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# **A comparative study of the laws governing non-standard employment in various regions worldwide**



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93 Kasr El Aini Street, El Shams Tower

This summary is part of a legal research study conducted by the International Independent Institute titled “**comparative study of the laws governing non-standard employment in various regions worldwide.**” The study, published in Arabic, spans 67 pages and explores the right to employment in international conventions, the concept and categorization of non-standard employment, the factors contributing to the rise of non-standard employment, the legislative and policy frameworks governing non-standard employment across different countries, and concludes with the study's findings and recommendations.

## Introduction

Non-standard or informal employment is not a marginal issue in a world moving towards formalization, but rather a defining feature of the modern globalized economy. Non-standard employment is considered one of the key drivers of the imbalances faced by the world countries as a whole.

According to the International Labour Organization (ILO), non-standard employment constitutes approximately 50% to 75% of non-agricultural workforce in developing countries. It is recognized as a significant factor contributing to the growth and prevalence of non-standard employment in Arab countries, excluding the agricultural sector. This phenomenon is attributed to policies of openness and globalization, as well as substantial rural-to-urban migration resulting from the neglect of rural areas, particularly the agricultural sector.

The essence of the issue of non-standard employment lies in the realm of civil and economic rights, including the right to health insurance and medicine, retirement benefits, decent income, adequate housing, water and sanitation, and social protection. It also affects the right to education and training to keep abreast with the economic and technological changes. These rights are enshrined in laws and international agreements on economic and social rights, which build on the Universal Declaration of Human Rights.

The subject matter relates to the domestic laws of various jurisdictions, which differ in their recognition and enforcement of the rights of non-standard workers. The issue arises as to whether these laws provide the minimum standard of economic and social rights for non-standard workers.

The legislative advocacy model is deemed as one of the appropriate contemporary professional models for addressing the matter of non-standard employment. It entails the modification of policies and harnessing the strengths and weaknesses of decision-makers, functioning as a legal, political, and social-economic framework.

### The concept of non-standard employment

The concept of non-standard employment has been defined by the International Labour Organization (ILO) in the Conclusions concerning Decent Work and the Informal Economy at the 9th International Conference in Geneva in 2002. These conclusions specify that the term "informal economy" encompasses all economic activities carried out by workers and economic units that are not covered by all or some of the regulatory provisions, whether in legislation or in practice. The

expression "informal economy" has been endorsed by the International Labour Organization (ILO) to denote non-standard employment.

### Factors contributing to the rise of non-standard employment

Non-standard employment arises as a result of the legislation and systems employed by the state, which incentivize economic activities operating beyond the purview of formal regulatory frameworks. Such activities are considered unofficial, giving rise to non-standard employment. The burgeoning phenomenon of non-standard employment can be attributed to diverse factors. One of the primary factors is the declassification of certain positions. As labor market restrictions have eased, many businesses have tried to cut labor costs by replacing some of their main staff with workers who have less standard contracts.

The second factor elucidating the increase in non-standard employment is attributed to core trends in technology and trade, which have led to a reduced growth intensity of employment in the formal sector. The formal sector's capacity to provide job opportunities for a growing workforce in developing countries has declined. The lack of unemployment benefits or support in many countries forces people who are out of work or cannot find a job to look for opportunities in the non-standard sector.

Moreover, the use of advanced technologies in production, such as artificial intelligence in various industries, including the automotive industry, has led to the downsizing of thousands of workers worldwide by enterprises that adopt these technologies. Non-standard employment is unlikely to decline as a result of technological progress; on the contrary, it is projected to increase due to the nature of current developments.

### Legal comparative analysis of legislation among countries and the distinctions between them

The legislative frameworks concerning non-standard employment exhibit substantial variations across countries worldwide. Nonetheless, several primary distinctions can be delineated as follows:

<b>Definition</b>	The definitions used for non-standard employment vary across countries. In some countries, this definition includes self-employed workers (such as freelancers), while in other countries, it encompasses workers who are employed by employers on a non-permanent basis and temporary workers.
<b>Rights and social coverage</b>	Legal provision of social protection and labor rights is commonly extended to workers engaged in regular and permanent employment. Nevertheless, such safeguards may not be equally accessible to non-standard workers. While certain countries endeavor to extend social coverage to non-permanent workers, the extent of such coverage may vary and be subject to limitations in other jurisdictions.

<b>Expedited payment</b>	In certain jurisdictions, non-standard workers are entitled to expedited payment rights. This entails that they are not obliged to await the official payment date to receive their remuneration, but rather have the ability to obtain periodic payments on a weekly or monthly basis.
<b>Labor regulation</b>	In certain jurisdictions, the regulation of non-standard employment aligns with the provisions governing standard employment, whereas in other jurisdictions, variations in laws and regulations may exist. For instance, non-standard workers in specific jurisdictions may be obligated to obtain licenses or permits to engage in their occupation and may also be subject to registration with the relevant commercial registry. However, in certain jurisdictions, non-standard workers may enjoy the freedom to engage in independent work without the requisite formalities.
<b>Wages and benefits</b>	Differences may exist in terms of remuneration and benefits afforded to non-standard workers in comparison to permanent employees. In certain jurisdictions, the specialized labor provisions governing non-standard employment necessitate higher wage rates and the provision of supplementary benefits. Conversely, in other jurisdictions, remuneration and benefits for non-standard workers may be determined in accordance with the same criteria applied to permanent employees.
<b>Legal framework</b>	In certain jurisdictions, non-standard workers enjoy legal safeguards and rights regarding representation and labor associations, whereas in certain other jurisdictions, non-standard workers may encounter difficulties in establishing their own labor associations or gaining membership in trade unions.

This summary outlines the legal instruments, policies, and actions that governments have adopted as substitutes or supplements to legislation, in order to compare the legal and policy responses of each country regarding the rights and status of non-standard workers. It also identifies the main gaps through a succinct presentation, enabling us to examine the occurrence of non-standard employment in various countries worldwide, as shown in the following table.

**Comparative analysis of policies and legislations in a number of countries:**

<b>Country</b>	<b>(Legislation/Policy), safeguards and labor regulation (advantages)</b>	<b>Disadvantages</b>
<b>USA</b>	<p><b>Regulatory legislations:</b></p> <p>The federal and state legislation includes numerous laws that protect non-standard workers, such as the Fair Labor Standards Act, the</p>	<ul style="list-style-type: none"> <li>- Pursuant to the health insurance law, employers shall furnish health insurance coverage for non-standard workers exclusively if the number of</li> </ul>

	Workers' Compensation Act, and the Civil Rights Act.	<p>such workers exceeds or equals fifty (50), and such obligation shall not apply if the number falls below that threshold.</p> <ul style="list-style-type: none"> <li>- There is no statutory protection available for temporary workers engaged in fixed-term employment as enjoyed by permanent workers under the Temporary Employment Act.</li> </ul>
<b>The United Kingdom (UK)</b>	<p><b>Regulatory legislations:</b></p> <p>The laws in the United Kingdom provide legal protections for non-standard workers, encompassing provisions relating to safe and healthy working conditions, entitlement to paid leave, safeguards against discrimination, the exercise of labor associations, as well as the regulation of wages, provisions for maternity and paternity leave, access to healthcare services, and the assurance of rights pertaining to leave entitlements, retirement, and social security.</p>	<ul style="list-style-type: none"> <li>- Temporary workers shall be granted equal rights and benefits as permanent workers, yet this is subject to a prescribed timeframe determined by law. Accordingly, during this specific timeframe, temporary workers shall perform their duties without being entitled to the aforementioned benefits.</li> <li>- Foreign workers are required to obtain work permits, which takes time.</li> </ul>
<b>France</b>	<p><b>Regulatory legislations:</b></p> <ul style="list-style-type: none"> <li>- French laws provide protection to non-standard workers through the establishment of minimum wage rates, provision of maternity and paternity leaves, access to healthcare services, and safeguarding of labor rights.</li> <li>- In accordance with French laws, employers are required</li> </ul>	<ul style="list-style-type: none"> <li>- The laws and regulations governing non-standard employment in France relate to “temporary employment” or “specified term employment” (Limited period contracts – CDD)</li> </ul>

	<p>to establish written contracts. Furthermore, workers are entitled to receive professional and technical training.</p>	
<b>Spain</b>	<p><b>Regulatory legislations:</b></p> <p>The legal framework in Spain encompasses various provisions aimed at safeguarding the rights and benefits of non-standard workers. These include provisions for paid leave, health insurance, and social security. The legislation explicitly prohibits any form of discrimination based on the distinction between standard and non-standard employment in relation to wages and other relevant rights, thereby ensuring equal treatment and opportunities in the realm of labor and employment.</p>	<ul style="list-style-type: none"> <li>- In accordance with the provisions of the Temporary Employment Act, the engagement of temporary workers is contingent upon a defined and fixed period, with no possibility of renewal unless substantial changes occur that warrant their continued employment. This restriction thereby diminishes opportunities in the event of altered circumstances.</li> <li>- The minimum wage undergoes periodic adjustments in response to economic and social fluctuations, potentially leading to certain uncertainties.</li> </ul>
<b>Germany</b>	<p><b>Regulatory legislations:</b></p> <p>The domestic legislations encompass a range of rights and benefits for non-standard workers, including provisions for paid leaves, health insurance coverage, social security benefits, retirement allowances, disability and death insurance. Moreover, there exists a distinct statute that governs freelance work and fixed-term employment, as well as a specialized law pertaining to self-employment.</p>	<p>The extended duration granted to limited-term workers to enjoy equal rights, spanning a period of two years, may present potential challenges.</p>
<b>Japan</b>	<p><b>Regulatory legislations:</b></p>	<p>The immigration legislation encompasses stringent provisions regarding non-standard</p>

	<p>In Japan, there are legal provisions in place to safeguard the rights of non-standard workers, ensuring their adherence to safe and healthy working conditions, entitlement to paid leave, social benefits, and health insurance coverage. Furthermore, there exist two distinct health insurance schemes, allowing individuals to select the one that best suits their needs and circumstances.</p>	<p>employment, which may impede certain migrant workers from accessing timely opportunities for temporary employment.</p>
<b>Turkey</b>	<p>Turkey has enacted several legislations that safeguard the rights of non-standard workers and ensure equality in terms of wages, working hours, leaves, and some other rights between non-standard and standard workers, while also guaranteeing protection against discrimination among workers.</p>	<p>The procedures related to regulating the employment of foreigners, including non-regular foreign workers, in Turkey, are numerous and complex.</p>
<b>Australia</b>	<p><b>Regulatory legislations:</b></p> <p><b>(Labor laws and legislations related to non-standard employment)</b></p> <p>All employees shall enjoy equal rights in the workplace. Stringent laws are in place to safeguard the rights of workers, including those engaged in non-standard employment, and to ensure equality in terms of working hours, leaves, and health and social protection.</p>	<p>Disparities in minimum wage</p>
<b>India</b>	<p><b>Regulatory legislations:</b></p> <p><b>(Labor laws and legislations pertaining to non-standard employment - the Parliament's</b></p>	<ul style="list-style-type: none"> <li>- Reduction of additional working hours</li> <li>- Minimum wage is set according to a different set of guidelines</li> </ul>



	<p><b>legislative framework, comprising a total of 44 labor laws)</b></p> <p>In addition to a specific legislation governing the regulations applicable to operations and mosques.</p> <p>The domestic relevant legislation comprise a range of rights and benefits for non-standard workers, including provisions for paid leaves, health insurance coverage, social security guarantees, retirement benefits, disability and death insurance.</p>	
<b>China</b>	<p><b>Regulatory legislations:</b></p> <p>The domestic relevant legislation contains a number of rights and benefits for non-standard workers, such as paid leaves, health insurance coverage, social security guarantees, retirement benefits, disability and death insurance. There are also specific laws pertaining to non-standard employment.</p>	<p>In the event of any violation of the rights of non-standard workers, legal recourse is sought, resulting in a significant loss of time for workers in their pursuit of obtaining their rights.</p>
<b>Italy</b>	<p><b>Regulatory legislations:</b></p> <p>Non-standard workers are granted protection under the applicable domestic legislation, wherein their health and safety concerns are duly addressed. The legislation governs the establishment of employment contracts, determination of wages, and safeguards the rights of workers engaged in temporary contractual arrangements. Moreover, the laws encompass provisions for ensuring healthcare coverage and extending social security benefits to non-standard workers.</p>	<p>Some laws show unequal treatment in the workplace, especially for non-standard and foreign workers.</p>

<p><b>Egypt</b></p>	<p><b>Regulatory legislations (The Constitutions – relevant laws)</b></p> <p>The Constitution of the Arab Republic of Egypt explicitly upholds the fundamental principle of equality in employment. This principle is further reinforced through various legal instruments, such as the Egyptian Labor Law, the Social Insurance Law, and ministerial decrees issued by the Minister of Labor. However, it is important to acknowledge that a significant proportion of standard workers are exempted from enjoying the full extent of legal, social, and healthcare protections available to them.</p> <p>The Social Insurance Law has identified the categories eligible for social insurance coverage.</p>	<ul style="list-style-type: none"> <li>- The concept of non-standard employment is not explicitly defined in Egyptian legislation. Instead, it is referenced in relation to the identification of specific types of work.</li> <li>- While pension benefits have decreased, social insurance expenses have increased.</li> <li>- The Labor Law of the Arab Republic of Egypt discriminates against employees of the public sector and excludes certain classes of non-standard workers, thereby failing to provide comprehensive coverage for all categories of workers.</li> <li>- Decreased access to healthcare services.</li> </ul>
<p><b>Jordan</b></p>	<p><b>Regulatory legislations – governmental policies:</b></p> <p>The Jordanian Labor Law and Social Security Law establish regulatory frameworks for specific aspects related to non-standard employment, while also stipulating certain exemptions.</p> <p>Government policies are in place to incentivize the establishment of small and micro enterprises and to provide loans.</p> <p>There are multiple demands for the reform of social protection systems to</p>	<ul style="list-style-type: none"> <li>- The Jordanian Labor Law exempts specific categories of non-standard workers.</li> <li>- The aforementioned legislation does not provide for the rights of all citizens and vulnerable groups in the society.</li> </ul> <p>The Social Security Law has failed to establish an adequate mechanism for the inclusion of self-employed workers within the framework of the social security system.</p> <p>The aforementioned law imposes strict and binding</p>

	<p>ensure the effective safeguarding of social rights.</p> <p>In 2014, the Jordanian government and the International Labour Organization (ILO) collaborated to establish a "National Framework for Transitioning to a Formal Economy in Jordan."</p>	<p>limitations that infringe upon the right of wage-earning employees to form autonomous labor organizations.</p>
<b>Bahrain</b>	<p><b>Regulatory legislations:</b></p> <p>The Bahraini Labor Law No. (36) of 2012 has been promulgated, encompassing solely the private sector, and it refrains from imposing any limitations or distinctions between Bahraini and non-Bahraini workers. Furthermore, the law establishes various advantages.</p> <p>In Bahrain, non-standard labor is divided into foreign and local employees.</p> <p>The relevant legislation included the right to vocational training, the right to form unions, and the right to engage in collective negotiations.</p>	<ul style="list-style-type: none"> <li>- The labor law does not apply to the domestic workers, and they are excluded from any social protection schemes. Moreover, there are no uniform or standard terms and conditions for their employment contracts.</li> <li>- The aforementioned law does not provide comprehensive social protection for foreign employees in the private sector.</li> <li>- The non-standard local workforce is not enrolled in social insurance and lacks social protection.</li> <li>- Employers in non-standard employment arrangements are not covered by the Social Insurance Organization (SIO).</li> <li>- Social protection does not apply to employees with temporary contracts.</li> </ul>
<b>Iraq</b>	<p><b>Regulatory legislations – governmental policies:</b></p> <p>The regulatory legislations include the Labor Law, the Retirement Law, and the Social Security Law for workers.</p>	<ul style="list-style-type: none"> <li>- Iraq’s conflicts, economic decline, and security issues have led to the rise of non-standard employment.</li> <li>- Non-standard employment merely represents an adaptive response to an economy that falls short in providing sufficient and</li> </ul>

	<p>There is a governmental directive to expand the scope of social protection, afforded to individuals employed in the standard sector, to encompass the categories operating in the non-standard employment sector.</p> <p>As part of the Strategic Roadmap for Social Protection in Iraq 2015-2019, the government and the World Bank are working together to create a unified and comprehensive legal framework that covers social safety nets, social insurance, and labor market policies.</p>	<p>suitable employment opportunities capable of ensuring the economic and social rights of workers.</p>
<b>Yemen</b>	<p><b>Governmental policies:</b></p> <p>Yemen has enacted laws regulating employment in the public and private sector. Nevertheless, there is no legislation addressing non-standard employment.</p> <p>As part of the National Poverty Reduction Strategy, the Yemeni government set up the Social Safety program, which aimed to address this category with some limited policies. The program also developed some key components for this network.</p>	<p>Non-standard workers do not enjoy the legal and social protection policies they are entitled to, along with their families, within the framework of the government's public policies, as they are not included in any specific laws that provide comprehensive guarantees, benefits, and advantages. This is due to their lack of official registration within the total labor force.</p>
<b>Syria</b>	<p><b>Regulatory legislations and governmental policies:</b></p> <p>The Syrian Constitution (2012) guarantees the right to employment and ensures the state's provision of social and health security for workers.</p>	<p>There are several segments that are not encompassed by either of the aforementioned legislations governing the labor market, including casual laborers, seasonal workers, and domestic workers.</p> <p>The government was slow to focus on the non-standard employment sector.</p>

	<p>Two laws regulate the labor market in Syria: one for the public sector and one for the private sector.</p> <p>The Social Security Law provides protection for workers subject to the two aforementioned laws as well as workers outside their scope following the amendments in 2014.</p> <p>The Syrian government rolled out a program aimed at addressing the non-standard employment challenges.</p> <p>To encourage the non-standard employment sector to become regulated and the individual and family-owned companies to become joint-stock companies, Legislative Decree No. (61) of 2007 offers tax benefits for these categories.</p> <p>Syria, in collaboration with the International Labour Organization (ILO), implemented the "National Program for Decent Work" for the period of (2008-2010), which concluded without notable outcomes.</p> <p>Pursuant to an agreement executed on March 2, 2010, the Syrian government and the United Nations Development Programme (UNDP) entered into a cooperative arrangement for the implementation of the project entitled "Legal Empowerment of the Poor and Informal Sector Regulation".</p>	<p>The sole mention of the non-standard employment sector was made within the purview of the General Federation's initiatives concerning women and child labor, specifically pertaining to the forthcoming period.</p>
<p><b>Palestine</b></p>	<p><b>Governmental policies and development plans:</b></p> <p>There are no legislations to regulate non-standard employment</p>	<p>Non-standard employment is characterized by the lowest remuneration and the denial of numerous rights to workers.</p>

	<p>The National Campaign for Social Security has proposed the development of a clear mechanism for the inclusion of non-standard labor in the social security system.</p> <p>The government's contribution to the social security subscription rates is aimed at encouraging enrollment.</p>	<p>There is a near-total absence of official policies aimed at addressing the non-standard employment sector.</p> <p>Non-standard employment lacks the minimum foundations of professional protection and the ability to form social unions.</p>
<b>Morocco</b>	<p><b>Programs and initiatives:</b></p> <p>There are no legal frameworks to regulate non-standard employment.</p> <p>Morocco has implemented programs and initiatives, albeit with limited effectiveness, that fail to adequately protect non-standard workers.</p> <p>The strategies and policies adopted by the public authorities do not afford special consideration to the plight of the non-standard sector.</p>	<p>There is no genuine official policy in place to uplift the non-standard employment sector.</p> <p>The status of the non-standard employment sector remains unclear and marginalized by public stakeholders.</p> <p>The state is unable to enforce compliance with certain laws in order to preserve social equilibrium.</p>
<b>Algeria</b>	<p><b>There are no legislations regulating the non-standard employment sector.</b></p> <p>The country has launched programs specifically aimed at combating unemployment and facilitating employment promotion exclusively.</p>	<p>No program exists that specifically targets non-standard employment and caters to the needs of this group of workers.</p> <p>The employment policy relies on two fundamental pillars, namely promoting job creation through incentivizing entrepreneurial initiatives and enhancing paid employment exclusively.</p>
<b>Lebanon</b>	<p><b>Regulatory legislations (weak and unclear):</b></p> <p>The Labor Code of 1959</p> <p>There are few legislations, however, they are outdated and require amendments</p>	<p>The legal status of non-standard employment is weak and unclear.</p> <p>Non-standard workers face difficulties in obtaining legal protection and asserting their rights.</p> <p>Non-standard workers do not have any rights or any form of protection.</p>

<b>Mauritania</b>	<p><b>Non-standard employment is solely governed by the civil law.</b></p> <p>The government’s efforts in collaboration with the International Labor Organization (ILO) aim to classify, structure, and regulate non-standard employment, while providing the appropriate legal framework for its growth and development, as well as ensuring social protection for workers in this sector.</p>	<p>Non-standard employment is unregulated.</p> <p>There is an absence of non-standard workers’ rights in terms of income, risks, health, environment and security.</p>

**Outcomes and Recommendations**

**First: Outcomes**

- Non-standard employment is subject to varying laws, regulations, and policies between Arab countries and foreign countries.
- In accordance with the applicable laws of foreign jurisdictions, non-standard workers enjoy substantial protection with respect to their occupational health and safety, remunerated leave, non-discrimination, and trade union rights. Such protection shall be ensured by stipulating equitable wages, granting maternity and paternity leave, providing health care benefits, and recognizing the rights to vacation, retirement, and social security.
- Foreign countries, such as the United States, the United Kingdom, France, Germany, and Spain, are among the countries that have shown significant interest in protecting and regulating the working conditions for non-standard workers.
- •Iraq, Bahrain, Jordan, and Egypt are among the Arab states that have granted a certain degree of protection to non-standard workers, albeit selectively and with respect to specific rights. However, these states are required to effectively implement and amend their relevant laws in conformity with international conventions and instruments, so as to cover all categories of workers and guarantee the full protection of their rights.
- Many Arab countries do not adequately address the legal protection of non-standard workers. Among Arab nations, Palestine, Algeria, Morocco, Yemen, Lebanon, and Mauritania are the ones that pay the least attention to this sector.
- No independent laws expressly regulate the situation of non-standard workers in many jurisdictions. Rather, general labor laws and scholarly analyses of the national framework for non-standard employment incorporate provisions pertaining to this situation.
- The legal status and regulation of non-standard employment vary across Arab jurisdictions, depending on the extent to which they recognize and address this sector. Some jurisdictions confine their approach to the legal definition and classification of non-standard or informal employment, while others adopt specific policies and measures to regulate its conditions

and standards. However, some jurisdictions show no interest or initiative in addressing this sector at all.

- Non-standard workers have minimal protection of their rights from the legislation and policies of most Arab countries.

## **Second: Recommendations**

1. It is highly recommended comprehensive and systematic long-term plans pertaining to non-standard employment and establish viable solutions to address its underlying challenges. Given that this category is among those most vulnerable to economic repercussions, proactive measures are essential to mitigate its impact and ensure a more inclusive and stable labor market.
2. It is imperative to undertake the development of a legislative proposal or significant legislative amendments in certain countries, particularly in the Arab region and the Middle East, to establish comprehensive regulations governing procedures and policies, ensuring their enduring effectiveness.
3. The establishment a solidarity fund to support non-standard workers as a means to address the challenges faced by this sector, particularly in the agricultural, construction, quarrying, seasonal labor, and domestic workers sectors, with the aim of integrating them into the social security system.
4. Non-standard workers should actively seek up-to-date information regarding the current laws and legislations in their respective countries. They should also review the contracts and agreements signed with employers to ensure their legal and labor rights are protected.
5. The creation complete database for non-standard workers is very important. In some countries, there are no clear definitions for this category. These definitions should explain the differences between seasonal, casual, and temporary employment.
6. It is necessary to enact provisions that offer supplementary incentives to the private sector, aimed at promoting the formal registration of non-standard workers engaged in their establishments. Furthermore, it is imperative to grant workers the opportunity to continue fulfilling their social insurance obligations in the event of employment termination. This recommendation is particularly applicable to jurisdictions where the aforementioned provisions are currently absent.
7. It is recommended that the competent authorities of each State establish and maintain effective channels of communication with the representatives of the non-standard employment sector and the owners of informal projects, with the aim of developing suitable solutions for their protection in accordance with the applicable laws and regulations.
8. It is recommended to develop of a vocational system that contributes to training non-standard workers.
9. Non-standard employment requires innovative solutions and a change in the methods of government intervention, which should depart from inflexible planning models.
10. It is advisable to encourage participation and collaboration between the government and civil society organizations in order to explore better ways to address non-standard employment issues.
11. To help the poorest families, it is important to create new jobs and train non-standard workers to improve their abilities and qualifications.



