# PRECARIOUS WORK: LEGISLATIVE CHALLENGES

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***Abstract***

*The article aims to briefly review some of the key theoretical aspects of precarious work in Romania, starting from the analysis of the factual situation existing at the moment. We will also analyze official statistical information, in relation to European legislation, highlighting the usefulness and weaknesses in the phenomenon of precarious work and its dynamics over time. Last but not least, we will enumerate the legal, quasi-illegal and illegal forms of precarious work in today's Romania (identification, formal description and a brief discussion of socio-economic implications), as well as legislative lacunae existing at this time. Finally, we will refer to case studies that illustrate every form of precarious work analyzed in this article, with reference to both domestic and European legislation: e.g. poor work in the rural population, precarious work through pricing of atypical contracts, precarious work as a fake form of individual labor contract, "domestic" workers, etc.*

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***JEL Classification:*** K31

## 1. Theoretical aspects of precarious work

Over the past 20 years, international literature has given special attention to atypical forms of work. Non-standard work concepts, atypical work, self employed, informal work have begun to be used in scientific articles on the social and economic consequences of labor market flexibility in the 1970s and 1980s.

Precarious work is not an atypical form of work, in legal terms or a specific aspect of the employment relationship, but rather is a mix of factors, a factual situation of workers.

Precarious work can be described as depending on a person's desire/intention, it is up to some circumstances beyond the ability of a person to control them, but it is unsafe, unstable, unpredictable, dangerous, changing, virtually lacking any stability and work security.

Some legal forms of work are more exposed, by their nature, to a certain risk or uncertainty (such as atypical forms of work, non-standard labor contracts, subcontracting, etc.), even the workers in a classical employment contract can sometimes find themselves in precarious situations, therefore the definition of precarious work differs from one state to another, depending on the economic reality, the actual situation, etc.

Basically, precarious work is the opposite of any decent form of work, as defined by an individual labor contract.

The International Labor Organization's report on precarious work concludes that there are some common characteristics of this type of work: "in the most general sense, precarious work is a means for employers to shift risks and responsibilities on the workers."[2] Amanda Latinne points out that even cooperatives (where there should be no worker employer conflict of interest) follow a general trend of neo liberalism in the sense of a huge flexibility in terms of employee-employer relationship.[3]

Another important observation is that precarious work is an instrument to influence competition between precarious workers and standard employees, meaning that the standard work conditions of employees are becoming more and more precarious.

Since the 1970s and 1980s, with the neoliberal ideology, labor pressure has also begun to push the labor market into a more flexible market, even to lower the level of workers' rights.[4]

Under these conditions, the worker's rights protected have gradually been degraded and destroyed, meaning:

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[2] ILO, *Policies and regulations to combat precarious employment*, Geneva, 2011.

[3] Latinne A., *The Mondragon Cooperatives*, Intersentia, Cambridge-Antwerp-Portland 2014, p. 124-125.

[4] Buelens J, Pearson J, *Standard Work: An Anachronism?*, Intersentia, Cambridge-Antwerp-Portland, 2012, p. 3-5.

- introducing different forms of flexible work, but actually precarious work;
- not respecting employees' rights in practice;
- contractual regulation of factual situations that go beyond the scope of work;
- legislative reforms in the field of labor law that regulates less favorable situations for employees.

All these aspects represent a tremendous pressure on the employee in terms of his rights and the conflict of interest between the classical and the precarious employee.

Essential in terms of precarious workers is that they are not organized, they do not have a Trade Union or a collective bargaining, and this is still a consequence of precariousness.

However, it is necessary to understand that the phenomenon of precarious work is not new, with the development of the labor market, various forms of precarious work appeared, as a result of the economic reality (much more dynamic than the legislative framework): e.g. home work, gardener, housekeeping, "handy man", people used to promote clubs, discotheques, restaurants or various travel sites, street ticket vendors, online work in extremely diverse forms,

In fact, precarious work and precarious work conditions have always reflected and will always reflect a gap in labor law, a gap regarding practical application of labor law and a gap regarding the social security system for the protection of people who are not employed.

## 2. Precarious work in Romania

### 2.1. Theoretical aspects of precarious work

The social and economic changes that Romania has experienced over the past 25 years, as well as the global economic situation, have led to a transformation of the labor market by moving from a general standardized domain during the socialist period to a complex market in terms of contract, characterized by the emergence of informality.

Currently, the analysis of monetary indicators (poverty rate, average income equivalent) and non-monetary measures of poverty demonstrates Romania's precarious state compared to the European average.

The share of non-standard contracts is relatively small compared to other European countries that have a tradition of promoting legislation in flexible work. In Romania, involvement in informal or quasi-formal[5] activities is common, especially for the low-skilled, for the economically vulnerable population, for the unemployed who prefer to remain unemployed and social assistants (social assistance, disability or medical pensions).

Involvement of the population in the informal economy area makes it difficult to include them, from a methodological point of view, in official statistics. Official data refers, first of all, to regularized phenomena: standard contracts, declared unemployed and allowances. However, informal work is often hidden by inactivity (large share of households) or self-employment.

### 2.2. Legislative aspects of precarious work

As far as the Romanian legislation is concerned, we find that precarious work does not benefit from a specific definition or approach, being limited to certain aspects of it in a dispersed and partial way. In the European perspective, the fight against precarious work does not specifically address certain aspects, but is dedicated to the overall goal of providing the employee with decent working and living conditions. Romanian legislation on the other hand punctually affects certain aspects of precarious work, but does not consistently pursue specific protection measures.

What is relevant here is how in August 2017 the labour law was amended in the sense of regulating, for the first time in history, precarious work. It must be underlined that the legislative

[5] The employee receives two salaries, one declared tax and a black addition. It is also called "envelope wages" - salary in the envelope.

amendment, aside from the novelty it brings, regulates a single aspect of precariousness: undeclared work.

The history of this legislative "adventure" begins in 2012, with the promotion of Law no. 187 of October 24, 2012 (for implementation of Law no. 286/2009 on the Criminal Code), by which new crimes were included as regards the use of work off the books. According to art. 127 par. 2 and par. 3 of Law no. 187/2012 the Labour Code is amended, art. 264 and art. 265 stipulating that:

"Art. 264 ...

(4) It is a crime and it is sanctioned with prison from 3 months to 2 years or with fine, the receipt of work by more than 5 persons, regardless of their nationality, without signing an individual employment contract.

Art. 265 ...

(2) The punishment set forth in art. 264 par. (4) is used to sanction the receipt of the work of a person who is in illegal stay in Romania, knowing that this is the victim of person trafficking.

(3) If the work provided by the persons set forth in par. (2) or art. 264 par. (4) might threaten the life, integrity or health, the punishment is 6 months to 3 years in prison."

These legal amendments, although they are limited, were the first measures of protection of the employee against the use of labour force ("off the books") with the real potential of reaching its target, although in 2012 there is still no definition of undeclared labour. The first limitation of the law consists of the fact that the measure does not target the punishment of all forms of undeclared labour, but only the most serious of them, in which there is no employment contract signed, removing from the scope of application the case of fraudulent declaration of work (in particular when there is an employment contract but either it is not declared at the real level of the wage revenues, of the real number of hours of work or although the contract is suspended the work continues to be provided). Another limitation is the one that restricts the scope of the crime to employment without legal documentation to at least 6 persons.

Another form of crime is only in the case of foreigners, victims of international human trafficking, paradoxically not applying to the Romanians who are in this situation. According to art. 210 of the Criminal Code regulating the human trafficking crime, the cross-border nature of the crime is not a constitutive element, strictly national and international traffic being possible. Therefore, it is simply amazing how Romanians are not excluded from the scope of protection of this provision. Fortunately, the aggravating form of the crime applies to Romanians and to foreigners if the work threatens their life, integrity or health.

The government explains in the political statements made in 2012 that its priority is to fight tax evasion and to increase the revenues to the state budget, this measure focussing on the collection of contributions to pension, health funds and the collection of the relevant taxes. From this perspective, we can conclude that the protection of employees was rather circumstantial, in the hope of increasing the revenues to the budget and of stabilizing the economy after the economic crisis that began in 2008.

Not even five years since the entry into force of the amended form of the articles 264 and 265 of the Labour Code, the Government of Romania, by Emergency Ordinance no. 53 of 2017, notes[6]

[6] See the motivation of the urgency in the introduction to GEO no. 53/2017: "Undeclared work is a very serious phenomenon that society faces, with negative consequences on the worker, and on the state budget, which takes various forms, by not declaring to the authorities the entire activity of the employee, and by partially declaring his/her activity. The Romanian law does not provide a definition of undeclared work, currently, the Labour Code sanctions only the admission to work of a person without signing an individual employment contract before beginning the activity, but not other forms of undeclared work. In this context, the national law must be adjusted to the new challenges that the authorities face in their aim to prevent and tackle this phenomenon, including by regulating the situations representing undeclared work, a regulation without which these deeds could not be sanctioned. While exercising the control activity, the labour inspectors identified many situations in which employers used more than 5 persons, without signing an individual employment contract, subject to art. 264 of Law no. 53/2003 – Labour Code, republished, as amended, and engaging the criminal liability of the employers. From the analysis of the resolution of these criminal files, in almost all cases, the criminal research authority and the court of law have adopted solutions of non-pursuit of criminal prosecution or of settlement, as applicable, due to the absence of the social threat of the deed. Therefore, the impact of establishing as crime the deed of receiving to work more than 5 persons without an individual employment contract was not expected, which led to the non-application of the

that undeclared labour is not defined legally, that the application of art. 264/265 of the Labour Code was a failure and therefore decides to remove the frail protection of employees entirely, by removing from the criminal sphere the use of labour off the books with at least 6 employees and transferring it in the field of contravention. Instead of remedying the deficiencies found and continuing in the direction shown by the Parliament, the Government opted for a relaxation of the protection measures.

If in 2012, one of the forms of undeclared work was incriminated without being defined as such, in 2017, the opposite happens: the crime introduced in 2012 will be decriminalized and the definition of undeclared work will be inserted in the Labour Code. However, only the crime set forth in art. 264 of the Labour Code was decriminalized, foreigners continuing to be protected according to art. 265 par. 2.

Also, we cannot fail to observe the legislative non-correlation between the Government Emergency Ordinance (GEO) no. 53/2017 and the Labour Code. According to art. 10 of the emergency ordinance, article 264 par. (4) of the Labour Code is abrogated, but art. 265 par. (3) of the Labour Code was not amended. By reading art. 265 par. (3), we note that this continues to refer to art. 264 par. (4), which no longer exists. „(3) If the work provided by the persons set forth in par. (2) or in art. 264 par. (4) can threaten the life, integrity or health, the punishment is 6 months to 3 years in prison." Therefore, the question arises whether the Romanians employed "off the books" are still protected or not by the criminal law when the work they provide threatens their life, integrity or health. Considering the criminal requirements that require predictability and clarity in the description of the content of the crime our opinion is that this crime is decriminalized as far as Romanians are concerned. If only the text in force is read – because it is not permitted otherwise, we can see that the reference to the persons set forth in art. 264 par. (4) is an empty reference. A person cannot be convicted by referring to abrogated texts, arguing that the crime is stipulated by corroborating a partial text in force and an abrogated text. Nor art. 265 par. (5) that provides for reparations is correlated, by referring also to art. 264 par. (4). These glitches are the more surprising as art. 265 par. (2) was correlated with the abrogation of art. 264, by receiving a new adapted formulation.

The only benefit brought by GEO no. 53/2017 was the first-time introduction of the definition of undeclared labour, that according to art. $15^1$ of the Labour Code means:

„a) the receipt to work of a person without signing the individual employment contract in a written form, on the day prior to the commencement of the activity;

b) the receipt to work of a person without sending the labour report to the general registry of employees the latest on the day prior to the commencement of the activity;

c) the receipt to work of an employee when the employee has a suspended individual employment contract;

d) the receipt to work of an employee outside the working hours set in the part-time individual employment agreement".

Analysing art. $15^1$ of the Labour Code, a few mentions must be made. The precarious work is defined by the following factors:

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regulation and a discrimination among employers who were sanctioned within the maximum limit of the fine regulated by the provisions of art. 260 par. (1) lett. e), respectively up to 100,000 lei for 5 persons identified without an employment contract, and employers in the situation regulated by art. 264 par. (4), who, after analysing the deed from a criminal perspective, they are sanctioned with a possible administrative fine, whose value is extremely low (500-1,000 lei). In the period 2016-June 2017, territorial labour inspectorates alerted the criminal investigation authorities with 349 deeds of work provided by more than 5 persons without concluding an individual employment contract, in more than 90% of the cases of settlement sent to the inspectorate the measure of non-prosecution or termination of the criminal prosecution being adopted. The disincentive effect of the criminal sanction was ineffective, in the vast majority of the cases, the instrumentation of the criminal file has consequences contrary to the regulatory intention, and the costs for the judgment of the criminal case were incurred by the state. Therefore, for streamlining the control activity for fighting undeclared labor, and for a more clear definition of the regime of sanctioning undeclared labour by Law no. 53/2003 – Labour Code, republished, as amended, by amending the sanctioning regime of this deed, in the sense of removing the limit of 5 persons currently set by the Labour Code for considering the deed a contravention, the regulations proposed must be enforced urgently."

- in the case of letter a), the most serious of the 4 forms of undeclared work, the precariousness consists of the absence of any legal protection for the employee, who does not even have a proof that he/she is in an employment relationship. He/she is derived from any protection from the point of view of labour protection, does not benefit of health insurance, does not contribute to the pension fund, he/she is practically exposed to any risk;

- in the second case, the precariousness consists of the fact that since he/she is not declared in the registry of employees, the employee is practically clandestine in the records of the state risking to be deprived of a health insurance, pension etc. in exchange, there is an employment contract, this can prove the capacity of employee in relation to the employer, by invoking the provisions of the Labour Code in its favour;

- the third case of undeclared labour is similar to the first case, since in this case the work is clandestine, not being taken into account at the stages of remuneration in the public insurance systems; in case of a labour accident, the employee will not benefit of medical leave;

- the last case of undeclared labour also brings many aspects of precariousness; aside from the fact that the employee does not benefit from a full contribution to the public pension system, he/she is practically forced to provide additional work although this is forbidden for part-time work [art. 105 par. (1) lett. c) of the Labour Code]; the reasoning of the Labour Code is clear – the contractual part-time must be real, if additional work is required the employment contract needs to be adjusted.

The breach of these provisions is sanctioned with heavy fines. The novelty in this field is the right of the labour inspector to decide on the termination of the activity at the organized workplace until when the employer pays the counter-value of the fine and remedies all the deficiencies found: „by signing the individual employment contract, the transmission of the employment relationship in the general registry of employees or, as applicable, the termination of the suspension of the individual employment contract and the establishment and settlement of the social contributions and income tax for the wage income earned by the worker during the period of provision of the undeclared activity”[7]. However, this sanction is not stipulated for provision of overtime in a part-time contract, only for the cases set forth in art. 260 para. (1) lett. e)-e[2]).

Another regulation of precarious work is Law no. 81/2018 regarding telework.

The basis for adopting the normative act is the European Framework Agreement on Telework, concluded between the social partners in Brussels in 2002.

As far as this agreement is concerned, Romania was one of the few European countries that did not benefit from telecommunication regulation, although since 2002, an agreement has been reached between the sons and the employers.

The adopted law, although it does not provide a list of activities in which the telework is possible, is addressed to persons who carry out activities and professions whose activity is not strictly related to the employer's office, such as: brokers, sales agents, employees involved in the activity social media of companies, analysts, programmers, IT, accountants and financial and tax consultants, translators etc.

The Law on the regulation of the telework activity stipulates the ways of carrying out the activity by the employee in the telework regime, applying only to the fields of activity in which it is possible to work in such a regime.

Thus, according to art. 2 in conjunction with Article 3 paragraph 1 of the Law on the regulation of telework, TELEWORK represents the form of work organization in which an activity that could be performed within the work place organized by the employer is performed by an employee, from distance from this location, on a regular and voluntary basis, at least one day per month, using information and communication technology, based on an individual employment contract or an addendum to it.

Under these circumstances, the essence of the telework contract is that the work is done at least one day per month, outside the workplace organized by the employer, using the means of information technology and communication.

[7] See art. 260 para. (4) and (5) of the Labour Code.

The initial draft law on the regulation of teleworking activity limits the work to the sphere of employees with a full-time individual labor contract, being exempted from the application of the teleworking scheme with the fractions of the norm.[8]

However, from a conceptual point of view, Law 81/2018 regarding telework shows a number of differences in relation to other legal systems.

For example, „the Hungarian legal system defines Telework as being the activity performed on a regular basis in a place other than that of the employer and not belonging to the latter, by computer or other means of information, the product being sent by electronic means.

In Lithuania, under a private telework contract, a teleshop can perform job duties in places other than the employer's premises by using the computer and the internet.

By adopting the provisions of the European Framework Agreement in this field, telework is defined in Luxembourg as a special form of organizing or executing tasks in the context of a contract of employment using information and communication technology to exercise outside the employer's place of employment and in particular at the place of residence of the employee which she could have provided at the employer's premises"[9].

Returning to the internal regulation, however, from the analysis of art. 2 of the Law 81/2018 regarding the hypothesis in which the work is carried out by the employee outside the unit "on a regular and voluntary basis, using the information and communication technology" it results that it is not excluded the possibility that the activity will be carried out at the headquarters unit. In fact, the only condition imposed by the law is only a minimal limit in which the activity can be carried out under teleworking, namely one day per month.

Prior to the entry into force of Law 81/2018, the legal means by which an employee could work elsewhere than the place for this purpose by the employer were through the work at home, or by posting or delegating, or even by signing a mobility clause.

Deputy and delegation institutions, as opposed to telework contract or even to the home work contract, are legal instruments which are at the disposal of the employer, representing, as stipulated by Article 42 of the Labor Code, ways of unilaterally changing the employer's place of employment work, being unilateral legal acts. The essence of these two institutions is that workplace change is done for a determined period of time.

On the one hand, on the one hand, both telework contract and the home work contract, the placement clause is based on the will of the employer and the employee and, on the other hand, the two contracts can be concluded for both the determined duration and the indefinite duration.

An important aspect of Law 81/2018 on the regulation of telework, which requires some clarification, is the workplace, which is not one organized by the employer, but is one agreed by the parties in the individual labor contract.

Work is not done at the employer's headquarters or at any of its workplaces, not even at a place indicated by the employer, but is done in a space chosen by the employee, who may or may not be his own home. But the place where the telework is carried out must be agreed by the parties.

Article 5, paragraph 2 of Law 81/2018 on the regulation of telework establishes that in the employment contract it is necessary to specify precisely which are the "places of the activity agreed by the parties", as well as the "time interval" in which the telework is carried out and in within which the employer is entitled to check the activity of the teleworkers, as well as the way of highlighting the hours worked by the staff.

In practice, there will be problems with the identification of overtime, because the record of the hours worked is difficult.

We can not fail to observe the approaches of other states in the field of telework, compared to the internal provisions regulated by Law 81/2018.

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[8] What was more restrictive in relation to the provisions of the European Telephony Framework Agreement 2002, which defines telemunca as "a form of organization and / or work that could be equally carried out in the employer's premises - is done on a regular basis, outside of them" (Alexandru Ticlea *Tratat de dreptul muncii. Legislatie. Doctrina. Jurisprudenta.* Ed. Universul Juridic, Bucharest, 2016).

[9] Raluca Dimitriu, Mihaela Marica, *Telemunca. Avantaje. Dezavantaje. Optimizare cost*, Rentrop & Straton, 2018.

Thus, in Belgium, it is necessary for the employer "to bear the costs associated with the telework and to equate the number of hours of the telesales by reference to the number of hours of the employees who are working at the employer's headquarters."[10]

In Italy, telesales benefit from the same opportunities to develop and promote their professional career and are entitled to specific technical and organizational skills.

In conclusion, it should be emphasized that the field of salary and professional promotion of teleworkers is a subjective and sensitive one, meaning, as it has already been emphasized in the articles on this subject, it is obligatory to specify in law the equality of treatment in the field of payroll between the two spheres of employees.

As regards the employer's obligations in a telework contract, art. 7 of the same normative act regulates his obligation to observe the norms and instructions regarding the health and safety at work of teleworker at the places of telecommunication activity.

The place of telework can be used only after the employer has expressed his agreement on its use from the point of view of safety and health at work, which implies an assessment of these jobs. Explaining the employer's agreement in the absence of this assessment stage may expose it to high risks for the employer in the event of an accident at work.

On the other hand, the employee may refuse the access of the employer's representatives, trade unions and control authorities to the place where the activity takes place, if it coincides with his or her domicile, which makes any control action a priori a priori.

All these aspects will be complemented by the normative framework in the field, respectively the provisions of Law 319/2006 on safety and health at work.

It is clear from the wording of Article 7 letter a) of the Law 81/2018 that the obligation to provide means of information technology is not exclusive to the employer, so that the parties may agree that the teleworker uses its own equipment.

With regard to the latter hypothesis, it must be underlined that the employer may be exposed to the risk of non-compliance with confidentiality obligations.

Last but not least, it is necessary to analyze the intention of the legislator who regulated the legal regime of the individual telework contract, distinct from that of the Labor Code, because the telework contract is nothing more than a species of the individual labor contract.

For all the reasons that proceed, the telework policy option adopted by the legislator is in line with European legislation, responding to the needs and demands of the labor market.

However, the application of teleworking legislation will raise practical problems, particularly with regard to the compatibility of telecommunication workplace with normative safety and health requirements. Also in practice there will be difficulties in highlighting the hours provided by teleworkers and the checks carried out by the representatives of the competent authorities, especially if the teleworker's choice will be his home.

### 3. Case study: the recent economic crisis and other situations of precarious work

The economic crisis has hit even worse workers, as the employers' structure has changed, with fewer "standard" employees and more "flexible" employees, i.e. precarious, freelancers, etc.

Moreover, the legislative lacunae at the European Parliament's level of labor law have further influenced the rise of labor market instability and the encouragement of precarious work.

Worldwide, let's take the example of the TTIP negotiations. It is usually presented as a reconciliation of the conflicts of iterations between Europe and the USA. In any case, the TTIP is just an attempt to regulate and apply neoliberal rules in the globalized world by ensuring and protecting international labor rights, ensuring a non-conflictual climate and clear work standards in an attempt to minimize costs and competition in the workplace.

It is supposed to help boost economic growth and create new jobs, but even the employee's social rights and social security are considered to be "obstacles" in the labor market.

[10] *Idem*.

Such an approach does not bring any sort of solution to current problems, and the economic crisis is just an excuse to introduce new "neoliberal" measures.

Another "approach" on precarious work was analyzed in The Hague in April 2018 when it was concluded that a form of precarious work is also represented by false labor contracts in the case of so-called freelancers, employees on own account, etc. ... all forms of work aimed at circumventing tax provisions on taxes.

In the Netherlands, for example, there is a rapid increase in precarious work, which includes the concepts of "self-employed", "flexible work, so-called work on call = in need" that has the weakest social and legal protection.

In this sense, the European Parliament adopted the definition of work supplied by the International Labour Organization, calling on the Member States to take into account the following indicators to determine the existence of an employment relationship:

- "work is carried out according to the instructions and under the control of another party;
- it involves the integration of the worker in the organization of the enterprise;
- it is performed solely or mainly for the benefit of another person;
- it must be carried out personally by the worker;
- it is carried out within specific working hours or at a job specified or agreed by the party requesting the work;
- it is of a particular duration and has a certain continuity;
- it requires the worker's availability or involves the provision of tools, materials and machinery by the party requesting the work;
- the worker is paid a periodic remuneration that constitutes his or her sole or principal source of income, and there may also be provision of payment in kind such as food, lodging or transport;
- the worker has entitlements such as weekly rest periods and annual holidays"[11];

Starting from these criteria, the European Parliament defined precarious work as "employment which does not comply with EU, international and national standards and laws and/or does not provide sufficient resources for a decent life or adequate social protection;" noting that "the risk of precariousness is dependent on the type of contract but also on the following factors:

- little or no job security owing to the non-permanent nature of the work, as in involuntary and often marginal part-time contracts, and, in some Member States, unclear working hours and duties that change owing to on-demand work;
- rudimentary protection from dismissal and lack of sufficient social protection in case of dismissal;
- insufficient remuneration for a decent living;
- no or limited social protection rights or benefits;
- no or limited protection against any form of discrimination;
- no or limited prospects for advancement in the labour market or career development and training;
- a low level of collective rights and limited right to collective representation;
- a working environment that fails to meet minimum health and safety standards."

This way it was promoted the first definition at European level of precarious work, which although is not mandatory for Member States, it has the power of an official recommendation from the European Union, that will surely serve as a starting point for future EU regulations.

As we have shown in point 2 of this paper, Romania has managed to regulate only a few aspects of precarious work, but without succeeding to attain at this point at least a legislative framework on precarious work.

In fact, the practical objective of this article is to identify the main patterns of precarious work in Romania:

[11] See art. I point 1 of the European Parliament Resolution (2016/2221(INI)).

- to what extent is the employment in atypical forms of work (without standard labor contract) a personal option?
- what are the main occupational patterns in the rural community for example?
- what are the occupational perspectives and the chances of employment?
- is there a need for poverty and social problems?

Another practical point that we want to focus on is: the analysis of a rural community, located at km away from the capital, above the poverty line but with multiple vulnerabilities.

In the cases included in the analysis, from the employment point of view, one can talk about a pattern of survival, in terms of work and occupations. The cases of standard labor contracts are extremely rare. People aged between 18 and 64 appear to be the most economically vulnerable, either un employed, domestic, or involved in precarious economic activities, without employment contracts, or working day-to-day or involved in subsistence farming[12].

The category of domestic women is very well represented in the statistical data in Romania. Many women choose to care for their families in the absence of social services that can help them with their little ones. Also, rural areas do not offer too many occupational opportunities for young mothers or people who need extra time to care for their family or children. While in the environment we urge job offer is higher, in rural areas it is extremely low.

Thus, as the study "The Special Eurobarometer on undeclared work" (European Commission 2007) shows, the most frequently encountered areas where people included in the research group are illegal labors: construction and provision of services in other households. Work is often carried out under the dignity regime, with extremely low incomes and unsuccessful employment. It is a compromise solution that calls for a population without any chance of finding a permanent job and implicitly other sources of income.

In Romania, illegal labor, early retirement, migration or subsistence agriculture are the main alternative employment strategies. The lack of any job offer leads to alternative solutions, often to unsafe and lacking perspectives. All these unlawful activities are the source of vulnerability, not providing security for medical, social or pension insurance.

## Bibliography

1. Alexandru Ticlea *Tratat de dreptul muncii. Legislatie. Doctrina. Jurisprudenta*. Ed. Universul Juridic, Bucharest, 2016.
2. Ana Maria Preoteasa, *Munca Precara, Solutie pentru populatia vulnerabila din mediul rulal. Rezultate dintr-o cercetare calitativa*, „Calitatea Vieții", XXVI, no. 1, 2015, p. 36–59.
3. Buelens J, Pearson J, *Standard Work: An Anachronism?*, Intersentia, Cambridge-Antwerp-Portland, 2012.
4. Latinne A., *The Mondragon Cooperatives*, Intersentia, Cambridge-Antwerp-Portland 2014.
5. Raluca Dimitriu, Mihaela Marica, *Telemunca. Avantaje. Dezavantaje. Optimizare cost*, Rentrop & Straton, 2018.
6. ILO, *Policies and regulations to combat precarious employment*, Geneva, 2011.

[12] Ana Maria Preoteasa, *Munca Precara, Solutie pentru populatia vulnerabila din mediul rulal. Rezultate dintr-o cercetare calitativa*, „Calitatea Vieții", XXVI, no. 1, 2015, p. 36–59.