

ТРУДОВЕ ПРАВО І ПРАВО СОЦІАЛЬНОГО ЗАБЕЗПЕЧЕННЯ



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General theoretical characteristics of remote workers' employment in Ukraine

Due to the rapid development of society there are constant changes in the market economy, labor relations undergo cardinal changes. A clear manifestation of which is the gradual disappearance of the standard employment relationship that is changing to remote employment, which is characterized by its flexibility and the use of ICT. Today this phenomenon is widespread and at the same time faced several challenges, the main one is the lack of legal regulation of non-standard employment by valid legislation of Ukraine. Therefore, remote employment of employees for today is one of the most urgent problems for scientific analysis.

Indeed, non-standard forms of employment gain unprecedented scale and thereby alter the firmly established parameters of industrial relations, their structure and content. Thus today, unfortunately, there is no complete system researches on the topic, that is why an urgent need to carry out a science-based research of the selected topic arose [1, p. 110].

Topic of the nature and value of remote workers employment was at some extent mentioned by different scientists in their researches. Primary attention should be paid to scientific works of these scientists: V. K. Antoshkin, M. V. Bobrynkova, O. V. Volkova, V. I. Gerasymchuk, O. A. Grishnova, M. I. Carlin, T. S. Kobryn, A. M. Kolot, O. V. Motsnaya, I. M. Motorna, I. L. Petrova, V. M. Petyuh, M. S. Polishchuk, S. O. Silchenko, P. Y. Svitaylo, Y. V. Svichkarova, M. A. Shabanova, I. M. Shopina and others. However, without prejudice to the role of the aforementioned authors, the authors revealed the studied issue superficially, which results in the need for a comprehensive study.

The object of the article is a comprehensive theoretical and legal analysis of the nature of distant employment of workers in Ukraine.

Operation and development of the global information and telecommunication infrastructure, innovative way of management, complications of economic relations gave grounds to express an

opinion about the formation of a new type of economy, aimed not at the extensive production and use of available resources of the state, but at the intensification of science and technology, at creation inventions and receiving new research results for the purpose of their further commercialization [2, p. 79]. So, thanks to new acquisitions in telecommunication sphere new opportunities are opened for standard labor relations - the opportunity to maintain a contact with the employer by the employee at a distance.

A. M. Kolot draws attention to the fact that the electronic segment of Ukrainian labor market is only emerging, but the tempo of development leaves the launch of the relevant institutions and the adoption of necessary legal, organizational and political measures to ensure legitimacy of remote employment and creating conditions for its effective use behind [3, p. 7].

We should begin the analysis of non-standard employment with definition of this concept. For this we turn to the interpretation of the given definition by other scientists.

Employees who work under the conditions of remote employment are called "remote workers". The most thorough definition of the concept "distant worker" is contained in the explanatory Macmillan Dictionary, which explains that under this concept a person who works at home, using computer and communicating with the office or customers via phone, fax or email should be understood [4]. Yet, we should not be limited to these ways of communication. It can also be social networks (facebook, VKontakte) or special programs (eg, skype). It is also not necessarily to use a computer, as there is the ability to use smartphones and gadgets. So, we can say that the essence of remote workers employment consists in that all the conditions necessary for quality performance of the worker's job duties are created out of the office that does not tie the employee

to the compulsory attendance at the office. These working conditions can be created at home or elsewhere.

A. Kolot has a similar position, noting that the essence of remote work is that as a result of the use of information and communication technologies the work moves away from the employer's premises (at least relatively not less than for 20% of the working time) [3, p. 6].

According to O. M. Bilyk to distant employment must be taken: - employment in terms of short working time or part-time; - employment on conditions of fixed-term labor contracts; - temporary, unstable employment, including borrowed work; - secondary employment; - employment based on civil contracts; - informal employment, including self-employment; - unregistered employment in the formal sector [5, p. 297]. Thus, distant employment covers a broad range of employment areas.

Distant employment in the international labor market is a relatively new form of employment, which went through a thorny path till the moment of popularization and support of legislators. This path was accompanied by objective economic reasons for development (world oil crisis), attempts of this conception founders to popularize it (the first national conference on teleworking in 1982 in the USA) and the spreading it in other countries (unveiling of the television centres in Sweden and Switzerland, introduction of remote mobile work for the Japanese division of IBM), and till the time of its legislative fixing and actual referring it to the traditional forms of employment [6, p. 113].

Particular attention to the problem of remote workers employment has been paying the ILO since the mid 90-ies of the XX century already. So in July 20 in 1996 the mentioned organization adopted the Convention number 177 "On outwork" [7]. In 1997 more than 2 million citizens in Europe, 11 million of population in the USA were involved in teleworking [8, p. 48]. According to

WorldWork experts, in 2009 the number of teleworkers in the USA reached 100 million people [9]. In the UK the number of remote employed workers by 2011 was 3.1 million people [10, p. 20]. Thus, remote employment meets the requirements of the information society, the rhythm of life of workers and development of scientific and technological progress.

Also, it should be emphasized that a significant contribution at this stage in the research in "work at a distance" has made the International Labour Organization (ILO), experts of which conducted the analysis of remote employment within the concept of "Worthy labor" and that allowed to publish a book by Vittorio Di Martino "On the way for working at a distance" in 2001, which dealt with changes in the meaningfulness of remote work and where author's own approaches to the study of this phenomenon were offered [11, p. 79]

The value of remote employment is manifested in the fact that it represents positive improvements in the social and labor relations. Thus, the implementation of remote employment has positive aspects for the labor market indicating that the use of non-standard forms of employment makes it possible to enhance the flexibility of the labor market, but this is mainly due to the social protection of workers since the legal framework for the regulation of atypical labor relations is practically absent [12, p. 130].

According to scientists, it is extremely important that thanks to electronic teleworking the volume of employment for Internet professions will significantly increase. Ukraine is quite competitive in programming sphere in the global market, and we should actively develop the existing potential. Expansion of business opportunities created as a result of unobstructed development of electronic network, will allow many professionals to stay at home, get higher salary, to spend earned money and invest it in the development of economy of the country, and not to

export their talents and incomes abroad. But for the introduction of distant forms of employment in Ukraine some changes should be made. These changes have to be reflected mostly in renovation of the legal framework of Ukraine, according to the urgent needs of the organization [13, p. 168-169]. We support the author about the necessity of bringing in the appropriate changes in valid labor legislation for the establishment of high-quality conditions for the development of remote employment of workers in practice. Moreover, now there is no normative and legal support of the investigated issue at the appropriate level at all.

V. A. Krasnomovets believes that the main advantages of remote employment are:

- reducing employer's costs for rent and organization of work places;
- a significant saving of time, energy and resources of employee due to lack of transportation problems;
- increase of productivity of work because of its organization according to the individual needs of the individual in more comfortable home conditions;
- reduction of environmental pollution by reducing traffic;
- the ability of increasing of business activity of remote workers;
- some sections of the population (people with disabilities, women with small children, etc.) thanks to new technologies of employment are getting the opportunity to work without leaving the house;

- entrepreneurs can attract employees without providing the latest with workplace [14, p. 87]. Consequently, the positive development of distant employment is of legal, economic, social and ecological nature.

O. O. Muravyova, in her turn, divides the positive signs into two groups. Firstly, it is an objective need for certain categories of workers in employment, for which a full-time employment is inconvenient or undesirable for some reason (employees of old age, single mothers, unemployed young people without professional skills,

etc.). Remote employment allows employees to combine the employment with family responsibilities, participation in public life, keeping up their health and others. Secondly, such employment is dictated by an objective need of the market in the mobile workforce, caused by globalization, decentralization, specialization of production and the emergence of new technologies. Employment of specialists in the information technology area is flexible in nature by definition [15, p. 46].

P. Y. Svitaylo notes correctly that distant work has many benefits for both the employee and the employer. The scientist emphasizes that it is not very convenient for the employee to spend his time and money on journey to the workplace, especially in large cities, with their constant traffic jams in rush hours. Moreover, if talking about the intellectual work, we can see that it requires considerable engrossment and concentration, which in terms of rapid office life in most cases is impossible to achieve. For employers such way of employment as economy of the office space, energy, equipment (eg, computers), etc. can also be convenient [16, p. 193].

The positive features of remote employment mentions also M. M. Motsar, noting that remote (distant) form of employment using information and communication technologies makes it possible to remotely perform work previously performed at the workplace. This not only minimizes the employer's expenses, but also makes it possible for

almost all categories of the population to gain livelihoods remotely [17, p. 23].

Among accepted factors affecting the development of distant work there are: (1) the increasing involvement of women and youth, including students, to active economic life; (2) improving of the households' welfare; (3) increase in computerization and increasing of technical equipping of households; (4) the gradual transformation of "economic person" to "creative person"; (5) increasing significance of intangible motives in the behavior of people and their vital activity in general [18, p. 20]. In particular, there is no need for employee to be in the workplace constantly, time for a rest is more valued, since the employee can perform all work duties during working hours in a shorter period of time.

Effective use of teleworking is in the IT-sphere: system administrators, developers, webmasters and designers, analysts and other specialists of information technology can serve and advise clients remotely, solving all arising problems in the International Net [19]. As we can see, these professions are one of the leading in the information society transformation.

Thus, the conducted analysis of remote employment proves the need to improve its legal regulation, because it is extremely necessary form of labor relationship. Remote employment provides the flexibility of social and labor relations that meet the interests of both workers and employers. Therefore, this institute should be constantly improved using foreign experience.

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Іншин М. І. Загальнотеоретичні характеристики дистанційної зайнятості працівників в Україні

У статті розкрито сутність та проаналізовано значення дистанційної зайнятості працівників. Автором проведено загальнотеоретичний аналіз питань.

Ключові слова: дистанційна зайнятість, працівник, трудові права, роботодавець.

Иншин Н. И. Общетеоретические характеристики дистанционной занятости работников в Украине

В статье раскрыто сущность и проанализировано значение дистанционной занятости работников. Автором проведен общетеоретический анализ вопросов.

Ключевые слова: дистанционная занятость, работник, трудовые права, работодатель.

Inshin N. General theoretical characteristics of remote workers' employment in Ukraine

The article analyzes the essence and importance of remote employment. The author made a general theoretical analysis of the issues.

Key words: remote employment, employee, labor law, the employer.