

Atypical Forms of Employment in Lithuania: Main Characteristics and Prevalence

Rasa Miežienė¹, Boguslavas Gruževskis²

Lithuanian Social Research Centre

A. Goštauto str. 11, LT-01108 Vilnius, Lithuania

E-mail: ¹Rasa.Zabarauskaite@dsti.lt; ²Boguslavas.Gruzevskis@dsti.lt

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Abstract

The article analyses the types of atypical forms of employment and their spread in Lithuania in the context of the European Union. A special emphasis in the article is laid on security of atypical workers in the labour market.

The literature analysis carried out in the article revealed that despite certain advantages of atypical employment atypical employees are less secure in the labour market than employees in standard employment. This insecurity is determined by more frequent stresses due to work-related situations, poor visibility regarding the future level of income and career perspectives. The analysis of statistical data revealed that self-employment and part-time work are the most prevalent atypical forms of employment in Lithuania. A special mention should also be given to two atypical forms of employment – self-employment and temporary agency work – which have grown most over the past few years in Lithuania.

Keywords: atypical employment, atypical employees, job security, atypical employment contracts.

Introduction

Rapid technological development and growing competition in the global market determine a need for more flexibility in the labour market which, in turn, stimulates the emergence of atypical forms of employment. As a result, along with standard forms of permanent, full-time employment contracts, the last decade witnessed a rapid global spread of atypical forms of employment going beyond the standard model of employment.

The end of the 20th century saw new developments in the labour market involving creation of new jobs not only through the establishment of new businesses but also by the enhanced use of flexible/atypical forms of employment. Particularly under conditions of limited investment opportunities, application of flexible forms of employment becomes the basis for new job creation. At the beginning of the

21st century, about 27% of new jobs were established using flexible forms of employment in the United States (about 18% in the EU) and the role of such forms is steadily growing (Gruževskis, 2001).

Atypical forms of employment are usually characterised by non-standard working time, specific employment contracts or other less common employment and/or labour relations. According to research (Eichhorst, Marx, 2015), atypical forms of employment are very widespread in the service sector, particularly in social work and domestic services sector. Based on research data (Buschoff, 2015), more than one third of all employees in Europe were in atypical employment in 2014. Moreover, many countries have seen significant increases in atypical employment over the past decade. Although official statistics is absent, the results of studies and research show that in 2014 the Netherlands was the leading country in the EU-28 by the spread of atypical forms of employment, with approximately three-fifths of all employees in atypical employment. In terms of this indicator, it was followed by Spain, Germany and Poland, with approximately two-fifths of all employees in atypical employment. Atypical forms of employment appear to be least popular in Bulgaria, Estonia and Latvia (accounting for approximately 13-15%). According to the aforementioned research, a total of about one fifth (15%) of working population of Lithuania was in atypical employment in 2014.

The growing spread of atypical forms of employment in European countries entails increasing controversies as to their benefits for national economies and society as a whole. A frequent concern is that atypical employment may become a norm and completely oust standard (typical) employment relationships. Both political decision-makers and

researchers refer to atypical forms of employment, on the one hand, with emphasis on the opportunities provided by atypical and flexible employment relationships to employers, enabling them to quicker react to changing consumer needs and to strike a better balance between job demand and supply. On the other hand, a need to ensure maximum security for workers in the context of labour market deregulation is highlighted (Commission of the European Communities, 2006). In view of the above, it seems reasonable to analyse the forms of atypical employment and their prevalence in Lithuania with emphasis on the influence of atypical employment on the working conditions and security of employees in the labour market.

The aim of the article is to analyse the presence and prevalence of various forms of atypical employment in Lithuania by highlighting the influence of atypical employment on the working conditions and security of employees in the labour market.

The research object – forms of atypical employment in Lithuania.

The article starts with the analysis of the concept of atypical employment and the forms of such employment applicable in Lithuania. Then the effects of atypical employment on the working conditions and security of employees in the labour market are analysed. Finally, the analysis of statistical data is presented showing the spread of atypical employment in Lithuania.

Methods used in the article include analysis of scientific literature, generalisation (induction, deduction) and comparative analysis. The analysis is based on Eurostat, Statistics Lithuania (Lithuanian Department of Statistics, LSD) and other Lithuanian and foreign statistics and research data.

With regard to the relevance of the topic in Lithuania, it should be noted that there has been particularly many discussions recently about a new draft Law on the Approval, Coming into Force and Implementation of the Labour Code of the Republic of Lithuania (hereinafter draft LC) which provides for many new types of employment contracts. It is likely that atypical employment will grow even more in Lithuania after adoption of the new Labour Code.

1. Concept and main features of atypical employment

Atypical employment is usually defined using the definition of the European Foundation for the Improvement of Living and Working Conditions (European Foundation). According to the European Foundation, atypical (or non-standard) work refers to employment relationships not conforming to the

standard or 'typical' model of full-time, regular, open-ended employment with a single employer over a long time span (European Foundation, 2010a).

Out of various forms of employment currently existing in European countries, the European Foundation (2010b) makes a distinction between the following two categories:

- 1) Permanent (open-ended), full-time contractual arrangements, or so-called 'standard' contracts. This type of employment is viewed as being more secure for allowing visibility regarding the future level of income and evolution of employability. This employment category has been for long the basis for determining workers' rights at the workplace in different social protection regimes.
- 2) Non-standard forms of work. These are the forms of work that deviate from full-time, permanent / open-ended employment. Such forms of employment can be non-standard in terms of two main aspects – atypical working time (e.g. very short part-time work, zero hours or on-call work) and the specificities of the employment contract itself or, in other words, atypical contract arrangements (e.g. Estonian legislation allows employees to make verbal arrangements with the employer if the duration of employment is less than 2 weeks).

Lipták (2011) slightly extended the differentiation provided by the European Foundation (2010b) and identified the following main characteristics of the standard employment model:

- employment under open-ended employment contracts (for an indefinite duration);
- fixed number of working hours (per month, week or day);
- definite job with definite remuneration.

According to Lipták, atypical forms of employment have the following characteristics:

- work under fixed-term employment contracts;
- part-time work;
- relationships falling outside labour relations (e.g. based on civil law);
- new forms of labour organisation (e.g., teleworking);
- distribution of working hours adopted to the needs of the employer.

According to Jarulaitis (2008), the non-standard nature of employment relationship can be analysed using two approaches. In the first case, non-standard employment relationships appear when formal contract conditions derogate from the standard conditions of employment contract. In the second case, non-standard employment relationships are determined by the non-standard nature of actual

employment conditions. Using the latter approach, atypical workers may include not only persons working under non-standard employment contracts but also those working with no contract at all (for instance, self-employed people, individuals working under verbal arrangements) or those working under standard contracts in non-standard conditions (Jarulaitis, 2008).

In addition to the differentiations above, non-standard forms of employment can be divided into two groups based on their atypicality, in particular, (1) atypical forms of employment and (2) very atypical forms of employment/contractual arrangements. The first group includes forms of employment which, by their characteristics, do not strongly depart from standard employment, i.e. fixed-term work, part-time work and temporary agency work. The second group encompasses very atypical employment arrangements, such as very short fixed-term work (of less than six months), very short part-time work (of less than 10 hours a week), non-contract work, zero hours/on-call work, etc. (European Foundation, 2010b).

Atypical forms of employment existing in Lithuania are discussed in this article below.

2. Atypical forms of employment in Lithuania

The current version of the Lithuanian Labour Code (hereinafter LC), in addition to a non-term (open-ended) employment contract, provides for the following atypical contract arrangements between employers and employees:

- 1) Fixed-term, temporary and seasonal. In compliance with the LC, a fixed-term employment contract may be concluded for a certain period of time or for the period of the performance of certain work but not exceeding five years. It is prohibited to conclude a fixed-term employment contract if work is of a permanent nature, unless this is provided for by laws or collective agreements. A temporary employment contract may be concluded for a period not exceeding two months. Seasonal employment contracts are concluded for the performance of seasonal work, i.e. work which is performed, due to natural and climatic conditions, not all year round but in certain periods (seasons) not exceeding eight months (in a period of twelve successive months) and is entered on the list of types of seasonal work.
- 2) Employment contracts on secondary jobs. Pursuant to the LC, employees in Lithuania can make arrangements to perform certain additional duties at the same workplace or

perform secondary duties/do a second job at another workplace unless it is prohibited by laws or other regulatory acts.

- 3) Teleworking contracts. A teleworking contract is a type of contract establishing that an employee will perform the job function or part of the job functions agreed therein in places other than the workplace, as appropriate for the employee.

As mentioned above, the draft LC approved on 21 June 2016 contains, in addition to other novelties, certain amendments to the types of employment contracts. Although the new LC abolished employment contracts on secondary jobs and teleworking contracts, it considerably extended the list of employment contracts. The draft LC provides for a total of eight types of atypical employment contracts in addition to non-term contracts, namely, fixed-term contract, temporary employment contract, apprenticeship employment contract, employment contract of indeterminate scope, project contract of employment, job sharing contract, contract for working for several employers and seasonal contracts. Below we discuss these contracts in more detail along with general conditions laid down in the draft LC.

Fixed-term employment contract may be concluded for a certain period of time or for the period of the performance of certain work not exceeding a two-year period. The same time limitation applies to successive contracts concluded with the same employee for the performance of the same job function. The total cumulative duration of successive fixed-term employment contracts concluded with the same employee for the performance of different job functions shall not exceed five years. Fixed-term contracts are considered successive if they are not interrupted by a period of more than two months. The prohibition to conclude fixed-term employment contracts if work is of a permanent nature was abolished in the draft LC.

Temporary employment contract is an agreement between an employee and an employer (i.e. temporary work agency) whereby a temporary employee undertakes to perform certain jobs for a certain period of time for a person indicated by the temporary work agency (i.e. user of temporary work) and be subordinate to him, whereas the temporary work agency undertakes to pay for such work. Apart from the LC, the specificities of labour relations between temporary employees and temporary work agencies are regulated in Lithuania by Law No XI-1379 on Temporary Agency Employment.

Apprenticeship employment contract is concluded to employ a person willing to acquire required qualifications or competences on-the-job

in a form of organising apprenticeship training. The apprenticeship employment contract is a fixed-term contract entered into for a period of up to six months, except for apprenticeship employment contract concluded in combination with formal or non-formal training agreements, as regulated by laws, which defines training of a longer duration.

Employment contract of indeterminate scope is an employment contract which does not set a time limit for the performance of job function. Instead, employees undertake to perform the job functions on employer's call. Employees are paid only for the time spent performing the job function on the employer's call. The minimum duration of work for employees is eight hours per calendar month. If employee is not called to do the minimum hours of work or any part thereof, he/she must be nonetheless paid for eight hours of monthly work.

Project contract of employment is a fixed-term employment contract whereby an employee undertakes to perform his/her job function to achieve a specific result of the project while working in the established working time regime at the workplace or outside it.

Job sharing contract is an arrangement in which two or more employees share a single job for the same employer. In this case, each employee may choose working hours on agreement with another employee.

Contract for working for several employers is concluded when an employee performs a certain job function for more than one employer. The contract for working for several employers must specify, on employers' agreement, the primary employer who performs all functions of the employer in relation to setting working schedules, taxation of employee's income, etc. Other employers are required to compensate expenses to the primary employer in accordance with their agreement, taking into account the time worked by the employee for the respective employer.

Seasonal employment contract is concluded for the performance of seasonal work. Conditions of this type of contract actually remained unchanged in the new LC.

As mentioned above, employment can be atypical not only on account of contract specificity, but also due to atypical working hours or other non-standard work conditions. Accordingly, atypical forms of employment also encompass part-time work, self-employment (with business certificates or individual activity certificates) and work performed under civil law contracts (copyright agreements, service vouchers, etc.).

Part-time work. In compliance with the LC, part-time daily working time or part-time weekly working time (i.e. less than 8 hours per day and/or

less than 40 hours per week) in Lithuania may be set by agreement between an employee and an employer and/or at the request of an employee (e.g. on the request of a pregnant woman). These provisions are regulated in Article 146 of the LC.

Self-employment. In accordance with the currently valid legislation, persons may engage in individual activities/self-employment on two grounds:

- 1) by obtaining a business certificate; or
- 2) by obtaining an individual activity certificate.

In Lithuania, self-employment is governed by the Law on Income Tax of Individuals, the Law on State Social Insurance, Resolution No 1797 of the Government of the Republic of Lithuania of 19 November 2002 On the procedure for issuing business certificates to individuals, and other legal acts.

Civil law contracts. The procedure for hiring persons to perform seasonal work and provide services not requiring high skills was simplified with effect from 1 April 2013 by introducing agriculture and forestry vouchers. Service providers (natural persons) are allowed to provide agricultural and forestry services of a temporary (seasonal) nature or one-off services not requiring special skills, qualifications, permits, licenses, training or courses. The list of such services was approved by Resolution No 542 of the Government of the Republic of Lithuania of 27 May 2015 On the approval of the list of agricultural and forestry services that can be received by service users and supplied by service providers on a voucher basis.

In addition to service vouchers, there are other types of civil law contracts (copyright agreements, contracts for the performance of service, etc.) regulated under the Civil Code and other laws of the Republic of Lithuania.

It should be noted that traineeship agreements are also qualified as atypical forms of employment in some countries. This article does not analyse voluntary practice (traineeship) agreements and agreements for the acquisition of working skills (which are applicable in Lithuania) as these agreements usually provide no payment for work.

3. Atypical employment in the context of security of employees in the labour market

Referring to atypical forms of employment, scholars and political decision makers usually make a distinction between two opinions regarding the benefits of such forms to employees and the economy as a whole. Supporters of flexible labour market structures argue that deregulation of labour relations can increase employment,

reduce unemployment, and therefore reduce social inequality. The idea is based on a belief that when employers can use their employees flexibly and end employment relationships without incurring high costs, they will be more likely to create new jobs (Allmendinger, Hipp and Stuth, 2013). Other benefits are also highlighted in the context of other atypical forms of employment, particularly those which characteristics do not greatly depart from standard employment. For example, part-time workers have more opportunities to balance their family and work responsibilities, adjust their working hours and schedules. Likewise, part-time work is often applied to long-term unemployed or other persons inactive in the labour market. A number of studies suggest that fixed-term employment and employment via temporary agencies help persons, especially youth, seek permanent employment (Ichino, Mealli and Nannicini, 2008; Göbel, Verhofstadt, 2008).

Critics of atypical labour relations oppose to the provisions above arguing in contrast that in case of atypical employment contracts all business risks are transferred to employees and the interests of employers are seen as more important. Atypical forms of employment often have to do with lower social insurance fees and lower dismissal costs. In turn, employees hired under atypical employment contracts are often paid lower social insurance benefits and other benefits (i.e. in case of dismissal) (Tealdi, 2011; Allmendinger et al., 2013; Lipták, 2011).

According to a number of studies, people in atypical employment work under more precarious working conditions than other groups of employees in terms of less security for income, less career opportunities and less attractive jobs (Lyly-Yrjanainen, 2008; Goudswaard, Andries, 2002). Research findings also show that employees on atypical contracts are more often exposed to certain risks and work-related accidents. In addition, these workers more often than standard workers are exposed to a risk of mental stress due to the uncertainty of their future incomes and poor opportunities to plan career perspectives. Very atypical contracts are also more often related to low pay and work performed by low-skilled workers (European Foundation, 2010b).

Among disadvantages of atypical contracts, we should also mention that atypical workers are extremely sensitive to economic fluctuations and appear in a very insecure situation in times of crisis, because employment relationships with them can be easily ended at no additional costs for the employer (Lang, Schömann and Clauwaert, 2013). This is important, as not all atypical workers are in a position of accessing social security support in cases of social risks.

Figure 1 below illustrates the whole range of employment forms in the context of labour market flexibility and security, from indefinite, full-time contracts which are deemed to be the most secure to very atypical forms of employment and informal arrangements which are considered as being the most flexible and, at the same time, most insecure ones.

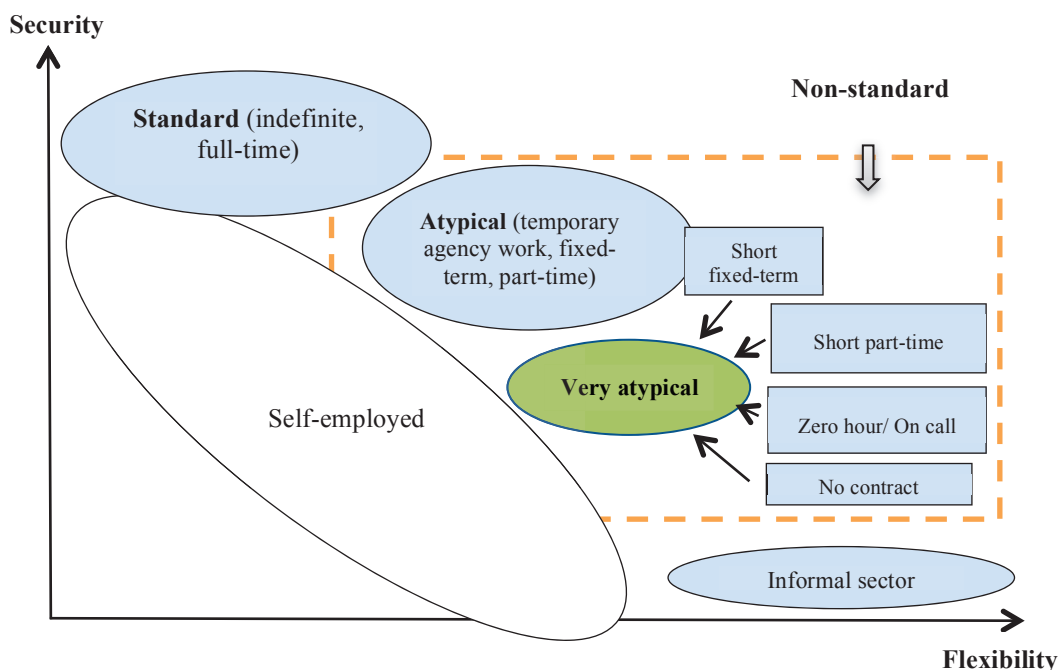


Fig 1. Forms of employment in the context of labour market flexibility and security
Source: European Foundation for the Improvement of Living and Working Conditions, 2010b

Short fixed-term contracts, short part-time contracts and on-call work/zero hour contracts are considered as being the most insecure for employees. No-contract work is also deemed as being insecure. The nature of self-employment can be very different: this form of work, therefore, is presented all along the flexibility and security axis.

4. Incidence of atypical forms of employment in Lithuania in the context of the European Union

This part of the article analyses the incidence of atypical forms of employment in Lithuania. Taking into account the availability of data, comparisons of the prevalence of atypical forms of employment are made, as far as possible, between Lithuania

and other EU countries. Statistical information is analysed focused on the following main atypical forms of employment: part-time work; fixed-term work; temporary agency work; work under service vouchers; teleworking (i.e. working from home); working on copyright agreements.

Part-time work. Part-time workers account for a relatively small portion of the total employment in Lithuania. According to Eurostat's data, there were around 99.4 thousand part-time workers in Lithuania in 2015 accounting for approximately 7.6% of the total employment. The number of such individuals remained rather stable in Lithuania within a period from 2007 to 2015 (standing at 7-9% of the total employment).

Table 1

Part-time employees in Lithuania in 2007–2015 (persons aged 15-64)

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Employees on part-time contracts (thousands)	122.3	90.8	102.1	94.9	101.9	110.3	105.6	110.3	99.4
Part-time employment as a percentage of the total employment	8.6	6.5	7.9	7.8	8.3	8.9	8.4	8.6	7.6

Source: Eurostat

In Lithuania, part-time employment has demonstrated a markedly lower prevalence compared to other EU countries. In 2015, employees working part-time accounted for 19.6% on average of total EU-28 employment. This type of employment has been found to be the most widespread in the Netherlands (with 50% of employees in part-time work), Austria (27.3%) and Germany (26.8%), and the least popular in Bulgaria (2.2%), Czech Republic (5.3%) and Hungary (5.7%).

The low number of part-time workers in Lithuania is mainly determined, on the one hand, by the low interest on the part of employers in hiring employees on a part-time basis and, on the other hand, by low payment for work which discourages employees to work part-time (Gruževskis,

Zabarauskaitė, 2013). According to the figures from Statistics Lithuania, monthly gross wage of part-time workers was EUR 278.1 in Lithuania in the first quarter of 2016, as compared to the country's average monthly gross wage of EUR 748.0.

Fixed-term work. This type of employment is even less popular in Lithuania than part-time work. In 2015, a total of approximately 2.1% of employees worked on fixed-term contracts in Lithuania, demonstrating one of the lowest indicators in EU Member States. In 2015, the EU-28 average was by some 7 times higher standing at 14.2%. Fixed-term employment is the most widespread phenomenon in Poland (28.0% of all employees working on fixed-term contracts in 2015), Spain (25.2%) and Portugal (22.0%), and the least popular in Romania (1.4%).

Table 2

Temporary employment in Lithuania in 2007–2015 (persons aged 15-64)

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Employees on fixed-term contracts (thousands)	45.8	29.4	26.3	26.6	29.6	29.1	29.8	31.4	23.8
Fixed-term employees as a percentage of the total number of employees	3.8	2.4	2.3	2.4	2.7	2.6	2.7	2.8	2.1

Source: Eurostat

One of the main reasons for low level of fixed-term employment in Lithuania is rather strict requirements laid down in Lithuanian national laws with respect of fixed-term contracts. As mentioned above, the currently valid Lithuanian LC prohibits conclusion of fixed-term employment contracts if work is of a permanent nature, unless this is provided for by laws or collective agreements.

Employment via temporary work agencies. Despite a recent increase, temporary agency work remains rather low in Lithuania as compared to other EU Member States. Figures from the LSD show that a total of around 3.3 thousand individuals were estimated to be in employment via temporary work agencies in Lithuania in 2013. This accounted

for approximately 0.36% of the total number of employees. In many other EU countries temporary agency work appears to be a more widespread phenomenon. For example, temporary agency workers account for 2-3% of the total number of employees in the Netherlands, United Kingdom, Germany and France.

Such a low popularity of this type of employment can be explained by the fact that legislation regulating temporary agency work in Lithuania was adopted not long time ago. Law No XI-1379 on Temporary Agency Work was adopted in Lithuania on 19 May 2011 and came into effect on 1 December 2011.

Table 3

Temporary agency workers in Lithuania in 2007–2013 (persons aged 15-64)

	2007	2008	2009	2010	2011	2012	2013
Temporary agency workers (thousands)	894	1 101	1 324	989	1 532	2 549	3 344
Temporary agency workers as a percentage of the total number of employees	0.09	0.11	0.15	0.12	0.18	0.28	0.36

Source: LSD

Teleworking. According to Eurostat, employees usually working from home accounted for approximately 0.9% of all employees in 2015. This type of employment has insignificantly decreased in Lithuania over the past years. Eurostat's figures show that working from home is much more widespread in other EU countries (in 2015, the EU-28 average

was 2.5%). The highest incidence of working from home has been found in the Netherlands (with 8.4% employees usually working from home in 2015), Finland (7.5%), Austria and Denmark (5.9%), whereas Bulgaria, Romania and Latvia have reported the lowest prevalence of this type of employment (0.2%, 0.4% and 0.5%, respectively).

Table 4

Employees working from home as compared to the total number of employees in Lithuania in 2007–2015 (persons aged 15-64)

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Usually working from home (%)	1.0	1.9	1.0	1.1	1.3	1.6	1.3	1.2	0.9
Sometimes working from home (%)	3.0	3.7	2.3	1.5	1.2	1.3	1.4	1.3	1.4

Source: Eurostat

In the context of EU countries, Lithuania is generally attributed to the countries with low flexibility of working time and employment arrangements on the whole (Plantenga, Remery, 2010).

Persons working on service vouchers. According to the Ministry of Agriculture, a total of 18.1 thousand persons were working on service vouchers in Lithuania in 2015 (15.8 thousand

in 2014 and 22.9 thousand in 2013). There were 1 444 private and corporate users of voucher-based services. Most of the service users were natural persons (approx. 68%). The majority of persons providing voucher-based services were unemployed ones (59% in 2015).

Self-employed persons. According to the LSD, 148.5 thousand persons were estimated to be self-employed in Lithuania in 2015. This accounted

for approximately 11.1% of total employment. The latter indicator is below the EU-28 average by several percentage points (in 2015, the average was

14.2%). Over the past five years, the number of self-employed persons kept steadily growing in the total number of the employed.

Table 5

Self-employed persons in Lithuania in 2008–2015

	2008	2009	2010	2011	2012	2013	2014	2015
Self-employed persons (thousands)	145.9	136.3	115.6	115.2	124.3	137.1	143	148.5
Self-employed persons as a percentage of the total employment	10.2	10.3	9.3	9.2	9.7	10.6	10.8	11.1

Source: LSD

Based on Eurostat's data, self-employment appears to be the most widespread in Greece (with self-employees accounting for approximately 30% in 2015), Italy (21.9%), Poland (18.0%) and Romania (17.6%). This form of employment is the least popular in Denmark (7.5%), Sweden (8.0%) and Luxembourg (8.9%).

Persons working on copyright agreements. According to the State Social Insurance Board (VSDFV), persons working on copyright agreements, sportsmen and artists were estimated to amount to about 12 thousand in total in 2015. Persons working on copyright agreements have

been showing a downward trend in Lithuania, with the number of such employees dropping down nearly by half over the period from 2010 to 2015. One of the explanations for the reduction in the number of copyright agreements could be changes in the rates of and procedure for authors' income taxation introduced in Lithuania at the beginning of 2011. One of the most significant changes set forth that authors who work and receive income under employment contracts have to pay the full amount of state social insurance contributions (i.e. 39.98% in standard cases) on income derived from activities under copyright agreements (with effect from 2011).

Table 6

Persons working under copyright agreements, sportsmen and artists in Lithuania in 2010–2015

	2010	2011	2012	2013	2014	2015
Persons working on copyright agreements; sportsmen and artists in employment relationships with employer (thousand)	16.8	12.4	10.7	9.5	8.2	7
Persons working on copyright agreements; sportsmen and artists without employment relationships with employer (thousand)	9.9	7.0	6.6	6	5.4	5
Total (thousand)	26.7	19.4	17.3	15.5	13.6	12

Source: VSDFV

To sum the analysis of statistical data, we can say that atypical forms of employment are not widespread in Lithuania. Standard employment on a permanent, full-time basis appears to be more popular in Lithuania. Out of all atypical forms of employment, self-employment and part-time work can be identified as being the most widespread ones in Lithuania. It should be also noted that self-employment and temporary agency work are reported to be two atypical forms of employment which have demonstrated the strongest growth over the past few years. Atypical employment is likely to grow in Lithuania after coming into force of the new LC which provides for a number of new types of employment contracts.

Conclusions

Atypical employment is defined as employment relationships not conforming to the standard or 'typical' model. The non-standard nature of employment is usually characterised by non-standard working time, specific employment conditions or specific employment contracts with employees. Currently, there are the following atypical forms of employment regulated in Lithuania: part-time work, fixed-term employment, short-term seasonal employment, temporary agency work, work under service vouchers; teleworking (working from home), self-employment and civil law contracts.

Despite certain advantages of atypical employment, the majority of studies have shown that

employees in atypical employment are far less secure on the labour market than employees in standard employment. This insecurity is determined by more frequent stresses due to work-related situations, poor visibility regarding the future level of income and evolution of employability. Very atypical forms of employment, in particular, short fixed-term contracts, short part-time contracts and on-call work are considered as being the most insecure for employees. No-contract work is also deemed as being very insecure.

According to statistical data, atypical forms of employment are not widespread in Lithuania. Standard employment on a permanent, full-time basis appears to be more popular in Lithuania. Out of all atypical forms of employment, self-employment and part-time work can be identified as being the most widespread forms of atypical employment in Lithuania. In 2015, there were 11.1% of employees in self-employment and 7.6% of employees on part-time work contracts in Lithuania in 2015. Atypical employment is likely to grow in Lithuania after coming into force of the new LC which provides for a number of new types of employment.

Based on the material above, we can state that atypical forms of employment are becoming a key element for flexible human capital management strategies and their role in the labour market will continue to grow in the future (Elastyczne zarządzanie..., 2016). Considering this, the use of atypical forms of employment should be developed with an emphasis on ensuring the match between the economic and social effects on the level of labour market regulations so that to avoid reduced efficiency in using labour resources as a result of the decreasing welfare and social insecurity of employees.

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Netipinės užimtumo formos Lietuvoje: esminiai bruožai ir paplitimas

Santrauka

Sparti technologijų plėtra, auganti konkurencija globalioje rinkoje lemia didesnio darbo rinkos lankstumo būtinybę, o tai savo ruožtu skatina nestandartinių užimtumo formų atsiradimą. Dėl šios priežasties per paskutinį dešimtmetį visame pasaulyje šalia standartinių užimtumo formų – darbo visu etatu – išpopuliarėjo ir netipinės, standartinio užimtumo modelio neatitinkančios formos. Tokioms nestandartinėms užimtumo formoms paprastai būdingas netipinis darbo laikas, specifinė darbo sutartis ar kitos mažiau įprastos įdarbinimo sąlygos. Kaip rodo tyrimai, netipinės užimtumo formos yra itin paplitusios paslaugų sektoriuje, ypač socialinio darbo ir namų ūkyje atliekamose ekonominėse veiklose.

Augant netipinių užimtumo formų mastui Europos šalyse, atsiranda vis daugiau prieštaravimų dėl jų naudingo šalies ekonomikai ir visuomenei. Neretai būgštaujama, kad netipiniai darbo santykiai gali tapti norma ir visiškai pakeisti standartinius darbo santykius. Kalbėdami apie netipines užimtumo formas, ir politikai, ir mokslininkai, iš vienos pusės, pabrėžia, kad nestandartiniai ir lankstūs darbo santykiai įmonėms suteikia galimybę greičiau reaguoti į kintančius vartotojų poreikius, išlaikyti įvairinę darbo jėgą bei geriau derinti darbo vietų paklausą ir pasiūlą, iš kitos pusės, pažymi, kad liberalizuojant darbo santykius, būtina darbuotojams užtikrinti kuo didesnę saugumą (Commission of the European Communities, 2006). Atsižvelgiant į minėtas nuostatas, tikslinga analizuoti netipinio užimtumo formas ir jų paplitimą Lietuvoje, nagrinėti, kokios įtakos netipinis užimtumas turi darbuotojų darbo sąlygoms ir jų saugumui darbo rinkoje. Kalbant apie šios temos aktualumą Lietuvoje, reikia pažymėti ir tai, kad pastaruoju metu itin daug diskutuojama apie naują LR darbo kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo įstatymo projektą, kuriame numatyta nemažai naujų darbo sutarčių rūšių. Tikėtina, kad, įteisinus naująjį darbo kodeksą, netipinis užimtumas Lietuvoje dar labiau išaugs.

Straipsnio tikslas – išnagrinėti Lietuvoje taikomas netipinio užimtumo formas ir jų paplitimą bei išryškinti netipinio užimtumo įtaką darbuotojų darbo sąlygoms ir saugumui darbo rinkoje.

Tyrimo objektas – netipinės užimtumo formos.

Pirmiausia straipsnyje aptariama *netipinio užimtumo* sąvoka ir Lietuvoje taikomos netipinės užimtumo formos, vėliau analizuojama, kokios įtakos darbuotojų darbo sąlygoms ir saugumui darbo rinkoje turi netipinis užimtumas. Galiausiai atliekama statistinių duomenų analizė, siekiant įvertinti netipinio užimtumo paplitimą Lietuvoje.

Straipsnyje taikomi mokslinės literatūros šaltinių analizės ir apibendrinimo (indukcijos, dedukcijos) metodai, lyginamoji analizė. Analizei naudojami agentūros „Eurostat“, Lietuvos statistikos departamento (LSD) ir kitų Lietuvos bei užsienio institucijų statistiniai ir tyrimų duomenys.

Šalyje galiojančių teisės aktų analizė parodė, kad šiuo metu Lietuvoje reglamentuotos šios netipinės užimtumo formos: darbas ne visą darbo laiką; terminuotas užimtumas; trumpalaikis, sezoninis darbas; laikinasis įdarbinimas; darbas pagal paslaugų kvitus; nuotolinis darbas; savarankiškas užimtumas ir darbas, atliekamas pagal civilines sutartis.

Mokslinės literatūros šaltinių analizė parodė, kad, nepaisant to, jog netipinės užimtumo formos turi tam tikrą privalumą, didesnė dalis tyrimų rodo, kad pagal netipines užimtumo formas dirbantys darbuotojai yra kur kas mažiau saugūs darbo rinkoje nei darbuotojai, dirbantys pagal standartinę darbo sutartį. Šį nesaugumą lemia dažniau patiriamas stresas dėl darbo situacijos ir menkų galimybių prognozuoti savo pajamas bei karjeros perspektyvas. Kaip vieną iš netipinių sutarčių trūkumų galima pažymėti ir tai, kad darbuotojai, dirbantys pagal netipines darbo sutartis, yra itin veikiami ekonominių svyravimų ir krizių laikotarpiais gali jaustis nesaugiai, kadangi darbdavys juos gali lengvai atleisti, nepatirdamas papildomų išlaidų (Lang, Schömann ir Clauwaert, 2013). Tai yra svarbu, kadangi ne visi pagal netipines užimtumo formas dirbantys darbuotojai socialinės rizikos atveju gali pasinaudoti socialinės apsaugos sistemos teikiama parama.

Pačiomis nesaugiausiomis darbuotojo atžvilgiu yra laikomos labai netipinės sutartys – trumpalaikė terminuota sutartis, trumpalaikė ne viso darbo laiko sutartis ir darbas pagal iškvietimą. Prie nesaugiausių kategorijos priskiriamas ir darbas be sutarties.

Statistiniai duomenys rodo, kad Lietuvoje netipinės užimtumo formos nėra itin paplitusios. Lietuvai būdingi standartiniai darbo santykiai, kai dirbamas nuolatinis darbas visą darbo laiką. Iš visų netipinių užimtumo formų labiausiai Lietuvoje paplitęs savarankiškas užimtumas ir darbas ne visą darbo laiką. Pagal minėtas užimtumo formas Lietuvoje 2015 m. dirbo atitinkamai 11,1 proc. ir 7,6 proc. užimtųjų. Galima paminėti dvi netipinio užimtumo formas – t. y. savarankišką užimtumą ir įdarbinimą per laikinojo įdarbinimo įmones, kurios per paskutinius kelerius metus Lietuvoje plėtėsi labiausiai. Tikėtina, kad, įsigaliojus naujam darbo kodeksui, kuriame numatyta nemažai naujų darbo sutarčių rūšių, netipinis užimtumas Lietuvoje gali išaugti.

Remiantis pateikta medžiaga galima teigti, kad netipinės užimtumo formos tampa esminiu naujo lankstaus žmogiškojo kapitalo valdymo elementu ir ateityje jų vaidmuo darbo rinkoje tik didės (*Elastyczne zarządzenie...*, 2016). Atsižvelgiant į tai, plėtojant netipinių užimtumo formų panaudojimą, darbo rinkos reguliavimo lygmeniu svarbu užtikrinti ekonominių ir socialinių rezultatų atitikimą, nes menkėjanti darbuotojų gerovė ir socialinis nesaugumas gali sumažinti darbo išteklių panaudojimo efektyvumą.

Pagrindiniai žodžiai: netipinis užimtumas, pagal netipines darbo sutartis dirbantys darbuotojai, darbuotojų saugumas, nestandartinės darbo sutartys.