and outsourcing schemes has become increasingly widespread. The legislative unsettledness of these issues leads to the spread of hidden labour relations, which weakens the labour protection of employees. Frequently, temporary employment conditions (fixed-term labour agreements, contracts) are applied to employees working on a permanent basis or performing work that is not temporary (Annual Address of the President of Ukraine to the Verkhovna Rada of Ukraine on the internal and external situation of Ukraine, 2013). The means of the regulatory framework for atypical forms of employment in this period was civil law provisions that concealed the actual labour relations (On the feasibility of ratifying the ILO Convention No. 181. Accounting week, 2010).

The literature review reveals increasing popularity of atypical forms of employment in Ukraine due to the following circumstances: 1) flexibility of employment forms due to the massive entry of women, students, and pensioners into the labour market; 2) the conscious rejection of high income, responsibility, and social status by some categories of people who fundamentally change the structure of their consumption, switching to quiet, low-paid work and flexible hours; 3) the presence of categories of the population that often need periods of unemployment due to childcare, education, medical treatment, other individual requests, and the remote production activities, which make their labour careers less stable and standard (Ostapenko, 2020). However, it should be emphasised that the flexibility of employment forms allows for additional income, which is a significant incentive for their popularisation among the general population.

The quarantine measures introduced in response to the spread of COVID-19 have become an important factor in stimulating the regulatory framework for atypical forms of employment. According to available sociological studies, during the COVID-19 pandemic, more than 35% of employees switched to working from home. The pandemic has triggered a long-overdue stage of technological and social experiments that are having a significant impact on the future of office workers (Bezzub, 2020).

Comparing the global data on the number of remote workers before the pandemic, D.O. Plekhov emphasises the fact that according to the Global State of Remote Work (Owl Labs, 2018), only slightly more than half (56%) of companies worldwide as of 2018 provided at least some form of remote work for female employees. An important distinction here is that before the pandemic, it was mostly self-employed people who worked from home. Accord-

ing to ILO, only 19% of those who worked from home permanently before the COVID-19 pandemic were female employees; in the EU, only 3% of employees were women, while the share of self-employed people working from home has been steadily increasing, reaching 19% in 2019. The pandemic, however, has changed the situation as expected. For example, at the height of the pandemic, in March-April, two-thirds (62%) of all US workers worked from home to some extent (according to Gallup panel data). In EU countries, these figures were slightly lower, but the difference with the situation before the pandemic is significant. For example, in the same period in Germany and Hungary, a quarter of the total employed population did some form of work at home, while in the Czech Republic and Poland, almost a third of such workers did so (Pliexhov, 2021). Global trends have not spared Ukraine.

In the summer of 2020, the ILO issued a Practical Guide on “Remote work during and after the COVID-19 pandemic”, which provides guidance for workers and employers, addresses the main issues and challenges of remote work and suggests possible solutions. The document notes that before the pandemic, only a small proportion of the world’s workers occasionally worked remotely. As a result of anti-covid measures, almost four in ten workers in Europe have switched to remote working, with this figure being higher in countries where remote working was more developed before the pandemic. It turned out that with the right use of technology and communication tools and changes in the organisation of the labour process, much more work can be done remotely than previously thought. According to the ILO, the vulnerabilities of remote workers are as follows: restrictions or lack of direct communication with colleagues can lead to fewer opportunities to acquire new skills, specific health problems, lower levels of social protection, and a tendency for remote workers to receive lower salaries than office workers, including highly qualified specialists (Pliexhov, 2021). These recommendations are aimed at ILO member countries on how to direct state support for remote workers.

### **3. Formation of the regulatory framework for atypical forms of employment in Ukraine**

At the end of 2020, the Ministry for Development of Economy, Trade and Agriculture of Ukraine prepared a draft Law of Ukraine “On Amendments to the Labour Code of Ukraine Regulating Certain Non-standard Forms of Employment” (hereinafter referred to as Draft No. 2), which proposed the structure of an employment contract with unfixed working hours (hereinafter referred to as the “employment contract”). It should be noted

that this is the second “attempt” to initiate the design of the employment contract. The first attempt was made in the “scandalous” draft Labour Law No. 2708 of 28 December 2019 (hereinafter referred to as Draft No. 1). Such an agreement had the same name and, in accordance with Article 17, was a type of employment contract, and its definition and terms were set out in Article 22. For example, an employment contract with unfixed working hours is a special form of employment agreement, according to which the employee’s duty to perform work arises only if the employer provides available work, without guarantees that such work will be provided on a regular basis (Svichkarova, 2021).

In September 2021, the Verkhovna Rada of Ukraine adopted as a basis the Draft Law on Amendments to Certain Legislative Acts of Ukraine Regarding Legal Framework for Certain Non-standard Forms of Employment, which aims to regulate the issue of non-standard forms of employment for individuals, who perform work on a non-permanent basis, ensuring flexibility in choosing the organisation of labour relations, enhancing employee mobility in exercising the right to work (Draft Law On Amendments to Certain Legislative Acts of Ukraine Regarding Legal Framework for Certain Non-standard Forms of Employment, 2021).

Consequently, on 18 July 2022, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding Legal Framework for Labour Relations with Unfixed Working Hours” was adopted, which resulted in amendments to a number of laws of Ukraine. First of all, the Labour Code of Ukraine was supplemented with Article 21-1, which introduces an employment contract with unfixed working hours. According to this article, it is a special type of employment contract, the terms of which do not establish a specific time for the performance of work, the employee’s duty to perform, which arises only if the employer provides the work stipulated by this employment contract, without guaranteeing that such work will be provided permanently, but in compliance with the remuneration conditions provided for in this article (Code of Labour Laws of Ukraine, 1971).

Despite certain successes of Ukraine in the regulatory framework for atypical forms of employment, the regulatory process cannot be considered complete. O.S. Prylypko, considering the unstoppable development of labour relations and new information technologies, argues that the use of telework in the sense of remote work is expedient from a practical point of view in modern realities, moreover,

the use of telework in Ukraine requires bringing national legislation in line with international provisions governing telework, in particular, the development and adoption of a regulation on teleworkers' labour, which would include the provisions of international legal acts on telework (Prylypko, 2013).

In December 2020, the Draft Law of Ukraine "On Ratification of the International Labour Organization Domestic Workers Convention No. 189" was initiated, which planned that the Convention was to enter into force for Ukraine twelve months after the date of registration of Ukraine's instrument of ratification with the Director-General of the International Labour Office (Draft Law of Ukraine on Ratification of the International Labour Organization Domestic Workers Convention No. 189, 2020). However, the Convention has not yet been ratified by the Verkhovna Rada of Ukraine. The lag of Ukrainian legislation from the modern needs of society in regulating labour relations on atypical forms of employment and from the pan-European trends in this field is reflected in the legal literature. For example, O. Kostiuchenko insists on the legislative definition of the concepts of labour leasing, outsourcing, outstaffing (Kostiuchenko, 2012).

Certain changes to the regulatory framework, including atypical forms of employment, were introduced in connection with the adoption of the Law of Ukraine "On the Organisation of Labour Relations under Martial Law", which defines the specifics of civil service, service in local self-government bodies, and the specifics of labour relations of employees of all enterprises, institutions, organisations in Ukraine, regardless of their form of ownership, type of activity and industry, representative offices of foreign business entities in Ukraine, as well as persons working under an employment contract concluded with physical persons (hereinafter referred to as employees) under martial law. For example, it is established that under martial law, the parties shall agree on the form of an employment contract. When entering into an employment agreement under martial law, the condition of probation during employment may be established for any category of employees. The start and end times of daily work (shifts) are determined by the employer. The duration of weekly uninterrupted rest may be reduced to 24 hours (Law of Ukraine on the Organisation of Labour Relations under Martial Law, 2022).

To sum up, it should be noted that today the regulatory framework for atypical forms of employment in Ukraine cannot be considered a perfect and complete process, despite the undoubtedly positive course of domestic legislation towards their "legalisation", but this

can only be called initial steps. The literature review reveals that the main areas of modernisation of the regulatory framework for the remote form of labour organisation include: the provision of separate chapters in the new Labour Code of Ukraine, which will clearly regulate the issue of remote employment; defining the characteristics of a remote worker, his or her scope of rights and duties, prohibiting discrimination against these workers on any grounds; ensuring professional development and training of remote workers; ensuring that the population and employers of Ukraine are sufficiently informed about the possibility of using remote forms of employment; regulatory provisions according to which the state will ensure the development of remote employment; institutions that will provide and coordinate remote employment; public policy on employment, which will be primarily aimed at stimulating the development of this form of employment (Taran, Vasechko, 2021).

#### 4. Conclusions

Therefore, we can identify three main stages in the development of atypical forms of employment and the system of its regulatory framework:

– The first stage (post-Soviet), which provided for the use of atypical forms of employment as an exception mainly for citizens with special needs, for home-based workers, and persons on leave to care for a child under three years of age. A characteristic feature of this period is the regulatory framework for such forms of employment based on post-Soviet ideas about work outside the workplace;

– The second stage (pre-COVID period) of the 2000s and early 2020 is associated with the rapid development of the Internet and computerisation, the transition of the economy and other fields of public life to a digital format, and the development of international cooperation in many sectors of economic activity. This period was characterised by the active use of foreign experience in atypical forms of employment in the absence of a proper regulatory framework for this field of labour relations, regulated mainly through the civil law prism. Furthermore, it became clear that relations arising in the field of atypical forms of employment require to be regulated by the labour law;

– The third stage (COVID-19 pandemic) – quarantine measures led to a sharp increase in the number of employers using atypical forms of employment. In addition, further terrorist actions of the aggressor country and the war caused massive resettlement of citizens from the areas of active hostilities to calmer places in Ukraine and abroad. Atypical forms of employ-

ment have become one of the most active ways for citizens to continue their work. This stage is characterised by active amendments to the current labour legislation to regulate the labour activities of employees working with irregular working hours, raising the issue of regulating the problems of borrowed labour by ratifying relevant international legal acts, providing legal definitions of certain forms of atypical employment, etc.

### References:

- Bezzub, I.O.** (2020). Dystantsiina forma zainiatosti: ukraïnski ta zarubizhni realii [Remote form of employment: Ukrainian and foreign realities]. *Hromadska dumka pro pravotvorennia*, no. 16 (201), pp. 4–11 [in Ukrainian].
- Kodeks zakoniv pro pratsiu Ukrainy vid 10 hrudnia 1971 r. № 322-VIII [Code of Labor Laws of Ukraine dated December 10, 1971 No. 322-VIII] (1971). Retrieved from <https://zakon.rada.gov.ua/laws/show/322-08/conv#n1757> [in Ukrainian].
- Kostiuchenko, O.Ie.** (2012). Netypovi formy zainiatosti u konteksti sotsialno-ekonomichnoho rozvytku Ukrainy [Atypical forms of employment in the context of socio-economic development of Ukraine]. *Visnyk Natsionalnoho universytetu "Iurydychna akademiia Ukrainy imeni Yaroslava Mudroho"*, no. 1 (8), pp. 130–137 [in Ukrainian].
- Metodychni rekomendatsii shchodo vyznachenня robochykh mist: vid 21 chervnia 1995 r. [Methodological recommendations for determining jobs: dated June 21, 1995] (1995). Retrieved from <https://zakon.rada.gov.ua/rada/show/v0004205-95#Text> [in Ukrainian].
- Ostapenko, Yu.O.** (2020) Netypova zainiatist yak osoblyva problema realizatsii trudovykh prav pratsivnykiv [Atypical employment as a special problem of the implementation of labor rights of employees]. *Iurydychna nauka*, no. 4 (106), pp. 262–268 [in Ukrainian].
- Pliekhov, D.O.** (2021). Mizhnarodno-pravove rehuliuвання dystantsiinoi roboty yak odniiei iz form nestandardnoi zainiatosti [International regulatory framework for remote work as one of the forms of non-standard employment]. *Naukovyi visnyk Uzhhorodskoho Natsionalnoho Universytetu*, no. 65, pp. 180–184 [in Ukrainian].
- Pro pytannia dotsilnosti ratyfikatsii Konventsii MOP № 181. Bukhhalterskyi tyzhden. 2010. № 37 [On the feasibility of ratifying the ILO Convention No. 181. Accounting week. 2010. No. 37] (2010). Retrieved from <https://i.factor.ua/ukr/journals/bn/2010/september/issue-37/article-83112.html> [in Ukrainian].
- Proekt Zakonu Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vrehuliuвання deiakykh nestandardnykh form zainiatosti: vid 21 veresnia 2021 roku [Draft Law on Amendments to Certain Legislative Acts of Ukraine Regarding Legal Framework for Certain Non-standard Forms of Employment: dated September 21, 2021] (2021). Retrieved from <https://www.rada.gov.ua/news/Novyny/213976.html> [in Ukrainian].
- Proekt Zakonu Ukrainy Pro ratyfikatsiiu Konventsii Mizhnarodnoi orhanizatsii pratsi pro domashnikh pratsivnykiv № 189 vid 01 hrudnia 2020 r. [Draft Law of Ukraine On the Ratification of the Convention of the International Labor Organization on Domestic Workers No. 189 of December 1, 2020] (2020). Retrieved from <https://me.gov.ua/Documents/Detail?id=5625942e-d97a-439e-a7c9-2c35900155f1&lang=uk-UA&title=ProktZakonuUkrainiProRatyfikatsiiuKonventsiiMizhnarodnoiOrganizatsiiPratsiProDomashnikhPratsivnykiv189> [in Ukrainian].
- Prohoniuk, L.Iu.** (2021). Nestandardni formy zainiatosti yak nevidiemna realia sohodennia: teoretychnyi aspekt [Non-standard forms of employment as an integral reality of today: theoretical aspect]. *Iurydychni naukovyi elektronnyi zhurnal*, no. 3, pp. 171–174 [in Ukrainian].
- Prylypko, O.S.** (2013). Osoblyvosti rehuliuвання dystantsiinoi pratsi [Peculiarities of remote work regulation]. *Yevropeiski perspektyvy*, no. 6, pp. 173–177 [in Ukrainian].
- Shchorichne Poslannia Prezydenta Ukrainy do Verkhovnoi Rady Ukrainy Pro vnutrishnie ta zovnishnie stanovyshe Ukrainy v 2013 rotsi [Annual Address of the President of Ukraine to the Verkhovna Rada of Ukraine on the internal and external situation of Ukraine in 2013] (2013). Kyiv: NISD [in Ukrainian].
- Svichkarova, Ya.V.** (2021). Sproba № 2 z pytan "vdoskonalennia trudovoho zakonodavstva shchodo poniat nestandardnykh form zainiatosti" (trudovi dohovir z nefiksovanym robochym chasom) [Attempt No. 2 on the issue of "improvement of labor legislation regarding the concepts of non-standard forms of employment" (employment contract with unfixed working hours)]. *Pravo ta innovatsii*, no. 1 (33), pp. 46–53 [in Ukrainian].
- Taran, I.O., Vasechko, L.O.** (2021). Pravove rehuliuвання dystantsiinoi roboty v Ukraini: suchasnyi stan i perspektyvy rozvytku [Regulatory framework for remote work in Ukraine: current state and prospects for development]. *Naukovyi visnyk Uzhhorodskoho Natsionalnoho Universytetu*, no. 67, pp. 134–138 [in Ukrainian].
- Zakon Ukrainy Pro orhanizatsiiu trudovykh vidnosyn v umovakh voïennoho stanu: vid 15 bereznia 2022 r. № 2136-IX [Law of Ukraine on the Organization of Labor Relations under Martial Law: dated March 15, 2022 No. 2136-IX] (2022). Retrieved from <https://zakon.rada.gov.ua/laws/show/2136-20#Text> [in Ukrainian].
- Zakon Ukrainy Pro osnovy sotsialnoi zakhyschenosti invalidiv v Ukraini: vid 21 bereznia 1991 roku № 875-XII [Law of Ukraine on the Fundamentals of Social Protection of Persons with disabilities in Ukraine: dated March 21, 1991 No. 875-XII] (1991). Retrieved from <https://zakon.rada.gov.ua/laws/show/875-12#Text> [in Ukrainian].
- Zakon Ukrainy Pro vnesennia zmin do deiakykh zakonodavchykh aktiv Ukrainy shchodo vrehuliuвання trudovykh vidnosyn z nefiksova-

nym robochym chasom: vid 18 lypnia 2022 r. № 2421-IX [Law of Ukraine on Amendments to Certain Legislative Acts of Ukraine Regarding Legal Framework for Labour Relations with

Unfixed Working Hours: dated July 18, 2022 No. 2421-IX] (2022). Retrieved from <https://zakon.rada.gov.ua/laws/show/2421-20#Text> [in Ukrainian].

**Олександр Гусаров,**

кандидат юридичних наук, голова Печенізької ОТГ, докторант, Харківський національний університет внутрішніх справ, проспект Льва Ландау, 27, Харків, Україна, індекс 61000, [oleksandr\\_husarov@ukr.net](mailto:oleksandr_husarov@ukr.net)

**ORCID:** [orcid.org/0000-0001-7493-1789](https://orcid.org/0000-0001-7493-1789)

## ІСТОРИКО-ПРАВОВИЙ АНАЛІЗ СТАНОВЛЕННЯ ТА РОЗВИТКУ ПРАВОВОГО РЕГУЛЮВАННЯ НЕТИПОВИХ ФОРМ ЗАЙНЯТОСТІ

**Анотація. Мета.** Мета статті полягає в здійсненні історико-правового аналізу становлення та розвитку правового регулювання нетипових форм зайнятості. **Результати.** У статті, спираючись на аналіз наукових поглядів вчених, автор здійснив історико-правовий аналіз становлення та розвитку правового регулювання нетипових форм зайнятості. Узагальнено, що на сьогодні нормативно-правове регулювання нетипових форм зайнятості в Україні не можна вважати досконалим і завершеним процесом, незважаючи на позитивний рух вітчизняного законодавства у відповідному напрямі. **Висновки.** Зроблено висновок про доцільність виділення трьох основних етапів розвитку нетипових форм зайнятості та системи її нормативно-правового регулювання: 1) пострадянський, який передбачав використання нетипових форм зайнятості як винятку переважно для громадян з особливими потребами, для надомників, осіб, що перебувають у відпустці по догляду за дитиною до трьох років. Характерною властивістю цього періоду є нормативно-правове регулювання таких форм зайнятості на базі пострадянських уявлень про працю поза межами робочого місця; 2) доковідний – 2000-ні роки і до початку 2020 року пов'язаний із стрімким розвитком інтернету та комп'ютеризації, переходом економіки й інших сфер суспільного життя в цифровий формат, розвитком міжнародного співробітництва в багатьох галузях господарської діяльності. Характерними рисами цього періоду є активне використання закордонного досвіду щодо нетипових форм зайнятості за відсутності належного нормативно-правового регулювання цієї сфери трудових відносин, за якого основний зміст правового регулювання відбувався крізь цивільно-правову призму. При цьому з'явилося чітке розуміння потреби саме в трудо-правового регулювання відносин, що виникають у сфері нетипових форм зайнятості; третій етап (пандемія COVID-19) – проведення карантинних заходів призвело до різкого зростання кількості роботодавців, що використовують нетипові форми зайнятості. Крім того, подальші терористичні дії країни-агресора, війна викликали масове переселення громадян із місць ведення активних бойових дій до більш спокійних місць України та за кордон. Одним з активних способів продовження подальшої трудової діяльності громадян стали якраз нетипові форми зайнятості. Характерним для цього етапу є активне внесення змін до чинного трудового законодавства з метою упорядкування трудової діяльності працівників, що працюють із нефіксованим робочим часом, постановка питань про врегулювання проблем запозиченої праці шляхом ратифікації відповідних міжнародних нормативно-правових актів, надання правового визначення окремим формам нетипової зайнятості тощо.

**Ключові слова:** історія, розвиток, правове регулювання, нетипові форми зайнятості, трудове законодавство.

*The article was submitted 17.10.2023*

*The article was revised 08.11.2023*

*The article was accepted 28.11.2023*