



IRSTI 10.63.91
Research Article

<https://www.doi.org/10.32523/2616-6844-2025-150-1-136-158>

On some issues of regulation of atypical labour relations in individual OECD member countries

Y.N. Nurgaliyeva¹, A.O. Makrushin^{1*}, M.T. Satybaldiyeva¹

¹L.N. Gumilyov Eurasian National University

(e-mail: ¹e.nurgaliyeva47@gmail.com, ²makrushin.anton@hotmail.com, ³marjan_0484@mail.ru)

Abstract: The global shift towards atypical labour, driven by digital technologies and evolving work patterns, reshapes employment across OECD countries. This article investigates the legal frameworks regulating atypical work, focusing on governments' approaches to balance flexibility and worker protection. Atypical employment, including temporary, freelance, remote, and seasonal work, presents opportunities and challenges, such as flexible work arrangements but less stability in social guarantees. The research utilizes analysis, synthesis, induction, and comparative legal analysis methods, drawing from international ratings, including the Global Innovation Index and World Competitiveness Ranking, to evaluate regulatory practices. By examining legislation from eight OECD countries – Germany, Denmark, the Netherlands, South Korea, the USA, Finland, Switzerland, and Sweden – the article identifies common trends in labour law adaptations to accommodate non-traditional employment. This study underscores the importance of international cooperation and the necessity of legal reforms in addressing the rise of atypical labour, as the current legal frameworks may not be sufficient to protect workers in this new landscape.

Keywords: labour law, comparative analysis, atypical work, non-standard employment, legal regulation of labour relations.

Received: 09.02.2025. Accepted: 10.03.2025. Available online: 30.03.2025.

* the corresponding author

Introduction

Recently, there has been a downward trend in demand for traditional forms of employment. This shift is not isolated, but a global trend driven by the widespread use of digital technologies, globalization, and changes in the organization of work. Atypical work, with its more flexible and diverse forms of the labour process, is gradually replacing the traditional one. Given these circumstances, there is an increase in atypical work in many countries of the Organization for Economic Cooperation and Development (OECD). In response to this global trend, OECD governments are introducing new policies and measures to regulate atypical work and protect workers' rights in atypical employment conditions.

This article examines the instruments of legal regulation of atypical work in the OECD countries. Information and legislation related to this topic will be analyzed to achieve this goal.

The OECD is an international organization that works to create more effective policies to improve lives [1] by 1) achieving the highest sustainable economic growth and employment, as well as improving living standards in OECD member countries; 2) promoting sustainable economic growth in OECD member countries, as well as in countries that are not members of this organization; 3) contributing to the expansion of world trade on a multilateral, non-discriminatory basis following international standards obligations [2].

The total population of the OECD countries is 1,380 million people (as of the end of 2022) [3]. The number of employed people in the OECD countries is more than 655 million (as of the 2nd quarter of 2023) [4].

The OECD is comprised of 38 member countries with different legal systems [5]. The Romano-German legal system is represented by Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Colombia, Costa Rica, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Norway, Poland, Portugal, South Korea, Slovakia, Slovenia, Spain, Turkey, Chile, Switzerland, Sweden, Estonia, Japan. Australia, Great Britain, Ireland, Canada, New Zealand, and the USA represent the Anglo-Saxon legal system. Moreover, finally, Israel represents a mixed legal system.

Each country has peculiarities in legal labour regulation, but regulation aims to ensure workers' rights and protection. Although OECD countries have different legal systems, some common areas regarding regulating atypical labour relations can be identified.

Methodology

In preparing this article, methods of analysis and synthesis, induction and deduction, analogy, legal modelling, and formal legal and comparative legal methods were used. The research materials are international ratings and legislative acts of foreign countries regulating the activities of workers engaged in atypical work. The study analyzed international ratings on sustainable development, innovation, and global competitiveness, including digital aspects, to compile a comparative legal analysis of various states.

The Global Innovation Index, coordinated by the World Intellectual Property Organization, is one of the leading assessments of innovation worldwide. Since its launch in 2007, the index has

ranked the innovation performance of approximately 132 countries, revealing their strengths and weaknesses in this area [6]. According to data for 2023, the top ten countries in this rating include Switzerland, Sweden, the United States, Great Britain, Singapore, Finland, the Netherlands, Germany, Denmark and South Korea [7].

The world benchmark for the competitiveness of countries is the World Competitiveness Ranking, published in 1989 by the International Institute for Management Development [8]. This rating is based on 336 competitiveness criteria selected as a result of a comprehensive study, which includes employment, unemployment rate, social security tax rates for employers and employees, sustainable development goals, labour legislation, etc. [9]. According to the rating data for 2023, the top ten countries included Denmark, Ireland, Switzerland, Singapore, the Netherlands, Taiwan (China), Hong Kong (China), Sweden, the United States and the United Arab Emirates [10].

Since 2017, the IMD World Competitiveness Center has been publishing the World Digital Competitiveness Ranking, which evaluates the potential and readiness of countries to implement and research digital technologies as a critical factor of economic transformation in business, government and society as a whole [11]. In 2023, the top ten countries, according to the rating, included the United States, the Netherlands, Singapore, Denmark, Switzerland, South Korea, Sweden, Finland, Taiwan (China), and Hong Kong (China) [12].

In addition, the overall performance of all 193 UN member states is measured by the Sustainable Development Goals Achievement Index (SDG Index) [13]. Finland, Sweden, Denmark, Germany, Austria, France, Norway, the Czech Republic, Poland and Estonia are the countries' leaders in the world ranking [14].

Based on the world rankings mentioned above, eight countries were selected for a comparative legal analysis: Germany, Denmark, the Netherlands, South Korea, the USA, Finland, Switzerland, and Sweden.

Literature review

N.L. Lyutov connects the growth of labour differentiation and the phenomenon of non-standard employment with the fact that labour law in its current form crystallized in the era of the Industrial Revolution. In addition, the key institutions of modern labour law were formed due to the need to protect factory workers performing the same operations under the employer's supervision. "Institutions of labour law, such as regulations regarding working hours, rest periods, remuneration, and occupational safety and health, are well-suited for overseeing subordinate and controlled labour from the employer's perspective. However, work driven by information technology significantly relies on the methods used to perform the tasks. It is essential that workers engaged in this type of work have proper protections for their rights, ensuring that their level of protection is not inferior to that of factory workers" [15].

In scientific literature, traditional employment is typically defined as full-time work governed by standard employment contracts. This type of employment usually involves an indefinite contract at a fixed workplace under the direct supervision of an employer. A.M. Lushnikov and A.S. Kirillova point out that this traditional employment model remained relatively stable until

the 1970s. Subsequently, the standard of employment has changed and atypical (flexible) forms of employment have become widespread [16]. The issues of mass distribution of non-standard employment were also noted by V.N. Bobkov, E.V. Odintsova and V.V. Kovalenko since this type of employment deviates from the standard and is mediated by the development of a flexible form of work closely related to technical, technological, organizational and socio-economic reasons [17].

To understand atypical forms of employment, N.V. Zakalyuzhnaya distinguishes between standard labour relations and non-standard ones. Standard labour relations typically involve full-time, indefinite employment contracts, participation in the social insurance system, and alignment between the actual and legal employer. Atypical forms of employment, on the other hand, are those that deviate from these normal (standard) labor conditions [18]. N.S. Ganchurina focuses on the fact that atypical labour relations occasionally fall under traditional labour legislation and, as a result, need help determining the legal relationship between employees and employers. At the same time, atypical labour relations enable employees to perform their labour function on more flexible terms compared to standard ones [19].

O. Motsnaya interprets atypical employment as the activity of citizens based on such an employment relationship in which any of the essential (criteria) features of a traditional labour relationship are missing or modified: personal, organizational or property [20]. T.M. Khusyainov defines atypical employment as “a form of labour that partially or completely deviates from standard practices regarding the registration of labour relations, work schedules, and workplaces”. It also differs in terms of payment amounts and frequency, and it often has a temporary or urgent duration [21].

S.M. Henkin mentions the inconsistency and ambiguous assessment of atypical forms of employment. Such forms of employment can have both a joyous function and a negative impact on social and labour relations. On the one hand, atypical employment contributes to the rational distribution of working time and rest time, allows young people to accumulate work experience, and is an additional source of income for pensioners. On the other hand, it adversely affects an employee's living conditions and emotional state; it can affect social inequality and divide the cluster of employees and society as a whole [22]. T.Y. Korshunova identifies several examples of non-standard employment or non-standard work related to various forms of paid work. These include “urgent work, temporary agency work, casual work, employment based on oral agreements with the employer, registration of an employee under a civil contract, part-time work, the option for additional work, over-employment in the primary job, and borrowed labour” [23].

As noted by I.Y. Kiselyov, the flexibility of labour law significantly impacts its survival as a social institution. As a result, in the West, increased flexibility of state and legal regulation of the labour market is considered an imperative caused by the requirements of a developed economy [24]. “The employment regulation model and standard used by Eurostat and the International Labour Organization automatically classify employment relations that differ from the standard ones as atypical”, write P.Schoukens, A.Barrio, A., & S.Montebovi [25]. Such forms of employment notes D.Campos Ugaz, include features that deviate from the definition of a standard employment relationship (full-time, indefinite, and part of a subordinate and bilateral employment relationship) [26]. In addition, P.Schoukens & A. Barrio also draw attention to the

fact that the standard permanent full-time employment contract acted as the predominant model of labour regulation. At the same time, non-standard forms of work were presented as exceptions to the norm [27].

Atypical or non-standard work is usually the opposite of a "standard" job, considered full-time employment throughout the year, write H.X. Jara, A.A. Simon. As non-standard employment continues to grow in the labour market, the definition of "atypical work" has become a topic of significant discussion [28]. S. Deakin emphasizes that in industrialized countries, atypical work takes the form of part-time, fixed-term and temporary employment in agencies and casual forms of work (zero-hours contracts, assignment contracts, false self-employment). These categories of employment are considered to be "atypical" compared to "normal" or "standard" employment relationships [29]. At the same time, L. Matthijssen, D. Pavlopoulos, & W. Smith emphasize that non-standard employment contracts are becoming increasingly popular in modern labour markets [30]. K. Stone identified several common types of non-standard employment. These include fixed-term contracts, temporary work, full-time positions, seconded employees, temporary agency workers, leased employees, short-term contracts, project-based work, on-call jobs, zero-hour contracts, part-time work, training contracts, mini-jobs, semi-autonomous workers, and dependent-independent performers [31].

Findings

The conducted research has shown that each country selected for the study has its own peculiarities of legal regulation of atypical labor. However, at the same time, everyone has a common goal – to ensure the rights and protection of atypical workers. It was also found that atypical work in selected OECD countries is regulated not only by national legislation, but also by international agreements. Tables 1-8 list the most critical labour laws (including atypical ones) in the countries selected for comparative legal analysis: Germany, Denmark, the Netherlands, South Korea, the USA, Finland, Switzerland, and Sweden. The experience of the studied countries in regulating non-standard employment is important for Kazakhstan, as it can be adapted. This, in turn, will provide a solid foundation for effective labour market reform in modern conditions.

The experience of Denmark and Sweden is useful for the implementation of labour policy in Kazakhstan. In order to ensure a balance between labour market flexibility and social security, these countries have introduced flexible models of social protection for atypical workers (for example, income support during unemployment and special retraining programs). Kazakhstan is also interested in the experience of Germany and the Netherlands, which concerns the development of regulatory legal acts to address issues related to temporary employment, since in these countries, the current legislation successfully regulates the work of employment agencies and protects the rights of temporary workers. Kazakhstan could also consider adopting a labour policy similar to Finland and Sweden; the essence of this issue is to actively support workers moving from one form of employment to another (standard and non-standard). This could be reflected in special training programs that increase the chances of atypical workers finding employment and stable work. Denmark and the Netherlands pay special attention to the tripartite social dialogue when regulating non-standard employment. Finland and Sweden

support their atypical workers through unemployment benefits, health insurance, and pension programs. Kazakhstan could use the experience of these countries to strengthen its system of protection for atypical workers (equal rights and equal access to benefits). Effective compliance with labour laws is crucial to protecting the rights of non-standard workers. Therefore, monitoring compliance with labour legislation and ensuring that employers comply with standards affecting non-standard employment could form the basis for modernizing the control mechanism in this area of relations. In addition, it should be noted that with the development of digital platforms, the United States and the Netherlands have faced new challenges in regulating atypical work. Therefore, the experience of these countries is important for Kazakhstan, and its further in-depth study is of great interest, as these countries are systematically adapting their legal frameworks, taking into account the peculiarities of modern work in the digital economy.

Based on the analysis, it can be concluded that in most of the countries selected for the study, legislation is in force that ensures the basic rights and guarantees of employees, regardless of their place of work; in some of them, special regulatory legal acts and labour policies have been developed to regulate specific aspects of atypical work.; there is also an active growth in the development and implementation of mechanisms for regulating and protecting workers engaged in atypical forms of employment in these countries.

Discussion

Despite the fact that there is no single international standard for regulating exclusively atypical work, the procedure for regulating such work is determined by a combination of international conventions, general principles, domestic legislation of countries, as well as established practice. It is worth noting that factors such as the dynamics of industries, the political climate, and the preferences of society have a significant impact on the specifics of the legal regulation of atypical labour.

The ILO sets international standards in the field of work – it adopts conventions (which are mandatory for ILO member countries) and recommendations (which are not mandatory but are recommended for all countries). It is important to note here that many conventions and recommendations of this international organization do not directly relate to non-standard employment, but they address some issues related to atypical workers (part-time work, temporary work, etc.). The OECD Guidelines contain recommendations on atypical work and focus on responsible business conduct, where working conditions and respect for workers' rights are important components. It is also worth paying attention to the EU directives, as they directly relate to some forms of non-standard employment. Despite the fact that these directives are binding only on EU members, they also have a positive impact on labour practices in OECD countries.

In the course of the conducted research, it was possible to establish the main regulatory legal acts on the basis of which non-standard employment is regulated in the countries selected for this study. In addition, for the development of labour legislation in these countries, a tripartite social dialogue was actively used, on the basis of which gaps in the regulation of atypical labour were systematically eliminated. In general, the study confirmed that international organizations such

as the ILO and the OECD (these organizations have developed guidelines and recommendations on many aspects of atypical work) play an important role in the development of regulation of non-standard employment, as well as in shaping a global approach to addressing issues in this area.

Germany

In Germany, the Federal Ministry of Labour and Social Affairs deals with labour regulation issues, whose primary functions are to create a solid foundation for increasing the number of jobs, promote social integration and maintain stable social security systems. In digital transformation, the Federal Ministry of Labour and Social Affairs monitors the impact of new technological and social trends on the world of work. The Ministry's direct area of responsibility includes the Federal Labour Court, the Federal Social Court, the Federal Insurance Administration and the Federal Institute for Labour Protection. The Federal Employment Agency is under the legal supervision of the Ministry [32]. A list of the most important German laws governing labour (including atypical labour) is given in Table 1 [33].

Table 1. Regulatory legal acts regulating work (including atypical work) by Germany

Country	The list of the most important laws governing labour
Germany	Civil Code (Bürgerliches Gesetzbuch)
	Act on Protection against Dismissal (Kündigungsschutzgesetz)
	Federal Paid Leave Act (Bundesurlaubsgesetz)
	Maternity Protection Act (Mutterschutzgesetz)
	Continued Payment of Remuneration Act (Entgeltfortzahlungsgesetz)
	Written Statement Act (Nachweisgesetz)
	Working Time Act (Arbeitszeitgesetz)
	Family Caregiver Leave Act (Familienpflegezeitgesetz)
	Act on the Protection of Young People at Work (Jugendarbeitsschutzgesetz)
	Trade Regulation Code (Gewerbeordnung)
	Collective Bargaining Act (Tarifvertragsgesetz)
	Part-time and Fixed-term Employment Act (Teilzeit- und Befristungsgesetz)
	Works Constitution Act (Betriebsverfassungsgesetz)
	Executive Committees Act (Sprecherausschussgesetz)
	Coal, Iron and Steel Industry Codetermination Act (MontanMitbestimmungsgesetz)
	One-Third Participation Act (Drittelbeteiligungsgesetz)
	Codetermination Act (Mitbestimmungsgesetz)
	Caregiver Leave Act (Pflegezeitgesetz)
	Posting of Workers Act (ArbeitnehmerEntsendegesetz)

	Minimum Wage Act (Mindestlohngesetz)
	General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz)
	Act on Temporary Agency Work (Arbeitnehmerüberlassungsgesetz)

Note: compiled based on the data [32-33]

In the course of the study, it was found that the norms governing atypical work in Germany are fixed in 22 normative legal acts, which can be attributed to the main ones. The country has developed a legal framework and practice that takes into account social protection and the provision of certain guarantees to atypical workers. For example, temporary workers have equal rights with permanent workers in terms of working conditions and appropriate remuneration. Atypical workers are also covered by social security services (including unemployment benefits, pension contributions, and health insurance). In the case of part-time employment, the legislator requires employers to justify the use of such work since the country welcomes the conclusion of permanent employment contracts, and there is a practice of converting fixed-term employment contracts into permanent ones. Trade unions of employees, together with employers' associations, conclude collective agreements in order to provide atypical employees with the same guarantees and benefits as ordinary standard employees. In general, the country's legal framework is of great interest for a more detailed study, as the established labour regulation practice in Germany ensures a high level of protection of workers' rights, both ordinary and atypical.

Denmark

In Denmark, the Ministry of Employment deals with labour regulation issues. Its activities aim to create a healthy, dynamic, and safe labour market with as many jobs as possible. The Ministry of Employment consists of the Department, the Government Agency for Labour Market and Employment, the Government Office for Labour Protection, and the National Research Center for the Working Environment [34]. A list of the most important Danish laws governing labour (including atypical labour) is given in Table 2 [35].

Table 2. Regulatory legal acts regulating work (including atypical work) by Denmark

Country	The list of the most important laws governing labour
Denmark	Act on the Use of Health Data etc. on the Labour Market
	Act on Employees' Entitlement to Absence from Work for Special Family Reasons
	Circular on Labour Clauses in Public Contracts
	Consolidation Act on an Employer's Obligation to Inform Employees of the Conditions Applicable to the Employment Relationship
	Act on the Board of Equal Treatment

	Consolidation Act on Entitlement to Leave and Benefits in the Event of Childbirth
	Consolidation Act concerning the Posting of Workers etc.
	Consolidation Act on Prohibition against Discrimination on the Labour Market
	Consolidation Act on Conciliation in Industrial Disputes
	Act on the Legal Rights of Temporary Agency Workers
	Act on Maternity Equalisation in the Private Labour Market
	Act on the Labour Market Fund for Posted Workers
	Executive Order on the Danish Labour Market Fund for Posted Workers
	Act on Restrictive Employment Clauses
	Consolidation Act on the Prohibition of Differences of Treatment in the Labour Market etc.
	Consolidation Act on the Board of Equal Treatment
	The Working Environment Act
	Executive orders supplementing The Working Environment Act
	The Danish Holiday Act

Note: compiled based on the data [34-35]

The combination of labour regulation tools such as active labour market policies, the establishment of social protection, and the widespread use of collective bargaining characterize the coordination of atypical employment in Denmark. The flexible insurance model seeks to reduce the risks associated with atypical employment. This model provides guarantees and high social security for employees (unemployment benefits, the possibility of continuous training, and flexibility of employment). As in most OECD countries, trade unions and employers play an important role in regulating atypical work in Denmark. Collective bargaining is traditionally secured by relevant agreements that provide social protection and benefits for atypical workers. The main goal of such agreements is equity in employment. Social tripartite dialogue (government, trade unions, employers) allows for a balance of interests and helps resolve disputes between the parties to the employment relationship. One of the reasons for Denmark's active labour market policy is its desire to reduce the country's unemployment rate. This policy is aimed at expanding employment opportunities for atypical workers, in which such workers will be able to improve their skills and move freely from one profession to another. It is also worth noting that such a policy is beneficial for employers, as the government encourages them with certain subsidies. The main reason for employees choosing non-standard working conditions is their search for a balance between personal life and work. In addition, child care is encouraged in Denmark, which in turn allows both parents to take time off, which is independent of their employment status. These features contribute to strengthening Denmark's reputation in the labour market in comparison with other OECD countries. The analysis of the legal framework of this country has allowed us to identify 19 normative legal acts that underlie labour regulation.

The Netherlands

The Ministry of Social Affairs and Employment is responsible for labour regulation in the Netherlands. It ensures fair, healthy, and safe work and deals with the employment of the population, relations between employers and employees, the social security system, and pensions [36]. A list of the most important Dutch laws governing labour (including atypical labour) is given in Table 3 [37].

Table 3. Regulatory legal acts regulating work (including atypical work) by the Netherlands

Country	The list of the most important laws governing labour
Netherlands	Civil Code (Burgerlijk Wetboek)
	Working Conditions Act (Arbeidsomstandighedenwet)
	Working Conditions Decree (Arbeidsomstandighedenbesluit)
	Act on Minimum Wages and Minimum Holiday Allowances (Wet minimumloon en minimumvakantiebijslag)
	Working Hours Act (Arbeidstijdenwet)
	Working Hours Decree (Arbeidstijdenbesluit)
	General Equal Treatment Act (Algemene wet gelijke behandeling)
	Equal Treatment for Men and Women Act (Wet gelijke behandeling van mannen en vrouwen)
	Work and Care Act (Wet Arbeid en zorg)
	Participation Act (Participatiewet)
	The Work and Income according to the Labour Capacity Act (Wet werk en inkomen naar arbeidsvermogen)
	Sickness Act (Ziektewet)
	Work and Security Act (Wet werk en zekerheid)
	Unemployment Insurance Act (Werkloosheidswet)
	Balanced Labour Market Act (Wet arbeidsmarkt in balans)
	Flexible Work Act (Wet flexibel werken)
	Collective Redundancy (Notification) Act (Wet Melding Collectief Ontslag)
	Works Council Act (Wet op de ondernemingsraden)

Note: compiled based on the data [36-37]

When studying the legislation of the Netherlands, it was found that the country has a flexible employment model. Social protection of atypical workers and a well-established system of social dialogue contribute to balancing this model. Equal and adequate protection of workers' labour rights contributes to the fight against unemployment in the country. It is worth noting that the Dutch Government provides atypical workers with a wide range of protection of their social and

labour rights on an equal basis with ordinary standard workers. Employment standards in the country were formed through the active practice of collective bargaining and the conclusion of appropriate agreements that took into account the interests of the parties to the employment relationship at the proper level. The country also has legal norms that protect the category of temporary workers from exploitation by employers, which implies the principle – equal pay for equal work. It is also worth noting that since 2015, the country's labour legislation has undergone some changes, which, in turn, have improved the situation of workers – the legislator obliged employers to make payments (compensation) for the transfer of an employee to another job. Such guarantees from the state allow employees not to worry about switching to a new job or losing their jobs. This collaborative approach to labour regulation between the government, employers, and employees sets this country apart from others. Thanks to the analysis of the legal framework of the Netherlands, it was possible to identify 18 main regulatory legal acts that regulate labour.

South Korea

The Ministry of Employment and Labour in South Korea regulates labour. The Ministry is engaged in improving working conditions, labour relations between employers and trade unions, occupational safety and health, monitoring timely and appropriate payment to workers, developing employment policy, employment, fair unemployment insurance, professional skills development, insurance compensation for industrial accidents and other procedural matters of the central government [38]. A list of the most essential laws of South Korea regulating labour (including atypical labour) is given in Table 4 [39].

Table 4. Regulatory legal acts regulating work (including atypical work) by South Korea

Country	The list of the most important laws governing labour
South Korea	Labour Standards Act (근로기준법)
	Employee Retirement Benefits Guarantee Act (근로자퇴직급여 보장법)
	Wage Claim Guarantee Act (임금채권보장법)
	Act on Equal Employment Opportunity for Men and Women and Support for Work-Family Balance for Work-Family Balance (남녀고용평등과 일·가정 양립 지원에 관한 법률)
	Minimum Wage Law (최저임금법)
	Act on Protection of Fixed-Term and Part-Time Workers (기간제 및 단시간근로자 보호 등에 관한 법률)
	Act on the Protection of Dispatched Workers (파견근로자 보호 등에 관한 법률)
	Labour Union and Labour Relations Adjustment Act (노동조합 및 노동관계조정법)
	Certified Labour Attorney Act (공인노무사법)
	Act on Promotion of Worker Participation and Cooperation (근로자참여 및 협력증진에 관한 법률)

	Basic Labour Welfare Act (근로복지기본법)
	Act on Employment Improvement of Domestic Workers (가사근로자의 고용개선 등에 관한 법률)
	Act on Employment Improvement of Construction Workers (건설근로자의 고용개선 등에 관한 법률)
	Act on Prohibition of Age Discrimination in Employment and Promotion of Employment of Senior Citizens (고용상 연령차별금지 및 고령자고용촉진에 관한 법률)
	Act on Support for the Development of Labour-Management Relations (노사관계 발전 지원에 관한 법률)
	Occupational Safety and Health Act (산업안전보건법)

Note: compiled based on the data [38-39]

As in most developed countries, South Korea has common features with other countries in regulating work, including atypical work. There is a division of the labour force into two categories in the country: the first – permanent employees with stable employment, the second – non-permanent workers with atypical forms of employment. It is worth noting that this kind of dualistic labour market has led the country's performance to one of the highest in comparison with other countries that are members of the OECD since the share of atypical workers exceeds the share of ordinary workers. The country's legislation is aimed at creating a fair balance and equalizing the labour rights of both designated categories of workers. Also, in order for employers to comply with labour legislation in relation to atypical workers, the legislator has established special mechanisms for the legal regulation of such labour relations in order to exclude violations of labour standards and injustice towards this category of workers. The main legal acts regulating labour in South Korea include 16 acts.

The United States of America

In the United States, labour regulation is handled by the Department of Labour, one of the executive departments of the US Government. The Ministry oversees a wide range of issues, including occupational safety and health, wage and working time standards, unemployment insurance benefits, workers' compensation, and discrimination in employment [40]. A list of the most essential US labour laws (including atypical ones) is given in Table 5 [41].

Table 5. Regulatory legal acts regulating work (including atypical work) by the USA

Country	The list of the most important laws governing labour
USA	Fair Labour Standards Act
	Immigration and Nationality Act
	Occupational Safety and Health Act
	Longshore and Harbor Workers' Compensation Act

	Energy Employees Occupational Illness Compensation Program Act
	Federal Employees' Compensation Act
	Black Lung Benefits Act
	Employee Retirement Income Security Act
	Labour-Management Reporting and Disclosure Act
	Uniformed Services Employment and Reemployment Rights Act
	Employee Polygraph Protection Act
	Consumer Credit Protection Act
	Family and Medical Leave Act
	Davis-Bacon Act
	McNamara-O'Hara Service Contract Act
	Walsh-Healey Public Contracts Act
	Migrant and Seasonal Agricultural Worker Protection Act
	Federal Mine Safety and Health Act
	Copeland "Anti-Kickback" Act
	Worker Adjustment and Retraining Notification Act

Note: compiled based on the data [40-41]

The legal framework of the United States, in comparison with other countries that are members of the OECD, is distinguished by its scale of regulation at the federal level. However, with such a legal system, the regulation of atypical labour is divided into individual states, while the level of protection of social and labour rights of employees may vary depending on the state. Due to the rapid development of digital technologies and the growing employment of workers on digital platforms (Uber, Lyft), legal disputes arise in the country related to the classification of such workers. Therefore, the legislator focuses on resolving issues of classification of such employees. The division of employees into hired and independent directly affects their social package. Due to the fact that the United States relies heavily on the resolution of labour disputes about atypical work in court, this worsens (in comparison with other countries) the situation of atypical workers because not every employee can afford the expensive fees of a representative in court. This question indicates the financial insecurity of atypical workers, which, in turn, leads to the idea of a less developed system of their social protection (in comparison with other countries). An analysis of the US legal framework has identified 20 main regulatory legal acts regulating labour.

Finland

Finland's Ministry of Economic Development and Employment is responsible for labour regulation issues. The Ministry oversees the operational environment for entrepreneurship and innovation, the functioning of the labour market, employee employment, and regional development. The Minister of Labour focuses on matters related to the Department of Employment and Labour Markets. This Department is responsible for various areas, including

employment and labour policy, general labour policy regulation, the operation of labour and commodity markets, and associated economic policy issues [42]. A list of the most important Finnish laws governing labour (including atypical labour) is given in Table 6 [43].

Table 6. Regulatory legal acts regulating work (including atypical work) by Finland

Country	The list of the most important laws governing labour
Finland	Employment Contracts Act (Työsopimuslaki)
	Working Hours Act (Työaikalaki)
	Annual Holidays Act (Vuosilomalaki)
	Non-Discrimination Act (Yhdenvertaisuuslaki)
	Act on the Protection of Privacy in Working Life (Laki yksityisyyden suojasta työelämässä)
	Collective Agreements Act (Työehtosopimuslaki)
	Act on Job Alternation Leave (Vuorotteluvapaalaki)
	Study Leave Act (Opintovapaalaki)
	Wage Guarantee Act (Palkkaturvalaki)
	Seafarers' Employment Contracts Act (Merityösopimuslaki)
	Seafarers' Wage Guarantee Act (Merimiesten palkkaturvalaki)
	Seafarers' Working Hours Act (Merityöaikalaki)
	Seamen's Annual Holidays Act (Merimiesten vuosilomalaki)
	Posted Workers Act (Laki lähetetyistä työntekijöistä)
	Act on Equality between Women and Men (Laki naisten ja miesten välisestä tasa-arvosta)
	Young Workers' Act (Laki nuorista työntekijöistä)
	Act on Checking the Criminal Background of Persons Working with Children (Laki lasten kanssa työskentelevien rikostaustan selvittämisestä)
	Act on Co-operation within Undertakings (Laki yhteistoiminnasta yrityksissä)
	The Act on Personnel Representation in the Administration of Undertakings (Act on Administrative Representation) (Laki henkilöstön edustuksesta yritysten hallinnossa)
	Act on Employee Involvement in European Companies and European Cooperative Societies as well as on Employer Obligations and Employee Involvement in Cross-Border Restructuring of Companies (Laki henkilöstöedustuksesta eurooppayhtiössä ja eurooppaosuuskunnassa sekä työnantajavelvoitteista ja henkilöstöedustuksesta rajat ylittävissä yritysjärjestelyissä)
	Act on Personnel Funds (Henkilöstörahasolaki)

	Act on Co-operation within Finnish and Community-wide Groups of Undertakings (Laki yhteistoiminnasta suomalaisissa ja yhteisönlaajuisissa yritysryhmissä)
	Act on Mediation in Labour Disputes (Laki työriitojen sovittelusta)
	Occupational Safety and Health Act (Työturvallisuuslaki)
	Occupational Health Care Act (Työterveyshuoltolaki)

Note: compiled based on the data [42-43]

During the analysis of the Finnish legal framework (25 main regulatory legal acts) regulating labour relations, it was found that general principles prevail in this issue of regulation. This legal framework is aimed at balancing the interests of both employees and employers while focusing on the fair protection of the rights of atypical workers. As in other OECD countries, building a tripartite social dialogue plays an important role in Finland, and collective bargaining is the main tool for creating favourable conditions for the parties to an employment relationship, including atypical workers. As in most OECD countries, Finland strives to reduce the number of difficulties associated with access to certain benefits for atypical workers. Gender equality plays an important role in the country's labour policy, as well as ensuring a balance for employees between their personal lives and the direct performance of work functions. In addition, it is worth noting that an important stage in the modernization of the country's labour legislation is 2020 when the legislator officially secured for platform employees the right of access to collective agreements that were concluded with professional unions of workers.

Switzerland

Switzerland's State Secretariat for Economic Affairs, under the Ministry of Economy, Education, and Science, deals with labour regulation issues. The Swiss government strives to provide paid job opportunities to as many working-age individuals as possible, ensuring they can earn a decent living in safe working conditions [44]. A list of the most important Swiss laws governing labour (including atypical labour) is given in Table 7 [45].

Table 7. Regulatory legal acts regulating work (including atypical work) by Switzerland

Country	The list of the most important laws governing labour
Switzerland	Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations) (Obligationenrecht)
	Federal Act on Employment Services and the Hiring of Services (Arbeitsvermittlungsgesetz)
	Federal Law on Work in Industry, Commerce and Trade (Labour Law) (Arbeitsgesetz)
	Federal Act on Gender Equality (Gleichstellungsgesetz)
	Federal Act on Foreign Nationals (Ausländer- und Integrationsgesetz)

	Federal Law on Information and Participation the employees in the companies (Participation Act) (Mitwirkungsgesetz)
	Federal Act on Home Work (Home Work Act) (Heimarbeitsgesetz)
	Federal Law on Work in Public Transport Enterprises (Working Time Law) (Arbeitszeitgesetz)
	Federal Act on Measures to Combat Undeclared Work (Federal Act Against Undeclared Work) (Bundesgesetz gegen die Schwarzarbeit)
	Federal Law on the Federal Conciliation Body for the Settlement of Collective Labour Disputes
	Federal Law on Work in Factories

Note: compiled based on the data [44-45]

When studying Swiss labour legislation (11 main regulatory legal acts), its similarity to the legal regulation of labour in the United States was noted since the decentralized system provides the Swiss cantons with some freedom of action in the legal regulation of social and labour relations. In this regard, the approach to labour regulation may differ from one canton to another. Labour regulation in the country is quite flexible, which, in turn, allows the use of various tools for regulating non-standard employment. As in other EU countries, collective bargaining is traditional in addressing issues of regulating working conditions and protecting the rights and interests of the parties to an employment relationship. A comprehensive social insurance system covers the social risks of both ordinary and atypical workers. In addition, the country's laws are aimed at eliminating discrimination against workers, regardless of their chosen type of employment.

Sweden

In Sweden, the Ministry of Employment is responsible for the regulation of labour issues, related to the labour market, labour legislation, and occupational health and safety. Additionally, the Ministry addresses matters related to integration, works to combat social exclusion, and strives to ensure gender equality and human rights at the national level. This includes efforts to combat racism and discrimination, as well as the promotion of various rights in the workplace [46]. A list of the most essential Swedish laws governing labour (including atypical labour) is given in Table 8 [47].

Table 8. Regulatory legal acts regulating work (including atypical work) by Sweden

Country	The list of the most important laws governing labour
Sweden	Employment Protection Act (Lag om anställningsskydd)
	Annual Leave Act (Semesterlagen)
	Working Hours Act (Arbetstidslagen)

	Work Environment Act (Arbetsmiljölagen)
	Discrimination Act (Diskrimineringslagen)
	Parental Leave Act (Föräldradighetslagen)
	Law on the hiring of workers (Lag om uthyrning av arbetstagare)
	Sick Pay Act (Lag om sjuklön)
	Employment (Co-determination in the Workplace) Act (Lag om medbestämmande i arbetslivet)
	Whistleblower Act (Lag om särskilt skydd mot repressalier för arbetstagare som slår larm om allvarliga missförhållanden)

Note: compiled based on the data [46-47]

An analysis of Swedish labour legislation (10 main regulatory legal acts were studied) showed its similarity to other European countries that are members of the OECD. The social dialogue in the country is structured in such a way that ensuring equal social and labour rights for atypical workers is an important task that is traditionally performed – through social partnership. Employees' choice of atypical work is associated with attempts to balance between the time they spend on themselves (personal life) and the time they spend on work. Sweden focuses on fair labour regulation and compliance with labour laws without prejudice to the rights of atypical workers.

Conclusion

Technological progress and the ongoing transition of countries' economies to digital ones serve as a reason for most people to look for non-standard types of employment. These reasons also include their search for balancing their time, where priority is given to personal life. The flexibility of choice and the ability to work freely from anywhere remotely also contribute to the growth of such forms of employment. The issues of legal regulation of atypical work are complex since the forms of such work are rapidly developing, and labour legislation is not fully capable of protecting the interests of atypical workers. However, the study found that when resolving labour disputes related to non-standard forms of employment, first of all, it is necessary to follow the general principles of labour law. One of the key features of this approach to regulating atypical labour is the flexibility and adaptability of legal norms. In turn, this will ensure and protect the interests of this category of employees. Thus, the social and labour rights of atypical workers will be reliably protected.

Thus, it can be summarized that atypical work has both positive and negative features. The countries selected for this study are improving their regulatory legal acts to take into account the unique aspects of new non-standard forms of employment. Based on the experience of the countries identified in this study, the results in the modernization and adaptability of labour legislation are visible. Atypical employment in Kazakhstan is also developing with the times; therefore, for fair legal regulation at this stage of the development of the country's legal framework, it is necessary to be guided by the general principles of labour law. The general

principles of labour law are the key to successfully solving problems related to non-traditional employment.

Acknowledgement, conflict of interests

All authors declare that they have no conflicts of interest.

The contribution of the authors

All authors contributed to the study conception and design. Material preparation, data collection and analysis were performed by **Y.N. Nurgaliyeva, A.O. Makrushin, M.T. Satybaldiyeva**. The long-term scientific experience of **Y.N. Nurgaliyeva**, combined with the ideas of **A.O. Makrushin** and **M.T. Satybaldiyeva** led to significant research findings. **M.T. Satybaldiyeva** made tables. The first draft of the manuscript was written by **A.O. Makrushin, M.T. Satybaldiyeva**, and **Y.N. Nurgaliyeva** commented on previous versions of the manuscript. All authors read and approved the final manuscript.

References

1. Organisation for Economic Co-operation and Development, (2024). [online] Available at: <https://www.oecd.org/en/about.html> (accessed: 16.11.2024)
2. Convention on the OECD, (2024) [online] Available at: <https://www.oecd.org/en/about/legal.html> (accessed: 16.11.2024)
3. OECD Data: Population (Total, Million persons, 2022 or latest available), (2024). [online] Available at: <https://www.oecd.org/en/data/indicators/population.html> (accessed: 16.11.2024)
4. OECD Data: Employment rate (Total, Thousand persons, Q1 2023 – Q3 2023), (2024). [online] Available at: <https://www.oecd.org/en/data/indicators/employment-rate.html> (accessed: 16.11.2024)
5. List of OECD Member countries - Ratification of the Convention on the OECD, (2024). [online] Available at: <https://www.oecd.org/en/about/members-partners.html> (accessed: 16.11.2024)
6. About the Global Innovation Index, (2024). [online] Available at: https://www.wipo.int/global_innovation_index/en/ (accessed: 16.11.2024)
7. Global Innovation Index 2023 rankings, (2024). [online] Available at: <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-2000-2023-section1-en-gii-2023-at-a-glance-global-innovation-index-2023.pdf> (accessed: 16.11.2024)
8. World Competitiveness Ranking, (2024). [online] Available at: <https://www.imd.org/centers/wcc/world-competitiveness-center/rankings/world-competitiveness-ranking/> (accessed: 16.11.2024)
9. Competitiveness criteria of the World Competitiveness Ranking, (2024). [online] Available at: https://imd.widen.net/view/pdf/kzqx1pambc/All_criteria_list_WCY_2023.pdf (accessed: 16.11.2024)
10. IMD Business School (2024) World Competitiveness Center - IMD Annual Report 2023. IMD World Competitiveness Booklet 2023. [online] Available at: <https://www.imd.org/reports/annual-report/2023/world-competitiveness-center/> (accessed: 16.11.2024)
11. World Digital Competitiveness Ranking, (2024). [online] Available at: <https://www.imd.org/centers/wcc/world-competitiveness-center/rankings/world-digital-competitiveness-ranking/> (accessed: 16.11.2024)

12. Bris A., Cabolis C., Pistis M., Caballero J., Zargari M., (2023). IMD World Digital Competitiveness Ranking 2023. International Institute for Management Development. – 2023. [online] Available at: <https://www.imd.org/centers/wcc/world-competitiveness-center/rankings/world-digital-competitiveness-ranking/> (accessed: 16.11.2024)

13. Rankings. The overall performance of all 193 UN Member States, (2024). [online] Available at: <https://dashboards.sdindex.org/rankings> (Accessed: 16.11.2024)

14. Sachs J.D., Lafortune G., Fuller G., Drumm E., (2023). Implementing the SDG Stimulus. Sustainable Development Report 2023. Paris: SDSN, Dublin: Dublin University Press, 10.25546/102924. – 2023. [online] Available at: <https://s3.amazonaws.com/sustainabledevelopment.report/2023/sustainable-development-report-2023.pdf> (accessed: 16.11.2024)

15. Ljutov N.L., (2019). Adaptacija trudovogo prava k razvitiju cifrovih tehnologij: vyzovy i perspektivy [Adaptation of labour law to the development of digital technologies: challenges and prospects], Aktual'nye problemy rossijskogo prava, 6 (103), pp. 98-107. [online] Available at: <https://doi.org/10.17803/1994-1471.2019.103.6.098-107> (accessed: 16.11.2024)

16. Lushnikov A.M., Kirillova A.S., (2017). Netipichnye trudovye dogovory: gibkost' i stabil'nost' juridicheskoy konstrukcii [Atypical employment contracts: flexibility and stability of the legal structure], Vestnik JarGU. Serija Gumanitarnye nauki, 2 (40), pp. 46-50. [online] Available at: <http://j.uniyar.ac.ru/index.php/vyrgu/article/view/502/418> (accessed: 16.11.2024)

17. Bobkov V.N., Odincova E.V., Kovalenko V.V., (2020). Neustojchivaja zanjatost' - global'naja problema sovremennosti: kak snizit' ee masshtaby v Rossii? [Precarious employment is a global problem of our time: how to reduce its scale in Russia?], Problemy prognozirovaniya, 3 (180), pp. 93-100. [online] Available at: <https://cyberleninka.ru/article/n/neustoychivaya-zanyatost-globalnaya-problema-sovremennosti-kak-snizit-ee-masshtaby-v-rossii> (accessed: 16.11.2024)

18. Zakaljuzhnaja N.V., (2015). Netipichnye trudovye otnosheniya v usloviyah globalizacii i modernizacii jekonomiki [Atypical labour relations in the context of globalization and economic modernization], Vestnik Brjanskogo gosudarstvennogo universiteta, (2), pp. 213-215. [online] Available at: <https://cyberleninka.ru/article/n/netipichnye-trudovye-otnosheniya-v-usloviyah-globalizatsii-i-modernizatsii-ekonomiki> (accessed: 16.11.2024)

19. Ganchurina N.S., (2023). Analiz obshhemirovyyh narastajushhih tendenciï, okazyvajushhih vliyanie na regulirovanie truda [Analysis of global growing trends affecting labour regulation], Trudovoe pravo v Rossii i za rubezhom, (2), pp. 46-48. [online] Available at: <https://lawinfo.ru/articles/2660/analiz-obshhemirovyyh-narastayushhih-tendencii-okazyvayushhih-vliyanie-na-regulirovanie-truda> (accessed: 16.11.2024)

20. Mocnaja O., (2009). Pravovoe regulirovanie trudovyh otnoshenij pri netipichnyh formah zanjatosti [Legal regulation of labour relations in atypical forms of employment], Kadrovik. Trudovoe pravo dlja kadrovika, (6-2), pp. 20-27. [online] Available at: <https://base.garant.ru/5703117/> (accessed: 16.11.2024)

21. Husjainov T.M., (2016). Osnovnye podhody k opredeleniju ponjatija «atipichnaja zanjatost'» [The main approaches to the definition of "atypical employment"], Nauka. Mysl', (11), pp. 54-57. [online] Available at: <https://cyberleninka.ru/article/n/osnovnye-podhody-k-opredeleniyu-ponyatiya-atipichnaya-zanyatost> (accessed: 16.11.2024)

22. Henkin S.M., (2022). Novye formy zanjatosti i novye social'nye gruppy: proekcija na politiku. Opyt Ispanii [New forms of employment and new social groups: projection on politics. The Spanish experience], Zhurnal politicheskoy filosofii i sociologii politiki «Politija. Analiz. Hronika. Prognoz», 3

(106), pp. 180-196. [online] Available at: [http://politeia.ru/files/articles/rus/Politeia-2022-3\(106\)-Pages-001-202-179-196.pdf](http://politeia.ru/files/articles/rus/Politeia-2022-3(106)-Pages-001-202-179-196.pdf) (accessed: 16.11.2024)

23. Korshunova T.Ju., (2020). Problemy dostojnogo truda v usloviyah netipichnoj zanjatosti [Problems of decent work in conditions of atypical employment], Zhurnal rossijskogo prava, (7), pp. 78-97. [online] Available at: <https://cyberleninka.ru/article/n/problemy-dostoy-nogo-truda-v-usloviyah-netipichnoy-zanyatosti> (accessed: 16.11.2024)

24. Kiselev I.Ja., (2003) Novyj oblik trudovogo prava stran Zapada: proryv v industrial'noe obshchestvo [The new face of Western Labour Law: a breakthrough in industrial society] / I. Ja. Kiselev. – M.: ZAO «Biznes-shkola «Intel-Sintez», 2003. – 160 p. [online] Available at: <http://lawlibrary.ru/izdanie43147.html> (accessed: 16.11.2024)

25. Schoukens P, Barrio A, Montebovi S., (2018). The EU social pillar: An answer to the challenge of the social protection of platform workers?, European Journal of Social Security, 20 (3), pp. 219-241. [online] Available at: <https://doi.org/10.1177/1388262718798393> (accessed: 16.11.2024)

26. Campos Ugaz D., (2022). Time precarity at work: nonstandard forms of employment and everyday life, Social Indicators Research, 164 (2), pp. 969–991. [online] Available at: <https://doi.org/10.1007/s11205-022-02954-1> (accessed: 16.11.2024)

27. Schoukens P, Barrio A., (2017). The changing concept of work: When does typical work become atypical?, European Labour Law Journal, 8 (4), pp. 306-332. [online] Available at: <https://doi.org/10.1177/2031952517743871> (accessed: 16.11.2024)

28. Jara H.X., Simon A. A., (2024). European Unemployment Benefit to Protect Atypical Workers?, Social Indicators Research, 171 (3), pp. 967-986. [online] Available at: <https://doi.org/10.1007/s11205-023-03276-6> (accessed: 16.11.2024)

29. Deakin S.F. et al., (2013). Addressing labour market segmentation: the role of labour law, Genève, ILO: Geneva. [online] Available at: <https://www.jbs.cam.ac.uk/wp-content/uploads/2023/05/cbrwp446.pdf> (accessed: 16.11.2024)

30. Mattijssen L., Pavlopoulos D., Smits W., (2020). Occupations and the Non-Standard Employment Career: How the Occupational Skill Level and Task Types Influence the Career Outcomes of Non-Standard Employment. Work, Employment and Society, 34 (3), pp. 495-513. [online] Available at: <https://doi.org/10.1177/0950017020902984> (accessed: 16.11.2024)

31. Stone K.V.W., (2012). The Decline in the Standard Employment Contract: Evidence from Ten Advanced Industrial Countries. UCLA: Institute for Research on Labor and Employment. [online] Available at: <https://escholarship.org/uc/item/1wj7c2tb> (accessed: 16.11.2024)

32. Federal Ministry of Labour and Social Affairs, (2024). [online] Available at: <https://www.bmas.de/EN/Ministry/functions.html> (accessed 16 Nov. 2024)

33. Bundesministerium der Justiz, (2024). [online] Available at: <https://www.gesetze-im-internet.de> (Accessed: 16.11.2024)

34. The Ministry of Employment, (2024). [online] Available at: <https://bm.dk/the-ministry-of-employment/the-ministry/> (accessed: 16.11.2024)

35. Beskæftigelsesministeriet, (2024). [online] Available at: <https://bm.dk/> (Accessed: 16.11.2024)

36. Ministerie van Sociale Zaken en Werkgelegenheid, (2024). [online] Available at: <https://www.rijksoverheid.nl/ministeries/ministerie-van-sociale-zaken-en-werkgelegenheid/> (accessed: 16.11.2024)

37. Wet-en regelgeving, (2024). [online] Available at: <https://wetten.overheid.nl> (accessed 16.11.2024)

38. Ministry of Employment and Labour, (2024). [online] Available at: <https://www.moel.go.kr/english/policy/laborStandards.do> (accessed 16.11.2024)
39. 법제처는 우리나라의 모든 법령정보를 제공합니다, (2024). [online] Available at: <https://www.law.go.kr> (accessed: 16.11.2024)
40. U.S. Department of Labor, (2024). [online] Available at: <https://www.dol.gov/> (accessed: 16.11.2024)
41. The United States Code, (2024). [online] Available at: <https://uscode.house.gov> (accessed: 16.11.2024)
42. Ministry of Economic Affairs and Employment, (2024). [online] Available at: <https://tem.fi/etusivu> (accessed: 16.11.2024)
43. Finlex Data Bank, (2024). [online] Available at: <https://www.finlex.fi> (accessed 16.11.2024)
44. Federal Department of Economic Affairs, Education and Research, (2024). [online] Available at: <https://www.wbf.admin.ch/wbf/en/home.html> (accessed: 16.11.2024)
45. The portal of the publication of federal law, (2024). [online] Available at: <https://www.fedlex.admin.ch> (accessed: 16.11.2024)
46. Ministry of Employment, (2024). [online] Available at: <https://government.se/government-of-sweden/ministry-of-employment/> (accessed 16.11.2024)
47. Dokument och lagar, (2024). [online] Available at: <https://www.riksdagen.se> (accessed: 16.11.2024)

Е.Н. Нұрғалиева¹, А.О. Макрушин¹, М.Т. Сатыбалдиева¹

¹Л.Н. Гумилев атындағы Еуразия ұлттық университеті

(e-mail: ¹e.nurgaliev47@gmail.com, ²makrushin.anton@hotmail.com, ³marjan_0484@mail.ru)

ЭЫДҰ-ға мүше жекелеген елдердегі типтік емес еңбек қатынастарын реттеудің кейбір мәселелері туралы

Аңдатпа: Цифрлық технологиялар мен өзгеріп жатқан жұмыс модельдерінің әсерінен туындаған стандартты емес еңбекке жаһандық ауысу ЭЫДҰ елдеріндегі жұмыспен қамту құрылымын өзгертуде. Бұл мақалада үкіметтердің икемділік пен қызметкерлерді қорғау арасындағы тепе-теңдікті қамтамасыз етуге деген көзқарастарын ерекше назарға ала отырып, стандартты емес еңбекті реттейтін құқықтық шеңберлер зерттеледі. Уақытша, штаттан тыс, қашықтан және маусымдық жұмыстарды қамтитын стандартты емес жұмыс түрлері икемді жұмыс кестесі сияқты мүмкіндіктер ұсынады, сонымен бірге әлеуметтік кепілдіктердің тұрақсыздығы сияқты мәселелерді де тудырады. Зерттеуде құқықтық реттеу тәжірибесін бағалау үшін Глобалдық инновациялар индексі және Әлемдік бәсекеге қабілеттілік рейтингі сияқты халықаралық рейтингтерге негізделген талдау, синтез, индукция және салыстырмалы-құқықтық талдау әдістері қолданылады. ЭЫДҰ-ның сегіз елінің – Германия, Дания, Нидерланд, Оңтүстік Корея, АҚШ, Финляндия, Швейцария және Швецияның заңнамасын талдау негізінде мақалада стандартты емес жұмыспен қамту жағдайына бейімделген еңбек заңнамасындағы ортақ үрдістер анықталады. Бұл зерттеу халықаралық ынтымақтастықтың маңыздылығын

және осы жаңа жағдайларда қызметкерлерді қорғау үшін құқықтық реформалардың қажеттілігін атап көрсетеді, өйткені қолданыстағы құқықтық шеңберлер жеткіліксіз болуы мүмкін.

Түйін сөздер: еңбек құқығы, салыстырмалы талдау, типтік емес еңбек, стандартты емес жұмыспен қамту, еңбек қатынастарын құқықтық реттеу

Е.Н. Нургалиева¹, А.О. Макрушин¹, М.Т. Сатыбалдиева¹

¹*Евразийский национальный университет имени Л.Н. Гумилева*

(e-mail: ¹e.nurgalieva47@gmail.com, ²makrushin.anton@hotmail.com, ³marjan_0484@mail.ru)

О некоторых вопросах регулирования нетипичных трудовых отношений в отдельных странах-членах ОЭСР

Аннотация: Глобальный переход к нетипичному труду, обусловленный цифровыми технологиями и меняющимися моделями работы, меняет структуру занятости в странах ОЭСР. В этой статье исследуются правовые рамки, регулирующие нетипичный труд, с акцентом на подходах правительств к обеспечению баланса между гибкостью и защитой работников. Нетипичная занятость, включая временную, внештатную, удаленную и сезонную работу, создает возможности и проблемы, такие как гибкий график работы, а также меньшая стабильность социальных гарантий. В исследовании используются методы анализа, синтеза, индукции и сравнительно-правового анализа, основанные на международных рейтингах, включая Глобальный инновационный индекс и Рейтинг мировой конкурентоспособности, для оценки практики регулирования. На основе анализа законодательства восьми стран ОЭСР – Германии, Дании, Нидерландов, Южной Кореи, США, Финляндии, Швейцарии и Швеции — в статье выявляются общие тенденции в адаптации трудового законодательства к условиям нетрадиционной занятости. Это исследование подчеркивает важность международного сотрудничества и необходимость правовых реформ в борьбе с ростом нетипичной занятости, поскольку существующие правовые рамки могут оказаться недостаточными для защиты работников в этих новых условиях.

Ключевые слова: трудовое право, сравнительный анализ, нетипичный труд, нестандартная занятость, правовое регулирование трудовых отношений.

Information about authors:

Nurgaliyeva Y. – Doctor of Law, Professor, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010008, Astana, Kazakhstan

Makrushin A. – doctoral student, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010008, Astana, Kazakhstan

Satybaldiyeva M. – doctoral student, L.N. Gumilyov Eurasian National University, 2 Satpayev str., 010008, Astana, Kazakhstan

Нұрғалиева Е.Н. – з.ғ.д., профессор, Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Сәтпаев көш., 2, 010008, Астана, Қазақстан

Макрушин А.О. – докторант, Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Сәтпаев көш., 2, 010008, Астана, Қазақстан

Сатыбалдиева М.Т. – докторант, Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Сәтпаев көш., 2, 010008, Астана, Қазақстан

Нурғалиева Е.Н. – д.ю.н., профессор, Евразийский национальный университет имени Л.Н. Гумилева, ул. Сатпаева, 2, 010008, Астана, Казахстан

Макрушин А.О. – докторант, Евразийский национальный университет имени Л.Н. Гумилева, ул. Сатпаева, 2, 010008, Астана, Казахстан

Сатыбалдиева М.Т. – докторант, Евразийский национальный университет имени Л.Н. Гумилева, ул. Сатпаева, 2, 010008, Астана, Казахстан



Copyright: © 2025 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY NC) license (<https://creativecommons.org/licenses/by-nc/4.0/>).