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THE IMPACT OF ATYPICAL FORMS OF EMPLOYMENT ON SOCIO-ECONOMIC DEVELOPMENT OF UKRAINE

Abstract. Purpose. The purpose of the article is to reveal the impact of atypical forms of employment on the socio-economic development of Ukraine. **Results.** Relying on the analysis of scientific views of scholars and provisions of current legislation, the article focuses on the importance of using atypical forms of employment in the current conditions of social, economic and political development of Ukraine. The author identifies a number of objective factors that confirm the high level of relevance and efficiency of atypical forms of employment as a factor of social and economic development of Ukraine. It is established that the spread of atypical types of employment will help the country to overcome the economic crisis and achieve economic growth; it will contribute to a fuller use of the labour potential of society; and it will improve the living standards of the population. For citizens engaged in atypical types of employment, the flexibility of the labour market is manifested in the ability to maintain a higher standard of living, thereby improving the standard of living of their families. **Conclusions.** It is concluded that today a large number of objective factors confirm the high level of relevance and effectiveness of atypical forms of employment as a factor of socio-economic development of Ukraine: first, atypical forms of employment ensure flexibility of the labour process, for example, in terms of improving the dynamics of communication between the employee and the employer and reducing the "binding" to the workplace; second, the use of atypical forms of employment enables the employment of a much larger number of citizens representing all social groups, including "vulnerable" groups such as pensioners, people with disabilities, pregnant women, etc; third, atypical forms of employment are more effective in the context of the development of digital technologies and the IT sector, which is constantly changing the idea of models of building labour relations; fourth, the use of atypical forms of employment provides enterprises, institutions and organisations with a much more effective way to prepare for force majeure situations, such as the COVID-19 epidemic, and minimise the negative effects of their impact on the performance of the business entity in general and its employees in particular.

Key words: atypical employment, social development, economic development, employees, regulatory framework.

1. Introduction

In recent years, Ukraine has taken the path of profound reforms aimed at a complete transformation of our country to create an active and effective partner in the international arena for other countries and gradually move away from the stereotype of "post-Soviet Ukraine". This goal implies the need to reform many sectors, including legal, cultural, labour, etc. One of the most important sectors is socio-economic, which consolidates the creation of a fundamentally new model of economic development of the state, its complete transition to a market economy, as well as reorientation of the regulatory mechanism for social processes in the state, in particular, those related to employment. In this context, it should be noted that the existing system of organisation of labour relations

between employers and employees is largely based on the Soviet model, which is gradually losing its effectiveness due to objective factors of reality, such as the development of new labour sectors where the application of standardised labour regulations is inappropriate and even destructive for the purposes of an enterprise, institution or organisation. For this reason, in recent years, more and more importance has been given to atypical forms of employment, which have a positive impact not only on labour relations at the local level of specific organisations, but also on the socio-economic development of Ukraine in general.

Some problematic issues of atypical forms of employment were considered in the scientific works by: O.O. Bilous, U.Ye. Huzar, V.P. Kokhan, M.R. Lychkovska, M.V. Lutsyk, Yu.O. Ostapenko, T.V. Parpan,

O.S. Prylypko, L.Yu. Prohoniuk, M.M. Toporkova, Ya.V. Saichenko and many others. However, despite a considerable number of scientific achievements, the legal literature lacks comprehensive studies on the impact of atypical forms of employment on the socio-economic development of Ukraine.

Therefore, the purpose of the article is to reveal the impact of atypical forms of employment on the socio-economic development of Ukraine.

2. International regulatory framework for atypical forms of employment

Nowadays, several factors can be identified that demonstrate the importance and necessity of using atypical forms of employment, the first one is political. The concept of non-standard construction of labour relations between an employee and an employer has been known in the world for a long time, as evidenced by the International Labour Organization (hereinafter - ILO) Home Work Convention No. 177 of 20 June 1996. The document formulated the structure and content of such relations for the first time. For example, Article 1 of the Convention states: "a) the term 'home work' means work carried out by a person, to be referred to as a homemaker, (i) in his or her home or in other premises of his or her choice, other than the workplace of the employer; (ii) for remuneration; (iii) which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used, unless this person has the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions" (Convention on Homework, 1996).

The provisions of the Convention are advisory in Ukraine, as the document has not been ratified in accordance with the procedure established by law, however, the development of international standards has significantly influenced the national labour policy. In particular, in 2014, the Association Agreement with the European Union (EU) was signed, which provides for strengthening cooperation between Ukraine and the EU in many areas, including in the field of employment. According to Articles 419 and 420, the Parties shall strengthen their dialogue and cooperation on promoting the decent work agenda, employment policy, health and safety at work, social dialogue, social protection, social inclusion, gender equality and non-discrimination. Cooperation in the area shall pursue the following goals: a) improve the quality of human life; b) meet common challenges, such as globalisation and demographic change;

c) aim at more and better jobs with decent working conditions; d) promote social fairness and justice, while reforming labour markets; e) promote conditions of labour markets that combine flexibility with security; f) promote active labour market measures and improve efficiency of employment services to match the needs of the labour market, etc. (Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, 2014). Therefore, the Agreement envisages positive activities of authorised entities to improve state regulatory framework for employment. The use of categories such as "reforming the labour market", "promoting the development of the labour market", as well as evidence of Ukraine's intensified adoption of the EU experience in the labour sector, proves that our country is on the way to developing the employment sector, which has long been functioning in Western countries with the active use of atypical forms of labour relations.

3. Regulatory and legal framework for atypical forms of employment in Ukraine

In the same aspect, the provisions of Decree of the President of Ukraine "On the Sustainable Development Goals of Ukraine for the period up to 2030" No. 722/2019 of September 30, 2019, which consolidates the current tasks of domestic evolution, namely 1) poverty eradication; 2) hunger eradication, food security, improved nutrition and promotion of sustainable agriculture; 3) healthy lifestyles and well-being for all at all ages; 4) inclusive and equitable quality education and the promotion of lifelong learning opportunities for all; 5) gender equality, empowerment of all women and girls; 6) access to and sustainable management of water resources and sanitation; 7) affordable, reliable, sustainable and modern energy for all; 8) sustainable, inclusive and broad-based economic growth, full and productive employment and decent work for all; 9) building sustainable infrastructure, promoting inclusive and sustainable industrialisation and innovation; 10) reduction of inequality; etc. (Decree of the President of Ukraine On the Sustainable Development Goals of Ukraine for the period until 2030, 2019).

The above goals provide a "field for creativity", that is, they stipulate the need to find and implement new, atypical formats of state influence in the process of economic and social development, which will be aimed not only at control and supervision, but also at stimulating the country's economic growth, development of new business areas, as well as employment. Atypical forms of employment fit quite positively into these goals, as they provide

for the simplification of labour relations to increase the efficiency of their final result.

The next factor that proves the positive impact of atypical forms of employment on the socio-economic development of our country is the legal one. The use of atypical forms of employment inevitably leads to the intensification of lawmaking processes aimed at modernising regulatory sources in the field of labour relations. Nowadays, the key document in the field of labour is the Labour Code of Ukraine No.322-VIII of 10 December 1971 (hereinafter - the Labour Code), Article 1 thereof states that this instrument regulates labour relations of all employees, contributing to the growth of labour productivity, improvement of the quality of work, increase of the efficiency of social production and, on this basis, raising the material and cultural standard of living of employees, strengthening labour discipline and gradual transformation of labour for the benefit of society into the first vital need of every able-bodied person (Code of Labour Laws of Ukraine, 1971). In addition, the provisions of the Code guarantee the protection and realisation of the right to work (Code of Labour Laws of Ukraine, 1971).

Implementation of these guarantees requires amending the provisions of the Labour Code to optimise its articles to the current realities in the labour field. In particular, the demand for and active use of remote, home-based work and flexible working hours have led to a rethinking of the text of the Labour Code. According to the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Improving the Legal Regulation of Remote, Homework and Work Using Flexible Working Hours" No. 1313-IX of 04 February 2021, the Labour Code provides for the definition of the categories "remote work", "home work", "flexible working hours"; establishes new duties of the employer when concluding an employment contract for remote work, regarding familiarisation of employees with local documents of the organisation using electronic communication means; peculiarities of ensuring the right of employees to safe working conditions when using these atypical forms of employment, etc. (Law of Ukraine On Amendments to Certain Legislative Acts of Ukraine on Improving the Legal Regulation of Remote, Homework and Work Using Flexible Working Hours, 2021).

Therefore, the use of atypical forms of employment inevitably leads to the development of labour legislation, rethinking its provisions, including new labour guarantees, and ensuring its extension to new fields of labour relations in order to protect the rights

and interests of employees and employers. However, changes in regulatory material do not happen overnight. This is a comprehensive law-making process that involves: first, a study of current legislation and the degree of its relevance in regulating relations arising from the use of atypical forms of employment; second, highlighting problematic issues in the regulatory mechanism for atypical forms of employment and identifying ways to resolve them; third, advice with representatives of the economy, law, social protection and other fields to determine the guarantees and protection of the rights, freedoms and interests of employees and employers in the use of atypical forms of employment.

4. Promising areas for the development of atypical forms of employment

Therefore, atypical forms of employment, or rather, their emergence and use, trigger numerous rule-making processes that are closely related to various sectors of public life and lead to the formation of a modern regulatory framework. The last factors that indicate the importance of atypical forms of employment for the socio-economic development of Ukraine are objective, that is, the factors of the environment that determine the need for the development and use of this category. This situation was facilitated by various aspects of both purely economic and labour law nature. For example, a comprehensive study of the objective factors that determine the development of atypical forms of employment was conducted by M.M. Toporkova and O.O. Bilous. The scientists prove the following: "In our opinion, the spread of atypical types of employment will help the country to overcome the economic crisis and achieve economic growth; it will contribute to a fuller use of the labour potential of society; and it will improve the living standards of the population. For citizens engaged in atypical types of employment, the flexibility of the labour market is manifested in the ability to maintain a higher standard of living, thereby improving the standard of living of their families. Atypical employment can act as an adaptive tool to the negative trends in the Ukrainian labour market, which manifest themselves in the context of the economic crisis. Today, although the need for regulatory framework for non-standard (atypical) types of employment in Ukraine is long overdue, they have not been legislated or implemented in the relevant draft laws. Therefore, the rapid informatisation of society and the innovative development of the country's economy are leading to the emergence and spread of new atypical types of employment that differ from the standard ones. In accordance with the guaranteed right

to work under the Constitution of Ukraine, every citizen has the right to freely choose a job that provides an opportunity to earn a living" (Toporkova, Bilous, 2019).

Studying the relevance of atypical forms of employment, as well as the positive and negative aspects of this category, Yu.O. Ostapenko emphasises that modern life and socio-economic relations exist in a dynamic and interactive space due to the transition to a post-industrial model of development, which promotes social innovation and causes a breakdown of the already established understanding of the social and legal nature of labour, labour relations, as well as the role of the worker in the field of labour, and the labour and legal status of the employee. This tendency is substantially reinforced by the ideology of mercantilism, in the context of which, according to scholars, "everything" is understood to be important only when it is efficient and profitable or can become so by optimising it. Therefore, "everything that has no prospects" (is not efficient and profitable, cannot become so) is "of no interest and has no value or significance". The intention of employers to optimise the use of labour resources and take full advantage of scientific and technological progress causes, on the one hand, new exploitation of employees and, on the other hand, increased flexibility of employment. In this regard, the labour market is becoming increasingly flexible and, despite the fact that standard employment remains the most common in the labour market (in particular, in Ukraine and most post-Soviet countries), the trend of new types of employment is becoming more and more noticeable and interesting for the parties to labour relations (Ostapenko, 2020).

When studying the objective factors of the importance of using atypical forms of employment in the context of the socio-economic development of the state, one cannot but note force majeure situations that have a rather severe impact on the labour market and the scope of labour relations in general. The best example of recent years is the COVID-19 epidemic, an acute respiratory infection that has changed many aspects of normal social life. The rapid spread of the disease and its lethal impact on certain segments of the population necessitated the introduction of quarantine restrictions throughout the country, some of which restricted the labour activities of citizens, as the activities of certain enterprises, institutions and organisations were completely banned. Other entities, the work of which was not prohibited, were provided with recommendations on the use of atypical forms of labour

of employees. In particular, the Resolution of the Cabinet of Ministers of Ukraine (hereinafter - CMU) "On the establishment of quarantine and the introduction of restrictive anti-epidemic measures in order to prevent the spread of the acute respiratory disease COVID-19 caused by the SARS-CoV-2 coronavirus on the territory of Ukraine" No. 1236 of 09 December 2020 provides for the following: "Recommend that executive authorities, other state bodies, local governments, enterprises, institutions, organisations, regardless of ownership, ensure that: for the period of quarantine in order to limit the number of people in transport and on the way to (from) work, applying, if possible, a flexible working time regime, which, in particular, provides for different start and end times for different categories of employees, shift work of employees, and, if technically possible, also real-time work via the Internet with the preservation of wages, remote (home) work" (Resolution of the Cabinet of Ministers of Ukraine On the establishment of quarantine and the introduction of restrictive anti-epidemic measures in order to prevent the spread of the acute respiratory disease COVID-19 caused by the SARS-CoV-2 coronavirus on the territory of Ukraine, 2020).

5. Conclusions

Therefore, today a large number of objective factors confirm the high level of relevance and effectiveness of atypical forms of employment as a factor of socio-economic development of Ukraine:

- First, atypical forms of employment ensure flexibility of the labour process, for example, in terms of improving the dynamics of communication between the employee and the employer and reducing the "binding" to the workplace;

- Second, the use of atypical forms of employment enables the employment of a much larger number of citizens representing all social groups, including "vulnerable" groups such as pensioners, people with disabilities, pregnant women, etc;

- Third, atypical forms of employment are more effective in the context of the development of digital technologies and the IT sector, which is constantly changing the idea of models of building labour relations;

- Fourth, the use of atypical forms of employment provides enterprises, institutions and organisations with a much more effective way to prepare for force majeure situations, such as the COVID-19 epidemic, and minimise the negative effects of their impact on the performance of the business entity in general and its employees in particular.

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ВПЛИВ НЕТИПОВИХ ФОРМ ЗАЙНЯТОСТІ НА СОЦІАЛЬНО-ЕКОНОМІЧНИЙ РОЗВИТОК УКРАЇНИ

Анотація. Мета. Метою статті є розкрити вплив нетипових форм зайнятості на соціально-економічний розвиток України. **Результати.** У статті, спираючись на аналіз наукових поглядів вчених та норм чинного законодавства, акцентовано увагу на важливості використання нетипових форм зайнятості в сучасних умовах соціального, економічного та політичного розвитку України. Виділено низку об'єктивних факторів, які підтверджують високий рівень актуальності та ефективності нетипових форм зайнятості населення, як чинника соціально-економічного розвитку України. З'ясовно, що розповсюдження нетипових видів зайнятості сприятиме виходу країни з економічної кризи до економічного зростання; сприяє більш повному використанню трудового потенціалу суспільства; підвищує рівень життя населення. Для громадян, що зайняті нетиповими видами зайнятості, гнучкість ринку праці виявляється в можливостях підтримувати більш високий рівень життя, тим самим покращуючи рівень життя своєї родини. **Висновки.** Зроблено висновок, що на сьогоднішній день існує велике коло об'єктивних факторів, які підтверджують високий рівень актуальності та ефективності нетипових форм зайнятості населення, як чинника соціально-економічного розвитку України: по-перше, нетипові форми зайнятості дозволяють забезпечити гнучкість трудового процесу, наприклад, в розрізі поліпшення динаміки комунікації між працівником

та роботодавцем та зменшення «прив'язки» до робочого місця; по-друге, застосування нетипових форм зайнятості надає можливість залучати до праці значно більшу кількість громадян, що є представниками всіх соціальних груп, включаючи «уразливі» прошарки населення, як то пенсіонери, особи з інвалідністю, вагітні жінки тощо; по-третє, нетипові форми зайнятості виступають більш ефективними в розрізі розвитку цифрових технологій та ІТ-сфери, під тиском чого постійно змінюється уявлення про моделі побудови трудових відносин; по-четверте, застосування нетипових форм зайнятості дозволяє підприємствам, установам та організаціям значно ефективніше підготуватись до форс-мажорних ситуацій, як, наприклад, епідемія COVID-19, та мінімізувати негативні наслідки їх впливу на результати роботи суб'єкта господарювання взагалі та її працівників, зокрема.

Ключові слова: нетипова зайнятість, соціальний розвиток, економічний розвиток, працівники, правове регулювання.