

LABOUR PROTECTION PROBLEMS IN NEW FORMS OF EMPLOYMENT IN LATVIA

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Abstract. The aim of the article is to reflect the situation regarding the problems in creating a labour protection system for the new forms of employment in Latvia. It is concluded that in Latvia, as in the rest of Europe, there is no common understanding of what new forms of employment are, nor do the regulatory enactments specifically define what training and instruction procedures are in the field of labour protection at the moment. The research conducted by the authors shows that interest in and understanding of labour protection is low, and people do not know where they can gain information. As a result of the research it was found that people are not ready to invest money in establishing the labour protection system due to the fact that labour protection is perceived as a formal and unnecessary activity. The authors suggest that greater attention should be paid to this issue, particularly taking into account that, in the current digital era, new forms of employment continue developing, while the literature and research available at the moment at a Latvian and European level are insufficient.

Keywords: new forms of employment, labour market change, digital generation, labour protection.

JEL Classification: J28, K32.

1. Introduction

Taking into account the structure of the European economic and labour market, development trends and heterogeneity of institutional structures, there is currently no common understanding of what “new forms of employment” are. What is “new” in one country may be well-established in another or may not exist in a third (Mandl & Biletta, 2018). In order to take these differences between countries into account, it should be emphasised that further information is viewed from the European perspective, irrespective of whether these forms of employment are already active and not considered to be new in other countries.

Due to social, economic and technological development, new forms of employment appear across Europe. They differ from standard and non-standard employment in many ways. Some of them transform the employer-employee relationships in traditional understanding, some change work organisation, while several of them change both simultaneously. One of the main principles of new forms of employment is that work does not take place in one particular place (office or factory). It can be a short visit to an internet café, or simply working on a computer at home. These types of employment have attracted the attention of many people, including criticism.

Some of these new forms of employment are flexible and secure, yet some require a degree of caution.

There are ongoing political discussions on new forms of employment across Europe. At the centre of them there is the question of making the labour market more flexible and inclusive, of legalising undeclared work practices, of ensuring stable social protection and work conditions and of avoiding the replacement of standard employment with forms of employment that are less favourable for employees. The discussions mainly touch upon the labour market and social policy. However, the discussions mainly occur between social partners and it seems that governments do not take an active role in general. While employers’ representatives defend the need for flexibility, employees, representatives are concerned about social protection, labour law and working conditions (Barentsen, 2016). Flexicurity, which was once a very important subject of discussion between EU Member States, seems to have lost its topicality in most countries.

The new forms of employment can make the difference between employers and employees unclear; this necessitates a review of the role that social partners and social dialogues can play in solving the problems of the modern labour market (Robin-Olivier, 2017).

The new forms of employment are very difficult to define because there are many and they are very different, but, if a job falls into one of these categories, it is more likely to be considered as a new type of employment.

The new forms of employment have rapidly taken over both Europe and the USA in recent years. Listed below are some of the most popular forms of new employment that can be defined:

- Division of employees – one employee is simultaneously employed in several enterprises, working full time as a result;
- Job-sharing – the employer recruits a group of employees who jointly perform some specific task combining several part-time jobs that together constitute a full-time job;
- Use of temporary managers – experts/professionals are temporarily recruited for carrying out a specific project or solving specific problems, thus integrating external management capabilities into the enterprise;
- Occasional work – it is not obligatory for the employer to ensure work on a daily basis, but there is flexibility to call an employee at any time and give him/her work tasks;
- Employment based on ICT (Information and Communication Technologies) – employees do not work in the specific premises of the employer or client, but work from anywhere at any time with the help of new technologies;
- Coupon-based employment – the relationships between the employer and the employee are not based on a contract of labour or civil law, but on a certificate which the employer has purchased from an authorised organisation and given to the employee, which replaces the work salary and social contributions;
- Self-employed – individual person works with several clients, performing respective tasks and duties for each of them;
- Crowd employment – a virtual platform brings together employers and employees, often these are large tasks divided into several smaller tasks, thus sharing the work among “virtual cloud” employers;
- Collective employment – freelancers, self-employed and micro enterprises work together to overcome the restrictions they face due to their small size and professional isolation (Mandl et al., 2015).

As with any activity, the new forms of employment also affect employees both positively and negatively. In terms of positive effects, this could be the time spent (not spent) on the way to work and back, i.e. the reduction or absence of it altogether (Anstrate, 2017). In addition, there is greater working time autonomy which ensures flexibility in terms of organising the working time (Perulli, 2017). There is an opportunity to improve the balance between work and private life, as well as to promote greater productivity. The balance of work and private life motivates employees to work better, which is beneficial to enterprises – it reduces the personnel turnover rate, increases the motivation of employees, increases productivity and effectivity. The costs of the enterprise are also reduced due to not requiring office space. In reality, a careful study of at first seemingly positive effects shows that they are not so positive on the part of the employee, namely, work from home does not comply with any safety or ergonomic requirements, an employee performs its work in completely inappropriate conditions, also the employee often has to bear the necessary costs of purchasing a computer, to ensure qualitative internet connection, etc. It is clear that the employers generally do not consider these conditions to be essential, because the main thing is to serve customers, and the conditions of serving are not usually taken into account. The time the employee spends online is controlled (De Groen et al, 2017), the quality controller listens to the conversation records or reads online conversations and comments on them. However, no one, of course, follows the work conditions of the employee.

In the new forms of employment it is very difficult to carry out and control the accounts of employees. For example, crowd service providers can register on multiple platforms at the same time, register with a fictional identity or not register at all (Storrie, 2018). The statistics on this type of employment are hidden in general employment statistics and there have not been any systematic attempts to quantify it. There is a lot of literature both on changes in the ways that work is organised and on changes in employment methods which, to some extent, indicate that these trends are increasing, but they cannot be used without clear definitions to extrapolate the speed and extent of development.

Obviously, the working conditions of the new forms of employment can vary greatly. However, it is clear that employee sharing, job sharing and temporary management create the most favourable working conditions, since flexible work time and working conditions are combined with a sufficiently high level of safety of working conditions. This is

not always the case. For example, ICT based employment offers flexible working hours and independence, thus facilitating work and creating risks associated with higher work intensity, increased stress level, overtime working merging the boundaries between work and private life, as well as it can make it more difficult to transfer work responsibilities within the traditional meaning (Valenduc & Vendramin, 2016).

Self-employment, collective and crowd employment offer a richer and diverse combination of tasks. Certificate-based employment creates a form of insecurity in work, social and professional isolation, as well as limited access to the opportunities of a regular worker, for example, further training in a specific area, while at the same time offering improvements to social protection (Non-standard employment around the world: Understanding challenges, shaping prospects, 2016).

Occasional work is characterised by a low level of labour and income protection, as well as limited access to human resources activities, such as receipt of the same training. Some employees value the high flexibility of occasional work, but for the majority this flexibility creates insecurity, greater uncertainty, and issues with regard to consistency.

Work insecurity and social or professional isolation are a very common problem for the new forms of employment, which can again be explained by increased flexibility. It also causes a higher stress level and work intensity, because employees are more inclined to work harder in the hope that greater labour protection/safety will be provided if they prove themselves to be good employees.

These widespread new forms of employment have an equally broad impact on work conditions and the labour market (Employment and Social Developments in Europe. Annual Review, 2018). It seems that employee sharing, job sharing and the use of temporary managers ensures favourable working conditions, offering employees greater flexibility combined with a sufficiently high level of job security. Mobile work connected with ICT ensures certain flexibility, independence and greater power, but the risk of work intensification, higher stress level and extended working time also exists, as well as of convergence between work and private life (Degryse, 2016). Employees may also have to take on traditional employers' responsibilities, such as health and safety concerns. Diversification opportunities offered by

multi-dimensional careers, use of collective resources and cooperation can enrich the contents of freelance and self-employed workers' work. The use of coupons is connected with certain job insecurity, social and professional isolation and limited access to support for human resources and career development, but offers employees the opportunity to work legally, better social protection and, possibly, a higher salary. Occasional work is characterised by low income, job insecurity and weak social protection, moreover, there are almost no employee benefits available or none are available at all. A high level of flexibility can be beneficial for some employees, but the majority of them consider it excessive and would prefer more permanent work. It seems that out of the new forms of employment, employee sharing, job sharing and the use of temporary managers could have a positive impact on the labour market, but occasional work could be the most disadvantageous (Mandl, 2016). All the new forms of employment could help specific groups of employees integrate into the labour market, but their potential for job creation is rather limited. Most of these forms of employment contribute to the innovation of the labour market and make it more attractive for employers and a wider range of potential employees. However, occasional work and the use of coupons in particular create a risk of labour market segmentation if fragmented work is widely accepted, which usually means low incomes and limited social protection.

The heterogeneity of the new forms of employment identified shows that general discussions and policy recommendations on the new forms of employment are of little importance. More specified and adapted approaches are needed, based on a common understanding of each type of employment and the exchange of information and experience within the countries and between them. In order to more widely use the new forms of employment, which are concluded to have a positive impact on working conditions and the labour market (employee sharing, job sharing and use of temporary managers), measures should be taken to raise awareness among employers and employees (Svedaite & Tamosiunas, 2012). If the national budget allows, the possibility to use financial incentives may be considered. In relation to the new forms of employment safety networks are necessary – particularly in occasional work, and partly in mobile work through ICT and the use of collective resources. The current research results show that there is a need for balance between the protection

of employees and the need to facilitate the use of the new forms of employment for employers.

At the moment in Latvia, the term “new employment forms” means remote work and self-employed persons, but it has to be admitted that there are no regulations in the field of labour protection in regards to how the employer should organise labour protection measures. On 1 July 2020, changes in the Labour protection law shall take place, where remote work is defined (Regarding the Strategy for the Policy of the Labour Protection Field 2016–2020, 2016), but the industry still has more questions than answers. The law stipulates that the employer is responsible for a safe and harmless work environment for its employees, and it shall perform a risk assessment and undertake corresponding labour protection measures. The amendments of the law specify that if the employee does not wish for the employer to visit its place of residence, the employer shall be entitled to assess these risks in accordance with the risks present in the office, which prevents the possibility of assessing the actual situation in the workplace. It is also not clear how accidents and occupational sicknesses will be examined in cases when work is done remotely.

The authors had the opportunity to interview the call centre, where the employees perform most of their work remotely. The call centre also employs people with special needs, so they can be integrated in the labour market. In Latvia there is still a sceptical approach to remote work; potential and existing clients have doubts as to whether the work will be done in due quality. Therefore certain efforts had to be made to find a company willing to cooperate. Self-employed people who provide different services, for example, programming, data entering, etc., were interviewed as well; part of the respondents cooperated with a call centre in the form of outsourcing. In cooperation with the self-employed persons providing outsourced services to a call centre, the authors also had the possibility to address those self-employed persons, who had not registered their activity.

The authors had the opportunity to interview 47 respondents, who performed work from home. A questionnaire was designed with main questions on labour protection, and these questions were reflected in the next part on the study outcomes. The survey was conducted by phone and afterwards the data were digitalised. During the survey the authors had the opportunity to ask

specifying questions to ascertain that the respondents had understood the question correctly and the obtained results were therefore credible.

2. Research results

The authors surveyed 47 respondents who perform their work online on a daily basis, i.e. using only a computer or a telephone. The professions of the persons surveyed are as follows:

- Call centre operators – people who advise customers on the telephone. Each operator must manage at least 6 projects, including, for example, consulting the clients of insurance companies on the telephone, reference and information service, providing support to parking clients, information on cinema activities, receiving feedback on dairy products, registration of calls to companies that sell cars and car parts, etc. The payment is usually fixed at an hourly rate.
- Sales specialists over the phone – people who actively sell on the phone. Remuneration depends on the results achieved. The range of products is very diverse: it could involve selling fuel cards, as well as, for example, selling tickets to a variety of cultural and entertainment events, and many other products and services.
- Data entry operators – people who perform data input and, if necessary, data processing for enterprises. The payment depends on the amount of data entered and processed, for example, the tariff is defined for 1 entry input and processing. A number of respondents actually perform the primary processing of accounting documents. The second circle of clients comprises enterprises that need to create a database of potential clients to whom sales specialists can call on the phone later.
- Client support specialists – people who only consult clients in online conversations – chats. The majority of clients are Latvian or foreign “startup” enterprises, who generally export their product, so consultations mostly take place in English. Requirements for knowledge of the language are usually very high; specialists have to reach a very high response quality ratio, for example, the first response to chat should be within 6 seconds. The payment is usually fixed at an hourly rate.
- Programmers – people who perform different programming jobs on a client’s order.

This can be homepage programming, software development, as well as computer system development. Remuneration is usually determined for the performance of a specific task, and it should be noted that these services are usually costly.

Total of 47 respondents – 26 women and 21 men – were surveyed. Of all the respondents 43% were in the age group from 18 to 25, 40% – in the age group from 36 to 50, but 17% – in the age group from 26 to 35 years old. To the question of how many years they have been employed in the current profession 64% of the respondents replied 0–5 years. The authors believe this is related to the growing trend in recent years, namely, people are increasingly choosing to work independently from home, which initially gives the impression that it will be possible to control the dynamics of their work and private life more. Similarly, employers believe that this employment model is beneficial to them, because it is not necessary for them to provide the employees with workspace and corresponding arrangements (desks, chairs, etc.); the only thing the employee needs is a computer and a mobile phone, which significantly reduces the costs of the enterprise. It also depends on the scope and the working time. One can see what the percentage distribution is by form of business in Figure 1.

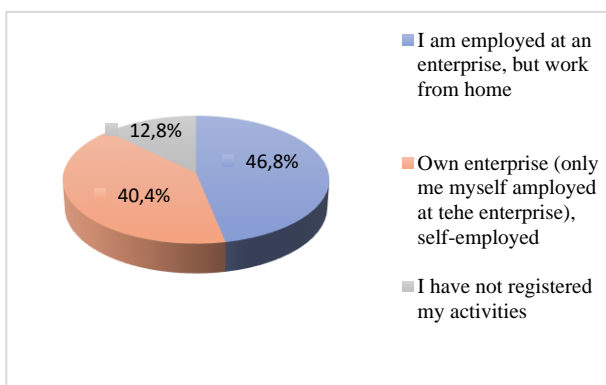


Figure 1. Form of business for online work

As can be seen, the majority of respondents, almost 47%, are employed at an enterprise, but work from home. In this case, looking deeper, it is related to the fact that, for example, call centre operators and customer support specialists must also work at night and it is more comfortable to do it from home, because if there are no calls or chats for example, one can sleep between the calls or chats. It is also apparent that the second largest group of people are self-employed. In this case it is mostly due to the fact that the enterprise has no possibility to pay “in cash”, but it also has no desire to hire a person and

pay all the taxes, so the person is in fact forced to register a business. From the diagram, it can also be seen that almost 13% of respondents have not registered their business and are not in employment relationships with any employer. By asking additional questions that are not included in the survey regarding the reasons for why such a situation has occurred, it was found that these are mostly people with a bad credit history and if they had official income, they would have to pay the biggest part of their income to credit institutions or the bailiff. There is also an opinion of “why pay if you cannot pay?”, namely, if it is possible to earn money and not pay taxes then people choose such a model despite the fact that in the case of illness or incapacity there will be no social security from the state.

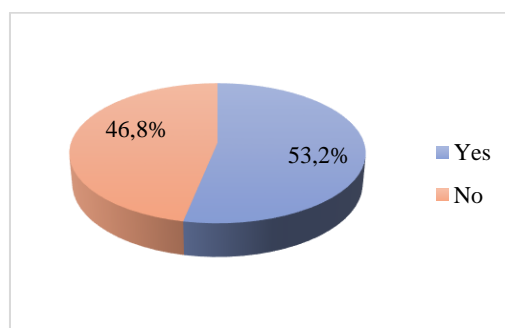


Figure 2. Please indicate, if do you choose your working time yourself

One of the advantages of the new forms of employment is the possibility to plan one’s own working and rest periods (Rest periods, 2015), which is why respondents were asked whether they can and are able to plan their working time themselves. Figure 2 shows that 53% of the respondents choose their working time themselves, while 47% of the respondents have to adjust or have definite working hours.

A question of no less importance pertains to breaks during work, because often, when we work, we forget that our body and mind need rest pauses, during which we can stretch, relax the muscles and change the work pose for at least a moment. It is not possible to change your pose often when you work online; it is usually a sedentary job and, for example, a call centre operator or client support specialist cannot predict when a customer will call or write. Consequently, the pauses should be planned; they should be coordinated with the manager or colleagues who can replace the person at that time. To the question of whether people can plan breaks in their working time themselves, 75% of respondents replied that it was possible and 25% replied that it was not possible to do so. The majority of those who

said that it was not possible work as call centre operators or client support specialists, thus, they must coordinate their pauses or they are defined in the work schedule. An equally important question is not only about the existence of such breaks, but also whether it is possible to schedule these breaks so frequently as to be able to carry out the duties effectively (Risak, 2017). Of course, it depends on each person individually how quickly he or she can regain normal work capacity. On the basis of survey data, more than half, i.e. 64% of respondents, believed that it was possible to schedule breaks during work often enough that they can fully carry out their duties. 36% of respondents indicated that it was impossible to do so and, therefore, they feel very tired after work.

According to the previous questions, the authors asked the question about whether respondents knew what a Mandatory Health Examination (MHE) was, and how often it should be carried out. The results can be seen in Figure 3.

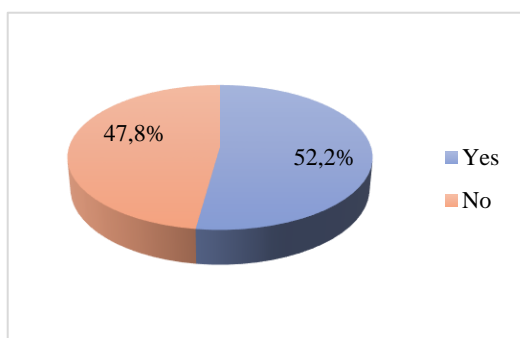


Figure 3. Please choose, if do you know what MHE is and how often it should be carried out

Cabinet Regulation No. 219 (10.03.2009) “Procedures for the Performance of Mandatory Health Examinations” determines the procedures by which a compulsory health inspection should be performed for those employees whose health conditions are or can be affected by factors harmful to health working environment and those employees who have special conditions at work. The survey data may seem pleasing because 52% of respondents know what MHE is and how often it has to be performed. Unfortunately, the real situation is disastrous – even if an employee knows what MHE is and how often it has to be performed, none of the respondents have undergone such check. People admit that they consider this examination to be just a formality and another “waste of time”, which is not worth paying money for. It is often pointed out that the employer or the entrepreneur does not have the

means for performing such an examination. Consequently, it is concluded that there is a problem in the state on the whole in the protection of human health, since the core task of MHE is to perform regular examinations in order to detect the effect of the risks of work environment on the person and to reduce or prevent such. As a result, a person does not get ill or acquire an occupational disease. It is beneficial not only for the employer who needs qualified and capable staff for a long time for example, but also for each individual and the state as a whole. It can be concluded that employers and each person have no general understanding of the importance of such examinations and that they allow one to discover occupational diseases, work-related diseases and illnesses of a general nature at an early stage when effective treatment and rehabilitation are still possible.

In answer to the question of whether a respondent knew what the labour protection system was (Procedures for the performance of internal supervision of the work environment, 2007), 62% of those surveyed replied that they did, but 38% replied that they did not know. Most of those who responded “Yes” are persons who are employed by a particular employer and the employer is either organising training at the level possible or trying to sort out the labour protection system at a “signature level”, i.e. respondents confessed they had heard something and signed something. But despite allegedly high percentages, respondents do not evaluate their knowledge in labour protection highly; the percentage distribution is seen in Figure 4.

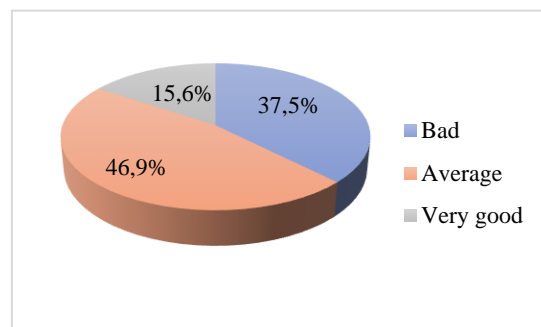


Figure 4. Please choose, if how do you evaluate your knowledge in labour protection

The majority of respondents, namely, 47% evaluate their knowledge in labour protection as average. When conducting small interviews, it was concluded that they know they need to be careful when handling electrical appliances, do not fully know how to act in the case of fire and can state the telephone number of the State Fire-Fighting and

Rescue Service, but there is an absolute lack of knowledge about ergonomics and basic ways to protect themselves from the harmful effect of risk factors at the work place. Of the respondents, 4 or 15.6% evaluated their knowledge as very good; when asking additional questions, it was explained to the authors that the respondents mentioned previously working in enterprises where labour protection issues were of high importance, which is why they knew what the labour protection system was, as well as how it was possible to protect oneself from the effect of harmful factors. Respondents also admitted that even if they knew about where to acquire this knowledge (47% of the respondents), they mostly would not use their knowledge unless something happened or someone was hurt, and that preventive measures should not be taken. Only one respondent replied that he would like to acquire more detailed knowledge in the field of labour protection. Unfortunately, the majority of those surveyed, which is 53%, i.e. 24 of the total number of respondents, did not know where they could acquire such knowledge.

After asking if the respondents knew that this knowledge could be acquired on the State Labour Inspectorate’s homepage, as well as at *www.osha.lv* and *www.stradavesels.lv*, the authors received a response that those surveyed would not visit the homepage of the State Labour Inspectorate because of the reputation of this institution, i.e. people are afraid of this institution, and they did not search for the other two, mainly because of a lack of interest.

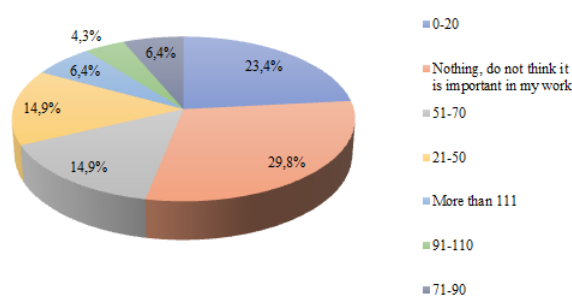


Figure 5. Please state, if how much are you ready to invest in arranging the labour protection system necessary for you

The authors believe that no easy-to-access and interesting resources and tools are available that would at least interest people, even in their own personal safety, while doing the work. This is also illustrated by the question of how many respondents are ready to invest in the labour protection system. The distribution of answers can be seen in Figure 5.

A third (29.8%) of those surveyed confidently answer that they are not ready to invest in the labour protection system (Procedures for the performance of internal supervision of the work environment, 2007). The answers of the other respondents show that they are ready to invest a little in the labour protection system, i.e. 23.4% are ready to invest up to EUR 20 for the system, 14.9% – up to EUR 50 and only 3 respondents are ready to invest more than EUR 111 into the labour protection system. The situation shows that people do not consider labour protection to be something essential in their work; something worth investing in. It casts a shadow on national policy in exactly the field of labour protection, and it is clear that the lack of information in society about how important it is gives the impression that the labour protection system is an unnecessary formality.

3. Conclusions

The survey data show that the current situation in the sphere of labour protection in Latvia is not favourable, and the statistical data on the number of accidents at work also proves this – in 2018 there were 43 accidents at work in Latvia, but on 12 March 2019 there were already 33 accidents at work, mostly caused by shortcomings in work organisation, the labour protection system not being formally implemented, as well as the reckless behaviour of employees. Also, the employer is often not interested in arranging labour protection issues, giving the pretext of a lack of time and financial means.

Digitalisation and the entry of young generations into the labour market are creating new forms of employment, some of the current professions are expected to disappear and be replaced by new ones. In 2018, the Ministry of Welfare of the Republic of Latvia developed amendments to the “Labour Protection Law” that will come into force on 1 July 2019. The amendments give the definition of distant work which is one of the new forms of employment, because, as the Ministry of Welfare acknowledges: “At present, different specific forms of employment are becoming more topical, including distant work, when the employed carry out their work at home or in any other location outside an enterprise; it is therefore necessary to specify and adapt the requirements of labour protection to the current trends in order to ensure as secure a working environment as possible for all employees”. For a long time self-employed people were considered to be the new type of employment in Latvia, but the Labour Protection Law is very uncertain in relation to them and

at the moment it states that “A self-employed person has an obligation to take care of his or her safety and health at work, as well as the safety and health of those persons who are affected or may be affected by his or her work” (Labour Protection Law, 2001). The amendments to the law require the service recipient to provide self-employed safety and protection to the same extent as to the employed and the self-employed must comply with the labour protection requirements defined in the service recipient’s company, but so that it does not contradict with the self-employed status, i.e. the norms are still unclear. Also, if an accident occurs with the self-employed at an enterprise of the service recipient, it must be documented and the threat should be prevented in the future, but the law does not actually provide for any requirements for how this accident should be investigated. The status of self-employed also does not provide for any state secured benefits in the case of an accident or occupational disease.

At the moment, regulatory enactments provide for instructions in labour protection, as well as employees must be acquainted with the assessment of the risk factors of the work environment (Regulations regarding training in labour protection matter, 2010). There must be a written statement that the employee is informed, he or she must sign in a special journal. The amendments to the law provide “to use information technology solutions in documenting the processes related to labour protection, including documentation of the results of the work environment risk assessment if they include a statement regarding the time of acceptance and signing of documents, and a statement regarding the informing of employees and self-employed if the obligation to inform is provided by regulatory enactments, as well as the possibility for state supervising and controlling authorities to access these documents”. But it also is not specified here what will be considered to be evidence by supervising and controlling authorities, which may lead to confusion in the future. In the digitalisation era, when more and more people choose to work remotely, thus gaining more personal freedom, enterprises and the state as a whole must follow this development and introduce a system that is convenient, easy to understand and accessible for those who work remotely.

As the authors mentioned previously, the survey data show that the interest in labour protection and safety is very low, people are not ready to invest in creating a labour protection system. It correlates with unarranged regulatory enactments and missing social guarantees, as well as with an increase in accidents in Latvia. In recent years, greater attention

has been paid to the new forms of employment, but the processes are very slow and do not follow the latest trends, nor do they take into account the entry of young generations into the labour market and whether the issues regarding safety will be topical for them and to what extent.

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