

SHIFTING PARADIGMS OF LABOR RIGHTS IN THE CONTEXT OF FLEXIBLE AND REMOTE EMPLOYMENT

MARYNA KUZNETSOVA

oshkodorova@ukr.net

PhD in Law, Associate Professor of the Department of Private and Social Law Sumy National Agrarian University
Sumy (Ukraine) <https://orcid.org/0000-0003-3566-6016>

LIDIYA KARPENKO

Lidiako888@gmail.com

Doctor in Economics, Professor of the Public Service and Law Department Educational and Scientific Institute of Public Service and Administration of the Odesa Polytechnic National University
Odesa (Ukraine) <https://orcid.org/0000-0002-2888-2477>

DANYLO KRAVTSOV

d_kravtsov@ukr.net

PhD (Law Sci.), Associate Professor of the Department of Labor Law Yaroslav Mudryi National Law University
Kharkiv (Ukraine) <https://orcid.org/0000-0003-4110-7181>

OLHA TYKHONIUK

Olga_Tykhonyuk@ukr.net

Lecturer at the Department of Information, Economic and Administrative Law Faculty of Sociology and Law National Technical University of Ukraine "Igor Sikorsky Kyiv Polytechnic Institute"
Kyiv (Ukraine) <https://orcid.org/0000-0003-3123-5841>

MARYNA SMOLIAROVA

Smolyarova@i.ua

PhD (Law Sci.), Associate Professor of the Department of Constitutional, Administrative and Labor Law National University "Zaporizhzhia Polytechnic"
Zaporizhzhia (Ukraine) <https://orcid.org/0000-0002-6385-181X>

Abstract

The relevance of this study is driven by the large-scale digital transformation of the labor market, which is reshaping traditional approaches to the legal regulation of labor relations, working time organization, and the provision of social guarantees. The rapid expansion of remote, hybrid, and flexible forms of employment necessitates a reconsideration of labor rights and the creation of effective mechanisms for their protection in the digital economy. The purpose of the research is to examine the transformation of labor rights in the context of remote and flexible employment and to identify key directions for improving legal regulation in Ukraine, taking into account international standards. The methodological framework is based on comparative legal, structural-functional, and content analysis methods, which enabled a systematic review of regulatory acts, analytical reports, and empirical data from the Organisation for Economic Co-operation and Development (OECD), the World Health Organization (WHO), and other international sources. The findings indicate that remote work combines increased employee autonomy with new risks, including the blurring of working time boundaries, privacy violations, intensified digital control, and weakened collective solidarity. The study shows that European Union countries and the United Kingdom have already закрепил rights to flexibility, transparency of algorithmic management, and protection



against excessive digital monitoring, while Ukrainian legislation remains only partially aligned with these principles. Gender differences in the impact of remote employment on psychological well-being were also identified. The practical significance of the research lies in recommendations for modernizing Ukrainian labor legislation, including the introduction of the “right to disconnect,” the presumption of employment relations in the gig economy, and the strengthening of social protection in the digital environment.

Keywords

Remote work, flexible employment, labor rights, digitalization, gig economy.

Resumo

A relevância deste estudo é impulsionada pela transformação digital em grande escala do mercado de trabalho, que está a remodelar as abordagens tradicionais à regulamentação jurídica das relações laborais, à organização do tempo de trabalho e à prestação de garantias sociais. A rápida expansão das formas de emprego remotas, híbridas e flexíveis exige uma reconsideração dos direitos laborais e a criação de mecanismos eficazes para a sua proteção na economia digital. O objetivo da pesquisa é examinar a transformação dos direitos laborais no contexto do emprego remoto e flexível e identificar as principais direções para melhorar a regulamentação jurídica na Ucrânia, levando em consideração os padrões internacionais. O quadro metodológico baseia-se em métodos comparativos jurídicos, estruturais-funcionais e de análise de conteúdo, que permitiram uma revisão sistemática de atos regulamentares, relatórios analíticos e dados empíricos da Organização para a Cooperação e Desenvolvimento Económico (OCDE), da Organização Mundial da Saúde (OMS) e de outras fontes internacionais. As conclusões indicam que o trabalho remoto combina uma maior autonomia dos funcionários com novos riscos, incluindo o esbatimento das fronteiras do tempo de trabalho, violações da privacidade, controlo digital intensificado e solidariedade coletiva enfraquecida. O estudo mostra que os países da União Europeia e o Reino Unido já consolidaram os direitos à flexibilidade, transparência da gestão algorítmica e proteção contra o monitoramento digital excessivo, enquanto a legislação ucraniana permanece apenas parcialmente alinhada com esses princípios. Também foram identificadas diferenças de género no impacto do emprego remoto no bem-estar psicológico. A importância prática da investigação reside nas recomendações para modernizar a legislação laboral ucraniana, incluindo a introdução do «direito à desconexão», a presunção de relações laborais na economia gig e o reforço da proteção social no ambiente digital.

Palavras-chave

Trabalho remoto, emprego flexível, direitos laborais, digitalização, economia gig.

How to cite this article

Kuznetsova, Maryna, Karpenko, Lidiia, Kravtsov, Danylo, Tykhoniuk, Olha & Smoliarova, Maryna (2026). Shifting Paradigms of Labor Rights in the Context of Flexible and Remote Employment. *Janus.net, e-journal of international relations*. Thematic Dossier - Rule of Law, Human Rights, and Institutional Transformation in Times of Global and National Challenges, VOL. 16, Nº. 2, TD3, March 2026, pp. 410-426. <https://doi.org/10.26619/1647-7251.DT0226.22>

Article submitted on 18 December 2025 and accepted for publication on 15 January 2026.





SHIFTING PARADIGMS OF LABOR RIGHTS IN THE CONTEXT OF FLEXIBLE AND REMOTE EMPLOYMENT

MARYNA KUZNETSOVA

LIDIIA KARPENKO

DANYLO KRAVTSOV

OLHA TYKHONIUK

MARYNA SMOLIAROVA

Introduction

In the modern era of rapid digitalization of society, a profound transformation of labor rights is taking place, changing the perception of the very nature of work, its organization and social justice. The spread of remote, flexible and hybrid employment, the development of the platform economy, the introduction of artificial intelligence and automation of work processes are creating a new architecture of the labor market, where classic instruments of legal regulation are gradually losing their effectiveness. Under such conditions, there is an urgent need to rethink labor guarantees, adapt the legal field to the realities of the digital economy, and ensure a balance between employment flexibility and employee protection. The issue of remote work has become one of the most relevant in the international scientific discussion, as it combines legal, socio-psychological, and economic dimensions. As Kossek and Kelliher (2022) and Mahadevan et al. (2025) point out, new work formats are creating a "culture of autonomy", but at the same time they increase the risk of blurred work boundaries, increased employer control and inequality in access to opportunities. Studies by OECD (2023) and WHO (2023) show that the increase in the proportion of remote workers worldwide is accompanied by a deterioration in psychological well-being, increased emotional exhaustion and the need for new policies to support mental health. At the same time, the gender aspect of remote work is gaining increasing importance – according to the results of studies by Castro-Trancón et al. (2024) and Maraziotis (2024), women are more likely to choose flexible work formats, but they remain more vulnerable to professional burnout due to the double burden of work and family.



The legal challenges of remote and hybrid work cover a wide range of issues, from classifying employment relationships in the gig economy to ensuring the right to privacy and the “right to disconnect”. European scientific opinion offers a model of combining economic flexibility with a high level of social protection, which is reflected in the EU Directives – *Directive (EU) 2019/1158* on work-life balance and *Directive (EU) 2024/1231* on platform work (European Commission, 2019; European Parliament & Council of the European Union, 2024). Comparative studies of the United Kingdom, Canada and Ukraine (UK Parliament, 2023; Canada.ca, 2024a; Honcharenko & Bohatyrova, 2025) demonstrate the desire of states to form a balanced regulatory system that simultaneously takes into account the interests of employees and employers. There are still “blank spots” in our knowledge of how legal procedures should provide justice in the digital world, where there are no distinct borders between paid and self-employed employment or between working and personal time, despite the fact that scientific research on the subject is ongoing. The issues of collective responsibility in the virtual environment, control of working time through algorithmic systems, as well as the legal responsibility of the parties when using digital platforms remain insufficiently researched.

The purpose of the present research is to clarify the features of the transformation of labor rights in the context of remote and flexible employment, characterize the legal risks and challenges of the digitalization of labor, and identify areas for improving the national legislation of Ukraine in accordance with European standards for ensuring decent work.

Analysis of Recent Studies and Publications

In modern scientific literature, the issue of the transformation of labor rights in the context of remote and flexible employment is considered through the prism of digitalization, social justice and ensuring decent working conditions. A number of studies emphasize the need to rethink traditional models of labor relations and create flexible work formats that combine productivity and employee well-being (Kossek & Kelliher, 2022; Kossek et al., 2022; Smite et al., 2022; Soga et al., 2022). Considerable attention has been paid to the role of organizational culture in shaping fair flexibility practices that provide a balance between autonomy and control (Hartner-Tiefenthaler et al., 2023; Buick et al., 2024; Shi Hao et al., 2024). The studies demonstrate that flexible work models have both positive and conflicting effects on the psycho-emotional state of employees. In particular, it has been proven that remote work increases life satisfaction, but at the same time increases the risks of emotional burnout, especially among women (Matthews et al., 2022; Castro-Trancón et al., 2024; WHO, 2023; OECD, 2023). In terms of gender, it was found that women are more likely to choose remote employment, which promotes flexibility but creates additional burdens in combining professional and family roles (Maraziotis, 2024; Xue et al., 2025; Clausen et al., 2024).

The issue of legal regulation of remote work is the subject of active discussions among scholars and practitioners. Scholars draw attention to the lack of a unified terminology base and the need to update legislative acts to define the status of platform economy workers (Hipp & Krzywdzinski, 2023; Katsabian, 2023; Hsieh et al., 2023; Mahadevan et al., 2025). Ukrainian authors also emphasize the need to create a stable legal framework for remote work and gig employment (Honcharenko & Bohatyrova, 2025; Shlapko &



Makhitko, 2024; Yefrosenko, 2025; Panchenko, 2025). At the international level, studies on the harmonization of employment rights across jurisdictions remain relevant. Within the EU, regulatory documents aimed at ensuring a balance between professional and private life play a key role (European Commission, 2019; European Parliament & Council of the European Union, 2024; Shapiro, 2025; Fisher Phillips, 2024). The UK has passed *the Employment Relations (Flexible Working) Act 2023*, which extends employees' rights to request flexible working hours (UK Parliament, 2023; World Economic Forum, 2023; First Advantage, 2025), while Canada has established the right to make written requests to change jobs (Canada.ca, 2024a; 2024b; Accace, 2024).

Special attention of the researchers is devoted to the emerging risks in the sphere of labor rights due to digitalization. The issues of shared responsibility, time management, personal information protection, and establishment of the legal responsibility of the participants are evaluated specifically through the prism of recent legislative practices and court cases. Scientists underline that the absence of legally enshrining the boundaries of the monitoring as well as the right to disconnect may result in the loss of labor guarantees in the remote work (Ray and Pana-Cryan, 2021; Mamaysky and Lister, 2021; Petitta and Ghezzi, 2025; Li et al., 2025). To conclude, the scientific discourse implies a shift towards the normative to the value-based concept of work in the digital era: the employee is actually regarded as an independent entity that needs more than legal protection, social one. The establishment of legal frameworks that would provide the hybrid and platform employment structures is a prerequisite to the creation of a balance between flexibility and job security (Tossou, 2025; Pearson, 2025; Rosin, 2024; Panchenko, 2025).

In addition, scientific opinion focuses on the socio-economic consequences of the digital transformation of work, in particular, the impact of automation and artificial intelligence on the structure of the labor market, income stability and the formation of new employee competencies (Tossou, 2025; Li et al., 2025; Petitta & Ghezzi, 2025; Panchenko, 2025). A number of studies highlight the need to integrate flexibility principles into human resource policies that ensure employee motivation, engagement and resilience in the post-pandemic environment (Mahadevan et al., 2025; Shi Hao et al., 2024; Buick et al., 2024; Soga et al., 2022). At the same time, as comparative analyses show (OECD, 2021; 2023; WHO, 2023; Castro-Trancón et al., 2024), the implementation of remote employment requires taking into account socio-cultural factors that determine uneven access to technology and professional opportunities.

The legal nature of the new work format is actively discussed in a framework of the cross-border contact and law ambiguity in the identification of the applicable law (Rosin, 2024; Mamaysky and Lister, 2021; Honcharenko and Bohatyrova, 2025; Shlapko and Makhitko, 2024). Specifically, researchers observe that globalization of remote work presupposes the harmonization of regulations on the working time, protection of personal data, and the regulation of the contractual relations between the employer and the employee in various jurisdictions. Here, the role of the European directives as templates of legal alignment that guarantee minimum levels of social protection to workers is highlighted, specifically, by norms on algorithmic transparency and human oversight of the platform economy (European Parliament and Council of the European Union, 2024; Fisher Phillips, 2024; Shapiro, 2025; UK Parliament, 2023; Mia et al., 2022). The research of recent



years also emphasizes the new methods of workers right towards flexibility and contribution to the creation of the own working environment. The right to disconnect practice is regarded as one of the significant elements of the modern labor law, which allows avoiding burnout and saving mental health (Ray and Pana-Cryan, 2021; Petitta and Ghezzi, 2025). In scientific publications on law and management, there is a case in favor of institutional support of hybrid employment, the enhancement of employment contracts, and the development of digital control mechanisms that do not interfere with privacy in employees (Hsieh et al., 2023; Li et al., 2025; Hipp and Krzywdzinski, 2023; Panchenko, 2025).

Thus, despite the depth of existing studies, a number of unresolved issues remain: the lack of a unified approach to determining the legal status of workers in the platform economy and the insufficient development of mechanisms for the legal responsibility of the parties in remote work. These gaps determine the direction of further scientific research on the harmonization of labor legislation in the digital age.

Research Methods

The research was carried out by the author in 2024 – 2025 based on an interdisciplinary approach that combined legal, socio-economic and comparative analytical analysis. The main materials were regulatory legal acts of the European Union, the United Kingdom, Canada and Ukraine, in particular *Directive (EU) 2019/1158 and Directive (EU) 2024/1231*, as well as analytical reports of international organizations, in particular OECD (2021, 2023) and WHO (2023). Methods of comparative legal analysis of legislative systems (Accace, 2024; UK Parliament, 2023; Canada.ca, 2024a, 2024b) and content analysis of scientific publications (Castro-Trancón et al., 2024; Matthews et al., 2022) were employed to evaluate the effects of remote and flexible employment on workers' mental health, social stability, and labour rights. Statistical and sociological data were selected from open sources PubMed Central and the OECD database, which ensured a representative sample of over 2,000 respondents from OECD member countries. Using a structural-functional approach and a way of generalizing empirical data, we were able to systematize the results and find similarities between the psychological condition of employees, gender features, and the degree of employment flexibility. Based on these methods, summary tables and visualizations were constructed that reflect key trends in legal regulation and social consequences of remote work.

Research Results

The transformation of labor rights in the context of the development of remote and flexible forms of employment is one of the key processes that determine the modern architecture of the labor market. Digitalization, automation and the development of the platform economy have created new formats of work that combine the independence of the employee with non-standard conditions of interaction between the employer and the contractor. Within the framework of such changes, the question arises of revising legal mechanisms that were previously focused on the traditional form of labor relations – with a fixed place, time and clearly defined responsibilities (Kossek & Kelliher, 2022;



Mahadevan et al., 2025). Currently, remote work is seen not only as a temporary form of work organization but also as a stable element of the economic system. Its spread requires states to adopt new approaches to guaranteeing labor rights, as classic mechanisms of control, supervision and ensuring labor safety are losing their effectiveness. At the same time, hybrid labor models are emerging, where the boundaries between paid and self-employed work are becoming increasingly blurred (Hartner-Tiefenthaler et al., 2023; Katsabian, 2023).

Automation of production processes and the transition to flexible employment formats are changing the very structure of labor rights. In particular, the importance of individual responsibility of employees is increasing, as well as the role of contractual regulation in determining social guarantees. In such conditions, the issues of personal data protection, working time regulation and the right to rest, which are increasingly violated in the virtual environment, are gaining particular importance (Rosin, 2024; Yefrosenko, 2025; Spurk & Straub, 2020). Changes in the digital economy are also exacerbating social inequality since not all categories of workers have equal access to technology, resources and opportunities for self-development. Workers in the gig economy often face the problem of a lack of guarantees of stable income, pension provision and insurance protection. This poses the task of legislators to find a balance between flexibility and job security, as well as the formation of a universal legal model that can adapt to dynamic market changes (Clausen et al., 2024; Li et al., 2025).

Therefore, the transformation of labor rights in the digital age is not just a technical or legal adaptation, but a fundamental transition to a new philosophy of work, combining autonomy, flexibility and social responsibility. Law should not just regulate these processes, but also anticipate them, creating fair conditions for all participants in labor relations (Petitta & Ghezzi, 2025; Panchenko, 2025).

The global digitalization of the economy and the spread of hybrid work formats have necessitated a profound transformation of labor law. The European Union member states, as well as the United Kingdom, Canada, and Ukraine, have different approaches to defining the right to remote work and flexible working hours, forming the legal status of gig economy workers, and institutional control over compliance with labor guarantees. Despite differences in legislative approaches, the general trend is the desire to combine economic flexibility for employers with social stability for workers. As the analysis presented in Table 1 shows, most countries are gradually shaping policies to balance employee autonomy, digital monitoring and labor rights guarantees.

The comparison shows that the legislation of leading countries is gradually converging in the understanding of flexibility as part of the right to decent work. European standards are aimed at ensuring a balance between professional and private life, the United Kingdom – at simplifying procedures for employees, Canada – at institutional protection of requests, and Ukraine – at the gradual implementation of these standards within the framework of national labor law. Such an analysis outlines the directions for improving Ukrainian legislation to harmonize with international approaches.



Table 1. International approaches to regulating remote employment and employees' right to flexibility

Jurisdiction	Right to flexible working hours/request	Legal status of gig economy/platform workers	Institutional mechanisms for control and protection of rights
European Union	Directive (EU) 2019/1158 <i>Work-Life Balance</i> guarantees the possibility for employees to request flexible working hours, remote work or individual schedules. Member States adapt the rules in national law.	The new Directive (EU) 2024/1231 on platform work introduces a <i>presumption of an employment relationship</i> if the platform controls the work.	Platforms are required to ensure transparency of algorithms, inform employees, and guarantee human oversight of automated decisions.
Great Britain	<i>The Employment Relations (Flexible Working) Act 2023</i> gives employees the right to make requests for flexible working twice a year, and the employer must respond within two months.	Case law recognizes platform employees as <i>workers (Uber v Aslam case)</i> , which guarantees minimum pay and social benefits.	In 2025, employers' obligations to verify the right to work (<i>Right to Work Checks</i>) in the gig sector were expanded.
Canada	<i>The Canada Labor Code</i> allows a written request to change a schedule or location after 6 months of employment; a response is provided within 30 days.	Consultations are underway to expand the rights of gig workers and create a special status in federal legislation.	Labor standards are monitored by inspectorates; there is protection against retaliation for requesting flexibility.
Ukraine	Articles 60–60-2 of the Labor Code regulate remote and home work; during martial law, remote work is permitted for parents of children under 14 years of age.	The gig economy is not regulated by a separate law; employees mostly work under civil law contracts.	Control is carried out by the State Labor Service and the courts; employers are required to conclude a written contract on remote work and adhere to labor guarantees.

Source: compiled by the author based on (Accace, 2024; Canada.ca, 2024a; Canada.ca, 2024b; European Parliament & Council of the European Union, 2024; European Commission, 2019; Fisher Phillips, 2024; First Advantage, 2025; Shapiro, 2025; UK Parliament, 2023; World Economic Forum, 2023).

The methodological basis of the research is based on a comparative analysis of statistical and sociological data obtained from open international sources. The basis includes analytical reports of the OECD (2021; 2023), meta-analyses published in the PubMed Central database (World Health Organization, 2023), as well as empirical studies devoted to the gender and social aspects of remote work (Castro-Trancón et al., 2024; Matthews et al., 2022). For comparison purposes, data from over 2,000 respondents from across OECD countries, 27 studies included in a WHO systematic review, and a meta-analysis of 22 papers on the gender dimension of remote work published in 2020 – 2024 were used.

Data collection and selection were carried out according to the criteria of reliability, openness and representativeness. Only official statistical and scientific publications with



verified peer review were included in the analysis. To calculate the average indicators, standardized indices were used: level of psychological distress (in %), average score of life satisfaction (scale 0–10) and index of “work-family” conflict (0–100 points). Calculations were made taking into account the gender factor and form of employment (flexible or office). The results obtained are presented in Table 2, which summarizes the key quantitative trends.

Table 2. Comparative indicators of well-being and psychological safety of employees, taking into account gender and form of employment

Group / Indicator	Proportion with psychological distress (%)	Life satisfaction (scale 0–10)	Work-family conflict index (0–100)
Women, remote/flexible work	22.37 %	6.81	57.24
Men, remote/flexible work	14.92 %	7.15	48.79
Women, office (traditional)	18.55 %	6.25	52.61
Men, office (traditional)	11.30 %	6.90	45.33

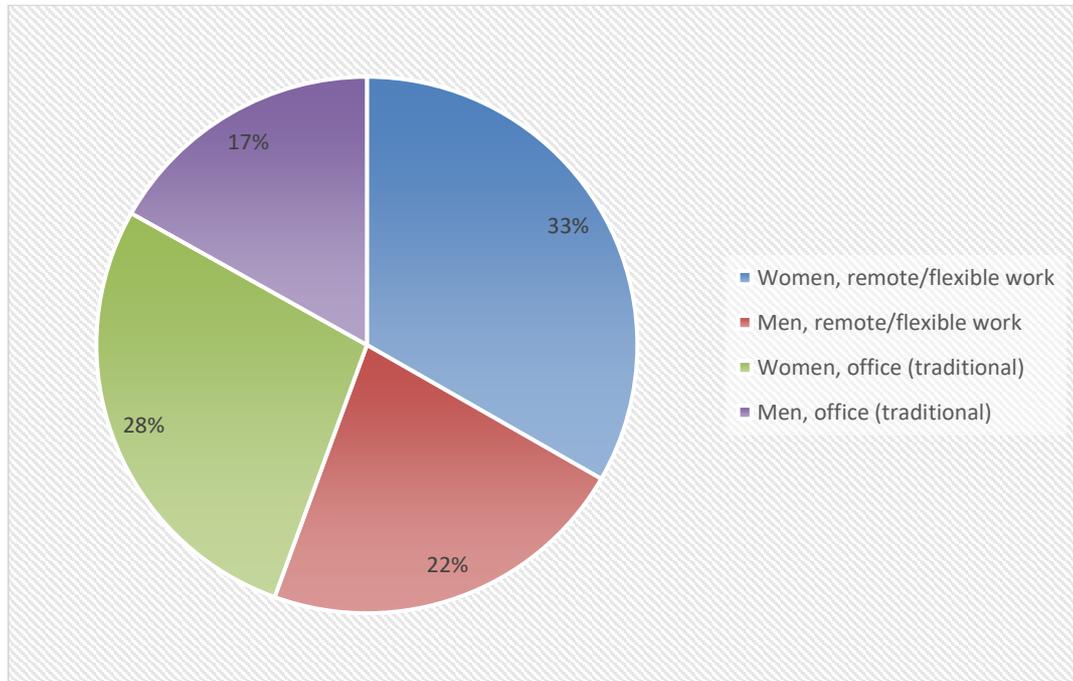
Source: compiled by the author based on (Castro-Trancón et al., 2024; Matthews et al., 2022; OECD, 2021, 2023; WHO, 2023).

The results show significant differences in the perception of remote work by different social groups. Women who work in a flexible employment format are more likely to report increased emotional tension, fatigue and difficulties in maintaining a balance between work and family responsibilities (Castro-Trancón et al., 2024). Men, on the other hand, evaluate flexible conditions more positively, demonstrating higher levels of life satisfaction and lower levels of distress (Matthews et al., 2022). At the macro level, according to OECD (2023), teleworking increases overall productivity, but at the same time poses a threat of erosion of psychological safety, especially in the absence of adequate organizational support. According to WHO (2023), the risk of burnout among workers who work from home for more than 35 hours per week increases by almost 28%. Thus, flexible working models require the integration of mental health policies, workload management and social support within the framework of organizations’ work strategies. Only under such conditions can teleworking become a source of sustainable professional well-being, rather than a factor in its undermining.

A comparative study of the proportion of workers from various social groups by type of job was conducted in order to better understand the effects of remote and flexible employment on professional well-being. Figure 1 shows the ratio between women and men working remotely or in a traditional format. This distribution allows us to identify gender-specific characteristics of participation in new forms of work and potential socio-psychological risks associated with them.



Figure 1. Distribution of employees by employment form and gender in the context of remote and traditional work



Source: compiled by the author based on (Castro-Trancón et al., 2024; Matthews et al., 2022; OECD, 2021, 2023).

As shown in Figure 1, the largest share is made up of women employed in remote or flexible work arrangements – 33%. This indicates the active involvement of women in remote employment, driven both by the desire for a balance between work and family responsibilities and the need for greater time autonomy. The second largest group is women working in a traditional office format – 28%, which demonstrates a gradual but steady change in the employment model among women in favor of remote work. Men make up a smaller share of remote or flexible work – 22%, but it is this group, according to OECD (2023) and Matthews et al. (2022), that demonstrates higher life satisfaction and lower levels of psychological distress. The lowest proportion is among men working in a traditional format, at 17%, which may reflect the persistence of conservative approaches in certain industries or a preference for stable jobs over flexible arrangements. The overall pattern shows that women are more likely to adapt to remote work formats, while men are more likely to remain in traditional office formats. This ratio may be a consequence of gender differences in household responsibilities, social expectations and employment flexibility practices (Castro-Trancón et al., 2024; OECD, 2021). Thus, there is a pronounced gender imbalance in the structure of remote employment, which requires the development of public and corporate policies aimed at reducing the burden on women, ensuring equal access to resources and creating favorable conditions for the psychological well-being of all categories of workers.



In the current context of digital transformation of work, remoteness and automation of work processes give rise to a whole range of legal problems and risks. In particular, the issues of collective responsibility, control of working time, protection of personal data and legal liability of the parties to the employment relationship are becoming particularly acute. Table 3 provides a systematic overview of the key legal challenges and possible mechanisms to counteract them (see Table 3).

Table 3. Legal challenges of remote work and digitalization: areas of risk and possible institutional responses

Direction / Risk	Problems / Areas of uncertainty	Potential legal solutions/control mechanisms	Comments / restrictions
Collective responsibility and labor solidarity	In remote conditions, the cohesion of the work team weakens; the boundaries between personal initiative and collective norms become blurred.	Introduction of electronic participation platforms, mechanisms of “virtual workers’ councils”, collective agreements covering remote work	The relevance of collective forms is decreasing in individualized work models; the need for coordination with local law
Time and productivity control	Using monitoring programs, screen recording, activity tracking – the risk of excessive surveillance	Legislative restrictions on monitoring (only during working hours, with the employee’s explicit permission), “right to disconnect” policies, transparency of algorithms	Monitoring can be privacy-invading; it is important to balance efficiency and rights (Worklytics, 2025)
Personal data protection and privacy	Increased risk of information leakage, unauthorized access to data, unsafe communication channels	Obligation to encrypt communications, limit data collection to the minimum necessary, informed consent, security audit	Violation of GDPR or similar regulations can result in significant penalties (Jackson Lewis: Privacy Pitfalls, 2025)
Legal responsibility of the parties	Unclear definition of liability boundaries: where does the role of platform/employer/employee end?	Contract terms with clear delineation of liability, force majeure clauses, cyber risk insurance	In case of conflicts, case law or precedents are needed for interpretation
Formal recognition of employment status	Platforms seek to classify workers as independent contractors to avoid employment obligations	Presumption of employment status, strong legislative regulation, application of control tests (as in the EU)	Contractor protection is weak, increasing the risks of evasion of obligations
The right to disconnect	Constant availability, waiting for answers outside of working hours, blurring of boundaries	Legally enshrining the right to “not be in touch” outside working hours – as a supplement to working hours laws	Some countries have already enshrined this right by law or through contracts (right to disconnect)

Source: compiled by the author based on (Ray & Pana-Cryan, 2021; Mamaysky & Lister, 2021; Rosin, 2024; European Parliament & Council of the European Union, 2024; Shapiro, 2025; Petitta & Ghezzi, 2025; Li et al., 2025; Panchenko, 2025)



The analysis of legal challenges demonstrates that remote and digital work activities challenge traditional mechanisms of employee protection. Collective responsibility is weakened as workers are spatially distributed and organizational structures lose their coordinates. Time control becomes more aggressive through the use of monitoring, which can cross the line of privacy if not legally limited. Personal data protection requires increased standards – encryption, data minimization, consent and transparency. Legal responsibility is becoming ambiguous: platforms, employers and workers themselves enter into new interdependent lines of responsibility that need to be clearly recorded in contracts. In addition, classic approaches to classifying workers as “employee” or “contractor” are proving insufficient, which facilitates the abuse of classification. Finally, the right to “disconnect” is becoming a moral and legal issue, because without clear boundaries, technological labor activity absorbs personal space.

Improving Ukrainian labor legislation in the digital economy should be based on a combination of flexibility and social responsibility of the state towards employees. First of all, it is advisable to implement European approaches enshrined in *Directive (EU) 2019/1158 on Work-Life Balance and Directive (EU) 2024/1231 on Platform Work*, which define the employee’s right to flexible working hours, remote employment and transparent working conditions. Ukrainian legislation needs to introduce a presumption of employment for platform workers, legal regulation of algorithmic management, and enshrine a “right to disconnect” to protect workers from overload. It is important to create mechanisms for collective representation of workers in digital environments, which will ensure equal access to negotiations and social protection regardless of the form of employment.

The second key line of modernization should be the development of a flexible employment system combined with decent work guarantees. It is necessary to develop standard contracts for remote work, which provide for a clear definition of the obligations of the parties, working hours, responsibility for technical risks and personal data protection. It is also important to introduce tax and social incentives for employers who officially register remote workers, and for employees – the possibility of voluntary payment of social contributions from gig contracts. Harmonization with European standards should be accompanied by updating approaches to state supervision of remote work conditions, integration of the principles of gender equality, inclusion and non-discrimination in the digital environment, which will contribute to the formation of a fair, safe and sustainable labor market.

Discussion

The research results confirmed that the digitalization of employment relations leads not only to increased flexibility and productivity of employees, but also creates a number of legal, psychological and social challenges. Analysis of data from OECD (2021, 2023) and WHO (2023) showed that remote work has a positive impact on efficiency and work-life balance; however, as Matthews et al. (2022) note, it also increases psychological distress, especially among women. These findings are partly in contrast to Petitta and Ghezzi (2025), who interpret flexible working as a factor in increasing life satisfaction and motivation. It can be assumed that this difference is due to the social policy context:



in countries with strong employee support systems (e.g., in the EU), the negative effects of remoteness are compensated institutionally, while in countries with less developed work infrastructure, they are more pronounced.

The legal status of gig economy workers remains a matter of debate. Some authors (Katsabian, 2023; Mahadevan et al., 2025; Hsieh et al., 2023) believe that maintaining flexibility requires reducing regulatory pressure, while others (European Parliament & Council of the European Union, 2024; Shapiro, 2025) emphasize the need to strengthen the presumption of employment relationships to avoid exploitative practices. The results of the study confirm the second position: only the formalization of legal status can ensure a fair distribution of responsibilities and guarantees. Thus, the experience of the EU and the United Kingdom (UK Parliament, 2023; World Economic Forum, 2023) should become a guideline for Ukraine in forming its own system of flexible labor regulation.

Special attention of the researchers is devoted to the emerging risks in the sphere of labor rights due to digitalization. The issues of shared responsibility, time management, personal information protection, and establishment of the legal responsibility of the participants are evaluated specifically through the prism of recent legislative practices and court cases. Scientists underline that the absence of legally enshrining the boundaries of the monitoring as well as the right to disconnect may result in the loss of labor guarantees in the remote work (Ray and Pana-Cryan, 2021; Mamaysky and Lister, 2021; Petitta and Ghezzi, 2025; Li et al., 2025). To conclude, the scientific discourse implies a shift towards the normative to the value-based concept of work in the digital era: the employee is actually regarded as an independent entity that needs more than legal protection, social one. The establishment of legal frameworks that would provide the hybrid and platform employment structures is a prerequisite to the creation of a balance between flexibility and job security (Tossou, 2025; Pearson, 2025; Rosin, 2024; Panchenko, 2025).

Gender differences in perceptions of remote work have also been the subject of academic debate. Castro-Trancón et al. (2024) indicate that women are more likely to suffer from burnout, while Clausen et al. (2024) and Matthews et al. (2022) highlight that men generally evaluate flexible working arrangements more positively. Our results confirm the existence of this gender gap, which is linked to sociocultural factors and the unequal distribution of family responsibilities. This suggests the need to integrate gender-sensitive policies into legislation and corporate practices, which is consistent with the findings of OECD (2023) and Maraziotis (2024). At the same time, there is a certain contradiction between theoretical approaches to flexibility. Kossek and Kelliher (2022) consider it as a means of increasing justice, while Panchenko (2025) and Tossou (2025) warn that excessive flexibility can lead to the erosion of social guarantees and the increase of inequality. Based on the results obtained, it can be concluded that the key is not the degree of flexibility, but the quality of its legal and social support – it is the institutional mechanisms that determine whether remote work will become a factor of development or a risk of degradation of labor rights.

Thus, the discussion demonstrates the need for an interdisciplinary approach to the study of digital work, combining legal, social and psychological aspects. Despite significant achievements, the issues of legal classification of platform economy workers, guarantees of mental health of remote workers and mechanisms of collective representation in the



virtual environment remain unresolved. These areas require further in-depth research and legislative initiatives to form a sustainable model of decent work in the context of digital transformation.

Conclusions and Prospects for Further Studies

The research revealed that the digitalization of work is not just a technical update, but a profound socio-legal transformation that changes the very nature of labor relations. The results proved that remote and flexible employment can increase the efficiency and quality of life of employees only if there are balanced mechanisms of legal regulation, control and social protection. The novelty of the scientific work lies in the systematic combination of legal and socio-psychological approaches to assessing the impact of the digital economy on labor rights, which allowed us to generalize trends in national and international practices. The comparative analysis demonstrated that Ukraine is moving towards harmonization with European standards, but there are still gaps in the legal definition of the status of gig workers, ensuring the right to privacy and implementing the principle of the "right to disconnect". The lack of statistical evidence on the effect of flexible work on psychological safety and gender balance in Ukrainian reality was one of the study's limitations; this needs more empirical study. The practical significance lies in the possibility of using the conclusions to develop recommendations for the modernization of the labor legislation of Ukraine, the adaptation of the norms of the Labor Code to digital work formats and the formation of policies for the mental health of employees in the virtual environment. A promising direction for further research is the creation of an integrated model of legal protection of employees in the platform economy, as well as the development of a national strategy for "digital decent work", which will combine the principles of flexibility, autonomy and social responsibility of the state and employers.

References

- Accace (2024). *Remote work in Ukraine: Key aspects of labor law regulation*. <https://accace.com/remote-work-in-ukraine/>
- Buick, F., Carey, G., Malbon, E., & Reeders, D. (2024). Different approaches to managerial support for flexible working: Implications for public sector employee well-being. *Public Personnel Management*, 53(3), 377–405. <https://doi.org/10.1177/00910260241226731>
- Canada.ca (2024a). *Flexible work arrangements under the Canada Labour Code*. <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/labour-standards/flexible-work-arrangements.html>
- Canada.ca (2024b). *Gig workers: What we heard*. Government of Canada. <https://www.canada.ca/en/employment-social-development/corporate/portfolio/labour/programs/labour-standards/reports/gig-workers-what-we-heard.html>



Castro-Trancón, M. del M., Castro-Núñez, R., del Río-Valdivia, J., & González-Cantero, J. (2024). Effects of teleworking on well-being from a gender perspective: A systematic review. *Frontiers in Organizational Psychology*, 2. <https://doi.org/10.3389/forgp.2024.1360373>

Clausen, M., Chur-Hansen, A., Crabb, S., & Vincent, N. (2024). What does flexible work for men really mean?: a qualitative content analysis of key stakeholder accounts. *Labour and Industry*, 34(3), 339–359. <https://doi.org/10.1080/10301763.2024.2420297>

European Commission (2019). *Directive (EU) 2019/1158 on work-life balance for parents and carers*. <https://www.remoteworkadvocate.com/post/eu-law-makes-flexible-working-mandatory-2>

European Parliament & Council of the European Union (2024). *Directive (EU) 2024/1231 on improving working conditions in platform work*. <https://www.fisherphillips.com/en/news-insights/new-eu-platform-work-directive-impacts-freelancers-and-gig-economy.html>

First Advantage (2025). *Navigating the new landscape of "Right to Work" checks in the UK gig economy*. <https://fadv.com/emea/blog/navigating-the-new-landscape-of-right-to-work-checks-in-the-uk-gig-economy/>

Fisher Phillips (2024). *New EU Platform Work Directive impacts freelancers and the gig economy*. <https://www.fisherphillips.com/en/news-insights/new-eu-platform-work-directive-impacts-freelancers-and-gig-economy.html>

Hartner-Tiefenthaler, M., Zedlacher, E. & Clarke, S. (2023). Flexible working arrangements as privilege or entitlement? Type of access to flexible working arrangements shapes reciprocal beliefs and social exchange relationships in hybrid work teams. *Z. Arb. Wiss.* 77, 666–677. <https://doi.org/10.1007/s41449-023-00388-0>

Hipp, L., & Krzywdzinski, M. (2023). Remote Work: New Fields and Challenges for Labor Activism. *Work and Occupations*, 50(3), 445–451. <https://doi.org/10.1177/07308884231163135>

Honcharenko, A., & Bohatyrova, M. (2025). Features of remote work regulation in Ukraine. *Universum*, (18), 31–33. <https://archive.liga.science/index.php/universum/article/view/1679>

Hsieh, J., Adisa, O., Bafna, S., & Zhu, H. (2023). Designing individualized policy and technology interventions to improve gig work conditions. *arXiv preprint*. <https://doi.org/10.48550/arXiv.2306.12972>

Katsabian, T. (2023). Flexibility, choice, and labour law: The challenge of on-demand platforms. *University of Toronto Law Journal*, 73(3), 350–363. <https://doi.org/10.3138/utlj-2021-0113>

Kossek, E. E., & Kelliher, C. (2022). Making Flexibility More I-Deal: Advancing Work-Life Equality Collectively. *Group & Organization Management*, 48(1), 317–349. <https://doi.org/10.1177/10596011221098823>

Kossek, E. E., Perrigino, M. B., & Lautsch, B. A. (2022). Work-Life Flexibility Policies From a Boundary Control and Implementation Perspective: A Review and Research



Framework. *Journal of Management*, 49(6), 2062–2108. <https://doi.org/10.1177/01492063221140354>

Li, Y., Xie, Z., Tui, Z., & Woo, D. (2025). The impact of digital economy on flexible employment: The mediating role of laborer perceptions. *SAGE Open*, 15(1). <https://doi.org/10.1177/21582440251327017>

Mahadevan, J., Mayer, C. H., Bos-Nehles, A., & Syed, J. (2025). The remote work transformation: new actors, new contexts, new implications. *The International Journal of Human Resource Management*, 36(10), 1653–1665. <https://doi.org/10.1080/09585192.2025.2536965>

Mamaysky, I., & Lister, K. (2021). Working from home: Unraveling the employment law implications of the remote office. *ABA Journal of Labor and Employment Law, Forthcoming*, 1–14. <https://dx.doi.org/10.2139/ssrn.3982873>

Maraziotis, F. (2024). Flexibility for equality: Examining the impact of flexible working time arrangements on women's convergence in working hours. *British Journal of Industrial Relations*, 62(2), 410–445. <https://doi.org/10.1111/bjir.12787>

Matthews, T. A., Pappas, Y., & Henderson, K. (2022). Gender differences in psychological distress among teleworkers during COVID-19: A cross-sectional analysis. *BMC Public Health*, 22, 1432. <https://doi.org/10.2486/indhealth.2022-0077>

Mia, M. M., Rizwan, S., Zayed, N. M., Nitsenko, V., Miroshnyk, O., Kryshstal, H., & Ostapenko, R. (2022). The impact of green entrepreneurship on social change and factors influencing AMO theory. *Systems*, 10(5), 132.

Organisation for Economic Co-operation and Development (OECD). (2021). The future of remote work: Opportunities and challenges. *OECD Publishing*. <https://dx.doi.org/10.1787/35f78ced-en>

Panchenko, V. (2025). Flexible forms of employment in IT management: Personnel management under the transformation of traditional labor relations and staff shortage. *Economy and Society*, (75). <https://doi.org/10.32782/2524-0072/2025-75-89>

Pearson, M. (2025). The right to request flexible working: Evidence from employment tribunal judgments. *Industrial Law Journal*, 54(1), 57–86. <https://doi.org/10.1093/indlaw/dwae016>

Petitta, L., & Ghezzi, V. (2025). Disentangling the Pros and Cons of Flexible Work Arrangements: Curvilinear Effects on Individual and Organizational Outcomes. *Economies*, 13(1), 20. <https://doi.org/10.3390/economies13010020>

Ray, T. K., & Pana-Cryan, R. (2021). Work flexibility and work-related well-being. *International Journal of Environmental Research and Public Health*, 18(6). <https://doi.org/10.3390/ijerph18063254>

Rosin, A. (2024). Cross-border telework and the applicable labour law: The role of different connecting factors in determining objectively applicable law. *European Labour Law Journal*, 15(4), 755–772. <https://doi.org/10.1177/20319525241251435>



Shapiro, P. (2025). It's official: The EU Platform Work Directive is here. *Ogletree Deakins*. <https://ogletree.com/insights-resources/blog-posts/its-official-the-eu-platform-work-directive-is-here/>

Shi Hao, L., Ojo, A. O., & Chong, C. W. (2024). Influence of workplace flexibility on employee engagement among young generation. *Cogent Business & Management*, 11. <https://doi.org/10.1080/23311975.2024.2309705>

Shlapko, T. V., & Makhitko, K. B. (2024). Remote employment in the era of modern changes: Legal analysis. *Uzhhorod National University Herald. Series: Law*, 85(2), 138–146. <https://doi.org/10.24144/2307-3322.2024.85.2.20>

Smite, D., Moe, N. B., Hildrum, J., Gonzalez Huerta, J., & Mendez, D. (2022). Work-from-home is here to stay: Call for flexibility in post-pandemic work policies. *arXiv preprint*. <https://doi.org/10.48550/arXiv.2203.11136>

Soga, L. R., Bolade-Ogunfodun, Y., Mariani, M., Nasr, R., & Laker, B. (2022). Unmasking the other face of flexible working practices: A systematic literature review. *Journal of Business Research*, 142, 648–662. <https://doi.org/10.1016/j.jbusres.2022.01.024>

Spurk, D., & Straub, C. (2020). Flexible employment relationships and careers in times of the COVID-19 pandemic. *Journal of Vocational Behavior*, 119. <https://doi.org/10.1016/j.jvb.2020.103435>

Tossou, S. C. (2025). Labor market reforms, flexibility, and employment transitions across formal and informal sectors. *arXiv preprint*. <https://doi.org/10.48550/arXiv.2510.03668>

UK Parliament (2023). *Employment Relations (Flexible Working) Act 2023*. <https://www.legislation.gov.uk/ukpga/2023/33>

World Economic Forum (2023). *UK law expands employee rights to flexible working requests*. <https://www.weforum.org/stories/2023/08/flexible-working-law-rights/>

World Health Organization. (2023). *World health statistics 2023: Monitoring health for the Sustainable Development Goals* (Geneva). https://cdn.who.int/media/docs/default-source/gho-documents/world-health-statistic-reports/2023/world-health-statistics-2023_20230519.pdf

Xue, B., Chung, H., Gu, R., & McMunn, A. (2025). Does the 'right to request' flexible work policy influence men's and women's uptake of flexible working and well-being: Findings from the UK Household Longitudinal Study. *Journal of Epidemiology & Community Health*. <https://doi.org/10.1136/jech-2025-224166>

Yefrosenko, L. V. (2025). Remote work during martial law: Challenges, regulation, and prospects. *National Interests of Ukraine*, 4(9), 349–360. [https://doi.org/10.52058/3041-1793-2025-4\(9\)-349-360](https://doi.org/10.52058/3041-1793-2025-4(9)-349-360)