

ELASTIC FORMS OF THE EMPLOYMENT VS. DECISIONS OF ENTERPRISES

Introduction

The most important purposes of the socioeconomic politics of the EU is reducing the unemployment and increasing the employments. Elastic forms of the employment are a tool making the realization of these purposes easier. Priority treating employing elastic forms by the European Union found the reflection in principles on which the European Strategy of the Employment is based and in the Lisbon Strategy. In these documents is assumed that elastic forms of the employment are a tool enabling to get the higher growth in the economy, the bigger activation of the society and the reduction in the unemployment.

Systemic transformation in Poland changed completely economic conditions of functioning of Polish enterprises. The fast pace of economic changes, the development of information and telecommunications technologies, the need to adapting itself to requirements of the surround, the competition and high expectations in the scope of the quality and of both attraction of prices of goods and services require from entrepreneurs to search for solutions for cutting operation costs. Analysis of the effectiveness of being active of the company in conditions of the free market economy made entrepreneurs to seek for new elastic forms of the employment which will enable to reduce the time of fitting the organization to activity conditions, permit sufficiently fast to react to the changing situation.

On that account in the article are introduced:

- the union employment policy and its realization in chosen membership countries, with special taking into consideration elastic forms of employing,
- chosen aspects of applying elastic forms of employing on the example of Poland,
- determinants of using elastic forms of employing amongst entrepreneurs.

Key words: labor market, elastic forms of employing, flexibility

Politics of the employment in the European Union

The employment policy is relatively new field of cooperation of states of the European Union. From the beginning of years 90 it is already possible to notice the first efforts of the Community being aimed at creating the united strategy for the account of the employment. Nevertheless only published Treaty of Amsterdam in 1997 constituted that the employment has become the subject of the regulation of the Community law. The effect of the Treaty of Amsterdam and then of Luxembourg decisions was uprising the European Strategy of Employment.¹ From this moment four pillars on which was based the European Strategy of the Employment became the basic plain of the coordination of the politics of employing the on the area of Union (Golinowska 2004, s.136):

- ability to get the employment

¹ See: I. Borta, Strategie zatrudnienia organizacji międzynarodowych: UE, MOP, ODCE, Warszawa 2002

- enterprise
- adaptability
- equality of opportunity

The strategy above all is emphasizing the need to make the labor market more flexible what in consequence would be supposed to supply to an increase in employment.

Eightieth and ninetieth years are a period, in which a decrease in employment came, an increase in the unemployment and a slower pace of the growth in the economy. Against this background elastic forms of the employment are becoming the chance both for governments of the majority of countries as well as trade unions for maintaining as well as creating new jobs. At the same time entrepreneurs are also interested in these forms of the employment because the rise in the competition and the growing globalization are forcing them to cut costs of production.

At present a big diversity is characterizing UE-15 countries in the scope of exploiting elastic forms employments. However in many countries the realization of the European Strategy of Employment and applying elastic forms of the labor organization are taking various forms.

In France above all it took the form of shortening the working time. France, as the first has led 35 h. working time. French experiments became an inspiration for discussions concerning shortening and making the working time more flexible in different countries of UE (Machol-Zajda 2003, s.71). In Spain and in Italy followed the example of France with limiting the working time but without cutting wages what was rejected. At the same time, however, shortening the working time in some sectors by other changes or limiting the overtime was initiated. In Belgium as a result of reforms, the government enabled the society to choose the most favorable to oneself organization of work and the measurement of the working time. This program also led 38 working week, shortening the work for workers above 50 years old and one-year leave which the worker can exploit for raising own classifications.(Jerzyk 2004, s.9) Elastic forms of employing peculiarly developed in Denmark and Netherlands where was led the possibility of choice by the worker the right working time. The highest indicator of employed women in the part time job is appearing in Netherlands(Firlik-Fesnak 2005, s.91)

Examining atypical forms of employing on the Polish market it can be noticed that their popularity from the beginning of the nineties incessantly is increasing (See Table 1.). Changes, which were made in the Polish employment code in 2003 and 2004 allow for using practically all elastic forms of employing. The amended employment code is initiating such forms of employing as for example a telework or the renting out of workers, the work for the replacement and breaking the working time. It is giving the possibility of extending the accounting period what is extremely important because it is enabling economical managing the time.

Described changes which were led in the code can suggest that the system of employing in Poland is very elastic. Hence, why so many entrepreneurs as well as workers are complaining about the stiff employment code? It is resulting from one side from the fact of the cheap acceptance of these forms of employing amongst Poles. The skepticism with respect to untypical forms of employing is flowing out above all from it that they are still associated only with the instability, the uncertainty of the social protection, the low standard of living and low-lying squares. (Firlik-Fesnak 2005, s.101) From the other side such a little popularity of elastic forms of employing in Poland is also resulting from the ignorance of the entrepreneur and the lack of modern approach to the labor organization and managing with human resources. Few entrepreneurs are practicing different forms of the work like the contract of employment for the determined time, a steady job or to a part-time job and a specific-task contract. (Kryńska 2001, s.53)

Table 1. The Employment of men and women in part time work and on determined time in Poland and in the EU from 1997- 2002 (% in every category employed)

The form of employment	Poland									EU-15			EU-15			
	1997			1999		2001		2002			2002			2002		
	W	M	T	W	M	W	M	W	M	T	W	M	T	W	M	T
Part time employment	13,6	8,3	10,6	13,5	8	12,7	8,5	13,4	8,5	10,8	33,5	6,5	18,1	10,4	5,9	8
The determined time	4	5,6	4,8	3,9	5,4	10,9	12,4	14,4	16,3	15,4	14,2	12	13	10,6	11,7	11,2

Source: Schlüsselindikatoren für die Beschäftigung: Europäische Union, Beitrittsländer, Polen, w: Beschäftigung in Europa 2003 (comparing data on the basis of the statistical appendix)

In the literature on the subject it is possible to find the following causes, of the fact that elastic forms of the employment in Poland aren't too often applied:

- traditional forms of the employment are being treated as a kind of the norm, accustoming to one place of employment,
- ignorance about elastic forms of the labor organization,
- elastic forms of the employment are being treated as compulsory and imposed,
- in comparing to traditional forms of the employment lower wage level and in consequence lower wealth of the society.

So, creating conditions for increasing the adaptability of companies in their adapting for needs of the market, of the competition, customers becomes the crucial element of increasing the elasticity of the labor market becomes.

The notion and meaning of the elasticity of the labor market

The notion of the elasticity of the labor market since long time is an element of economic discussions. Changes which are occurring in the firmament of the labor organization, technology and entire economies and in the awareness of societies incessantly are influencing for the evolution of the approach towards issues of the elastic employment.

The elasticity of the labor market is being defined as ability to fast adaptations to market conditions and technology. This notion has the double meaning (Florek 2001, s.27):

1. Employment in frames of legal labor relations, but rendered in part of the time of working time or in uncharacteristic schedules of the time or for the definite time
2. Employment on the different base than labor relations.

In the literature quite largely are appearing numbers of individual forms of elasticizes of the labor market. We recognize to them among others (Kwiatkowski, Kubiak, Kucharski, Tokarski 1999. s.8-9):

1. The elasticity of the employment so the adaptability of the employment to changing conditions i.e. the production, real wages, the work output, the profitability of the production. The elasticity of the employment is depending on a few elements:
 - a) Meaning of the profit in shaping the economic decision of enterprises in relation to size of employing. The higher is the elasticity of the employment the bigger roll of the profit is the criterion of making a decision.
 - b) The amount of costs of receptions for the work and dismissals from the work. The elasticity is decreasing together with the rising of these costs

- c) The level of the development of elastic forms of employing. The more developed are atypical forms of the employment the bigger is an elasticity of the employment.

One should at the same time underline that both lower costs of receptions for the work and dismissals from the work as well as large number of elastic forms of employing can influence for lowering the preservation of labor relations hence they can lead to social conflicts.

2. The mobility of the workforce so the ability to the change of occupation, the classification, a place of employment and settling. The increase in the mobility of the workforce is influencing the height of employing the elasticity.
3. The elasticity of pays so the ability to the shift pays under the influence of the shift of work outputs, profitability of the production or also the situation on the market of work
4. The flexibility of working hours so the ability to use the changeable working time under the influence of the situation in which is an enterprise.

J. Bernais thinks that in the economic practice the division of elasticity of employments “comes down to the organizational dimension and it is finding expression in elastic managing of the working time” (Bernais 1998, s.22). It is possible to characterize elastic forms of the employment and the organization of the working time into the following way (Jerzyk 2004, s.11-12; Musiał-Paczkowska 2002, s.482-484; Sewastianowicz 2005, s.110-111):

- **Part time work** - it consists in lowering the working time with respect to applying norms, it enable entrepreneurs adapting the time of workers for current needs of company. In Poland so far it is recognized as the worse job because of the poorness of pay.
- **Work for the determined time** - the term contract of employment, the working time is determined by the dimension of tasks. The expenditure connected with laying the worker off are reduced to a minimum
- **Renting the work-** duties connected with employing the worker are belong to an agency of the temporary work. Renting the work as a rule is enclosing specialists who have the precise task to do. Costs connected with employing these sorts of person are too high for the company moreover abilities of this sorts of person not always can fully be used.
- **Work for call** - differently called the work to the phone is a work being characterized by the fact that the worker stays in hand for the employer who can in every moment summon the worker for doing described task.
- **Work at home** - for the worker a work place is not a place of employment but a place chosen by the worker. An outwork is a form of the work at home. The worker is out of control for the employer.
- **Telework** - is a new form of the work at home, to which an access to telecommunications and computer high technologies is essential. For companies the telework is involving the higher effectiveness of the work since all disruptions during the work are taking the time for only one person rather than of entire bureau of the company.
- **Work for the replacement** - the period of employment of the worker from above isn't determined because the work is being made during long-term absence of the worker of the company. The agreement is automatically expiring on return of substituted worker.
- **Lending workers** - lets for lending or giving the employee to the disposition of different employer on the basis of the trilateral agreement between current employer, with the worker and the lending unit. The worker is executing the described task and then he is returned to a main work place.
- **Self-employment** - as a rule is being used instead of the hired employment. It usually concerns making simple or high advanced works which don't require the supervision of

employer and can be made by persons being self-employed.

- **Weekend work** - the work which is being made on Saturdays, Sundays and holidays. The detailed information is in the employment code when such a work can be done.
- **Sharing the work**- is a form of the employment which is allowing to execute one task through two or a few workers which are sharing the work, the remuneration, services proportionally to the done work. This form is applied as a rule in the period of the bad trade boom.
- **The agreement of commissioning and the agreement for work**- the employment is expiring together with finishing defined commission or the task. The contractor doesn't have to execute objectives personally not even in the outlined place.
- **The odd job** - is a kind of the temporary work which is enabling the entrepreneur for free extending or reducing the number of employer depending on the trade boom. In the opposite of the typical temporary work, workings at such a form have no entitlements from the title of employing because they are not connected with the employer with contract of employment.
- **The task time of the work**- worker is realizing the entrusted him task him at a free and convenient for himself time
- **Equivalent time of the work**- working time in the sequence of one day is extended to e.g. 12 hr. In exchange the worker has a shortened different working day or the holiday.
- **Breaking time of the work** – breaks which are appearing at work aren't being rated by to the working time. This type of the organization of the working time is applied in justified cases.
- **Continuous time of the work**- because of requirements of technology or also a manufacturing process the work is being made for 24 hours a day
- **Movable time of the work**- the amount of working hours from is determined from the beginning but the hours of work are moving

Decisions of enterprises vs. elastic labor market

A systemic transformation which took place at the end of years 80 changed completely economic conditions of functioning of enterprises. The fast pace of economic changes, the development of information and telecommunications technologies, the development of the research, limiting meaning of the farming and the industry and at the same time the competition and high expectations in the scope of the quality of both attraction of prices of goods and services forced Polish companies to search for solutions of cutting costs. The free market economy made the need that entrepreneurs do analysis of the effectiveness and of the restructuring on a few plains. The enterprises had to adapt their strategies of work for new conditions which require the periodic variable availability and the more elastic approach towards the problem of the organization of the enterprise, also in the scope of the personnel management.

Functioning and the decentralization are causing that at present it is possible to observe that the entrepreneur more and more often are deciding to the organizational structure of the enterprise which is adopting the figure of "spider network". Such a structure is characterized by a division of the staff of the company on (Kryńska 2001, s.115-116; Kryńska 2003, s.235-236):

- fundamental part - the regular staff, hard core of the enterprise, responsible for operations and strategic decisions, the crucial staff for the company, employed on traditional principles to an open-ended contract
- task staff - marginal part, employed to execute described tasks, activity or of delivering concrete products or services for the enterprise, is executing objectives in the system of

the elastic organization of the working time.

Applying more and more frequent atypical forms of employing so adapting the employment for actual needs of the company is one of elements enabling reducing costs hence the improvement of competitiveness of the enterprise. The rise of popularity of elastic forms of employing is nothing else like attempt of finding by the enterprise the optimum, in which it is maximizing benefits and is minimizing costs.

Directing to the rise of profit is causing that the entrepreneur have to increase one's elasticity in order to react sufficiently fast to changing situations of the market. Additionally factors of the legal, financial and institutional nature are influencing decisions of enterprises concerning choice of employing elastic forms. Atypical forms of the employment are minimizing fix labor costs till the level and the time indeed needed. Apart from that high burdens of labor costs, the tall security level of labor relations, the instability of regulations of the law and their complication case that the entrepreneur more and more often are giving up employing the new full-time staff (Muszyński 2004, s.8-9). To the popularity of the development and increase of elastic forms of employing among entrepreneurs we can rate following basic determinants (Musiał-Paczkowska 2002, s.486):

- Seeking sources of savings,
- Aspiring to the cost cutting in the particular of labor costs,
- Need to raise the productivity,
- Taking new challenges,
- Necessity of the interaction with external subjects in defined fields with the not-being strongest sides of the company in the destination of getting the competitive edge;
- Transferring workforces beyond the area of the company;
- Changes in organizational structures of the enterprise to more elastic
- Growing participation in the organization of the enterprise of so-called temporary workers.

The entrepreneur who are making the decision about choosing the favorable for their company forms of employing should take into consideration above all character and the specificity of the work in the company, the changeability of the demand for jobs, groups of workers, the kind of the work workers are making, conditions of surrounding of the company and the area of its activity. Analyzing the most interesting forms of employment for the company the entrepreneur should examine their profitability, juxtaposing costs incurred on them and with their real results and at their choice to take into consideration:²

- the working time and its using;
- the height and forms of the remuneration;
- freedom of laying workers off;
- taxing remunerations and fees;
- duty of covering ZUS
- donations, privileges and entitlements of persons rendering the work;
- incurring the risk of the made work;
- the quality and the work output;
- costs of the selection of workers;
- personal or impersonal character of rendering the work;
- responsibility of the worker for the result of the work

Assessing the appropriateness of applying different forms of the elastic employment, employer should choose out of listed features these which are essential for the enterprise and

² See: Sekuła, Planowanie zatrudnienia, typowe i elastyczne formy zatrudnienia pracowników, Oficyna Ekonomiczna, Kraków 2001.

analyze their strong and weak sides (See: Table 2.).

Table 2. Merits and demerits of elastic forms of employing for employers

Merits of elastic forms of employing for employers	Demerits of elastic forms of employing for employers
<ul style="list-style-type: none"> • Reduction in labor costs; • More precise adapting of the state and the structure of employing to needs of the company, even in the short temporary time period; • Shortening the unproductive time; • Increasing the amount of the time for basic and foreground tasks; • Smaller responsibility for workers hence bigger freedom in taking economic decisions; • Low figure of possible conflicts with workers; • Increasing the productivity and effectiveness of the employment; • Easier process of dismissals of workers; • Fuller using the possibility of employed workers, better using machines; • Fuller fulfilling needs of purchasers; • Smaller costs for trainings, recruitments, selection and the selection of workers; • Possibility of making untypical and occasional works; • Savings of financial means which incur when creating workplaces; • Adapting the enterprise for requirements of the modern labor market; • Bigger adaptability to changes on the market; • Possibility of employing experts for the determined time; • Making smaller strength of trade unions 	<ul style="list-style-type: none"> • The lack of bond and identifying of workers with the enterprise; • Dispersion of workers; • Motivation of workers for the professional development is missing; • Problem in managing connected mainly with the substantive and temporal coordination of works; • Not always prompt and good qualitative making the work; • Limited possibilities of using many different atypical forms of employing • Costs and the expenditure connected with the introduction and adapting to the work the recruit; • Possibility of the leakage of classified information for the enterprise outside • Shorter supervision of workers; • Limited contact with workers; • Possibility of the disturbance of psychological problems among workers

Source: own elaboration on the base of: Wybrane aspekty elastyczności zatrudnienia, w: E. Urbańczyk (red.), Zarządzanie Wartością Przedsiębiorstwa, Teoria i praktyka, Materiały Konferencyjne, Szczecin 2002, Z. Skuła, Planowanie zatrudnienia, typowe i elastyczne formy zatrudnienia pracowników, Oficyna Ekonomiczna, Kraków 2001, M. Sewastianowicz, Przewidywane kierunki zmian nietypowych form zatrudnienia w Polsce, w: M. Ryksza (red), Elastyczny rynek pracy i bezpieczeństwo socjalne. Flexicurity po polsku?, Instytut Spraw Publicznych, Warszawa 2005

For a few last years it is possible in Poland to observe the rise of popularity of elastic forms of employing, nevertheless in comparing with Western Europe countries still participation of employed in this way is lower. It is resulting above all from the ignorance by entrepreneurs of very forms of the elastic employment. Among mentioned in the article elastic forms of employing in Poland the most universally are being used: the terminal contract, the

workers' leasing (lending workers), the temporary work, the agreement for the replacement.

Table 3. Advantages and faults of chosen forms of the elastic employment

	Advantages	Faults
The leasing of workers (lending workers)	<ul style="list-style-type: none"> • Recruiting qualified workers; • Predetermination of the period of employment; • Possibility of suggesting worse conditions than basic labor relations; • Possibility of earlier and immediate solving labor relations 	<ul style="list-style-type: none"> • Covering the work expenses, like at every labor relations; • Need to agree with the main employer period of employment; • Risk of handing over by the worker the classified information for the company on its return to the basic employer
The terminal contract	<ul style="list-style-type: none"> • Self-reliant deciding about the choice of the worker and offered him working conditions and the pay; • Easiness of the parting with the worker in the case of agreements lasting long than 6 months and at the possibility of their earlier notice; • Possibility of the immediate parting oneself with the worker 	<ul style="list-style-type: none"> • Impossibility of renunciation of temporary contract for the shorter time than 6 months; • Covering full labor costs; • Duties of the employer like at every labor relations; • Possibility of being transformed third in the turn of the agreement on time determined into an open-ended contract; • Extending the duration of the temporary contract which would expire after 3rd month of pregnancy, till the day of the childbirth
The temporary work	<ul style="list-style-type: none"> • Offloading the need to seek out a worker and to employ the worker onto the office of the temporary work; • Smaller numbers of duties than at labor relations; • Easiness of parting with the temporary worker; • A possibility of being transformed into an open-ended contract by agreements and extending the lasting of agreement in the case of becoming pregnant by the worker 	<ul style="list-style-type: none"> • Payment for the agency of the temporary work; • Need to inform or to agree on the intention of winning temporary workers with the trade union; • Necessity of numerous of agreements with the agency of the temporary work • Work limiting
The agreement for the replacement.	<ul style="list-style-type: none"> • Recruiting the worker about the same qualifications as the absent worker; • Possibility of suggesting worse conditions of the work 	<ul style="list-style-type: none"> • Limited possibility of using them; • Covering full labor costs • Duties for the employer like at every labor relations

	<p>and the pay than a substituted worker has;</p> <ul style="list-style-type: none"> • No possibility of being transformed the agreement for the replacement into an open-ended contract • No possibility of extending lasting the agreement in the case of becoming pregnant by workers easiness of parting with the worker (behind notice and without) 	
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Source: J. Sztabińska, Jak nie wiązać sobie rąk stałą umową o pracę, Rzeczpospolita 29 marca 2006, Wydanie 658/75

In Poland it is also very likely to notice rapid development of elastic forms of the employment such as telework and a self-employment. First from them requires the access of the worker to modern telecommunications and computer technologies.³ Reducing business expenses and more elastic working day of the worker belong to undoubted virtues of the telework. Nevertheless as a result of using the telework can be lower identification of the worker with company and his feeling of isolation as well as problem in the business management (Frieske 2003, s.163-164). Second from mentioned forms of employing which is a self-employment lets the entrepreneur to commission executing some tasks to the person being self-employed.

Conclusion

The free market economy, joining Poland to structures of the EU, processes of the globalization and conditions put by rival surroundings forced Polish companies to make decision which give the possibility of facing those changes in relatively short time. For last few years it is possible in Poland to observe the rise of popularity of elastic forms of employing. More and more frequent adapting the employment for actual needs of the company is one of elements enabling reducing costs hence the improvement of the competitiveness of the enterprise. Decisions of using atypical forms of employing are nothing else like attempt of finding by the entrepreneur the optimum, in which he is maximizing benefits and is minimizing costs.

The elasticity of the work is enabling increasing the competitiveness of enterprises, the productivity growth and faster adapting of companies to new economic conditions. The elasticity of the employment makes the non-balance on the labor market smaller, and lets persons find employment in conditions of the strong competition in which they would have no chance of employment on traditional conditions. It should be however emphasized that such a form of the employment can carry also negative effects, such as: low level of workers' protection, low certainty and stability of labor relations. Beside, the elasticity of the employment can cause also polarization of the society and the segmentation of the labor market.

Changes led in the employment code in 2003 and 2004 made considerably more flexible the Polish labor market. Nevertheless a low acceptance of these forms of employing

³ See: A. Szewczyk, Telepraca- nowa forma pracy w przedsiębiorstwie, w: E. Urbańczyk (red.), Zarządzanie Wartością Przedsiębiorstwa, Teoria i praktyka, Materiały Konferencyjne, Szczecin 2002.

is still appearing in the society. Skepticism in combination with the ignorance and the lack of knowledge of entrepreneurs and the lack of their modern approach towards the labor organization and managing with human resources is causing that in Poland in comparing to Western Europe countries popularity of elastic form of employment is still on the lower level. For the reason that in practice only few entrepreneurs are applying different forms of the work as the contract of employment for the determined time, steady job or a part-time job and a specific-task contract. It seems to be necessary that in the nearest future, promoting elastic forms of employing first requires informing the society and entrepreneurs of positive and negative effects of applying these forms.

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