

New forms of non-standard employment: aspects of renewal of the state policy of employment promotion of population

Glotova I.A.

Chelyabinsk State University
Russia, Chelyabinsk
glotova.i.a@mail.ru

Lyshnikova T.Yu.

Chelyabinsk State University
Russia, Chelyabinsk
lu.ta@bk.ru

Saykova E.A.

Chelyabinsk State University
Russia, Chelyabinsk
esaikova@list.ru

Kokanov N.A.

Chelyabinsk State University
Russia, Chelyabinsk
kokanov@mail.ru

Varankina L.N.

Chelyabinsk State University
Russia, Chelyabinsk
proff-czn@yandex.ru

Abstract — The paper presents new forms of non-standard employment as a result of the economy digitalization process. There are reported different approaches and points of view on non-standard employment as well as classification of main forms of such employment based on study of international and nation investigations. Together with advantages of new forms of employment for the employee including: flexibility of working time, possibility of combination of such work with training, other work as well as performance of family obligations, absence or minimization of requirements to professional education, special skills and experience, the paper designates adverse effects of some new forms of employment as well. Herewith, it is emphasized that the policy in the field of employment promotion is not applicable to regulation of new forms of employment, does not provide the necessary level of guarantee to persons involved in non-standard employment and so needs to be revised. There are suggested the possible legal changes that will facilitate adaptation of employees to fast-changing labor conditions.

Keywords — *non-standard employment, flexibility, digital technologies, market for labour, employment promotion, remote labour.*

I. INTRODUCTION

Russian market of labour is subjected to radical changes connected with development of digital economy. In general, summary version the digital economy is interpreted as the system of economical and other social relations based on digital technologies [1]. Digital economy qualitatively changed the specific nature of labor relations that do not exist now without computer application at work places, their flexibility, information transmission by telecommunication technologies.

Rampant development of information-oriented society in Russia is by law declared as one of national objectives for the

moment: among the tasks set in the Decree of the President of Russia dated 07.05.2018 No. 204 "On national objectives and strategic missions of development of the Russian Federation for the period until 2024" are emphasized such as: supporting the accelerated digitization in economy and social sphere; entrance of Russia to five world's major economies [2].

Processes, associated with more and more global use of digital technologies, result in change of type of collective labour management and give rise to appearance of non-standard labour law relations and new non-standard forms of employment.

As a rule, standard (traditional) employment in scientific literature is considered as employment based on typical labour contracts. Labour activity is performed: based on the open-term employment contract; in the mode of full uptime; at stationary work place, just under the employer's leadership and control. From the end of the past century traditional employment has been actively replaced by non-standard employment. Globalization processes, development of innovation driven economies have established a demand for flexibility of labor relations. In general, they are specified by such concepts as: flexibility of employee himself who must be ready for learning during his lifetime (life – long learning) [3, p. 70], frequent change of employment (including with moving to other region), making own decisions and labor digitalization; flexibility of work time – the most of workplaces suggests part or irregular working hours, "flextime" of work time, over-hours; flexibility of payment for work that shall be individually determined in the labour contract and is not already based on uniform sources – adopted tariffs, rates [4, p. 47].

Today, there is a wide approach in the literature to understanding unstable, unsteady employment due to the variety

of its forms, especially in recent times. In foreign investigations, there is suggested the classification of forms of employment non-stability in the framework of which only three main measurements indicating non-standard employment and associated with changing the labor conditions are mentioned: flexibility in labour relations, flexibility in planning of work and flexibility in choice of place of work [5, p. 447].

In native researchers' opinion, forms of non-standard employment involve: all employment forms varying from standard [6, p. 3-4]; non-standard modes of using full working time, improved flexibility regarding recruitment and redundancy, using flexible systems of payment decreasing costs [7, p. 289].

Now such forms include: temporary administration, design works assuming temporary recruitment of highly qualified specialists for solving particular problems; casual work when an employer employs persons occasionally, involving as required; large scale employment at which the basis of employees' work is an on-line platform by which tasks are distributed between the virtual community of employees [8, p. 171].

The broadside approach to definition of non-standard employment forms is presented in native researches: 1) according to flexibility of working hours: flexible working year, flexible working week, flexible work time schedule; 2) according to arrangement of labor activity: remote work, on-call employees, rotational and dispatch form, representative employment; 3) according to individualization degree: individual work – self-employment and employment in personal subsidiary plot; 4) according to duration of working time: sub-employment, under-employment, hyper-employment; 5) according to duration of labor relations: employment based on fixed-term labour contracts, employment based on civil law contracts, one-time employment, casual employment, temporary employment; 6) according to status of labor activity: secondary employment and side work [9, p. 382].

According to International Labor Organization, non-standard forms of employment include: temporary employment, part-time work and job to call, multi-sided labor relations (leasing, agency work), hidden labor relations (dependent self-employment) [10].

The first time-varying non-standard forms of employment were domestic labor, part-time or temporary employment; employment associated with non-standard working schedule (flexible working year, week, shift work); temporary work, work on the side. Here from many non-standard forms of employment we highlight new forms that were worked out over the last 20 years at the Russian labor market, such as remote employment, platform employment, agency employment, volunteering activities.

The main interest under review of specified forms is that now their specific features are not taken into account in full extent when forming the state policy of population employment promotion.

II. RESEARCH METHODOLOGY

Usually, remote work means the type of works carried out by employees at a distance from the employer when using

internet technologies. The legal definition of remote work is in cl. 312.1. of the Labor code of the Russian Federation. According to data of the intelligence agency J'son&Partners Consulting, the number of remotely active in Russia in 2016 was 2.7% of employed population or 2.53 million persons. According to research of this agency, by the year 2020, 20% of workplaces in Russia will be virtual [11]. Therefore, the fifth part of the country population will be in need of firm guarantees of protection of their right to work and protection against unemployment.

Today, platform employment is steadily growing concurrently with the fact that it is not subjected to the state system of accounting and thus to adequate regulation.

According to one of definitions, the digital platform – this is algorithm-driven and information and communication technology which provides cooperation of participants in the social and economic environment, often based on the new system of specialization of labor [12, p. 54]. Due to platform employment phenomenon, new terms have appeared in the world of work such as "employee of digital platform", "Internet services provider", "person similar to employee". The largest aggregators of goods and services, such as Deliveroo, Uber, Yandex, actively take over the market of courier, transport services, individual maker services and are employed as business models for smaller companies. Today, they in large numbers employ makers whose legal status has no clearly defined nature at the native labor market.

This form of employment is specified by the fact that it is arranged by means of Internet-platforms or mobile applications that allow to make contact between undefined number of organizations, offices and physical persons (persons who work based on Internet platforms). By means of Internet platform the customer contacts with the performer of the work, task or service [13, p. 135].

Researchers highlight two forms of platform employment: crowd-work and work-on-demand. Crowd-work means process at which an organization or a certain person is offered by means of Internet platform to carry out a certain job, task but not to the specified organization or specified person whereas to an undefined number of persons (crowd) based on open request. Normally – this is intellectual labor of different degree of complexity: from author's projects to micro-tasks not requiring special knowledges. The work on request is offered by means of mobile applications and includes such traditional types of activities as transport services, nurse's services, cleaning, food delivery, etc. As a rule, the work on request is limited by territorial frames [13, p. 135].

Generally, the work with Internet platforms relates to mobile works but is selected in separate form of employment because has its own features. The main feature, which suggests the individual form of employment, lies in the fact that when dealing with platforms, applications, the maker cooperates not with other real persons but with their images (symbolic constructs) in virtual reality [14, p. 13] whereas during other non-standard forms of employment, the employee cooperates with the particular employer.

Agency employment according to the content of cl. 341.2. Of the Labor Code of the Russian Federation is the secondment. The right to offer the personnel's labor belongs to private employment agencies registered in the Russian Federation and accredited in a proper manner.

In terms of the type of parties' relationship, it is possible to highlight three types of agency employment: employee leasing – the agency concludes the contract with employee in its own name and then sends to work to other company for the relatively long period; outsourcing – transfer to the performing company of entire functions or business processes, in other words, there takes place the purchase of provider's services instead of the labor of particular employees, the result of work or services is the center of relationship with customer; outstaffing – personnel's casualization and his transfer to the agency staff when he remains at his previous workplace and carries out his previous functions but employer's obligations with respect to him are carried out by the contracting company [15, p. 73].

It should be noted that the Russian Federation legislation establishes for firms-service users the legal obligations relating to employees, providing own labor via agencies, in regards to assurance of safety and labor health.

Voluntary service in scientific literature is considered as a type of employment because it fully complies with the interpretation of employment given in paragraph 1 of cl. 1 of the Law of the Russian Federation "Concerning employment in the Russian Federation" and is instantiated as voluntary, meaningful activities of people in the furtherance of social, cultural, economical, environmental problems in the society other than making profit [16, p. 15]. The official designation of volunteering activities appeared in the legislation of the Russian Federation not until 2018 due to acceptance of the Federal Law "On amendments being made to certain legislative acts of the Russian Federation concerning issues of volunteering activities" dated 05.02.2018 No. 15-FZ.

The nation state gives an incentive to this type of employment of its residents. For development of voluntary movement, the Russian Federation Government approved on December 27, 2018 the Concept of Volunteering Development in the Russian Federation until 2025. According to data provided by the Federal State Statistics Service, the number of Russian volunteers increases from year to year: from 1,416,773 persons in 2012 to 2,731,652 in 2017 [17]. However, the one-for-all approach to the number of volunteers including the whole their totality in the country is not formed, a large number of volunteers is not registered anywhere and is not itemized in nonprofits so it are not taken into account by the state bodies.

Current developments of mass distribution of new non-standard forms of employment is objectively specified by the passage to digital economy and presence in them distinct advantages for employers and employees. Wherein, advantages for employers are much more significant than for employees. Non-standard forms of employment allow that the employer can use the flexibility of work taking into account to the maximum own interests in respect of demand swings for products (services), features of production cycles, seasonal fluctuation, etc. Possibilities for involving qualified specialists grow and human resources costs decrease. The greater part of relations

with participation in new forms of employment is of non-formal manner that excuses the employer from the necessity of mandatory payments to state and non-budget funds. The main profits of the work for employees in forms of non-standard employment – the use of the flexible schedule of work for own benefit, the possibility to combine such work with the study, the other work, carrying out family obligations, the use of these relations during the searching of the primary employment, as well as the possibility to perform the work without the need for professional training and special skills, experience. Positive consequences of the use of non-standard forms of employment for the community can include the fact that in some cases they allow to refrain the layoff of employees preventing the growth of unemployment owing to their high potential in regards to the flexibility of work.

III. RESULTS OF THE RESEARCH

Negative consequences of spreading non-standard employment first of all concerning the absence or reduction of social protection of employees' labor rights, unexpected loss of work and steady income, availability of long breaks in work due to the absence of orders, limitation in access to obtaining social payouts and services. Also, researchers point out reducing the level of employees' qualification due to temporary being in demand, aggravation of morale in unstable environments, heightened injury rate, weakening of social solidarity and occupational contacts, absence of the possibility to take part in production management, battle for rights by staff members [18, p. 150-151]. Authors point out the negative influence of vulnerable employment represented by increase of the duration of working day as well as deterioration of health of such employees as compared with employees going into traditional labor relations owing to the absence of the legislative regulation of their status and as a consequence the absence of methods of protection against overtime work [19, p. 24].

These characteristics have allowed researchers to designate the non-standard employment as the precarious employment [12, p. 5] and to define employees as precariat class [20, p. 23-24].

Thus, all concerned employment forms have contradictory dual features: on the one hand, they promote the total growth of employment, but from the other hand, they increase the number of persons practically having no guaranteed social protection.

The International Labour Organization in one of the latest reports points out that the sustainable economic development suggests not just the full employment but also its quality. Some new models of the labor use made owing to new technologies fall short of necessary labor conditions and threaten to break advances in the labor [21].

Such threats shall be eliminated by the development of conceptual models determining, both at the international and national levels, the special modes of social assurance for employees of the non-standard employment, also individual conditions of employment with a penchant for the more safe labor forms assured today within the continuous full employment [22, p. 245].

Based on comparable approach to different viewpoints on non-standard employment and consideration of discovered

advantages and adverse sides of considered new forms of employment, it is possible to make some conclusions and submit proposals concerning the necessary improvement of the state policy of employment.

Now, the legislation of the Russian Federation has no clear classification of employment taking into account its new forms. In the absence of determining their status, the further development of the legal framework of the use of new employment forms will be difficult.

The necessity of including the new forms of employment to the state policy of population employment promotion and involving them to the field of the necessary state control becomes of the evident task.

IV. DISCUSSION OF RESULTS

Studying publications dedicated to new forms of non-standard employment and information posted on official sites of state bodies (the Federal State Statistics Service, the Federal Labor and Employment Service) allows to state that statistical studies of this field are insignificant and are out of scale and social significance of this phenomenon. Arrangement of a system for researching new forms of employment is necessary for proceeding to effective practical steps to regulating social relations in this direction.

Now, the development and legalization of remote employment forms are obstructed by the absence of the system providing the modern digital document flow. Introduction of the non-legible form for conclusion of employment agreement and optimization of other employer's paper obligations were provided as far back as 2017 by program "Digital economy of the Russian Federation" [23], but up to now it is not implemented. The use of electronic document flow system (electronic document, electronic duplicate document, electronic archive, etc.) will allow for bodies of the public employment service to soar to new heights for public service delivery. Firstly, this process simplifies the order of document presentation by persons needed for their registration as the unemployed set in part 2, cl. 3 of the Employment Act. Secondly, redress an injustice relating to persons who are obliged but for whatever reasons have no possibility to present a paper-based average earnings report of the set form and so they have no possibility to obtain public service for social insurance benefits and implementation of other guarantees in the employment field. Thirdly, it will allow persons whose labor relations will be legalized to more fully use social services.

In solving the problems of adapting employees to varying labor conditions and promotion of chances to take up the "rightful place of work" [24], one of the key positions is taken up by the issue of professional learning and continuing professional education (hereinafter - professional training).

The traditional approach, which involves obtaining one education, formally necessary for employment and building a career on this basis, does not meet the interests of employers and the state as a whole. Automation of work processes, which is proceeding rapidly, will inevitably cause gaps in the knowledge and skills of employees, which can be eliminated only through continuous training of personnel [25, p. 414].

When the status of employees involved in Internet-platforms, self-employed, volunteers and others will be determined, the problem will arise about their right to professional training under the direction of employment placement because new forms of employment, from the one hand, demand from human the constant obtaining new knowledges, and on the other hand – offer such relations that hurt the chances to increase the possibilities as far as training of employees. In the current situation, the state duty is to mitigate this collision. Now, in accordance with cl. 7.1-1. Of the Employment Act, professional training is guaranteed to the unemployed, among employed – only women being on leave to attend to a child up to the age of three years and among unemployed – only persons to whom in accordance with the legislation of the Russian Federation was granted an old-age pension and who try to resume labor activity.

V. CONCLUSIONS

Based on the above, it seems reasonable:

1. Statistical researches in the field of new employment forms shall be consistent. The value in this context will be presented by All-Russian monitoring researches in terms of population survey. For implementation of this purpose, it is worth to consider the possibility of the use by the state of Internet data traffic from computers and mobile devices of persons for analysis of their involving into relations of platform employment.
2. Process of introduction of non-legible form for conclusion of employment agreement envisioned by the program "Digital economy of the Russian Federation" shall be accelerated. For optimization of other employer's paper obligations, it is necessary to introduce the non-legible form not only for the work record book, but for: voluntary record book; calculation sheets on cash wages; statement of average earnings for determining unemployment benefit amount (award).
3. Include advanced training to social guarantees provided by the Employment Act. It seems reasonable to involve the bodies of the Government Employment Services for arrangement of the skills set list needed for successful employment assistance to worth places of work.

References

- [1] Godovoy otchet Vsemirnogo banka 2016 // Ofitsial'nyy sayt Vsemirnogo banka. – URL: http://documents.worldbank.org/curated/ru/374281475494458_715/pdf/108682-WBAR-v1-PUBLIC-RUSSIAN-PUBDATE-9-28-2016.pdf (data obrashcheniya: 19.08.2019).
- [2] O natsional'nykh tselyakh i strategicheskikh zadachakh razvitiya RF na period do 2024 goda : Ukaz Prezidenta Rossiyskoy Federatsii ot 07 maya 2018 goda № 204 // Pravovoy sayt «KonsultantPlyus». – URL: http://www.consultant.ru/document/cons_doc_LAW_297432/ (data obrashcheniya: 19.08.2019).
- [3] Razumova, T. O. Vliyanie novoy tekhnologicheskoy revolyutsii na sferu truda // Sotsial'no-trudovye issledovaniya. – 2018. – № 4. – s. 63-72.
- [4] Lushnikov, A.M., Kirillova, L.S. Netipichnye trudovye dogovory: gibkost' i stabil'nost' yuridicheskoy konstruktssii // Vestnik YarGU. Seriya Gumanitarnyye nauki. – 2017. – № 2. – s. 46-50.
- [5] Spreitzer, Gretchen M., Cameron, L., Garrett, L. Alternative Work Arrangements: Two Images of the New World of Work Annu. Rev. Organ. Psychol. Organ. Behav. 2017. 4:473-499.
- [6] Gimpel'son, V. E., Kapelyushnikov, R. I. Nestandartnaya zanyatost' i rossiyskiy rynek truda. – M. : GU VShE. – 2005. – 36 s.
- [7] Ekonomika truda // pod red. M. A. Vinokurova, N.A. Gorelova. SPb.: Piter. – 2004. – 656 s.
- [8] [4] Mandl, I., Curtarelli, M., Riso, S., Vargas, Llave, O., Gerogiannis, E.

- New Forms of Employment. Eurofound, 2015. 168.
- [9] Dorokhova, N.V. Analiz podkhodov k klassifikatsii form nestandartnoy zanyatosti naseleniya // Vestnik VGUIT. – 2017. – № 1. – s. 381-385.
- [10] Nestandartnye formy zanyatosti. Analiz problem i perspektivy resheniya v raznykh stranakh. Obzornaya versiya // Ofitsial'nyy sayt MOT. – URL: https://www.ilo.org/wcmsp5/groups/public/dgreports/dcomm/publ/documents/publication/wcms_554952.pdf (data obrashcheniya: 20.08.2019).
- [11] Distsionnaya zanyatost' v RF : Prezentatsiya s press-konferentsii «Bitriks24» i J'son & Partners Consulting. – URL: http://json.tv/ict_telecom_analytics_view/polnaya-versiya-prezentatsii-generalnogo-direktora-svetlany-vodyanovoy-s-press-konferentsii-bitriks24-i-json-partners-consulting-20150617030352 (data obrashcheniya: 20.08.2019).
- [12] Kotova, S.I. Sotsial'nye riski v trudovom prave i preventivnoe zakonodatel'stvo o trude i zanyatosti // Zakonodatel'stvo. – 2018. – № 9. – s. 48-55.
- [13] Chesalina, O.V. Vyzovy tsifrovoy ekonomiki dlya prava sotsial'nogo obespecheniya: sotsial'noe obespechenie rabotayushchikh na osnove internet-platfom // Trudovoe i sotsial'noe pravo. – 2018. – № 3 (120). – s. 134-143.
- [14] Pravovoe regulirovanie distsiionnoy raboty: problemy teorii i praktiki : monografiya / Yu. V. Vasil'yeva, S. V. Shuraleva, E. A., Braun ; M-vo obrazovaniya i nauki Ros. Federatsii, Perm. gos. nats. issled. un-t. – Perm' : PGNIU. – 2016. – 127 s.
- [15] Bantsekin, I.A. Problema zaemnoy truda v Rossii // Ekonomiks. – 2013. – № 1. – s. 69-81.
- [16] Trokhina, A.V. Zanyatost' volonterov v Rossii: formirovanie i regulirovanie : avtoreferat dis. ... kand. ekon. nauk : 08.00.05 / Trokhina Alina Vladimirovna; [Mesto zashchity: Mosk. gos. un-t im. A.V. Lomonosova. Ekon. fak.]. – M. – 2012. – 29 s.
- [17] O provedenii nauchnykh, sotsiologicheskikh i statisticheskikh issledovaniy, napravlenykh na izuchenie form i masshtabov uchastiya grazhdan i organizatsiy v dobrovol'cheskoy (volonterskoy) deyatel'nosti : Doklad. Analiticheskiy tsentr pri Pravitel'stve Rossiyskoy Federatsii – 2019 god. – URL: <http://ne-nature.ru/sibir/28-peshera-barsukovskaya> Data obrashcheniya: 21.08.2019).
- [18] Chikanova, L.A., Seregina, L.V. Pravovaya zashchita grazhdan ot bezrabotitsy v usloviyakh informatsionnykh tekhnologicheskikh novatsiy v sfere truda i zanyatosti. // Pravo. Zhurnal vysshey shkoly ekonomiki. – 2018. – № 3. – s. 149-171.
- [19] Bohlea, P., Quinlana, M., Kennedy, D., William. A. Working hours, work-life conflict and health in precarious and “permanent” employment. Revista de Saúde Pública 38 Suppl(supplement). PubMed. R.19-25.
- [20] Standing, G. Prekariat: novyy opasnyy klass. M. Ad Marginem Press. – 2014. – 328 s.
- [21] Perspektivy zanyatosti i sotsial'noy zashchity v mire v 2019 godu: Doklad Mezhdunarodnoy organizatsii truda // Ofitsial'nyy sayt MOT. – URL: https://www.ilo.org/global/research/global-reports/weso/2019/WCMS_670542/lang--en/index.htm (data obrashcheniya: 20.08.2019).
- [22] Benach, J., Vives, A., Amable, M., Vanroelen, C., Tarafa, G., Muntaner, C. Precarious Employment: Understanding an Emerging Social Determinant of Health. Annu. Rev. Public Health 2014. 35:229–53.
- [23] Ob utverzhdenii Programmy «Tsifrovaya ekonomika Rossiyskoy Federatsii» : Rasporyazhenie Pravitel'stva Rossiyskoy Federatsii ot 28 iyulya 2017 goda № 1632-r // Pravovoy sayt «Konsul'tantPlyus». – URL: http://www.consultant.ru/document/cons_doc_LAW_221756/ (data obrashcheniya: 20.08.2019).
- [24] Nestandartnye formy zanyatosti. Analiz problem i perspektivy resheniya v raznykh stranakh. Obzornaya versiya // Ofitsial'nyy sayt MOT. – URL: https://www.ilo.org/wcmsp5/groups/public/dgreports/dcomm/publ/documents/publication/wcms_554952.pdf (data obrashcheniya: 20.08.2019).
- [25] Glotova, I.A., Lushnikova, T.Yu., Kokanov, N.A. Directions for improving the legal regulation in the labor sphere in digital economy conditions. 1st International Scientific Conference on Modern Management Trends and the Digital Economy: From Regional Development to Global Economic Growth. AEBMR-Advances in Economics Business and Management Research. Vol. 81. 2019. 413-416.