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The Impact Of Digitization Of The Economy On The Transformation Of Working Conditions

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Abstract

The scientific article carried out a content analysis of the concept of "digitalization", identified a number of approaches to its definition, and formulated its own vision of its content. New forms of atypical and borrowed labor, determined by the dynamic processes of digitization of the modern economy and the world labor market, have been revealed. The expediency of carrying out the relevant reform, which should ensure the representation of existing labor relations, provide opportunities for the further development of non-typical forms of employment –outsourcing, outstaffing and crowdsourcing – is substantiated. In particular, arguments are given regarding the normalization of non-typical forms of employment in labor legislation, the definition of rights and obligations when concluding relevant types of contracts, the establishment of provisions for protection and social guarantees for employees involved in employment relationships in this format. A conclusion was made about the expediency of developing an effective sectoral mechanism for ensuring the labor rights, freedoms and interests of employers and subjects involved in the process of performing works, providing relevant services, etc.

Keywords: digitalization of the economy, working conditions, outsourcing, outstaffing, crowdsourcing, freelancing.

Introduction

In the conditions of the new economy, during fierce competition, rapid aging of technologies, professions, ideas, penetration of the Internet into all parts of the economy, digitalization has reached a new level of importance for business organizations. Digitization, which is positioned as a qualitatively new type of information and telecommunication technologies that cover and change all spheres of modern industrial and social life, although it is in the process of formation, already today has a powerful potential, which provides a chance for achievements both by companies and countries in leading positions in key areas of socio-economic development (Zhosan, 2020, p. 44).

Modern globalized society forms the world labor market, in which the trend of digitalization of labor relations is clearly illuminated. The transition to the digital economy will transform the social and labor sphere, the labor market and employment, the labor process and the nature of labor, the value of labor, the organization and management of labor, etc. Under the influence of the development of digital technologies, there is a spread of new forms of work, organizational and legal methods and conditions for the use of intellectual work, which are characterized by the absence or modification of one or more features of classical labor relations; transformation of the idea of the workplace in the usual understanding of this element of work organization; the possibility of using such a work schedule, which makes it possible to optimize the working time of the employee. The specified processes undoubtedly influence and determine the quality of the working life of the employed population.

At the same time, new challenges and dangers caused by key trends in the global and national economies create new risks and threats. Involvement of the potential of modern digital technologies opens up new opportunities for improving the quality of working life. New technological processes, the robotization of a number of business processes, the introduction of blockchain technologies and the development of neural networks change the structure and character of employment, which becomes a source of new jobs, but at the same time destroys traditional jobs; creates opportunities to optimize working hours, flexible working hours, but may be accompanied by irregular working hours. Challenges of digitalization in the field of work are new requirements for the quality of the workforce, blurring of boundaries between working time and rest, disruption of the life balance of working people, reduction of social protection. The issues of digital security of participants in social and labor relations in the digital space are gaining special relevance.

A new global challenge for the social and labor sphere in the context of the transition to the digital economy was the COVID-19 pandemic, and later – the war on the territory of Ukraine, which caused: an increase in the unemployment rate, hidden unemployment (leaves without salary), a drop in the level of social protection, impoverishment of the population and deterioration of the quality of human capital due to the loss of qualifications of a part of the workforce, a decrease in the economic activity of self-employed persons, the growth of the digital divide between remote workers, and others. At the same time, such global changes in society became a catalyst for the acceleration of the digital transformation of the labor sphere and the spread of digital forms of employment.

That is why, in order to ensure sustainable development adequate to today's working conditions, it is important to create new and significantly update the existing mechanisms for ensuring the quality of working life in all its key parameters – from safety at the workplace to social protection and collective representation of the interests of platform, digital, remote employment workers, which has recently been growing rapidly in the world.

Therefore, the purpose of the scientific article is to clarify the essence of the concept of "digitalization" and, based on the analysis of the current state of development of forms of employment in Ukraine, caused by the dynamic processes of digitalization, to determine the main directions of legislative regulation of the specified labor relations.

1. Methodology of the study

General and special methods of scientific knowledge were used to achieve the goal of scientific publication. The research is based on systemic, synergistic and programmatic approaches, as well as a set of methods that ensure their implementation, namely: factor analysis, synthesis and abstraction (during the study of the essence of digitalization and its impact on the transformation of working conditions; logical generalization (to reveal modern non-standard forms of labor relations); induction, deduction, systemic and dialectical analyzes (for the purpose of researching the peculiarities of the legislative regulation of the legal relations of labor law subjects in the conditions of digitalization of the economy); grouping, modeling and forecasting (for the purpose of substantiating the concept of the development of socio-economic and labor sphere in modern conditions of dynamic development of digital technologies, as well as for theoretical generalization of research provisions and formulation of its conclusions and proposals

for improving the system of state regulation in this sphere).

2. Analysis of recent research

In Ukraine, the problems of the digitalization of the economy and society, the development of the social and labor sphere in the conditions of the formation of a new economy, global challenges and risks of digitalization, the spread of flexible forms of employment, are actively studied by many scientists, and the specified problems are developed from the positions of an interdisciplinary approach – by domestic economists, lawyers, sociologists, specialists in public administration, social communications, etc.

Despite the presence of numerous works and a wide range of researched issues, certain problems of choosing optimal directions for the development of labor relations in the conditions of digital transformations remain incompletely resolved. In addition, foreign studies do not reveal the specifics of Ukraine in the specified context, and Ukrainian ones, in a certain sense, lack focus on aspects of the formation of a new quality of working life precisely in the conditions of digitalization of social life. In addition, the issues of qualitative transformational changes in the social and labor sphere in Ukraine in the context of digitalization of the economy, identification of risks and threats, as well as new opportunities, have not received adequate coverage in scientific developments.

Thus, the problems, opportunities, prospects of changes in the quality of working life in modern conditions remain insufficiently disclosed, which actualizes the need to develop and conduct research on working conditions taking into account modern trends in the field of labor relations and employment generated by the digitalization of the economy.

3. Results and discussion

Innovative information and communication technologies significantly transform all relations in society – a new, informational one is developing in an already digital society. At the same time, distances are shortening, globalization processes are intensifying, unprecedented potential for the growth of regions is being formed.

In recent years, the field of work and employment has undergone revolutionary changes under the influence of the processes of comprehensive digitalization of virtually all spheres of social and economic life, and not only in the purely technological sphere, but also in the sphere of the emergence of new forms and types of employment, which fundamentally change the relationship between workers and employers. This creates a strong challenge to the traditional mechanisms of regulation of the sphere of labor and employment, traditional systems of social protection and representation of the interests of the parties of social and labor relations, mechanisms of development and implementation of a consistent and coordinated state policy in the sphere of labor and employment.

The term "digitalization" comes from the English word "digitalization" and means "digitization", "digitalization" or "digitalization". In a broad sense, it means the transition of the information field to digital technologies, that is, what is happening now is sometimes used to denote a specific act of converting certain information from analog to digital format for its easier further use on modern electronic devices (Lytvyn & Krupnova, 2020, p. 70). S. Tul understand the term "digitalization" as a unique modern phenomenon, caused by the development of productive forces, and at the same time as a process of large-scale changes in relations between actors (government, business and society in the representation of its individuals), which covers all spheres of social activity and takes place under by the influence of the integration of digital technologies, data and the Internet (Tul, 2019, p. 104). K. Kuprina interprets it as a method of bringing any kind of information into digital form (Kuprin & Khazanova, 2016, p. 259). G. Razumey and M. Razumey – as a process of introducing digital technologies to improve the life of a person, society and the state (Razumey G. & Razumey M., 2020, p. 141). O. Hrybinenko under the studied concept understands certain transformational processes, the use of digital technologies for business optimization and automation, increasing the level of productivity and increasing the quality of communication with consumers (Hrybinenko, 2018, p. 35).

As you can see, the mentioned points of view regarding this concept are multifaceted and, in some places, overloaded with content, which is considered quite difficult to understand. Most often, "digitalization" is used to denote the digital transformation of society and the economy. It describes the transition from the industrial age and analog technologies to the age of knowledge and creativity, characterized by digital technologies and innovation in digital business. Digitalization can be defined as a modern innovative stage of economic development, which is based on the integration of physical and digital resources in the sphere of production and consumption, in the economy and society. This stage is characterized by new methods of generating, processing, storing and transmitting information in all spheres of human activity.

Digitalization affects the labor relations between employers and employees, radically changing the organization and working conditions, the methods of hiring and firing employees, the professional structure, in connection with which a number of its positive and negative characteristics are identified in the scientific literature. Thus, the advantages of the studied process include: high level of competitiveness; reducing the level of time spent on information processing; cost savings; growing consumer loyalty; increasing the positive qualities of the company's image (Korobka, 2021, p. 91); flexibility, reactivity and individualization of products; an increase in the number of employees, which contributes to the development of the digital banking system (mobile/Internet/online banking) (Tul, 2019, p. 187); improving work-life balance, achieving greater autonomy and responsibility, etc. (Frey & Osborne, 2016, p. 272). On the other hand, the disadvantages of digitization include: the need to attract specialists with a high level of qualification in certain areas of the economy; in the case of using digital technologies, unqualified specialists can damage the image of the company; lack of stability of existing advantages (Korobka, 2021, p. 91); rapid technological transformations; high level of complexity; changes in customer preferences and legal requirements; deterioration of discipline; rising unemployment and others (Frey & Osborne, 2016, p. 272).

So, as we can see, there are two opposing camps among academics and practitioners regarding the impact of digital technologies and automation on the development of the labor market: those who believe in a happy ending, when workers displaced by technology will find new jobs, and technology will usher in a new era of prosperity ; and those who believe that technology will usher in a progressive social and political Armageddon, creating mass technological unemployment" (Schwab, 2016, p. 35).

One of the biggest potential threats to the impact of digital technologies on the labor market is rising unemployment. According to estimates by the Global Institute of McKinsey's Company, 400–800 million people (from 15% to 30% of the global workforce) will be out of work by 2030 due to the development of artificial intelligence and automation of processes (Ukraine 2030 E-country with a developed digital economy). In addition, many operations performed by workers today can be automated. According to some forecasts, by 2036, from 2 to 50% of the work expressed in man-hours may be automated, and by 2066, this share may reach from 46 to 99% (Genkin, 2023).

Today, there is a transformation of the labor market in Ukraine, which is caused both by global trends that are followed in the world labor market, and by national features of the country's economic development. The main megatrends that directly affect the formation of the Ukrainian labor market should include: the transition to the post-industrial stage of social development, which involves an increase in the number of people employed in the field of knowledge-intensive services; spread of access to digital technologies and modern means of communication, which create conditions for conducting online business and performing work remotely using non-typical methods and forms of employment; the emergence of new professions that meet the requirements of the digitized labor market; demographic shifts associated with the formation of a new generation of workforce; an increase in the number of startup companies whose activity is characterized by flexibility and adaptability to the modern business environment and is accompanied by an increase in demand for outsourcing and freelancing.

Taking into account the above and the need to conduct a study of the problems and prospects of the formation of a new quality of working life in Ukraine, it can be considered not just relevant,

but in a certain sense – urgent, since these issues directly affect the problems of development and attraction of human potential, which is the greatest value and necessary condition sustainable development in the modern world (Novikova et al., 2020, p. 207).

One of the elements of the organization of classic labor relations, which undergoes modifications in the conditions of digitalization of the economy, is the work schedule. Improvement of means of communication, growth of information flows, asymmetry of time, remoteness of the place of residence of intellectual e-workers from the main office - all these trends contribute to the spread of flexible forms of employment, such as part-time work, under the conditions flexible work schedule (flextime work), fixed-term temporary work. Therefore, a permanent work schedule as one of the elements of the organization of classic labor relations is gradually losing its importance in the modern economy.

The latest forms of work, classified according to the criterion of the employee's work schedule, are presented as follows: 1) Part-time work. Under this form of employment, the defining requirement for an e-employee is the performance of a certain amount of work, and not the duration of the working day or its specific time limits; 2) Work under the conditions of a flexible work schedule. A feature of this form of work organization is the right of an e-employee to independently determine the work schedule within the limits of the total number of working hours established by the company (during a working day, week, month). Such a system enables the enterprise to attract highly qualified personnel from different countries of the world and to work almost continuously, and for employees to adjust their work schedule depending on their own needs; 3) Temporary temporary work (work under the terms of fixed-term employment contracts). This is a form of labor organization in which an employee is hired for a certain period to perform a certain type and volume of work.

Together with the transformation of such important elements of the organization of working conditions as the workplace and work schedule, in the conditions of digitalization of the economy and the global labor market, the method of hiring employees is also undergoing significant changes. This element of the organization of labor relations is of great importance, as it determines the rights and obligations of the employer and the employee. In the conditions of the formation of the digital economy, the method of hiring employees is significantly modified, but its essence, which consists in mediating the relations of the parties to the employment contract, remains unchanged. As it is rightly noted in the literature, this makes it possible to apply an updated method of hiring employees when using borrowed labor under the conditions of outsourcing and crowdsourcing, as well as the freelance involvement of employees under the conditions of outstaffing and self-employment in the form of freelance (Tul, 2019, p. 103).

Outsourcing is a form of borrowed labor, which involves the transfer of certain types and functions of production business activity from one company to another on the basis of a contract. There are manufacturing outsourcing (production of products or their components), IT outsourcing (development, implementation and support of information systems), outsourcing of knowledge management (analytical processing of data, formation and management of knowledge bases) (Novak & Overkovsky, 2019, p. 3).

In Ukraine, outsourcing of business processes is most common, which involves the transfer of standardized current operations (for example, processing customer phone calls in specialized call centers, usually located in places with cheaper labor). Currently, a new service delivery model is being formed, which is based on the automation of cognitive processes, the Internet of Things, and digital IT management. The use of innovative outsourcing will contribute to the growth of the value of the services of those organizations that are already implementing innovative methods in their activities. The emergence of new technologies will lead to an increase in the number of outsourced employees.

In the context of compliance with social and labor legislation, outstaffing of personnel is considered a more vulnerable form of borrowed labor, which in practice often consists in the transfer of part of the full-time employees of the enterprise to the status of freelancers due to their transfer to the staff of a personnel agency. In general, outstaffing is a mechanism of

personnel selection and management based on the absence of direct legal relations (civil-legal, labor) between the customer and employees who are sent by an intermediary agency to provide certain services or carry out work at the location of the customer (Lagutina, 2015, p. 86). Under such conditions, the third-party company acts as a formal employer for the staff of the client company, ensures the management of personnel work, calculation and payment of wages, remittance of taxes, as well as compliance with legal norms on all issues of labor relations.

For the customer company, there are a number of advantages of using outstaffing, such as the ability to regulate the number of employees without losing highly qualified personnel; optimization of staff maintenance costs; the possibility of applying a simplified taxation system as a result of the reduction of staff units; use of pre-selected employees on a temporary project; effective satisfaction of temporary needs with the required number of labor resources in different companies that are part of the same freelance system (Tul, 2019, p. 104).

Crowdsourcing is a form of borrowed work, which involves the involvement of intellectual e-workers external to the company through the mediation of information technologies for the effective and efficient solution of tasks faced by business, the state, and society in general. Crowdsourcing is the transfer of some production functions to an unspecified circle of persons, solving socially significant tasks by volunteers, often coordinating their activities with the help of information technologies. In other words, it is the use of the potential of a huge number of people to solve business problems.

Increasingly, large consumer goods manufacturers are using crowdsourcing to get new ideas directly from users of corporate products with brand-loyal consumers. Crowdsourcing is used by companies working in the light and food industry, automotive industry, energy, and services (media and entertainment, finance and insurance, hotel and restaurant business).

We can claim that by implementing crowdsourcing in its activities, as a way to optimize functioning, the company can receive a number of undeniable advantages: in particular, a low-cost development tool that is quite easy to implement (using a website or social networks); the possibility of creating a global product; access to the results of the work of an unlimited audience and use of the intellectual potential of talented participants; use of non-standard sources of innovative ideas; involvement of authoritative experts.

Freelance is a type of human activity presented in the form of self-employment, which is expressed in the provision of services, mostly remotely, on the basis of a short-term contract for a certain list of works between the customer and the performer, outside the organization's staff. This is a form of self-employment that involves remote performance of a certain type of work on a freelance basis via the Internet. Accordingly, freelancers are people who provide these services (Leskova, 2017, p. 23), are self-employed and do not necessarily seek long-term cooperation with a certain employer. Freelancers can also combine two different professions, doing, for example, educational activities at the main place of work, and developing software as part of the freelance work.

Coworking is a new model of organizing people's work, in which self-employed persons (most often freelancers) with different types of employment carry out their professional activities in a single office space. It is characterized by a flexible organization of working hours, the participants of which remain independent and free.

It should be emphasized that the absence of a definition of freelancing in the national legislation causes numerous disputes in the understanding and legal regulation of relations related to it. After all, freelancing is most often equated with remote work. Despite some similarities, these concepts are fundamentally different from each other. In accordance with the changes made to the Code of Labor Laws by the Law of Ukraine dated 04.02.2021 "On Amendments to Certain Legislative Acts of Ukraine Regarding the Improvement of the Legal Regulation of Remote, Homework and Work Using Flexible Working Hours", remote and homework is performed by an employee outside the workplace or production premises, but the difference is that: a remote worker himself chooses a workplace, creates safe and harmless working conditions himself and uses information and communication technologies, while a home worker performs work at his

place of residence or in another fixed premises and uses technical means to produce products or provide services, while responsibility for proper and safe working conditions rests with the employer (Law of Ukraine No. 20, 2021).

It is worth noting that in domestic practice, the development of the institution of atypical and borrowed labor, due to the processes of digitalization, is subject to obstacles, the main problems of which remain: the imperfection of the labor legislation of Ukraine, where the norms for the use of non-standard, atypical and flexible forms of labor are improperly defined; the imperfection of mechanisms of interaction between subjects of non-standard forms of work and the problem of solving issues of contractual relationships in the social and legal sphere; inconsistency in issues related to conflict resolution and bilateral definition of rights and obligations.

In general, the sphere of non-standard employment in Ukraine has been rapidly evolving in recent years, and in a number of essential aspects it is still outside the scope of legislative regulation. Current domestic legislation currently contains only outlines of the sphere of regulation of temporary work of persons who enter into employment contracts with private employment agencies.

Under such conditions, the main task of modern labor law is the development of an effective sectoral mechanism for ensuring the labor rights, freedoms and interests of employers and subjects involved in the process of performing work, providing relevant services, etc., which, as practice shows, the Ukrainian legislator was not able to achieve completely. In particular, the recently adopted Law of Ukraine "On Stimulating the Development of the Digital Economy in Ukraine" (On Stimulating the Development of the Digital Economy in Ukraine: Law of Ukraine, 2021). The law is aimed at stimulating the development of the digital economy in Ukraine by creating favorable conditions for the development of innovative and technological businesses, attracting investments, building digital infrastructure and attracting talented workers. The specified legal document provides for the creation of special legal conditions for the IT industry. In fact, the law represents a rather interesting and meaningful attempt to create a certain virtual free economic zone with simplified rules for conducting business in the IT sphere, however, the adopted Law of Ukraine does not mention digitalization of the social and labor sphere of the national economy as a whole.

The above indicates the lack of a holistic and balanced conceptual vision regarding the development of the social and labor sphere of Ukraine in the conditions of digitalization of the economy, the formation of a new quality of working life through the provision of decent work conditions. A large number of issues and aspects do not fall into the field of view of state policy developers in this area. Therefore, we see the need for a significant update of the conceptual basis regarding the possibilities of the formation of a new quality of working life, with the aim of further defining, justifying and implementing the relevant strategic priorities, directions and mechanisms in the state regulatory socio-economic policy.

An important mechanism for the formation, actualization and implementation of state policy in the field of temporary work, as evidenced by international practice, is the functioning of labor inspection structures, whose activities in Ukraine increasingly require increased efficiency in accordance with the requirements of the International Labor Organization (Bila, 2011, p. 136). There is no doubt that in order to successfully adapt the labor market to digitalization processes, it is necessary for everyone to change: employees, companies, and the state. Employees need to constantly acquire new knowledge, learn throughout their lives, acquire new skills and experience. Companies need to implement the principles of internal marketing to build employee loyalty, search for "talents" in the organization. The state should develop the education system, introduce new teaching methods and tools, the STEM (Science, Technology, Engineering and Mathematics) education system, principles of continuous educational process. Among the essential solutions that can help avoid the problems of the impact of digitalization of the economy on the labor market can be the expansion of cooperation of employers with educational and research organizations, stimulation of investments of the private sector of the economy in human capital; analysis of opportunities and conditions for the introduction of unconditional basic income.

Conclusions

Taking into account the digitization of economic processes, the spread of the latest technologies in the field of employment (the emergence of the latest digital tools, interactive platforms and information technologies), legislation in general, and labor law in particular, faces a number of tasks, the fulfillment of which should help to rethink the meaning of the concept of labor law and its mechanism actions. The corresponding reform should ensure the representation of existing labor relations, provide opportunities for the further development of atypical forms of employment.

Digitalization of the economy has a direct impact on the transformation of working conditions: the number of employees choosing atypical forms and methods of employment, which allow remote work through the use of digital technologies, is increasing; the number of companies that use online platforms to find highly qualified employees for the implementation of business projects is increasing; a complete digital ecosystem is being formed in the labor market of Ukraine, which involves digitalization of most processes. With the help of various interactive platforms, which are tools of online employment, such atypical forms of employment as outsourcing, outstaffing and crowdsourcing are spreading, the main drawback of which is inadequate legal regulation. The Code of Labor Laws should clearly define and regulate non-typical forms of employment, define the rights and obligations when concluding such contracts, establish provisions on protection and social guarantees for the employee engaged by the method of outsourcing, outstaffing and crowdsourcing.

The analysis of the current state of digitization of the economy and its impact on the transformation of working conditions proved the absence of a systematic and balanced conceptual, strategic and tactical vision of the development of the socio-economic and labor sphere in modern conditions. The reasons for this situation are the uncertainty of many key issues that affect the state, the place of the social and labor sphere in the general social and economic system, parameters of the quality of working life, their changes in the conditions of forced digitalization of social life. Under such conditions, the main task of modern labor law is the development of an effective sectoral mechanism for ensuring the labor rights, freedoms and interests of employers and subjects involved in the process of performing works, providing relevant services, etc.

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