

Atypical Forms of Work

Atypical forms of work regulated by the EU law:

- Part-time work
- Fixed-term work
- Temporary work
- Telework

1. Part-time work

Promotion of part-time work is considered as mean of reconciliation of professional and family life. The minimum standards are laid down by the Directive 97/81/EC concerning Framework Agreement on Part-time Working concluded by the UNICE, CEEP and ETUC. It relates to working conditions of part-time-workers

Purpose:

- To promote the quality of part-time work
- Elimination of discrimination against part-time workers
- Facilitate of development of part-time work on a voluntary basis

Part-time worker is defined as an employee whose normal hours of work, calculated on a weekly basis or on average over a period of employment of up to one year, are less than the normal hours of work of a comparable full-time worker.

Comparable full-time worker is defined a full-time worker in the same establishment having the same type of employment contract or relationship, who is engaged in the same or a similar work/occupation, due regard being given to other considerations which may include seniority and qualification/skills.

2. Fixed--Term Work

Form of work where the end of a contract or relationship is stated in advance by the date, termination of specific work, completion of specific task or occurrence of a specific event. It is regulated by the Directive 1999/70 concerning the Framework Agreement on Fixed term Work concluded between UNICE, CEEP a ETUC

Purpose:

- To promote the quality of fixed-term work by ensuring the application of the principle of non-discrimination
- To establish the framework to prevent abuse arising from the use of successive such contracts

Scope of Application:

Fixed-term workers who have employment contract (relationship) concluded with their employer

Measures to prevent abuse of successive fixed-term employment contracts (relationships):

- objective reasons justifying the renewal of such contracts or relationships;
- the maximum total duration of successive fixed-term employment contracts and relationships;
- the number of renewals

3. Temporary Work

Temporary work means a specific form of employment. There are three subjects

1. employment agency (employer)
2. natural person (worker)
3. user undertaking (assigns the work, controls its performance)

The agency employs workers with the purpose to temporarily post them to perform work at the user undertaking.

International Framework

ILO Convention 181 (Private Employment Agencies Convention) and Recommendation 188.

- Protection of collective rights of workers,
- Necessity to ensure that employees are covered with national systems of social security,
- Prohibition of discrimination on the grounds of sex, race, religion, political opinion, social origin.
- Protection of personal data
- Prohibition for agencies to require fees from natural persons who are employees

EU Law

Directive 2008/104/EC on Temporary Agency Work

Purpose – protection of temporary workers and

promote quality of temporary work by- establishing the principle

of equal treatment with temporary workers

- stating that temporary agencies are employers

Scope of Application

Temporary agencies both public and private performing gainful or non gainful activities

User enterprises

Employees who are assigned to another employee (user)

Restriction and Prohibitions

Non-discrimination – prohibition of unequal treatment

Working conditions – shall be the same for temporary workers as for employees employed directly by the user undertaking.

Information of employees – the key idea is to secure permanent employment for temporary employees. They have the right to information on vacant post at the user undertaking. The agency may not conclude an agreement with the user undertaking prohibiting him to employ temporary workers on the basis of standard contract.

4. Teleworking

There is framework agreement between social partners.

Telework as a form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis.

The Framework Agreement on Telework regulates certain aspects of telework i.a.:

- Voluntary basis of telework,
- Elimination of discrimination against teleworkers,
- Protection of personal data,
- Use of equipment,
- Health and safety of teleworkers,
- Working conditions of teleworkers