

## ATYPICAL OCCUPATIONAL STATUSES: EQUAL OPPORTUNITIES OR DISCRIMINATION?

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*The present paper is a preliminary analysis on multiplication and diversification of employment. We intend to investigate several issues of atypical employment: explanatory factors of the emergence and development of atypical employment; inventory of atypical occupational statuses; socio-demographic and psychological profile of atypical workers; benefits and risks of atypical occupational statuses; main policies of equal opportunity between regular and atypical occupational statuses in the European Union and Romania. The results of this analysis showed that most atypical workers are, in terms of age and gender, young people and/or women; for them, the disadvantages of atypical employment outweigh the benefits and the risk of discrimination is quite high; this risk suggests an insufficient adjustment of existing social policies to the specificity and diversity of atypical employment. In Romania, atypical employment is often a survival strategy for people who cannot accede to a regular occupational status. Even if, theoretically, 90% of Romanian atypical workers are covered by the social security systems, such data are ignoring an important category, namely, informal employment.*

**Keywords:** *atypical employment, discrimination, generation Y/Z, European acquis, Romanian labour law.*

### INTRODUCTION

Important changes have occurred in the last decades in the labour market: the regular worker, even if statistically dominant, began to reduce its importance. Instead, there was a variety of atypical forms of employment.

Regular occupational status in twentieth industrial (modern) society was defined by the following features: full time employee, open-ended contract, lifelong employment, complete and continuous working day, fixed working hours and weekly rest day; but today we live in “liquid modernity” (Bauman, 2000) where everything becomes fluid. In the employment sphere there is fluidization of occupational statuses. The binary code (employed/unemployed) is no longer valid because of multiplication and diversification of employment and of transitory occupational statuses between employment and unemployment.

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This means redefining identities but, also, redefining risks. In the contemporary society the risk is no longer an exceptional situation that society as a whole is able to manage, but it becomes a widespread and long-lasting situation (Rosanvallon, 1998).

The crisis of the welfare state was determined not only by lack of resources and rising deficits but also by demographic, axiological and cultural mutations. Globalization (among other factors) of the economy has led to the multiplication and diversification of employment. This has advantages and disadvantages. Among the advantages are the following ones: increasing workers' autonomy, reducing monotony, a better motivation and better labour relationships due to the teamwork, reducing unemployment and increasing female employment at macro level. The disadvantages are also numerous: greater insecurity of employment, even precariousness; less attention paid to working conditions, to health and safety at work; overloaded workers. Instead of more freedom, mobility and flexibility, these changes could reinforce inequality and segmentation of labour market. Therefore, the public policies should adjust themselves to the new social needs manifested by the new occupational statuses.

In the jargon of the European institutions appeared a new hybrid term: flexicurity (aiming simultaneously flexibility and security of employment) (Wilthagen and Tros, 2004). The emphasis is no longer placed on job security but in workers' security, forming their ability to adapt to a changing economy. The logic of functioning and the objectives of the social policy change: they do not protect anymore against the risks related to employment but helps people to adjust to these risks: from job security to workers' security; from employment to employability; dynamic labour market and work-life balance. Flexicurity is linked not only to changes in the economy but also to changes in attitudes, aspirations and values: people want more autonomy, more freedom, less restrictions; they want to decide for themselves, according to their individual interests and not due to abstract group identities.

European Employment Observatory (2000–2012) data show an increase in the share of atypical forms of employment in relation to the regular ones. This increase is not the same in all Member States, Romania being among the last positions.

## **THEORETICAL AND CONCEPTUAL FRAMEWORK**

The concept of atypical worker includes all aspects which are different from the regular worker. The main dimensions taken into consideration are: status (employee/self-employed); time arrangements; and contractual arrangements. Considering these criteria, the inventory of atypical occupational statuses includes the following situations:

- Self-employed
- Unpaid family workers
- Agency workers (De Stefano, 2009)
- Free lance workers

– Project workers  
 – Mobile workers  
 – Informal employment  
 – Dependent self-employed, para-subordinated work or “disguised employment (that) represents an attempt to entirely evade the statutory regime by designating workers as independent service-providers, rather than employees” (Lee et al., 2007: 136).

- Teleworking
- Working from home
- Temporary employment
- Occasional employment
- Seasonal employment
- “Intermittent work”
- Interim contract
- Training
- Trial periods and probations
- Internship
- “Apprenticeship”
- Part-time
- Fixed (limited) term work
- Staggered hours/ Flexitime (*Conditions of Work and Employment...*, 2011).
- Annualized hours arrangements/other forms of hours averaging
- Time banking (*Conditions of Work and Employment...*, 2011).
- Short time working arrangements (STWA) (Walz et al., 2012).
- Compressed weeks
- Reduced or longer hours.

The specific scientific literature analyses a wide range of different factors explaining the apparition and development of atypical occupational statuses. We can group these factors in two large categories: macro-social factors and micro-social factors. Regarding the macro-social level, we can identify the following factors:

– Structural: social and economic mutations that restructure the whole society. For instance: globalisation, service economy, IT development. Diversification and multiplication of the occupational statuses are linked to the features of the service economy, such as: dynamism, instability, intense connexion with the market and with clients. This economy needs more flexible arrangements, smaller work teams, and networking.

– Institutional: welfare state reform; certain welfare state models (Nordic, Anglo-Saxon) promote and support atypical employment more than other welfare state models (Smith et al., 2012)

– Cultural: spread of new expectations, values and lifestyles, characterising post-modern attitudes and behaviours

– Demographic: the entry of new generations (Y/Z) on the history scene.

Regarding the micro-social factors, they are considered by two categories of complementary theories (Lee et al., 2007):

– “Pull” theories: workers are pulled into atypical employment due to their own aspirations for qualitative benefits (autonomy, flexibility) and because of their particular knowledge and skills

– “Push” theories: workers are pushed into atypical employment when they lack decent opportunities in the labour market, “those workers who have the most limited options for wage employment (i.e. who can obtain only the lowest-paying positions or no job at all) and/or have particular barriers keeping them from obtaining wage positions (Lee et al., 2007: 104).

“Pull” and “push” theories are also applied in research areas such as: migration, motivation and marketing. The two categories of theories have different predictions regarding the consequences of atypical employment. Therefore, “pull” theories emphasize the potential advantages: higher job satisfaction, higher productivity, increased mobility of workers, lower risk of being unemployed (less unemployment, in general). On the contrary, “push” theories accentuate the negative consequences of atypical employment: labour market segmentation, discrimination, increased organisational expenditures, generalised uncertainty, and proliferation of informal work.

The socio-demographic profile of the atypical worker is also seen in very different manners by the two categories of theories. In terms of “pull” theories, the atypical worker is educated, skilled, self-reliant, independent, and flexible. Also, many young parents choose atypical occupational statuses, trying to reconcile family and work. Following the “push” theories, this worker is marginal, excluded, and unskilled. Atypical workers are generally recruited from women, youth, ethnic and racial minorities, including immigrants.

We think that “generation” is another useful concept for understanding atypical workers. Even if labelled as insufficiently scientific, this concept demonstrates its usefulness in human resource management and in marketing. The major idea is that generations grow up in the same social, economic, political and cultural context. Consequently, they share, also, many common perceptions, values and behaviours. The specific zeitgeist creates specific generational profiles. Authors identify, for instance which are the main generations of twentieth century in western countries: traditionalist (born between 1925 and 1945), baby boomers (born between 1946 and 1964), generation X (born between 1965 and 1980), generation Y (born between 1981 and 2000) and generation Z (born after 2000 – its profile is not fully established). Globalisation extends the spread of generational characteristics to the whole world, Romania included.

The generational profiles are interesting, even if they represent only insufficiently documented generalisations of fragmentary empirical observations (Biggs, 2007). The main characteristics of generations are presented in Table 1:

Table no. 1

**Generational profiles**

	<b>Traditionalist</b>	<b>Baby Boomers</b>	<b>Generation X</b>	<b>Generation Y/Z</b>
Work Environment	Office – fixed schedule	Office – long hours	Office – prefers flexible schedule	Office, home; prefers flexible schedule
Motivators	Self-worth	Salary	Security	Maintain personal life
Mentoring	Not necessary	Does not handle well with negative feedback	Not necessary to receive feedback	Constant feedback necessary
Retention	Loyalty	Salary	Security/Salary	Personal Relationship
Communication	Personal contact, mail	Telephone	E-mail	E-mail, Smart phone, virtual social networks
Information, documentation	Library, press, radio	TV, Google	Mobile phone, laptop, Internet: 24/7	Smart phone, Internet 24/7
<i>Career Goals</i>	Lifetime career in a company	Excel	Variety of skills and experiences	Build several parallel careers

Sources: Alch, 2000; Stanton Smith, 2008; Sullivan et al., 2009; Hansen, 2011; Duesterhoft, 2012.

One of our assumptions is that socio-demographic profile of atypical workers largely overlaps with that of “Generation Y/Z”. Individuals belonging to this generation are frequently described as arrogant, egocentric, demanding and hedonist. They are spoiled and think they are entitled to obtain material and symbolic rewards. They develop low respect for authority – especially in the Germanic, Anglo-Saxon and Nordic countries (Hofstede, 1980) – because their parents are, generally, understanding and overprotective. They get easily bored and they love mobility, autonomy and creative tasks. Even if we can sketch a group identity for them, in fact, their individual identity is more important. They are not defined by their social status or by their job; they are defined as human being by friendship, entertainment, communication, by civic and social activism. Generally, they think that there is life after work and this life is more important than work. Paradoxically, although independent from professional point of view they are rather helpless in the practical activities of daily living, in housekeeping or family.

**PRELIMINARY RESULTS AND DISCUSSION****Trends**

At the beginning of this millennium, atypical forms of employment were quite marginal (only one out of 10 workers in OECD countries) and stability was the dominant employment model (*Rapport sur l'emploi dans le monde...*, 2002).

Yet, the latest data show an increasing proportion of the EU-28 workforce in the age group 15–64 years reporting atypical and flexible occupational statuses. For instance, the proportions of the most frequent atypical statuses of total employment are (Eurostat, 2015):

- Part-time: 16.9%
- Contract of limited duration: 13.8 %.
- Self-employed: 15% (Eurostat, 2008).

The Eurostat statistics show that the proportions depend on the particular welfare state models and standards of life. Therefore, the highest proportion of flexible workers in 2013 was found in the Netherlands (over 70.0 %), followed by Germany, Austria, the United Kingdom, Denmark, Sweden, Belgium and Ireland (Eurostat, 2015).

Theoretically, the liberal (Anglo-Saxon) model is more likely to encourage flexible employment (Esping-Andersen, 1990). However, the welfare state reforms, developed in the Nordic (Scandinavian) countries after 1980 (Otter, 1994) created greater flexibility of employment. Similar reform took place in the continental (conservative model). The most successful experience regarding the combination of flexibility and security was accomplished in Netherlands (Smith et al., 2012). The measures promoting atypical work include ((Wilthagen & Tros, 2004):

- “normalising” non-standard work, by imposing by law equal treatment – regarding payment and social security benefits – between typical and atypical workers;
- greater autonomy of the employer to make redundancies in counterpart with more generous compensations for those laid-off;
- life-long learning, investing in workers’ skills and adaptability;
- eliminating administrative obstacles for atypical workers and their employers.

Theoretically as well, the increase in flexible employment is more probable in wealthy countries, where the average wage is relatively high. Therefore, workers could have a decent standard of life, even if they work less and earn only a fraction of the average wage.

In the eastern countries – excepting Poland – proportion of flexible workers is low. One of the reasons is because wages are very low and “from the perspective of employers, the costs of part-time workers are similar to those of full-timers (e.g. social contributions, which are often calculated on a per employee basis) while the benefits (in terms of the number of hours that workers are available to work) are fewer” (Vaughan-Whitehead, 2005, p.69).

### **Socio-demographic and psychological profiles of flexible workers**

In most of the countries (*Rapport sur l’emploi dans le monde...*, 2002; Eurostat, 2008; Eurostat, 2009), the majority of flexible workers is composed of (obviously, all these social statuses could overlap):

- Women
- Young people

- Parents with (young) children
- Educated and top qualified or, on the contrary, unskilled and less educated
- Exigent, independent, mobile persons
- TIC users
- Persons sharing postmaterialist (Inglehart, 1990) aspirations and values (family, improved work–life balance, spare time, collective actions – sport, culture, politics, civic activism, friendship).

In average, “one third (32.1%) of women aged 15–64 who were employed in the EU-28 worked on a part-time basis in 2013, a much higher proportion than the corresponding share for men (8.8%). More than three quarters (77.0%) of all women employed in the Netherlands worked on a part-time basis in 2013” (Eurostat, 2015). Also, 7.5% of women, 6.5% of men and 30% of persons under 30 (the trend is ascending and directly proportional with unemployment rate) are temporary workers (Eurostat, 2009).

Why and how women are most likely to become atypical workers? The answer to this question is related to their (still) discriminated social status: they work in their households harder and longer than men and they are less demanding than men regarding payment and work conditions. Young people are, also, frequent atypical workers because they often are students in the same time, consequently they have no time for a regular job; moreover, most of them are financially supported by their parents, so, they don’t need necessarily much more money; finally, they treasure leisure, spare time and the common values of generation Y/Z.

A new and interesting change occurred lately in the youth behaviour (Eurostat, 2008): young people are remaining in the parental home longer (with 8 month longer, in average, between 1995 and 2005). This change takes place in UK, Netherlands, France, Estonia, Lithuania, Cyprus, Czech Republic, Luxemburg, Hungary, Portugal, Greece, Malta, Slovakia, Sweden and Italy. Possible explanations for this mutation are: they can't afford to live independently; high unemployment amongst youth; young people have lower wages than adult people; “important change in values and culture in post-modern societies have affected intergenerational relationships positively” (Eurostat, 2008: 22), especially in Northern Europe; prolongation of the youth phase (remaining longer in educational or training institutions (Eurostat, 2008: 24): in average, in EU 90% of youngsters between 15 and 19 years and 65% of those in the age group 20–24 still live in the parental home (Bendit, 1999).

### **“Pull” and “Push”**

We have tried to see, using the existing data, which theory can better explain the choice for atypical occupational statuses. Tables 2 and 3 show the specific motivation for two atypical statuses: part-time and temporary workers.

Table no. 2

**Main reasons behind part-time employment in the EU  
(% Persons employed part-time aged 25–49)**

Reasons	Men	Women
Education	16	3
Familial and personal	14	61
Own illness or disability	8	2
Person could not find a fulltime job	43	21

Source: Eurostat, 2009: 22.

In the above table we could consider the first two reasons (education, familial and personal) being characteristic to the “pull” theory, representing the respective persons’ aspirations for fulfilment in education and in the familial and personal life. On the contrary, the last two reasons (illness or disability and lack of opportunity in the labour market) are characteristic to the “push” theories, where people are obliged to choose atypical employment.

The *table 2* illustrates, also, salient differences between women’s and men’s motivations. We can see that, generally, men are part-timers because they are not able to find a fulltime job or they are studying, in the same time. Women, in contrast, are part-timers because they are more involved in familial duties, housework and, in particular, in raising children. Even if the outcome is the same (part-time employment), the motivation is quite different for the two genders and shows the perpetuation of gender roles, both in public and private life.

Table no. 3

**Main reasons behind temporary employment in the EU**

Reasons	% Persons in fixed-term employment aged 25–49
Education	18
Probationary period	8
Did not want permanent job	13
Could not find permanent job	61

Source: Eurostat, 2009: 25.

Regarding the temporary workers, no significant discrimination between women and men was reported. The balance between “pull” and “push” reasons tilts undoubtedly to the “push” ones: the majority of the respondents couldn’t find a permanent job. A quart of them is involved in education, training, trial periods and probations. Only 13% prefer temporary job instead of a permanent one.

The same research found out other factors correlating positively with atypical occupational statuses (Eurostat, 2009):

- Underdevelopment of child care services
- Women’s predominance as flexible workers increases when they are the main beneficiary of the parental leave; after their comeback in the labour market, they generally ask for part time jobs.



### **European acquis and policies**

The EU vision regarding employment changed dramatically since the European Employment Strategy (Luxembourg, 1997). The emphasis is put on flexibility and adaptability instead of full employment. Not only the official European normative documents but, also, the projects financed by the EU (through the structural funds) implement the change from passive benefits to active labour market interventions, from welfare to workfare.

Flexicurity is another relevant concept for the EU's vision regarding employment. The EU vision is inspired by the best experiences and practices from the national level (especially from Netherlands, UK and Sweden) but it is eventually crystallized at supranational level, exerting pressure and shaping the employment policies of the other Member States. For instance, the document "Common principles of flexicurity", published by the European Commission on 27 June 2007, comprises 18 principles brought together in the "olden triangle of flexicurity": contractual arrangements, social security benefits, active employment policies (Špidla and Larcher, 2008). Of course, all these three sides of the triangle were already present in the national employment policies of certain Member States. Through very interesting dynamics, EU, as a supranational organisation, acquired the best practices and concepts regarding flexicurity, from the experience of certain Member States policies. Subsequently, the EU has synthesized these experiences in its own vision, which is incarnated in the European employment acquis. Afterwards, the Member States were required to transpose the European employment acquis into their legislation and practice.

The flexicurity concept is based on the fundamental values of the European Social Model, which wants to combine simultaneously high economic performance with welfare and safety of employees (*Presidency conclusions*, 2002). This is a difficult task and some critical voices (Dahrendorf, 1995–1996) say that is a theoretical and practical impossibility. However, the statistical indicators and other indicators show that the European Social Model, especially in its Nordic version, managed to reconcile the flexibility (needed for economic development, competitiveness and free enterprise) with security and diverse and substantial benefits related to work.

The concept of flexicurity is illustrated – in the European employment acquis – by specific policy measures, such as: employers can use dismissals in more flexible conditions but they should compensate these dismissals by substantial unemployment benefits; provisions and special benefits for those working in atypical situations; finding the right tools to protect such workers; the right and duty of those who are looking for a job to follow training sessions; lifelong learning; facilitating insertion and reinsertion during transition between successive jobs; equal employment opportunities for all socio-demographic groups through special programmes for women, youth, long term unemployed, people with special needs. These alternative plans and instruments should be evaluated according to the objectives and principles of

flexicurity. Grosso modo, flexicurity policy instruments are divided in two broad categories: incentives for boosting flexibility; incentives for stimulating the security.

The EU policies regarding atypical occupational statuses evolved from non-existence to regulation (through directives) and, eventually, to coordination (through Open Method of Coordination), using more and more public debate, social dialogue, technical expertise and scientific evidence. This process is visible in the following chronology:

1986: Directive Equal treatment for self-employed and their assisting spouses (86/613/EEC)

1997: The European Framework Agreement on part-time work (97/81/EC)

1997: The European Employment Strategy

1999: The European Framework agreement on fixed term work contracts (99/70 EC)

2000: The Lisbon Strategy

2002: The European framework agreement on telework

2006: Green Paper “Modernising Labour Law to meet challenges of the 21st century”.

2007: Communication of the Commission on the common principles of flexicurity

2010: Europe 2020. A strategy for smart, sustainable and inclusive growth

The EU employment acquis is based on the principle of equal opportunities between atypical and regular occupational statuses. Still, most of provisions refer to a few statuses only (self-employed, part-time, fixed term contract, telework) and ignore the multitude and diversity of employment situations.

### **Protection versus discrimination of atypical occupational statuses in EU Member States**

Flexicurity has different approaches in the European social sub-models (Smith et al., 2012), as a result of combination between the harmonising role of EU and the national contexts. Therefore, flexicurity is shaped contextually and nationally: the European acquis is harmonised differently: by the labour codes, by collective agreements or by good practice guides. Not only legislation is differently harmonised but also the enforcement, which uses different institutional frameworks (Labour Inspectorates, Labour Courts, tripartite bodies etc.).

Empirical studies found significant differences between *de jure* and *de facto* situations (*Conditions of Work and Employment...*, 2011). Thus, even if most of EU Member States have legal provisions for equalising opportunities between regular and atypical workers, these provisions are not always observed in practice.

Rights and benefits of atypical workers are generally implemented in countries with developed employment flexibility and high rates of unionisation (Netherlands and Scandinavian countries). Working in SME’s – that are, in general, non-unionised –

represents a risk factor. Without strong law enforcement, more flexibility means less security, exclusion and proliferation of informal economy. Other risk factors that create non-observance of the law are: the limited capacity of the specific institutions (labour inspectorates); a broad social culture based on disregard of the law; insufficient information, awareness and poor understanding of the labour law (Lee et al., 2007).

Even if in many countries legislation was recently adapted in order to cover atypical workers, these workers still don't have equal rights and are discriminated, as compared to the regular workers. For instance, they have, in average, lower wages; less job security; ignored health and safety at the workplace; less opportunities for promotion, training and life-long learning; insufficient coverage by collective agreements; less social prestige; unpaid overtime work ; "home-made" forms of compensation, not envisaged in the legislation; reduced eligibility for social security benefits (Eurostat, 2009).

Atypical workers must work at least half of the regular time, in order to be eligible for certain social benefits. Self-employed are not everywhere cover by sick leave and maternity leave (Greece and Lithuania). Maternity and paternity leaves cover only 80% of atypical workers (*Flexicurity: Indicators on the coverage of certain social protection benefits for persons in flexible employment*, 2007). Similarly, there is lower coverage of pensions and unemployment benefits. Flexibility increases women's employment but it doesn't reduce their discrimination, even if they are more educated and skilled than men (Eurostat, 2008).

### **Atypical occupational statuses in Romania**

The available data presented below and extracted from Romania's Statistical Yearbook (*Anuarul statistic al României*, 2013) show an interesting and specific situation for Romania, regarding the atypical occupational statuses: although they are relatively widespread, they don't provide a flexible labour market. So, atypical statuses represent approximately 45% of total employment. They are even more frequent in rural areas. At a superficial glance, Romania would sit very well in this regard, although most studies have shown that the labour market in our country is much less flexible and adaptable. Therefore, the relatively high proportion of the atypical occupational statuses does not mean, however, greater flexibility of labour market in our country but, a precariousness of employment. These "self-employed" that we find in the national and international statistics are not, in the case of Romania, prosperous entrepreneurs but subsistence farmers, members of small family businesses, unpaid family workers, temporary and seasonal workers.

Proportion of part-time employees decreases between 2003 and 2013, from 10.6% to 8.8% of total employment. A possible explanation of this decrease is the better regulation of the Romanian labour market after implementation of the new Labour Code and of the Labour Inspectorates. According to the new legal and institutional framework, part-timers should be better protected and that means

higher labour costs for employers. Therefore, they became reluctant to hire part-time employees. The economic sectors where part-timers are more numerous are: agriculture (29%), trade (20%), real estate (16%), constructions (14%) and education (13.5%).

Other atypical statuses that are relatively frequent are the self-employed (18.9%) and unpaid family worker (12.6%). The unpaid family workers are generally members of families who own small farms, usually producing for their own consumption and not to sell their products on the market. The unpaid family workers are more frequent amongst women (19.5% of total female employment and only 7% of total male employment). This significant discrimination illustrates that women are pushed into positions with the lowest social prestige in the Romanian labour market.

Eurostat is the source for the next data, regarding atypical statuses in Romania and which are presented below (Eurostat, 2009): Proportion of employees with a contract of limited duration is very low: 2% of total employment. This figure demonstrates the reduced flexibility of the Romanian labour market. Romania also has the least flexible working time in EU. Teleworking is underdeveloped: 0.5% of women (as compared to 3.8%, the average proportion in EU) and 0.2% of youth (the average in EU is 8.4%). In Romania there is the higher proportion of working poor of EU: 17.3% (the EU average is “only” 8.4%). Romanian youth has low employment rate (23.9%; EU average is 32.9%) and high unemployment rate (25%).

During Romania’s pre- accession and accession to EU, Romanian public authorities tried to transpose into the national legislation the European Employment Strategy (adopted in Luxembourg, 1997). Little by little, the labour law has changed, in order to implement the four pillars of the European Employment Strategy: employability, flexibility, entrepreneurship, and equal opportunities. Yet, previous researches (Ghebrea, 2005) found that the Romanian labour market is not enough flexible and adaptable. Part-time employment and other flexible work arrangements should be more accepted and the legislation simpler and more favourable in this respect. Special employment programmes are needed for rural area, for agriculture and especially for the non-paid family workers: training programmes, support for entrepreneurship etc. Also, the labour market requires more effective incentives for the territorial mobility of the labour force. Romanian labour market should be more open, more inclusive and more accessible for the marginal groups, such as: Roma community, youth, older workers, women and disabled. Also, informal work is a big problem.

The Romanian labour legislation is characterised by profusion but lack of coherence. The main formal documents referring to the atypical occupational statuses are:

– The Labour Code (Law 53/2003); a new Labour Code was adopted in 2003, replacing the old communist Labour Code. The new Labour Code introduced

regulations concerning “temporary working assignments”, part-time individual labour contracts, employees working at home, and regulations concerning personalized time arrangements and contractual arrangements. These provisions should improve the adaptability and the flexibility of the Romanian labour market but they failed because insufficient awareness of the target groups and insufficient law enforcement. The labour Code was revised in 2011, during the economic crisis: it becomes more flexible but more favourable to employers, reducing protection for employees.

- Law 279/2005, referring to apprenticeship, as a form of work experience.
- Government Decision no 855/2013, referring to the flexibility of working time.

- The National Plan for Youth Employability, 2013.

- The National Plan for Implementation of Youth Warranty, 2014–2015.

- The National Employment Strategy (2014–2020); it intends to accomplish the following objectives: increasing employment; reducing unemployment; facilitating transition from school to labour (through apprenticeships and internships).

Discussing the policy impact, Romania has the lowest expenditures for active employment policies, both in absolute numbers and as a percentage (Eurostat, 2011). On the other hand, legislation provides good social security coverage for flexible workers (for 90% of them) (*Flexicurity: Indicators on the coverage of certain social protection benefits for persons in flexible employment*, 2007: 21). A good point is also the flexibility of the parental leave.

Revision of labour legislation in 2011, under foreign investors’ pressure, was meant for “easing the rules for layoffs and especially for mass layoffs as well as widening the scope for fixed term contracts... measures to facilitate the employment of daily labourers by removing social contribution levy from employers and facilitation of income taxation” (Smith et al., 2012: 47). Therefore, policies became recently oriented toward flexibility at the expense of security.

A very critical point is the informal employment, insufficiently tackled by specific policies. The informal workers are not covered by the social security systems and are exposed to abuses and exploitation. Both employers and employees resort to such practices in order to maximise their incomes and avoid taxes. Many workers use informal work for second, part-time or occasional jobs.

Women and youth constitute the largest part of atypical workers in Romania. In the same time, they are discriminated in the labour market, even if, in order to meet the targets of the *Europe 2020 Strategy*, the Romanian Government promoted many pieces of legislation for youth (see above). For the young people, flexible work should mean opportunities, not sacrifices. Romanian young people’s values (Comşa et al., 2008) – autonomy, individualism, personal status and carrier, flexibility, entrepreneurship – are consistent with flexible employment. Many youngsters intend to work and/or study abroad and request more openness of the European labour market and real free movement of workers within the European Union (Agenția Națională pentru Sprijinirea Inițiativelor Tinerilor, 2008).

## CONCLUSIONS: LIMITATIONS AND DIRECTIONS FOR FUTURE RESEARCH

The preliminary research has confirmed that most of atypical workers are young people indeed, and women, too. However, there is an extreme heterogeneity regarding their education level, skills and social status.

Our research (preliminary as it is) proved that flexibility doesn't mean, in fact, more freedom, more autonomy and a better work-life balance; it means less security at the workplace, more social exclusion, proliferation of informal economy and more segmentation of the labour market, especially in Eastern European Countries. Disadvantages seem greater than the benefits and the probability of discrimination is quite high: atypical workers have lower wages, they receive lesser social benefits, and they are less protected by the social security systems. Also, they have lower access to training and lifelong learning programmes and to promotions and career development, in general.

All these discrimination facts prove that – in European Union – policies offer insufficient equal opportunities for atypical workers (especially regarding wages, social prestige, and social protection). The main advantages of the atypical and flexible work (autonomy, dynamism, better human relations and communication, creativity, knowledge society, work-life balance, easier women's access to paid work) are potentialities only, without effective mechanisms to transpose them from “de jure” to “de facto” situations.

The EU employment acquis is based on the principle of equal opportunities between atypical and regular occupational statuses. Still, most of provisions refer to a few statuses only (self-employed, part-time, fixed term contract, and telework) and ignore the multitude and diversity of employment situations.

In Romania, atypical work and flexibility is mainly a survival strategy; often, “shorter working time” means actually longer working time, because of employer's abuses. Even if the legislation provides social security coverage to 90% of atypical and flexible workers, in fact the spread of the informal employment prevents access to these benefits. Insufficient awareness and deficient law enforcement are potential explanations for this situation. Most of flexible workers in Romania are young people; despite the recent legislation passed by Romanian authorities, young people are still discriminated in the Romanian labour market.

There is too much diversity of atypical statuses to say clearly in this moment of our research what theory (“push” or “pull”) is truly confirmed. Actually, we are using this phrase – *atypical occupational status* – for very different situations. We are risking a generalization that may become useless and inoperable. Specific research should be devoted to each atypical status. The atypical employment had different developments in different European countries, according to national contexts and specific labour markets and particular policies for these different categories.

As directions for future research regarding atypical employment, we intend to explore the following questions:

Who are the people that make up the majority of atypical workers? What is their socio-demographic and psychological profile? What are the potential disadvantages and discrimination situations they are facing? To what extent the European acquis in the field of employment provides solutions for equal opportunities of these workers? To what extent labour law in Romania embodies the principle of equality with respect to these workers?

The hypotheses corresponding to these questions are: socio-demographic and psychological profile largely overlaps with that of “Generation Y/Z”; the probability of discrimination is quite high; although the European acquis tries to adjust to the new situation in the labour market, it doesn’t cover enough the atypical forms of employment; the approach of the Romanian Labour Law regarding this topic is superficial and difficult to implement, the incentives are ineffective and bureaucratic costs are inhibitory.

The methods by which we try to investigate these assumptions are: in-depth interviews with atypical workers, having different ages, genders and occupational statuses; statistical data analysis, bibliographical analysis and content analysis of formal documents.

## REFERENCES

- Alch, M. L., *Get Ready for a New Type of Worker*, in “Human Resource Professional”, vol. 13, no. 1, 2000, pp. 23–26, available online at <http://www.allbusiness.com/human-resources/515599-1.html>.
- Bauman, Z., *Liquid Modernity*, Cambridge, Polity, 2000.
- Bendit, R., “Youth life and the process of leaving home in Europe”, in Bendit, R., Gaizer, W., Marbach, J. H. (eds.), *Youth and Housing in Germany and the European Union*, Wiesbaden GmbH, Springer Fachmedien, 1999, pp. 19–50.
- Biggs, S., *Thinking about Generations: Conceptual Positions and Policy Implications*, in “Journal of Social Issues”, vol. 63, no. 4, 2007, pp. 695–71.
- Comşa, M., Tufiş, C., Rughiniş, C., *Atitudini față de muncă în România. Opinii, realități, așteptări*, București, Fundația Soros România, 2008.
- Dahrendorf, R., *Squaring the Circle: Competitiveness and Social Cohesion in Free Societies*, in “Newsletter”, Institute for the Human Sciences, Vienna, no. 52, December 1995–February 1996.
- De Stefano, V., *Smuggling-in flexibility: Temporary work contracts and the “implicit threat” mechanism. Reflections on a new European path*, Geneva, International Labour Organization, 2009, available online at [www.ilo.org/wcmsp5/groups/public/---ed.../wcms\\_116294.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed.../wcms_116294.pdf).
- Duesterhoft, M., *Generational Differences Chart*, in “PeopleResults”, June 7, 2012, available online at <http://www.people-results.com/communication-ages/generational-differences-4/>.
- Esping-Andersen, G., *The Three Worlds of Welfare Capitalism*, Cambridge, Polity Press, 1990.
- European Employment Observatory, Document Database, available online at <http://ec.europa.eu/social/main.jsp?langId=en&catId=22>.
- Eurostat, *Employment Statistics*, august 2015, available online at [http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Employment_statistics).

- Eurostat, *Labour market statistics*, Luxembourg, Office for Official Publications of the European Communities, 2011.
- Eurostat, *Reconciliation between work, private and family life in the European Union*, Luxembourg, Office for Official Publications of the European Communities, 2009.
- Eurostat, *The life of women and men in Europe*, Luxembourg, Office for Official Publications of the European Communities, 2008.
- Ghebrea, G., "The role of social dialogue in Romania", in Lafoucrière, C., Magnusson, L., (eds), *The enlargement of social Europe*, Bruxelles, European Trade Union Institute for Research, Education and Health and Safety (ETUI-REHS), 2005, pp. 149–203.
- Hansen, R.S., *Perception vs. Reality: 10 Truths About The Generation Y Workforce*, 2011, available online at [http://www.quintcareers.com/Gen-Y\\_workforce.html](http://www.quintcareers.com/Gen-Y_workforce.html).
- Hofstede, G: *Culture's Consequences*, London, Sage Publications, 1980.
- Inglehart, R., *Culture shift in advanced industrial society*, Princeton, Princeton University Press, 1990.
- Koutropoulos, A., *Digital Natives: Ten Years After*, in "MERLOT Journal of Online Learning and Teaching", vol. 7, no. 4, 2011, pp. 525–538.
- Lee, S., McCann, D., Messenger, J.C., *Working Time around the World. Trends in working hours, laws and policies in a global comparative perspective*, London, Routledge, 2007.
- Otter, von C., *Reform Strategies in the Swedish Public Sector*, Stockholm, Swedish Institute for Work Life Research, 1994.
- Rosanvallon, P., *Noua problemă socială*, Iași, Editura Institutul European, 1998.
- Smith, R., Pavlovaite, I., Jurado E., Weber, T., *Evaluation of flexicurity 2007–2010: Final Report*, Birmingham, ICF GHK, 2012.
- Špidla, V., Lacher, G. (co-Chairmen), *Report on the Mission for Flexicurity*, Brussels, Council of European Europe, 2008, available at: <http://ec.europa.eu/social/main.jsp?catId=118&langId=en>.
- Stanton Smith, W., *Decoding Generational Differences*, New York, Deloitte Development LLC, 2008.
- Sullivan, S.E., Forret, M.L., Carraher, S.M., Mainiero, L.A., *Using the Kaleidoscope Career Model to Examine Generational Differences in Work Attitudes*, in "Career Development International", vol. 14, no. 3, 2009, pp. 284–302.
- Vaughan-Whitehead, D., *Working and Employment Conditions in the New EU Member States: Convergence or diversity*, Geneva, ILO, 2005.
- Walz, G., Buiscool, B. J., Collewet, M., de Koning, J. *Short-time working arrangements during the crisis and lessons to learn. Final Report*, Research voor Beleid, Zoetermeer, 2012, available online at [ec.europa.eu/social/BlobServlet?docId=10008&langId=en](http://ec.europa.eu/social/BlobServlet?docId=10008&langId=en).
- Wilthagen, T., Tros, F., *The concept of 'flexicurity': A new approach to regulating employment and labour markets*, in "Transfer – European Review of Labour and Research", vol. 10, no. 2, 2004, pp. 166–187.
- \*\*\* *Anuarul statistic al României*, București, Institutul Național de Statistică, 2013.
- \*\*\* Agenția Națională pentru Sprijinirea Inițiativelor Tinerilor, *Starea socială și așteptările tinerilor din România. Barometrul de Opinie Publică – Tineret 2008*, București, ANSIT, 2008.
- \*\*\* *Flexicurity: Indicators on the coverage of certain social protection benefits for persons in flexible employment*, Princes Mews, Alphametrics Ltd., 2007.
- \*\*\* *Presidency conclusions*, Barcelona European Council, 15–16 march 2002, SN 100/1/02 REV 1, available online at: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/71025.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/71025.pdf).
- \*\*\* *Rapport sur l'emploi dans le monde. Vie au travail et économie de l'information*, Genève, Bureau International du Travail, 2002.
- \*\*\* *Conditions of Work and Employment. Working time in the twenty-first century. Report for discussion at the Tripartite Meeting of Experts on Working-time Arrangements (17–21 October 2011)*, Geneva, International Labour Office, 2011.



**A**rticolul este o analiză preliminară privind multiplicarea și diversificarea ocupării forței de muncă. Intenționăm să investigăm aspecte ale ocupării atipice legate de: factorii explicativi ai apariției și dezvoltării ocupării atipice; inventarul formelor atipice de ocupare; profilul sociodemografic și psihologic al lucrătorilor atipici; avantajele și riscurile generate de statuturile ocupaționale atipice; principalele politici de egalizare a șanselor dintre statutul ocupațional standard și statuturile atipice, în Uniunea Europeană și în România. Rezultatele acestei analize ne-au arătat că majoritatea lucrătorilor atipici sunt, din punctul de vedere al vârstei – tineri iar din punctul de vedere al genului – femei; dezavantajele acestor statuturi ocupaționale sunt mai mari decât beneficiile iar riscul discriminării este ridicat; acest risc sugerează insuficienta adecvare a politicilor existente la specificitatea și diversitatea statuturilor ocupaționale atipice. În România, ocuparea atipică este adesea o strategie de supraviețuire în condițiile în care nu se poate accede la staturul ocupațional standard. Chiar dacă, teoretic, există o acoperire de către sistemele de securitate socială a circa 90% din lucrătorii atipici, aceste date nu se referă la o categorie importantă, și anume, ocuparea informală.

**Cuvinte-cheie:** ocupare atipică, discriminare, generația Y/Z, acquis european, legislația românească a muncii.