

Atypical forms of employment are becoming increasingly common, both abroad and in Poland. Examples of this type of employment include, for example, remote working, on-call working or working via online platforms (e.g. via popular transport apps). Various aspects of this phenomenon are currently being studied, including the rights of employees. In view of the intensive development of atypical employment, there are also proposals as to how the various forms should be regulated in order to ensure that the fundamental rights of employees are respected, while not compromising the much needed flexibility of work.

The allocation of contractual risk in atypical employment relationships is one aspect of this issue that has not yet been comprehensively explored. Nevertheless, it constitutes a very important element, since it is the allocation of risk that is one of the main factors determining the legal and (indirectly) factual position of the parties to a given employment relationship. This is because it indicates which party - the employee or the employer - bears the legal consequences of unforeseen events that interfere with the performance of work. For example, the burden of risk tells who will bear the consequences of a power cut if a remote employee performs work from his/her home: i.e. whether or not the employer should pay remuneration to such an employee despite the interruption of work. The risk allocation will also indicate whether, if a platform worker temporarily cannot perform work due to, e.g. illness, whether the employing entity (the platform) is obliged to pay him/her sick pay. In a nutshell, it can be said that the greater the extent of the risk borne by the employing entity (employer), the higher the level of protection of the worker (employee).

The objective of the research project is to assess the current regulations governing the allocation of risk in atypical employment relationships and to answer the question of how they should be modified in order to better protect the rights of both the employing entity and the employed person (by adapting the regulations to, i.a. the characteristics of particular forms of employment and the functions of labour law). The first stage of the research will involve analysing the extent of risk borne by the employer in atypical employment relationships, such as fixed-term employment, on-call work, remote work, part-time work, temporary agency work. The second part will analyse the allocation of risk between the parties in atypical non-employment relationships. Civil law contracts (service contract, contract for a specific task, agency contract), home-based work (pol. *praca nakladcza*), economically dependent self-employed work and platform work will be examined. In a final step, an assessment will be made of the current allocation of risk in the above atypical employment relationships and suggested modifications to the Polish regulations governing this risk will be identified. For those forms of employment that are not separately regulated in Poland, based on the inspirations drawn from comparative legal study (i.a., Dutch and Spanish law), a suggested direction for new regulations on risk allocation between parties will be proposed.

In the framework of the above tasks, first of all, the current provisions of the Polish legal system will be analysed, as well as some EU documents and legislation of selected European countries (e.g. Spain and the Netherlands). The results of the research will contribute to the ongoing discussion on the regulation of atypical forms of employment.