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EMPLOYMENT OF FREELANCERS: MOTIVATIONAL AND LEGAL ASPECTS

Changes in the economy are brought by the development of new technologies as drastically transform the concept of business activities. As a result, it is necessary to rethink the key values of employment, namely how to work and where to work. While modern technologies are at the implementation stage and therefore only begin to exert on the transformational processes, Internet has been for a long time contributing the development of the so-called "economy on demand" or "platform economy". That is a new type of economy, which has essentially changed the attitude towards remote employment and its flexible forms (for example, the successful development of online

platforms Uber, AirBnB, TaskRabbit, etc.) [3]. Thus, increased competition between employers, their mobility and flexibility is provided by modern technologies, have led to the emergence of new, non-standard forms of employment. One of them is freelance employment which is common in Ukraine as well as in other countries.

At the moment there is no clear definition of the freelance employment in the Ukrainian legislation. Thus it might be a mistake to consider the legal recognition of remote employed workers as an ultimate solution of the problem, which concerns insufficient legal regulation of freelance employment. The changes in labor legislation on remote employment are definitely positive, but the freelance employment still needs additional legal solutions.

The emergence and development of non-standard employment forms resulted in blurring differences between self-employment and wage labor. It terms in different adjectives, for example “fake”, “false“, “sham“, “dependent“, “misclassified“ and “bogus“ self-employment. This has led to the formation of the so-called “gray area” of employment, which includes employees who consider themselves as independent executors, but they are not independent. "Dependent" self-employment means the provision of certain services to a customer using a civil law agreement [4].

We have determined that freelancers, as a rule, do not hire employees, because of the importance of freelancers' personal brand allowing them to find customers. Concerning the classification signs of real self-employment may include the following: capability to hire employees; making strategic business decisions; existence of several customers. According to international statistics, more than 80% of freelancers work on several (two or three) projects simultaneously. It implies that they work for several clients at the same time [1]. Theoretically, a freelancer has the capability to hire employees, because he or she must be registered as an entrepreneur in order to carry out his or her activities transparently. However, as noted above, freelancers often work independently, at least in Ukraine, where 45.5% of the total number of freelancers work on their projects alone and 44.9% of freelancers use the help of colleagues in single cases [2]. A freelancer looks for the customer independently through freelance exchanges or social networks. He or she may agree or refuse to sign the contract and

carry out the proposed work. Thus, the definition of "freelancer" requires supplementing: **a freelancer may be considered as** a person who provides one-time temporary services to one client or several clients simultaneously on the basis of a civil law transaction. He or she may do it alone or together with hired employees. A freelancer chooses independently the directions of his or her activity as well as tasks, place and time of work. He or she receives payment for the result of their work. If all of the above-mentioned factors are true for a particular person, that person is self-employed and can be identified as a freelancer.

Analysis shows that freelancing and remote employment have a few essential common features, i.e. the ability to work outside the office and the lack of needs to be a part of the team. The most fundamental difference is that **distance employment is regulated by the labor market** legislation, while **freelancing provides an autonomous market** for self-employed subjects. Due to the nature of freelancing it is impossible to regulate it by means of the legislation that is appropriate in the case of distance employment. But it's appropriate in the case of remote employment.

The problem of legalizing freelance environment is generated by the quick development of the labour market of non-standard employment. They are relevant for all countries in the world. Let us consider the experience of the European countries and the United States in context of the identified problems.

After analyzing the examples of freelance regulation in several countries of Europe and the USA, we have concluded that in most countries the regulation is carried out through Trade Unions. The legislative acts that are used in particular countries do not provide convenient working conditions for freelancers to full extent.

Taking into account the system of state regulation in Ukraine and the proposals of freelancers concerning regulation of their activities, as well as foreign experience, our recommendations are as follows: initiate the creation of the Law "On the activities of freelancers", which has to determine the legal, economic and organizational basis of their activities, as well as guarantees for the protection of their rights. Also it must develop a system of indicators for assessing the situation on the freelance market at the state level.

So the strategically important goal of creating comfortable working conditions for freelancers coincides with the more comprehensive goal of transformations in the state, namely creating the favorable environment for business development in order to improve the living standard and employee satisfaction.

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СОЦІАЛЬНИЙ ІНЖИНІРИНГ В УПРАВЛІННІ ЛЮДСЬКИМИ РЕСУРСАМИ

Соціальний інжиніринг – це діяльність, об’єктом якої є людська поведінка та фактори, що на неї впливають; вона здійснюється з метою виявлення причин, обставин та середовища, що впливають на формування на формування ціннісно-мотиваційного профілю особистості, і як наслідок, моделюють її поведінку в тій чи іншій життєвій ситуації. Специфіка соціального інжинірингу впливати на