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Špeciálne vydanie

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Predslov k špeciálnemu číslu

Špeciálne číslo časopisu Mladá veda prezentuje vybrané výsledky výskumu, ktorý realizoval tím odborníkov z Ekonomickej fakulty UMB v Banskej Bystrici v rámci projektu VEGA 1/0366/21 "Závislé podnikanie na Slovensku - reflexia, meranie a perspektívy".

Projekt sa venoval analýze ekonomických a mimoekonomických (právných, sociologických a etických) aspektov závislého podnikania, identifikácii kľúčových kritérií pre vymedzenie tohto typu podnikania a spracovaniu metodiky merania a evidencie závislého podnikania na Slovensku. Hlavným cieľom projektu bolo na základe analýzy determinantov podnikania identifikovať skupinu ekonomicky závislých podnikateľov na Slovensku, navrhnúť kritériá, na základe ktorých bude možné identifikovať (a následne evidovať) ekonomicky závislých podnikateľov a vymedziť oblasti, v rámci ktorých je potrebná zmena legislatívy za účelom sociálnej ochrany a zlepšenia postavenia ekonomicky závislých podnikateľov na Slovensku.

Jedným z parciálnych cieľov projektu bolo uskutočniť primárny výskum zameraný na zistenie rozsahu závislého podnikania na Slovensku, faktorov ovplyvňujúcich rozhodnutie jednotlivcov uskutočňovať závislé podnikanie, bariér závislého podnikania, postojov samotných podnikateľov k ich statusu, ako aj dopadov ekonomických výkyvov/kríz na takýto druh podnikania.

Zaradené výstupy ponúkajú analýzu teoretických východísk problematiky závislého podnikania domácich a zahraničných expertov, komparáciu kvantitatívnych (najmä spôsob merania, evidencia a štatistické vykazovanie) a kvalitatívnych aspektov (najmä spoločenský status, daňové a odvodové zaťaženie, sociálna ochrana) závislého podnikania vo vybraných štátoch Európskej únie a zároveň prinášajú spracované a interpretované vybrané výsledky uskutočneného originálneho empirického prieskumu v prostredí slovenských podnikateľov.

Riešiteľský projektový tím

THE IDEA OF FLEXICURITY IN THE CONTEXT OF THE WORK-LIFE BALANCE DIRECTIVE ON THE CASE OF POLAND

MYŠLIENKA FLEXIISTOTY V KONTEXTE SMERNICE O ROVNOVÁHE MEDZI
PRACOVNÝM A SÚKROMNÝM ŽIVOTOM NA PRÍKLADE POĽSKA

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Autori rukopisu pôsobia na Rzeszowskej univerzite v Poľsku, na Fakulte spoločenských vied, na Inštitúte ekonómie a financií. Vo svojej vedeckej práci sa zaoberajú ekonomikou trhu práce.

Abstrakt

V Európe je čoraz populárnejšia koncepcia flexiistoty, ktorá spája prvky flexibility zamestnania so sociálnym zabezpečením. Ako ukazujú skúsenosti zo západných krajín, niektoré prvky flexiistoty, ako napríklad flexibilné formy zamestnávania, umožňujú zlepšiť riadenie ľudských zdrojov v podniku, čo má pozitívny vplyv na rozvoj a konkurencieschopnosť podniku, najmä v čase hospodárskej stagnácie. Pri zavádzaní riešení flexiistoty na vnútroštátnej úrovni, ako aj na úrovni podnikov, je potrebné prispôbiť tieto riešenia potrebám zamestnávateľov a zamestnancov. Tento príspevok sa zaoberá otázkami súvisiacimi s vplyvom flexiistoty na trh práce. Hlavným cieľom príspevku bolo synteticky predstaviť všeobecné predpoklady a prvky flexiistoty a jej silné a slabé stránky. V príspevku sú tiež predstavené vybrané flexibilné formy organizácie práce na príklade právnych úprav vychádzajúcich z Poľského zákonníka práce. Spomedzi výskumných metód sa použil najmä desk research a analýza dokumentov, ako sú smernice EÚ a Zákonník práce.

Key words: flexiistota, trh práce, zákonník práce, flexibilita zamestnanosti

Abstract

The concept of flexicurity is gaining popularity in Europe, combining elements of employment flexibility with social security. As western countries experience show, some elements of

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flexicurity, such as flexible forms of employment, make it possible to improve a company's human resources management, having a positive impact on a company's development and competitiveness, especially in times of economic stagnation. When implementing flexicurity solutions, both at national and company level, it is necessary to adapt these solutions to the needs of employers and employees. The paper is related to the impact of flexicurity on the labour market. The main objective of the manuscript is to summarise the general assumptions and elements of flexicurity and its strengths and weaknesses. The paper also presents selected flexible forms of work organisation, on the example of legal regulations based on the Polish Labour Law. Among the research methods, desk research and the analysis of documents such as EU directives and the Labour Law were mainly used.

Key words: flexicurity, labour market, Labour Law, employment flexibility, precarious jobs

Introduction

In the era of globalisation, Industry 4.0 and increasing technical progress, the situation on the contemporary labour market, shaped by the changing needs of employees and employers, is subject to dynamic changes. The key phenomena determining these changes include the issue of the degree of deregulation of the labour market, i.e. the problem of flexibility. Reducing the segmentation of labour markets and the number of precarious jobs, as well as promoting the sustainable integration and improving the professional qualifications of workers, are becoming prime objectives in this area. It is worth mentioning that women, young people and immigrants are the most insecure groups in obtaining and maintaining stable jobs [OECD, 2006].

One of the proposed solutions to the problem, i.e. reconciling or even balancing flexibility with labour market security, is the concept of flexicurity [Jadamus-Hacura, Melich-Iwanek, 2015, p.53]. A model example of the application of this flexicurity concept is the Danish model, which is based on a well-developed system of employee relations, a long tradition of social dialogue and a high degree of union membership [Kwiatkiewicz]. The most important elements of the Danish flexicurity system are represented by a diagram of the so-called golden triangle [Lang].

The main objective of the paper is to present the general assumptions and elements of flexicurity and its strengths and weaknesses in a synthetic way. The paper also presents selected flexible forms of work organisation, on the example of legal regulations based on the Polish Labour Code. Among the research methods, desk research and document analysis of EU directives and the Labour Code were mainly used.

Flexicurity model - general principles

The term flexicurity combines two terms: flexibility and security [*Flexicurity*]. Flexicurity is a concept that combines flexibility and security and promotes competitiveness, employment and job satisfaction [*Flexicurity*], and is thus a way of combining two supposedly contradictory aspirations, i.e. the flexible forms of employment demanded by employers with the social security desired by workers and their representatives. It is a desire to provide flexibility while at the same time guaranteeing job security (or the security of having a source of income). It is therefore the concept of 'establishing a balance between flexibility in the use of different - usually temporary - forms of employment and security of job retention for employees (...), i.e.

the concept of flexibility of forms of employment with elements of security' [Kryńska, 2008, p. 8]. It is an attempt to find the golden mean between *flexibility and social security* (Figure 1). The concept therefore appears to be beneficial from the point of view of both employees and employers, while at the same time providing a way of reconciling flexibility and security in the labour market. The combination of a flexible labour market and a high degree of job security, or the security of having a source of income, can provide an answer to labour market dilemmas of improving competitiveness while modernising European social models [Was ist Flexicurity, [http](http://www.flexicurity.eu)]. The idea behind *flexicurity* is, on the one hand, to increase freedom in the employment process and, on the other hand, to provide security for both employee and employer.

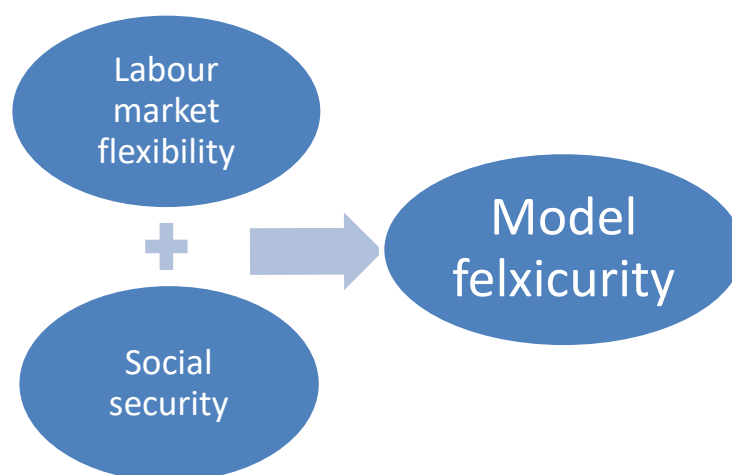


Figure 1 - The concept of flexible labour market and social security
Source: own elaboration.

Flexibility should also be understood as 'flexible organisation of working time, facilitating the swift and efficient fulfilment of new needs, the mastering of new skills and the reconciliation of work and private life. Security, on the other hand, is not just about keeping one's current job. It is also about empowering people with the skills that enable them to develop professionally and make it easier to find a new job if necessary. An important element of this involves adequate benefits to help people survive the transition period. Security also means training opportunities for all workers, especially the low-skilled and older workers' [COM (2007) 359, 2007 p. 5].

Strengths and weaknesses of flexicurity

On the one hand, the flexicurity concept brings a number of benefits for the wider labour market, but on the other hand, it also has its weaknesses. The benefits of flexicurity can be seen on the side of both employers and employees. For example, an employer does not have to incur costs when he does not need an employee (so he is not afraid to hire more people), an employee can work for several companies; he can be sure that he will pay social security contributions for all the hours he works; moreover, when he has several sources of income, his fear of losing his job is reduced. Such flexibility means creating conditions in which workers can easily get (or change) jobs, and improving their professional skills will result in increased security and benefits for employers. It also therefore increases flexibility in terms of personnel management

(reducing the problems of hiring and firing employees), without depriving employees of social support.

Both parties therefore benefit simultaneously "from flexibility and from security, e.g. from better work organisation [OECD, 2006], as well as from promotion opportunities resulting from improved skills and investment in training, which return to businesses by helping employees to adapt to changes and accept them" [COM (2007) 359, 2007 p. 5].

In addition to the clear benefits of flexicurity policies, it should be noted that it also has its weaknesses. Among the weaknesses of the model, one can distinguish the weakening of the position of employers and their competitiveness in the market as a result of strengthening the position of trade unions and the reduction of the motivation to look for a job as a result of the introduction of high social security (including high unemployment benefits) [Klimek, 2010, Miśkiewicz, 2014, p. 186]. The weaknesses of flexicurity are evident in the reality of how labour markets function in different countries. For example, in the Dutch model, which is characterised by temporary employment and part-time work on the one hand, and the simultaneous gradual extension of social protection to these atypical forms of employment on the other hand, the level of social protection in situations of temporary employment is lower (more difficult access to health benefits, unemployment benefit or occupational pension schemes) [Rymsza, 2005, pp. 15-17].

Application of selected flexible labour market solutions on the example of Poland

Globalisation and access to the latest technologies make it easier to bring the flexicurity concept into practice. On the one hand, there is a favourable labour legislation and, on the other hand, a reluctance of businesses to introduce flexible hiring practices. In the era of the pandemic caused by the SARS-CoV-2 virus, many enterprises found it difficult to provide adequate working conditions for their employees, on the one hand in a safe manner, and on the other hand in such a way that their core business activities could be carried out without interruption. Unfortunately, labour laws did not follow the requirements of the labour market. The pandemic caused a situation that had seemed impossible only two years ago - companies switched to home office, and the vast majority of employees found this way of working better and more efficient than the full office one. Remote working became a reality in the Polish market and managers were learning how to manage remote teams and how to work to achieve their goals. Many entrepreneurs as well as employees point to the important combination of the use of flexible forms of employment and working time organisation [Rusewicz M., Zakrzewska M., 2011, pp. 9-23]. The concept of 'flexible work organisation' is defined in the provisions of Directive 2019/1158. According to Article 3(f) of Directive 2019/1158, 'flexible work organisation' means the possibility for an employee to adapt his/her work organisation, including through the use of remote working, flexible work schedules or a reduction in working hours; in this respect, § 2 in Article 1881 is in line with Directive 2019/1158. In Poland, the Labour Code was amended in April 2023 and the changes concern both flexible working time organisation and the introduction of so-called remote working. The current Labour Code [Act, Labour Code 2023] contains regulations aimed at making work organisation more flexible. It is understood that flexible work organisation includes [Act, Labour Code 2023]:

- individual working time schedule (Article 142 of the Labour Code) - at the written request of the employee, the employer may establish an individual working time schedule for the employee, within the framework of the work system under which the employee is enrolled;

the so-called flexible working time (Article 1401 of the Labour Code) - at the written request of the employee, a work time schedule providing for different hours of starting work on days which, according to this schedule, are working days for employees, or a time interval in which the employee decides on the hour of starting work on a day which, according to this schedule, is a working day for the employee (performing work again in the same day does not constitute overtime in this case) may be applied;

- system of task-based working time (Article 140 of the Labour Code) - may be used in cases justified by the type of work or its organisation or the place of work. In such cases, the employer, upon agreement with the employee, determines the time necessary for the performance of the entrusted tasks, taking into account the length of the working time resulting from the standards specified in Article 129 of the Labour Code (8 hours per day, an average of 40 hours in an average five-day working week, in an adopted settlement period not exceeding 4 months). The essence of this working time system is the freedom of the employee to organise his/her working time schedule;
- the possibility to use flexible forms of organisation of working time (intermittent working time' or 'individual work schedule' or 'flexible working time' - Article 1421 of the Labour Code).

The introduction of flexible working arrangements into the Labour Code results from the adaptation of the Polish legal system to Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and Council Directive 2010/18/EU [Directive 2010/18/EU] - popularly referred to as the 'work-life balance directive'. According to the Labour Code, an employee can apply for and choose one of the types of flexible working arrangements. The following forms are available to choose from: remote working, the intermittent working time system, the shortened working week system, the weekend working system, the mobile working time system, the individual working time schedule, and the reduction of working time. Another form of flexible working time organisation is remote working. The Act of 1 December 2022 amending the Act - Labour Code and certain other acts (Journal of Laws 2023, item 240) introduced remote work into the Labour Code [Act, Labour Code 2023], while repealing the provisions on telework. The new provisions regulating remote working entered into force on 7 April 2023. The legislator introduced a definition of remote work into the Labour Code, which states as follows: Remote working consists of performing work wholly or partly at a location indicated by the employee (including the employee's home address) and agreed upon in each case with the employer. The Labour Code provides for both total remote work and hybrid remote work (partly at home, partly at the company), according to the needs of the individual employee and the employer.

Conclusion

In the course of debates on the conditions and consequences of flexicurity in labour market practice, the question arises, among other things, about the possibilities of adapting the Danish model in the labour markets of the various European countries, which differ in many respects. Discussions also revolve around the need for greater labour market deregulation or the chances of solving European labour market problems through the use of flexicurity. Answering such questions may become an opportunity to balance elements of security and flexibility in the European labour market.

It should be borne in mind that an effective flexicurity model requires - in accordance with the recommendations of the European Commission - an efficient system of active labour market policies. Furthermore, in order to ensure employment flexibility, it is necessary to regulate atypical forms of employment, the shape of which should be the result of cooperation between representatives of business, social partners and labour market institutions. With regard to the use of flexible forms of employment and organisation of work in economic practice, there is also certainly a need for constant monitoring of the effects of legal regulations, aimed at adjusting them to the needs of both employers and employees.

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