



Employment and economy in Central and Eastern Europe
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Is atypical typical? – atypical employment in Central Eastern European countries

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This paper presents the employment situation, in general, and atypical employment, in particular, in the Central Eastern European (CEE) countries, which joined the European Union in 2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia). This group of countries is called, somewhat imprecisely in geographical terms, the Central Eastern European region. I hypothesise that: the employment position of CEE countries is not satisfactory according to the standards of the European Union; these countries' human resource positions are weak; the level of atypical employment, which is influenced by several factors, is low; and the main of applicable legal means is not satisfactory. This paper focuses on the major forms of atypical employment relations and examines their significance in the CEE countries. The three research questions the article attempts to answer are: (1) Is there divergence or convergence between the CEE countries in the prevalence of atypical employment forms? (2) What are the differences between the major atypical employment forms? (3) Could the world economic crisis be solved by atypical employment forms.

Key words: atypical employment forms, telework, outsourcing, part-time work, Central Eastern European countries

Introduction

„The appearance of atypical employment is very ambiguous and has created many debates. Depending on the point of aspect, it can create hope or fear...” (Frey 2000: 1008)

Atypical employment is different from typical, full-time employment. It is a special form that differs from the well known model in many ways in terms of the location, time and schedule of working.

In the today's developed, globalised world, work in many areas – excluding physical labour - is no longer limited in time and space. Certain services can be provided from anywhere in the world thanks to information communication technology. This has contributed to the spread of atypical employment, which may represent a good solution for the problems of labour market.

A misunderstanding of terms?

The multidimensional nature of atypical employment makes it notoriously difficult to define (Casey 1988; Polivka/Nardone 1989; Roosenthal 1989; Pollert 1991; Ewing 1996; Polivka 1996; Casey et al. 1997). „Atypical employment can be conceived under very general headings such as: contingent work, alternative work arrangements, flexible working practices, or under less general headings such as independent contractors, on-call workers, temporary help agency workers and workers provided by contract firms.” (Fleetwood 2001:57)

A distinction must be made between atypical (special) employment as a legal form and atypical work. The former refers to the legal forms of working that are not traditional or typical such as the well-known outworking legal relation, which has recently fallen into the background, or casual work, expanding telework, part-time employment, individual or collective self-employment, temporary employment and fixed-duration employment (contracted employment). Atypical work, however, means that the frame, condition and location of the activity differ from those of typical work such as working outside of the premises of the institution or company or working in one or more departments (customer service office, telehouse, salesman activity).

In the early 1970's, as the deviation from the typical forms of the employment relationship of employees began to increase, the literature defined the not typical employment relationship as atypical work (legal) relations. Then, the actual appearance of atypical work was rare; thus, the typical atypical pair of concepts spread in the beginning in the literature on the law of labour. „Atypical working thus originally only referred to the atypical forms of work legal relation known by the national rights, namely usually to the employment relationship contracted for fixed-duration and for part-time and recently to seasonal working, temporary employment and telework” (Hovánszki 2005: 30).

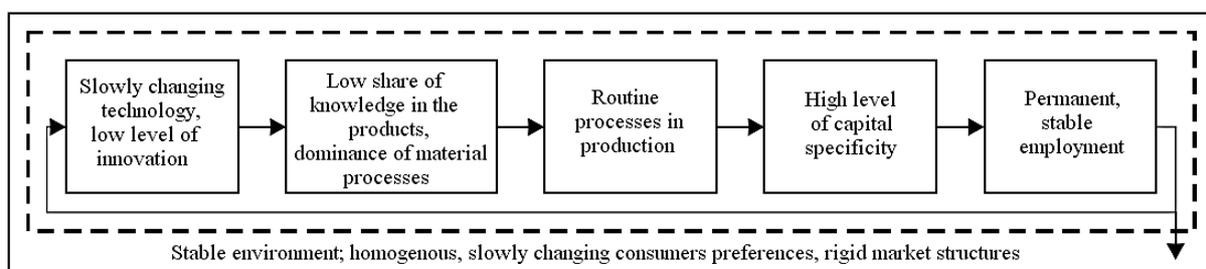
Different areas of science define atypical employment in different ways. Lawyers of labour define it as working in a not typical way, statisticians define it as concrete ratios and sociologists refer to each form that differs from the traditional. In the literature on the law of labour, atypical employment and atypical labour relations are the most widespread comprehensive expressions referring to the not typical forms of employment. A further problem with this definition is that innovative and flexible categories have begun to merge with the category of atypical employment.

ILO (International Labour Organisation) defines atypical employment as employment that differs from the usual and, in most cases, has been concluded with a contract and strongly protected by social rights.

Because of the diversity of the forms of employment, the changing system of relations on the labour market, and the effect of globalisation, it is not easy to determine the advantages and disadvantages of the different forms of employment for the society, the employees and the employers. The forms of employment different from the traditional ones have less legal regularisation and, thus, milder protection for the workforce. Employers, however, tend to apply them for this reason. Simpler regulation makes its application easier.

The rigidity of the labour relations perfectly harmonized with the slow return of physical capital, the irreversible nature of the investments, and the rigid structure of the large-scale industry in the employment model of industrial society. In this model, employment was also stable.

Figure 1: Employment model of the industrial society

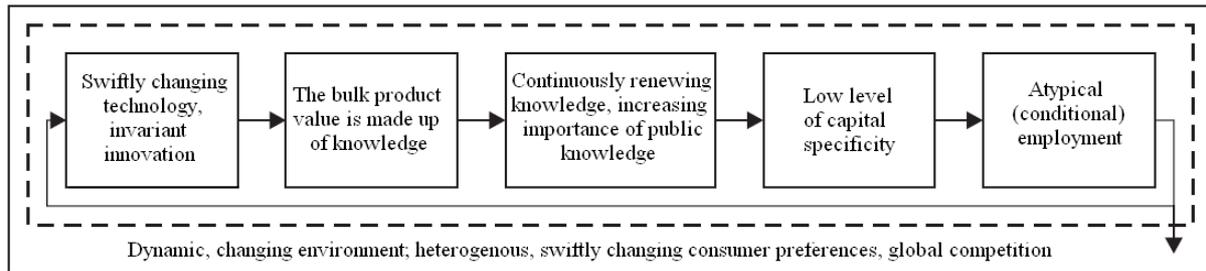


Source: Szabó-Négyesi 2004: 50.

For everyday people in the 20th century, work was equal to income earning activity, mainly with lease-work. The wage-worker was in the middle of the lease-work relation, which was called „Fordism”.

The situation has radically changed since the 1980s as mass production based on extensive growth and economies of scale has reached its limits. Elements of the employment model of the post industrialist society have been built on and strengthened by each other. They have resulted in the radical change of employment and the formation of a new employment model, in which atypical employment represents an independent part.

Figure 2: Employment model of the post industrial society



Source: Szabó-Négyesi 2004: 51.

By the 21st century, Fordism has been replaced by „Gatesism”. Bill Gates was pleased to become the Henry Ford of the 21st century, characterized by informatics and new communication technologies. The new period called Gatesism has brought several basic changes in the labour market. The system of Gatesism does not aim for full employment. Instead of employment for an indefinite duration, fixed-term employment has become typical. In Gatesism, the employer signs contracts with the employees for duties. In this system, earnings are equal to the amount of money the employee can bring in by selling or purchasing products/services. Thus, this model has fully adapted itself to atypical employment (Csoba 2004).

Formation of atypical forms of employment in Central Eastern Europe

Prior to the transformation, almost 90% of employees had “traditional” fix-term labour contracts, which were legally regulated by the Hungarian Labour Code. In addition, contracts of agency and work that fell under the Civil Code were also present in business. Moreover, there were atypical forms of employment that differed from typical. However, the rate of these was negligible in relation to the employment ratios of the national economy. Thus, their application was not widespread due to the lack of the necessary legal background.

The situation changed significantly after the transition to market economy. Both employers and employees gave up the former attitude. Prior to the transition, traditional employment meant safety for the employee. One of the disadvantages of the atypical forms of employment is that the employer’s interest is at the focus and is often in contradiction to the interest of the employee, which leads to a more uncertain situation for employees. The appearance and spread of atypical forms of employment was caused by the different environmental conditions. That is, a brand new form of enterprises and mass unemployment appeared and new tax categories were introduced. As with everything that is new or innovative, a strong repugnance initially arose; however, later the advantages and application conditions were discovered. The appearance of atypical work was accompanied by the formation of the legal background and its adaption to the European trends, which was even more affected by the act of joining the European Union in 2004.

The appearance of atypical forms of employment was also enhanced by the fact that the characteristics of labour changed in the long run as markets became increasingly unstable and information technology gradually spread. In the capitalist economy in its traditional sense, traditional employment functioned well; however, in economics with new characteristics, the formation and spread of employment different from the traditional was necessary, as companies needed to be able to flexibly modify the labour force. In this setting, it was advantageous to apply temporary employment rather than possibly terminating permanent labour contracts (Ékes 2009).

In the case of atypical employment, the method of employment differs from the methods applied at old, state-owned companies, despite the fact that the bulk of participants still have an “employed” status. These new employment relations have been created as a necessity, in order to decrease unemployment, reduce work related costs, meet new expectations, and thus realize more efficient production processes. The great advantage of atypical employment is the potential to increase the efficiency of the workforce.

According to Héthy (2001), the effect of globalization on the employers and the employees can be summarized as follows: traditional employment for an unlimited time is replaced by fixed-duration employment; the utilization of working hours becomes more flexible; working without employment comes into focus; part-time employment becomes more wide spread than full-time employment; and, as a result, the rate of atypical employment increases.

It is worth clarifying why employment is flexible and atypical. The main characteristics of traditional employment are the following:

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

Atypical or flexible employment differs in one or more aspects. It is:

- based on a fixed-term labour contract,
- part-time instead of full-time,
- outside of labour relations and based on civil law,
- based on new ideas such as working at home, outwork and teleworking,
- based on a distribution of working hours that is adopted to the needs of the employer

Main types and trends of atypical forms of employment in CEE countries

Teleworking

Teleworking is a form of employment in which the bulk of the work is done at a location other than that at which the work would have conventionally been done. The place of work, usually decided by the employee or the employer, can be stable or changing. The employee keeps in touch with the employer or with the customers and reports back using some form of modern communication technology.

„Teleworking is usually ranked as an atypical form of employment because of the atypical characteristic of the place of working... According to the broadest definition, telework is each work when the employer and the employee are far from each other. In a narrow sense, telework is the work within the work organization that is independent of the traditional organizational characteristics in time and space.” (Kiss 2001: 460) The employee does not work in a work organization. Instead, there is a telecommunication link between the employee and the employer. Telework is completed in a domestic setting rather than at the actual premises or headquarter of the company. Modern information technology ensures that this can be done without any problems. The employer is responsible for the arrangement, the precise definition of the work and may also inspect the produced result.

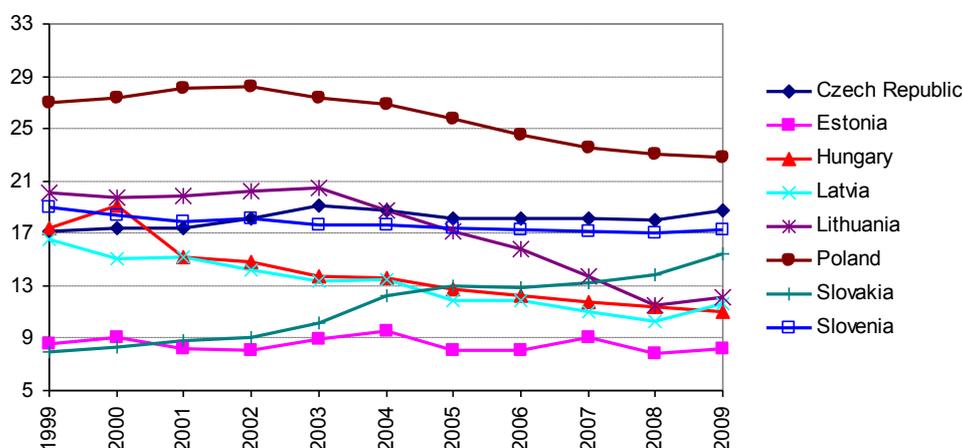
The definition of teleworking implies that the following three conditions are met simultaneously:

1. Work is done at an *alternative workplace* such as the worker's own home, telehome, teleworking centre, teleoffice or means of transportation.
1. The employee works far from the workplace *independently and on a regular basis* that is one or two days or every day a week.
2. *Communication with the employer is realized electronically*. That is, the employee receives assignments electronically and then returns the accomplished work electronically, as well.
3. Teleworking has four different forms in Central Eastern Europe.
4. Home teleworking: typically done at home in premises equipped with information communication devices. The results of the work are sent to the employer with the help of information communication technology devices.
5. Mobile teleworking: the bulk of working hours is spent travelling, work is done far from the employee's home or workplace. Communication is realized with the help of information communication devices and computers.
6. Teleworking by self-employed persons: the employment status differentiates it from other forms, which assumes a labour relation different from employed status.
7. E-lancer: refers to workers who work almost exclusively "virtually" through the Internet, including work acquisition, completing assignments, sending results, and maintaining contact.

Self-employment

Self-employment is probably the least problematic form of atypical employment in terms of measurement. Entrepreneurs in person and members of enterprises with no legal personnel are annually registered with the Labour Force Survey. However, there is still a considerable number missing, since those self-employed in agriculture who do not have an entrepreneurial license are not recorded. The definition of self-employment used in the Labour Force Survey is somewhat different than that used by the ILO, since it does not include members of co-operatives and casual workers who are better described as having an employee-type relationship. Moreover, the size and legal status of the enterprise is not taken into account. However, this should not cause any major problems, since the typical self-employed enterprise is small in size.

Figure 3. Self-employed in the CEE countries (% of total employment)



Source: Own compilation on the basis of Employment in Europe 2010 data

The rate of self-employed persons (Figure 3) has decreased in most of the Central European countries of interest, except in Slovakia, where labour market measures have improved due to economic reforms. The reason for the decreasing trend is the modified legal regulation. In Poland, the rate of self-employed persons is comparably high with more than 20% in each period; however, it is slowly converging to the values of the more developed European states.

Part-time work

There is no exclusive definition of part-time work used in international legal sources. According to the ILO definition, part-time work is “significantly shorter than the normal working hours”. The OECD – primarily due to statistical reasons – uses the definition of working hours less than 30 hours weekly. The EU directive on part-time work defines part-time employee as those who are employed for fewer working hours than full-time employees at the same workplace.

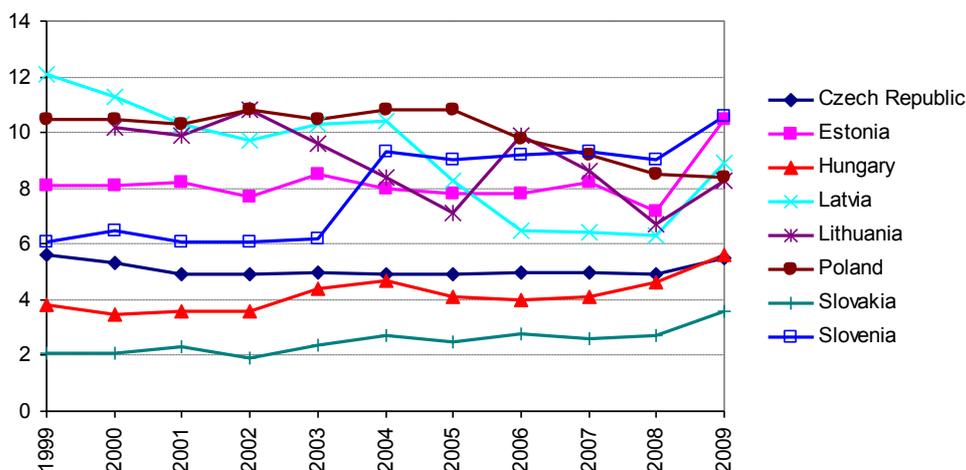
The spread of part-time employment reflects modified employee behaviour, as part-time work makes it possible to harmonize work and other activities such as family, education or voluntary work.

Target groups of part-time work are mothers with young children, and persons taking care of family members, going to school, not receiving old-age pension, living on disability assistance, and with a handicap (De Grip– Hoevenberg–Willems 1997).

From the point of view of employment policies, part-time work is a popular form of employment because it more quickly contributes to growing employment rates than full-time employment. “From the point of view of employment policy, part-time employment can have contradictory interests. In the case of labour force shortage, it mobilizes additional supply: the groups of employees that would not take up a job otherwise. In recession – by sharing jobs – it can stabilize employment and prevent unemployment. For people with no employment, it makes integration or return to the labour market easier“ (Frey 2000: 1020).

The rate of part-time employment (Figure 4) appears to be more erratic than that of self-employed people. An increase can be seen in Slovenia and Estonia; however, the value for 2009 is also very low with 10.5%. The rate is even lower in other countries and is lowest in Slovakia, where only 2% of the employed people are employed part-time.

Figure 4. Part-time employed (% of total employment)



Source: Own compilation on the basis of the Employment in Europe 2010 data

Temporary employment

Temporary employment is a special form of work established to reduce costs. In this case, the employer who signs the labour contract with the employee and the actual employer are not the same. It is important that – because of guarantee reasons – only the labour of those employees who were employed especially for this reason can be borrowed. The labour of other employees cannot be used in this way because of the employer's decision. This is why only companies meeting specific conditions can utilize temporary employment. In Hungary, for example, persons must be registered in order to begin temporary employment.

Temporary employment is an interesting issue in its own right. In the recent economic crisis, one may hear about workforce reductions in the daily news, while temporary employment is rarely mentioned. Let us take into consideration the fact that, during the crisis, companies first had to let borrowed employees go. They either gave such employees notice or simply did not extend their fixed-duration contracts. However, despite their great impact, such actions were taken without “publicity”. Temporary employment is one of the most widespread atypical forms of employment in Hungary.

Three main types of temporary employment can be distinguished.

- long term temporary employment (the contract can even refer to several months depending on the choice of the parties),
- brief temporary employment (short term, sometimes only one or two days),
- outsourcing (a special type of temporary employment).

A unique characteristic of temporary employment compared to other forms of atypical employment is that the model includes three actors (the lender, the borrower and the employee). The lender and the employee sign a labour law contract, while there is a civil contractual legal relation between the lender and the borrower. Accordingly, the lender lends the employee, who is in a labour relation with the purpose of being lent, to the borrower with the purpose of completing work for remuneration.

The question of when companies hire borrowed employees may arise. It is the most common in: cyclic production or temporarily missed production; jobs with high levels of fluctuation as a symptomatic treatment of the problem; and labour force shortage. Moreover, it can be used during the selection process and as an emergency action in cases in which the size of the workforce or the income level cannot be increased.

Outsourcing

Outsourcing or sub-servicing means that companies keep functions that are profitable and ensure an important competitive advantage by contracting out functions that are not particularly important to external providers. Main areas of outsourcing are informatics, administration, cleaning and logistics.

With the spread of globalization, extremely large companies have been created whose activities were not transparent and controllable and could no longer be coordinated by the management. Today, an increasing number of companies contract out work that does not belong to their main activities to external specialist companies. The advantages of outsourcing are the following:

- Resources can be focused on developing the core business and the main aims in order to be effective.
- It means cost savings for businesses.
- Getting rid of problematic functions becomes possible.
- Managers are motivated not only by cost savings and the decrease of hierarchy, but also by tax benefits, risk management, and the avoidance of labour force dismissal and learning problems created by new technologies.

However, outsourcing also has the following drawbacks:

- In the case of signing a bad contract, the greatest advantage is also the greatest drawback.
- The company borrowing the labour do not want to customize their services or do not adapt themselves to the various needs of the lending companies.
- External companies often find it difficult to cope with the challenges set by the companies that contract out functions.
- The selection of the wrong partner can also create problems.

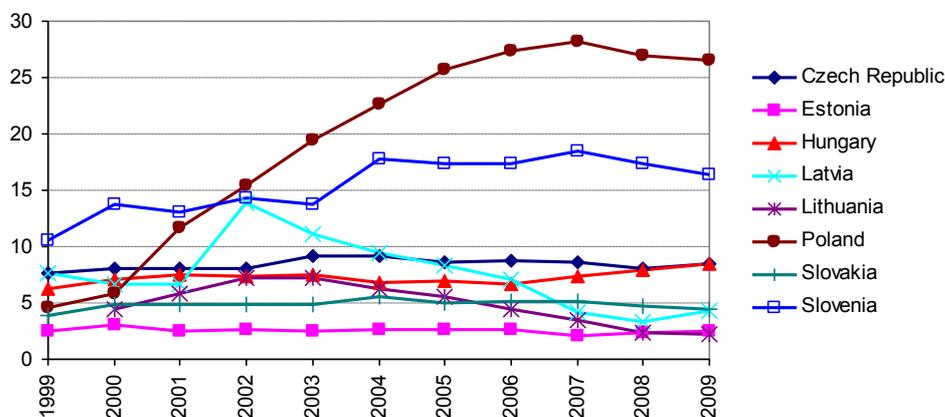
A new type of outsourcing is co-sourcing – that is, outsourcing through a primary contractor. It is used when too many external contractors work for the company, thus requiring their work to be coordinated.

Fix-term labour contracts

Today, employers use fixed-term labour contracts increasingly often, in order to compensate the negative effects of the economic crisis. Note that employers can only use such contracts lawfully in specific cases. Lacking other agreements, the labour relation is of indefinite duration.

For the employer, it is beneficial to establish a fixed-term labour relation provided that the employer's activity is seasonal or occasional (such as in order to meet the needs of the customer or consigner). It can create significant savings in the case of middle and long term wage costs and is beneficial for the employee because the salary is guaranteed up to the agreed date, which allows for planning with full security.

Figure 5. Fixed term labour contracts in the CEE countries (% of total employment)



Source: Own compilation on the basis of the Employment in Europe 2010 data

The rate of those employed with fixed-term contracts (Figure 5) has increased significantly in the last years in Poland and the Slovenia. In relation to all employed people, however, the rate is rather low with less than 10% in the other countries of interest. An interesting question is why the highest value in Central Eastern Europe is found in Poland (27% in 2009). The law dealing with the work of foreign people in Poland is the act of 2004 on employment promotion and labour market institutions. Since 1st May 2004, citizens of the European Union can work without a work permit and restrictions and receive the same rights as Polish citizens in the field of employment. The act does not exactly define the kind of labour contract that is required. The entire regulation, however, implies that a labour contract must be signed for a period of probation not longer than three months and refers to either fixed-term or

indefinite duration contracts. If the employer signs fixed-term labour contracts with the employee several times, the third fixed-term labour relation must be considered as a relation for an indefinite duration.

Additional statistical contributions to Central Eastern Europe

The effect of the global economic crisis has been perceptible in Central Eastern Europe. The length of the crisis is characterized by the increase of per capita GDP by quarters (Table 1). The Baltic countries and Hungary were affected by the crisis for the longest period of time

Table 1. Length of recession in the CEE countries

	2007Q3	2007Q4	2008Q1	2008Q2	2008Q3	2008Q4	2009Q1	2009Q2	2009Q3	2009Q4	2010Q1	2010Q2	2010Q3
Czech Republic	1.3	1.0	0.3	0.7	0.2	-0.9	-3.6	-0.5	0.5	0.4	0.6	0.8	1.0
Estonia	0.4	0.4	-2.2	-1.0	-2.6	-5.7	-5.6	-3.7	-1.3	1.4	1.0	1.9	0.7
Hungary	0.3	0.6	1.2	-0.2	-1.0	-2.1	-3.2	-1.3	-0.8	0.1	1.4	0.2	0.6
Latvia	1.9	0.9	-3.0	-1.8	-1.8	-4.0	-11.3	-1.3	-4.2	-0.6	1.0	1.2	0.9
Lithuania	3.4	0.3	1.0	0.4	-1.8	-1.2	-11.5	-2.1	-0.1	-1.1	1.4	1.0	0.3
Poland	1.3	2.2	1.4	0.7	0.8	-0.4	0.4	0.6	0.4	1.4	0.7	1.2	1.3
Slovakia	2.5	5.2	-1.4	1.0	1.2	0.6	-7.6	1.1	1.2	1.4	0.7	0.9	0.9
Slovenia	2.0	0.8	1.7	0.7	0.2	-3.3	-6.0	-0.6	0.4	0.1	-0.1	1.0	0.3

Source: Own compilation on the basis of the Employment in Europe 2010 data

The economic world crisis commencing in the autumn of 2008 could be instantly felt in the labour market, as well. Most states were unable to get out of the deep recession, even though they introduced significant employment policy measures. For example, in Hungary the public employment programs (Way to Work Program) became the dominant means to treat the problem. However they unfortunately did not lead to permanent results. Unemployment struck Latvia the most severely.

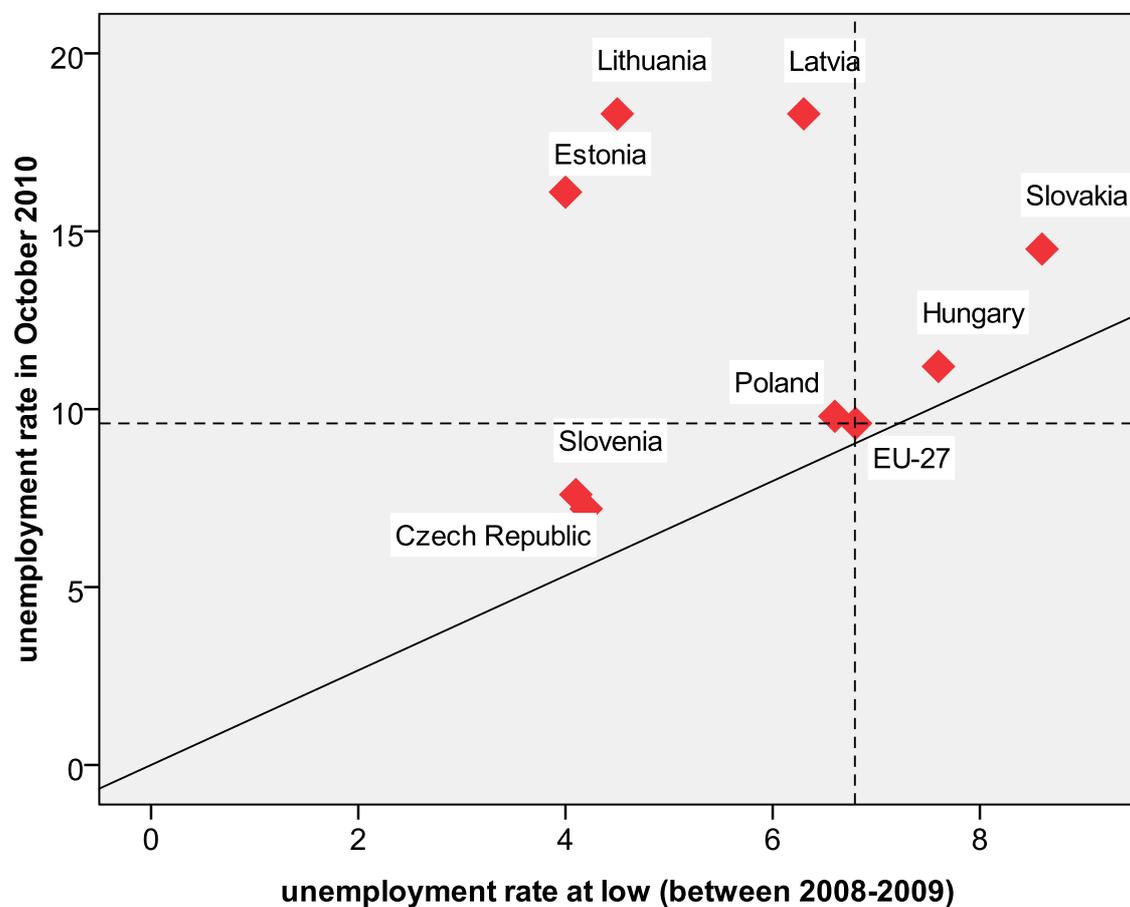
Table 2. Employment growth rate (% change on previous quarter)

	2008Q1	2008Q2	2008Q3	2008Q4	2009Q1	2009Q2	2009Q3	2009Q4	2010Q1	2010Q2
Czech Republic	0.1	0.0	0.5	0.3	-0.7	-1.0	-0.4	0.2	-0.9	0.1
Estonia	0.5	-0.6	0.0	-0.3	-5.1	-4.9	-1.2	-1.4	-1.8	-1.3
Hungary	0.1	-0.7	0.5	-0.8	-1.1	-0.9	-1.1	0.3	-0.4	0.6
Latvia	-0.2	0.1	-1.3	-4.0	-3.6	-5.0	-4.6	-2.0	-1.8	1.3
Lithuania	-0.3	-0.4	-0.1	-1.4	-3.4	-1.3	-1.6	-2.6	-2.1	-0.4
Poland	2.0	0.1	0.4	0.5	0.0	-0.2	-0.1	-0.1	-0.3	1.1
Slovakia	0.2	1.0	1.4	-0.7	-2.3	0.0	-0.7	-0.3	-0.9	-0.3
Slovenia	0.8	0.7	0.3	0.0	-0.7	-0.9	-0.8	-0.8	-0.5	-0.3

Source: Own compilation on the basis of the Employment in Europe 2010 data

Although unemployment rates have risen in all countries at some point over the last two years, the severity of the increase varies considerably across countries and does not depend solely on the time elapsed since it began to rise (Figure 8). By examining unemployment data on two dimensions (the lowest value for the years 2008-2009 and the state in October 2010), the position of each country compared to the EU-27 average can be determined. The Baltic countries are in the most unfavourable position - they currently have the highest unemployment rates (approximately 15 to 20%), which were also rather high prior to the crisis, as well (approximately 4 to 6%). These changes occurred within three years and resulted in two to three times higher unemployment rates.

Figure 8. Comparison of increases in unemployment rates on recent lows



Source: Own compilation on the basis of the Employment in Europe 2010 data

Challenges in the law of labour

Some literatures provide a different view about the challenges in the law of labour in the 21st century. Many studies address the crisis of this field of law and the end of the classical institutional system of the law of labour. Because of the development and change of legal relations regarding employment, this issue is even more interesting, making it important to analyse the recent situation.

The changing employer structure is clearly one of the most important elements of these changes. In case of the classical law of labour, the employer is a well definable production company that is hierarchically directed and connected to the employees. This model is replaced increasingly often by the net-like, so called multidimensional organisations that have a compound system of relations and, in some cases, a cluster-like structure. At the same time, loose relations form among the members in the new types of organisations. The other essential part of the change is the employees' mobility and the geographical dispersion of the employers. The bulk of large companies have many affiliated firms, branches and premises; and, in certain cases, employees no longer work on-site but rather at home or at a telehouse.

The legal environment is also affected by the decrease in the national state "borders". Laws of labour are made up of regulations that are effective within the country in its traditional sense and have increasingly disappeared in the past decades. The European Union can be considered the most important gathering, the legal background of which considerably affects the recent domestic law of order.

„The workplace is changing and the employment laws must change as well. Workers today are forced to bear many new risks in the labour market: risks of job loss, wage variability, benefit gaps, skill obsolescence, and intermittent prolonged periods of unemployment. Our labour laws do not address these problems, either for regular or for atypical workers. The changing nature of work creates new opportunities for workers, but also new types of vulnerabilities. As employer-employee attachment becomes episodic rather than long term, the problem of transitions has risen to the fore. The challenge for regulation today is not to recreate the era of worker-employer attachment, but to find a means to provide workers with support structures to enable them to weather career transitions.” (Stone 2006: 286)

Legal sources of the European Union

Within the European Union, laws about atypical employment were created after the definition of generally accepted regulational directives. „These directives are the following: laws are not comprehensive, but they regulate separately the different forms in parts. The regulation principally defines the minimal standards of atypical employment providing frames and limits to its application. The aim of the regulation is the protection of the employee....Laws have to guarantee the voluntariness of establishing atypical labour relations.” (Hertel 2004: 4)

Even two documents of the EU explicitly address telework. One is the “White Book” of 1993, while the other is the so called Bangemann-report with the title of Europe and the global information society. At the same time, regulations specifically referring to telework cannot be found in the member states; and special directive guides have also not been created.

However, directives have been recently created on part-time and fixed-duration employment (Directive 97/81/EC on part-time work and Directive 99/70/EC on fixed-term work). Some questions about temporary employment are included in the Directives 91/383/EEC and 96/71/EC, while the category of self-employment is regulated with respect to egalitarianism between men and women (Directive 86/613/EEC). The regulation of atypical forms of employment in the EU has been a long and politically significant question. The first directives were created 20 years ago as well as several unsuccessful and successful legal sources. The uniform regulation was made more difficult by the fact that member states do not have different economic and legal backgrounds and regulations. This is still a problem today. The first experiment was made in January 1982 when part-time employment was regulated by a directive. The proposals were reframed several times and, in 1983, were finally taken off the agenda.

Summary

Atypical employment may represent a good opportunity for Central Eastern European countries to improve their employment situation. In the meantime, however, these are also the problems of the labour market for which solutions are the most difficult to find. The economic crisis has affected atypical forms of employment significantly, as well, even if these would be a means of escape for people crowded out of the labour market. It requires a change of approach on the part of both employers and employees.

Atypical forms of employment cannot be considered a typical, widely used practice in the case of Central Eastern European countries. The spread of atypical forms of employment can be promoted by an increasing willingness in women to work, relatively long-term unemployment (which unfortunately also exists today as a result of the crisis), income earning strategies of employees that are adapted to individual life cycles.

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