

# ŽOFČINOVÁ, VLADIMÍRA: SPECIFIC CATEGORIES OF EMPLOYEES

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In the light of ever-changing labour market, the perception of new concepts and searching for an optimal level of legal regulation, the issue of labour relations, the work performance, and role of employees as subjects of labour law is an „inexhaustible” and very current topic. The validity of scientific studies aimed at specific categories of employees is justified by inconsistency in the process of application of the laws within implementation practice, including the sphere of public administration. Historically, these relations have undergone both, less and more systematic changes associated with the enforcement of protection of fundamental rights and freedoms as well as with the social protection of workers, the harmonization of labour law and aspects related to the membership of Slovakia in the European Union, etc.

Similarly, the dynamic development of companies and the introduction of newly-found technologies into the production processes as well as services, digitalization, controlling through information devices and innovation all massively influence the present form of employment relationship. In relation to this, the status and protection of an employee will evolve and change in the future. As to respond to these changes, it will be necessary to re-define social policies in order to secure providing of effective social protection regulations which are deemed necessary by the very nature and character of the welfare state. Thus, related social policy, employment policy as well as the education policy will find themselves at the crossroads. As a result, it will be necessary to adopt systematic, rational and for some even unpopular measures. This is a very lively, dynamic topic and it requires to be examined not only from an academic or scientific point of view, but we also should bear it in mind when dealing with practical issues.

Monograph by JUDr. Žofčinová, PhD., entitled “Special Categories of Employees” offers scientific insight into a very special part of labour law - specific categories of employees respectively. Žofčinová’s publication is perceived as a wholly new and specific work and we could hardly find a comparable monograph or collection of scientific papers within the sphere of the Czech and Slovak literary production.

The author set the following as her main objective: “... to provide public with another, non-traditional juristical approach to categorisation of employees in the labour law sphere while aiming to point out to specific characteristics of legal regulations, and thus inspire the formation of various opinions and visions on the current form of the employment status of work performance from theoretical point

of view. (Žofčinová, 2018, p. 9), “the objective of this publication was chosen in ambitious, yet, in a realistic way”.

Having made use of methods of scientific work, the author has carried the examination of a wide range of mainly (but not only) labour relations between an employer and an employee. By exploring the topic, she came up with new findings in interdisciplinary context, closely intertwined with the sphere of public administration. The author should be applauded for her clear usage of terminology and for initiating of an interesting debate on what the right application of legal concepts should be, but most of all for her proposals on what to improve.

The monograph is divided into six chapters, related to each other logically as well as by content. With the ambition of being more reader-friendly, these were broken down into subsections.

In the first chapter the monograph provides us with the input analysis of the general context of labour relations, then, our attention is directed towards the social policy of the employer specializing on specific categories of employees. The author raises the question whether protection of employees with disabilities, as well as the adjustment of the labour conditions for the employees with responsibility for the family and their legal status could not be perceived rather as an area highlighting the protection of specific groups of employees, in many cases aiming to prevent discrimination against such persons, or to provide for enhanced protection (positive discrimination). In this chapter, strong emphasis is placed on “specificity” which determines the way the employees are to be categorized. This concept will certainly have a great impact on the next publications.

The second chapter presents a way in which we view the position of an employee with a disability. It helps a reader to find the answers to the questions of the status of those employees and the chapter also examines the specific obligations of an employee when hiring such a person. State aid and support within the sphere of a policy of employment of disabled persons are surely inevitable. Therefore, in this chapter, the author also examines the role of public administration in this area, more specifically, how the current labour market policy tools could be used to promote the employment of disabled people.

Recently, the requirement to balance and harmonize one’s career and private life has risen and not only that, it has become the new priority. In the third chapter, our attention is drawn towards the specific ways in which we approach employees who are bread-winners to their families. The author condemns precise analyses of the rights and obligations of employees, who enjoy the status of a parent and raise children, she further examines the labour links between and the mutual dependence of employment and institutes of maternity, parental leave respectively, and she also studies the rights and obligations of employees taking care of an immobile person. In her publication, Dr. Žofčinová does not avoid the question of the status of women as workers - the topic so often disregarded, where

she pointed out to several interesting examples from everyday life, i.e. positive regulations on labour market aimed at improving the position of women on the labour market.

The author's long-term experience in teaching might have been an incentive for the fourth chapter of her monograph, where she readily addresses the discontinuities pertaining to the employment status of university professors in comparison to the status of other (regular) employees. The author is concerned with the conclusion of fixed-term employment contracts with teachers *ex-lege*. She also opens the debate on the issue of the nature and limits of contractual freedom of the employment relationship participants, followed by the major postulates of both national and European judicature.

The fifth chapter deals with the almost rocket start of innovation and technological progress in the society not excluding the close examination of the performance of an employee's tasks. We are also presented with the specifics of performance of both – home employees and employees engaged in so-called teleworking. She ponders the question of flexibility, which originates from these types of work performances and compares it to the risks they generate. Furthermore, the issue of legal limits *de lege lata* that do not make a home office or teleworking unlimited types of work performance is raised.

In the last chapter, the author explores the role and performance of the work of such persons, who cannot be wholly classified as employees. It should be noted that in the array of characters, elements or characteristics we often come across legislative overlaps between the employment status of the special group of employees and the status of so-called regular employees. The author employs the term “pseudo-employees” which is seen as unique in our sphere of publication. In particular, the author finds interesting to analyse the position of a mayor, which could be envisaged as a position of pseudo-employee. They do not perform their job under the employment contract but when it comes to certain issues, they are perceived as if they were regular employees. (holidays, catering, etc.). Similarly, the position of a clergyman is also approached rather carefully, being understood as somewhat special. She further points out to technological revolution 4.0 that was only a natural response to the modernization of a society. In this sphere, more and more modern trends are being found by a specific type of employers (for example- founders of Uber). Within this topic, the author draws our attention to questions that remain open and thus generate the need for another panel discussion on the legal, technical, but also social issues and services subject to the online-platform and shared community solutions.

This publication has come to life as a combination of an array of logical and rational ideas of experts from an employment sphere and individual thoughts of the author, its main intention being to offer inspiration for improvement on the level *de lege ferenda*. Monograph by JUDr. Žofčínovej, PhD., titled “Special

Categories of Employees” will surely benefit the interdisciplinary exploration of the employment relationship emphasizing the uniqueness of the identified entities. The contribution of this scientific text will certainly be appreciated not only by the academics working within this sphere of expertise but also by students of law, by public administration and finally, by the representatives of the employees or the employers dealing with daily labor agenda. The author’s proposals application of which by authorities of public administration could lead to the improvement regarding the hiring of specific categories of employees or even inspire the progressive legislative amendments cannot be left unnoticed.

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