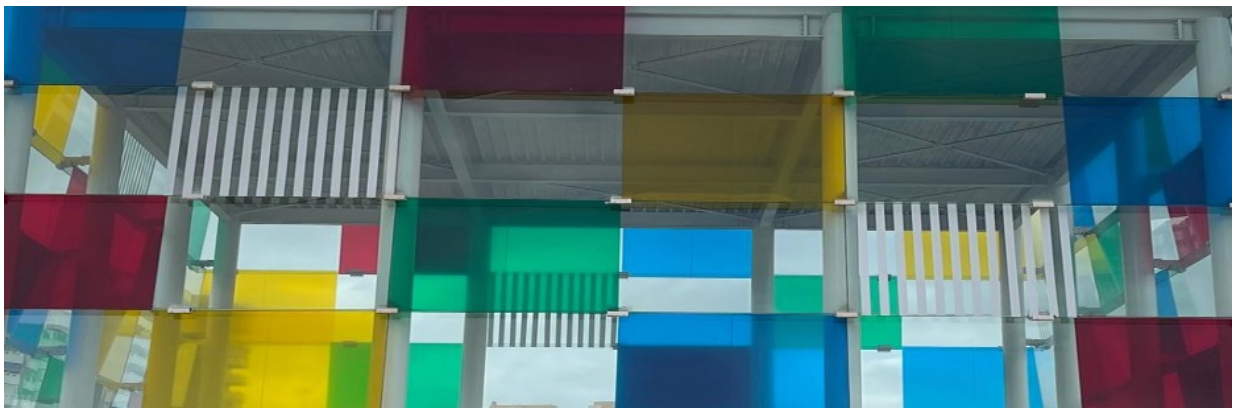


Global Workplace Law & Policy

Casual work arrangements: A diversity of work patterns, notions, and legal landscapes (Part I)

Ilda Durri (Institute for Labour Law – KU Leuven (Belgium)) · Monday, July 3rd, 2023



Unraveling the big picture

Nowadays, a [deviation from full-time, permanent jobs with one single employer](#)– so-called standard employment- represents an important work reality. Within this reality, a sheer diversity of work typologies have proliferated, with the most well-known examples being fixed-term, part-time, and temporary agency work. In addition, other [less typical forms of non-standard work](#) have also been spreading in both developed and developing countries. Casual work arrangements constitute a prominent example in this latter scenario. These work arrangements have been frequently referred to through a wide range of terms, such as ‘on-call work’, ‘on-demand work’, ‘work with unpredictable work patterns’, ‘zero-hours work’, etc..

What is casual work?

From the outset, it should be made clear that casual work does not represent a unitary phenomenon, and as such, there is no [universal definition on it](#) . Definitional attempts have been, nonetheless, advanced by different institutions and [scholars](#), in order to shed some light on the complexities surrounding casual work. These definitions seem to emphasize two main criteria for identifying casual work, namely [the \(very\) short duration of the work](#), and [the intermittent nature](#) of the work. Against this background, casual work can be perceived as work of a very short duration, with some or no security of working hours, e.g. daily work, and work which is long-lasting but is characterized by an insecurity of working hours, e.g. zero-hours contracts. Zero-hours work arrangements can bring to extremes the insecurities already inherent in different forms of non-standard work, such as the insecurity of working hours, which goes hand in hand with that of jobs

(work), and income. These insecurities can be, nevertheless, counteracted by means of regulatory answers, which can grant protections against them.

How have legislators responded to this phenomenon?

It was noted that different countries maintain a different regulatory approach to casual work. The difference was more striking between developing and developed countries. While casual work is widely present and regulated in many developing countries, developed countries experience an “[underground casualization](#)”, i.e. a lack of awareness and/ or a reluctance by legislators to govern this work typology. By having this in mind, it would be interesting to look into the legal landscape of some countries in relation to casual work. In the [United Kingdom](#), for example, [the spread of zero-hours work was publicly acknowledged many years ago](#). This did not prompt regulatory intervention; except for the prohibition against exclusivity clauses in these types of contracts. A different approach can be noted, nonetheless, in some other European countries. [Netherlands](#), for instance, presents some good practices to regulate the phenomenon. In addition to stipulating a general legal presumption of an employment relationship, some specific safeguards on casual work have also been introduced, with the prominent example of the obligation for the employer to make an offer for fixed working hours after the worker has worked one year on-call. Furthermore, the Italian legislator has opted for a regulation of forms of casual work, by limiting them at the same time, e.g. by limiting the duration, or the allowed sectors. A peculiar feature of the Italian system is the provision of an [availability indemnity](#), which is a monthly payment to compensate workers who promise to be available for calls of work. A more stringent regulatory pathway has been followed in Belgium, where [intermittent work](#) is allowed only in the tourism sector for up to two consecutive days, and with a maximum duration of days per year.

The ‘bad’ successor of casual work

Casual work has been among us for some centuries now, dating back to the [daily work of dock workers in the late nineteenth century](#). Since then, it has proliferated in various sectors in both developing and developed countries. Nowadays, casual work arrangements can be spotted also under a “technological vest”, a phenomenon commonly referred to as platform work. This form of “[internet-enabled casual work](#)” is underpinned by the same (and even more) insecure working conditions as its “offline counterpart”, such as an insecurity of employment status, working hours, jobs, and income. These shared insecurity traits and the legal implication that the regulatory framework on casual work might have for the labour protection of platform workers, represent issues which will be further explored in an upcoming blog.

This entry was posted on Monday, July 3rd, 2023 at 8:00 am and is filed under [Casual work](#), [EU Law](#), [Regulating](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.

