| Chapter 1 |

Theoretical Issues of Employment Contracts and Collective Agreements on Current Regulatory Issues

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Thanks to the intellectual tradition, labor law as a discipline is defined, in part, by its subject matter, which is the employment relationship and the rules that govern it. In a broader context, however, labor law provides a normative framework for all the institutions of the labor market, both active and existing, such as business organizations, trade unions, employers' representatives, and the state as employer and legislature. Moreover, labor law is very closely linked to civil law, social security, financial law, and company law. The starting point for our analysis is the existence of the employment relationship as a separate economic and legal category. The theory of labor law derives from the fact that the employee is subordinate to the employer ('subordination'), so that it is in fact the law of contingent labor. [1] It also corresponds to an economic relationship involving personal service for consideration. Labor law is therefore concerned with the establishment[2] and the way in which these relationships are regulated.[3] Labor law covers not only the relationships of individuals but

1 'The existence of labor law is ultimately due to the birth of the 'free labor contract' (*freier Arbeitsvertrag*), which gave way to the idea of contractual freedom, and thus to private law, instead of the public law approach. At the same time, however, an impartiality emerged in the private law order which gave one party the power to shape the legal relationship in the process of contract and then of performance, if such a distinction can be made at this early stage of development. This inequality, which directly led to the permanent dependence of the individual worker, virtually displaced the principle of contract (*Verdrängung der Vertragsorientierung*), which is also contradictory because in this relationship the basis of dependence was the contract itself.' Kiss, 2014, p. 42.

2 In common law countries, these relationships are usually established by contract. See Collins, Ewing, and McColgan, 2012.

3 In common law countries, this can typically be regulated by common law and social legislation itself, as well as collective bargaining and workplace practice.

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also those of the collective. In its unity and structure, labor law is situated on the borderline between private and public law.[4]

It is also an essential feature of labor law that its rules are constantly changing, mostly in response to economic and social events. Tamás Prugberger writes that labor law in civil states is the product of an evolutionary development of law.[5] In this evolutionary development of the law, we think it is important to outline the line of thought that explains the disappearance—and then the revival and strengthening—of the private nature of labor law.[6]

As Károly Szladits puts it,

> The development of private law into public law, which is so much talked about today, is not the increasing occupation of space by the idea of community, not the foregrounding of the public interest, but the characteristic feature that individual self-government is shrinking more and more noticeably and very significant areas of the relationships between private individuals are becoming subject to the regulation of public authorities, as in labor law.[7]

In modern labor law, therefore, the unequal position of the parties and state interference mean that the principle of freedom of contract is not applied to the same extent as in civil law, the whole branch of law being imbued with public law elements.

That is, the contractual nature of labor law cannot be disputed, but some of the rights and obligations that comprise the content of the employment relationship are not determined by the contracting parties.[8] Private labor law is a legal expression of the parties' self-determination (individual self-government). Consequently, the fundamental principle of private labor law is the so-called contract principle. More specifically, this means that everyone has the possibility of establishing and shaping their legal relationships through regulations that facilitate self-determination. In

4 Deakin and Morris, 2012, pp. 3–5. On dogmatic issues of labor law, see Richardi, 1992; 1968; 1988. On the development of British labor law, see Deakin and Morris, 2012, pp. 7–49.

5 Prugberger, 2001, p. 73. See Deakin, 2000, p. 2.

6 Not only the changing economic environment and technological developments, but also the changing employer structure that has resulted from them, have played a role in this evolutionary development. The changing employer structure is beyond the scope of this research, but will be the subject of future research. The most important changes are as follows: employers' organizations are increasingly seen as investment and risk communities, so organizational and management methods are changing: risk and loss are minimized (just-in-time, lean management); the network of interests of the enterprise and the employer is changing, and employee representation is changing accordingly; decisions of companies that are often controlled and monitored across borders affect employees, and fresh consultation and new information mechanisms must be developed accordingly. The changing employer structure is beyond the scope of this study, but will be the subject of future research. See Kiss, 2013, pp. 3–4; Collins, Ewing and McColgan, 2012, pp. 38–44; Rogowski, Salais and Whiteside, 2011, pp. 229–242.

7 Kelemen, 1941, pp. 17–18.

8 See Kiss, 2005, pp. 32–33.

addition, however, it is the legislature's task to develop rules that protect the individual employee against the power of the employer.

During the Industrial Revolution in the 18th and 19th centuries, the legal system applied the principles of private law—property law—to the commodification of labor. At first, the labor contract was considered a classical private contract. The freedom of property took absolute precedence over the interests of the worker. However, keeping labor law purely within the framework of private law was untenable in the long term, since the parties subject to private law relationships are those who are subordinate to the market, whereas the asymmetry between employer and employee is clearly.[9] The contractual freedom of the employee's will was only an illusion. In the last century or so the unbridled pursuit of the employer's interest may have led to the emptiness of the employment contract, and today, the emptiness of the employment contract can be considered one of the marginal problems of labor law (both Hungarian and foreign).[10]

There are two ways to protect the weaker party and thus limit contractual freedom: collective action, and state intervention.[11] The first happens in this order: the period of contractual freedom is followed by the gradual recognition of the freedom of association, then a period in which collective agreements are concluded, and they gain the power to transform the terms of individual employment contracts, and their scope is recognized as extending to the legal relationships of non-organized members. The next stage is the period of state intervention, when the state intervenes in the private relationships of the parties—for example, in the event of strike actions, limits on working hours, the imposition of health and safety requirements on employers, and the imposition of minimum wages. However, the norms protecting workers do not mean the abolition of the legal basis for contractual obligations. By World War II, most developed countries had consolidated labor law.[12] In the period following World War II, the general democratization and expansion of the social function of the state became increasingly widespread. The fundamental moral foundations of the so-called welfare state or social state of law began to be laid by the increasingly frequent inclusion in national constitutions of fundamental social rights as elements of the second generation of human rights. Welfare states were based primarily on rapid and

9 Hajdú and Kun, 2011, p. 59.

10 'It may seem that the contract of employment is relevant only as a causa, and plays little or no role in the formation of the legal relationship at the time of performance' (Kiss, 2014, p. 40). This is also reflected in the fact that Dutch labor law theory treats employment contracts as similar to civil law consumer contracts, a view not alien to Tamás Prugberger and György Kiss, which also provides protection for the weaker party to the contract, the employee.

11 Hajdú and Kun, 2011, p. 59.

12 Building on the foundations of private law, state intervention was strengthened on the one hand, while on the other hand collective agreements were incorporated into the legal system, and the field of law began to become more autonomous and unified (between 1910 and 1927 the Code du Travail unified labor law rules, and the Weimar Constitution of 1919 called for a unified labor law). Works constitutions appeared as the embodiment of the principle of democracy, and the internationalization of labor law began (ILO, 1919) See Hajdú and Kun, 2011, pp. 60–61.

sustained economic growth based on large-scale, standardized mass production and Keynesian demand–stimulation economic policies. The economic model that developed from the 1920s onwards, and then enjoyed its golden age in the 1950s and 1970s, is known as Fordism, after Henry Ford. In this Fordist model, the 'breadwinning family man' is the representative worker. Mass production was largely based on the bureaucratic, monotonous organization of large-scale factories based on the management principles of Taylorism. The classical institutions of labor law developed in this period in this socioeconomic order. A new development began in the 1970s within the social dimension of the European Union, and thus European labor law.[13]

It is generally accepted that labor law came about as a reaction to industrialization. The essence of labor law was to define working conditions, as a response to the intolerable working conditions of the time. However, it was essentially a paradigm shift that gave rise to such regulation.[14] This is indeed the case. Bellace refers to the practice under feudalism, where the laborer (serf) lived on the land and in the house that belonged to the property owner. Their relationship could last a lifetime.[15]

Workers who produced an intellectual product with some higher added value typically had a short working relationship with the client. In fact, industrialization changed this system: capital was represented by the 'landowner' and the 'guild-member master/earner' under feudalism and the guild system, and by the 'employer' under industrialization. Bondage remained—with one small difference: the worker received a wage for the work done. The employer was no longer obliged to provide for the worker's housing and food. The employment could thus be considered a cash-only transaction; there was no status relationship between the worker and the employer, and it was 'merely'[16] a contractual relationship.[17]

It is therefore a basic economic fact that during industrialization, the capitalist requires laborers. In this labor market, the capitalist had no need for surplus labor, and the risks of working were transferred by the employer to the worker.[18] However, if risks are imposed on workers they are not prepared to bear and against which they are powerless, this clearly leads to a dilution of the private nature of labor law. In the industrial era, there was no talk about employment predictability, and no

13 One of the milestones was the 1987 conference in Zell am See entitled Flucht aus dem Arbeitsrecht. Hajdú and Kun, 2011, p. 61; Prugberger, 2008, pp. 39–53.

14 Bellace, 2018, pp. 11–12.

15 Bellace describes this relationship with the term 'tied cottage,' referring to the bond between the parties that came with settling and farming on the property owner's property. This was also the case in the family workshop and trade in the medieval guilds, where a similar long-lasting relationship of trust existed between the assistant, the apprentice, and the expert artisan until the emergence of manufactories and the dissolution of the guild system. Assistants and apprentices often lived with the artisan and the guild took care not to employ them for domestic work. See Csizmadia, Kovács and Asztalos, 1991, pp. 113–115, 123; Wenzel, 1877; Werbőczy, 1517, Section III. point 2.6; Prugberger, 1978, pp. 16–18.

16 I think it is important to put 'merely' in quotation marks, because the contractual relationship—the employment contract—is an essential element of the employment relationship.

17 See Bellace, 2018, p. 13.

18 Bellace, 2018, p. 13.

certainty about tomorrow. Workers were paid low wages, which could only increase if they worked longer hours, and they tried to make a living out of it.[19] In the case of workers facing dangerous and harsh working conditions, the serf–landowner relationship became a real worker–employer relationship. In other words, there was no longer a relationship between employer and worker based on a mutual commitment as between serf and property owner. What we see is a contract under which the employer agrees to pay wages for the work. There is no promise other than what the parties negotiate—what they put in the contract, either verbally or in writing. This is where modern labor law comes into being.

Therefore, we think it is important to stress at this point that it is *only* the contract—the employment contract—that binds the parties together. The employment contract has tried to put parties who were never equal before, according to the traditions of past centuries, into a position of equality. In fact, in light of the above reasoning, the principle of freedom of contract made it impossible, in the social and economic circumstances of the time, to define contractual terms on an equal footing. It is clear, therefore, that the subordination of employer and employee does not derive merely from the employer's extensive right to give instructions, to direct and to control the performance of the work. During the industrialization period, the paradigm shift meant that the relationship between the parties based on the employment contract could not have functioned other than through abuses by the employer. Suddenly, the workers had 'freedom' which, because of their immaturity and lack of means, they could not use, nor could they be expected to.[20] Understandably, it was the workers who had some skills and required autonomy who were able to maintain their independence personally and existentially, as they were the ones who had the experience to do so.

Of course, the contractual agreement between employer and employee and its strength were influenced by several factors. It is not possible to draw general conclusions that apply to all, but the following can, in our view, be justified: the initial weakness of the employment contract in shaping the legal relationship between the parties (and thus the contractual terms) can be explained by the contractual relationships prior to industrialization. The individual self-government of the parties has of course developed in different ways in Europe, influenced by the social structure, the economic environment, historical events, and the operation of the legal system. The emergence of atypical employment relationships clearly represents a strengthening of individual self-government.

The lack of will in individual workers made it clear that labor law could not move in any other direction than protectionist, protective rules—hence the emergence of state intervention. The *will* wants to free itself from the shackles of strict rules. When individual self-government is strengthened, the parties are clearly touched by

19 Ibid.

20 Bellace also points this out. At the end of the 19th century, in Britain and Germany, and subsequently in several European countries, minimum working conditions were established through state intervention and collective bargaining (Bellace, 2018, p. 13).

the power of contractual freedom, and they want it. The working person does indeed need protection, but if they can protect themselves, they do not want to work in a strict labor law regulatory environment. We do not wish to simplify the problem in any way, but we must see that changes in the world around us have simultaneously shaped the playing field, and the players, with consequent changes in the rules of the game. That is why we are talking about the future of labor law. It is only natural that labor law has a future, but in a different context and on a different basis than it has had for the last 200 years or so.

Since the development of labor law, there have been different theories about the essence of labor law. Kahn-Freund, for example, saw the purpose of labor law as the regulation, promotion, and restriction of management, and the power of organized labor.[21] There is therefore an inherent inequality in the legal relationship, and the economy is the primary driver of employment relationships, with the law being only a secondary driver.

We think it is important to go into detail about the subject of labor law, which is so-called dependent work or self-employed work, in the context of the essence of labor law. Dependency is the result of economic vulnerability and the related dependence on the one who exploits their labor. At the end of the 19th century, the realization that not all worker–employer relationships are economically dependent was formulated, and this was replaced by the theory of personal dependence. Sinzheimer and his school taught that employees add their personality to their performance, and that the employment contract creates a special personal domination relationship based on the service contract (*Dienstvertrag*). This theory has also been criticized by some, since the inability to provide for one's own existence cannot be taken as a criterion for delimitation in the doctrinal foundation of labor law. Following the demise of economic and personal dependence theory, it was necessary to explain why, in the case of work for others, subordination should be required in some cases but not in others.[22] In our opinion, this dogmatic need for explanation led to the development of the dual and then the triple model.[23] From this point onward, the employment relationship began to be defined in relation to other employment relationships, typically in relation to the undertaking and the assignment. The contractual indeterminacy of the service in the employment contract became a fundamental demarcation criterion. According to György Kiss, labor law is primarily the law of those who are not at a stage of autonomy where they do not need to use their labor for the benefit of others. This entailed the incorporation

21 Bellace, 2018, p. 14.

22 Prugberger, 2006, pp. 66–72; Prugberger, 2014, pp. 65–71. See also Deakin and Morris, 2012, p. 145; Collins et al., 2012, pp. 45–86.

23 See Kiss, 2014, p. 39. 'The subject of labor law is so-called dependent or independent work for another. This characteristic requires an explanation as to why subordination is a *differentia specifica* of the legal relationship of working for another, while in others it is not present. Is it at all possible to explain subordination which, in a private law relationship, on the one hand, makes this status quo acceptable and, on the other hand, justifies the parties' room for maneuver, in particular with regard to the employer's power to determine performance and to formulate the legal relationship, including its limits.'

of protective measures into the legal relationship, which served to maintain a state of equilibrium between the parties. This became the primary task of labor law. While employment relationships under civil law are synallagmatic (bilateral), the content of the employment relationship must be made more bilateral as well.[24]

Bellace argues that if we are talking about limiting the power of the capitalist, we need to understand what economic force creates this power and what instruments can regulate it. National regulation was seen by many in the 20th century as a means of influencing the power of the corporation. By the end of the 20th century, it had become clear that multinational companies could bypass national regulation simply by moving production to another country. In Bellace's view, it is no longer a question of limiting the power of management, but of leveling the playing field, which has changed.[25]

In the last fifty years, three major challenges to which the legal system has had to respond in the context of changes in the economic and social environment must be highlighted: globalization; changes in the forms of work; and the empowerment of the individual—and hence, the decline of collective consciousness. What all three have in common is that technological innovation has had a major impact on the development of these processes.[26] In this evolution, in our view, economic and social changes are pushing the employment relationship toward civil employment relationships, blurring the sharp boundaries between the different legal relationships and often transforming them into each other.

Blanpain wrote of globalization and technological innovation as leading to the fragmentation of companies into interconnected groups where work is organized on a project basis. This changes the role of the employment relationship and the role of the social partners.[27] In effect, the gig economy represents a network of individuals connected to each other along separate projects.[28]

When discussing globalization, many point out that collective bargaining at a national level has been unable to regulate the relationship between employers and workers. What do we mean by this? Collective bargaining can secure higher wages if it has wide coverage, is representative of all workers in a given company, and is strong in a given sector.[29] In this case, companies tried to use workers from other countries. In the last 20 years, many companies in developed economies buy materials and finished products from developing countries under substantially worse working conditions. As rights advocates have stressed that the buyer company can ask the supplier company to respect core international labor standards, even in contractual terms, companies

24 József Radnay sees collective bargaining autonomy as such a protective measure (Radnay, 2001, pp. 259–260; Kiss, 2013, p. 6; Kiss, 2006, p. 255).

25 Bellace points out that in the current economic climate, many people see the future as uncertain, and not without reason. Trends are emerging that are not encouraging. Information technologies are mostly eliminating the jobs of workers with average skills (Bellace, 2018, p. 15).

26 Bellace, 2018, p. 15.

27 Blanplain, 1999, p. 497.

28 Mangan, 2018, p. 65.

29 For nearly forty years, we have heard that multinationals are more powerful than the state, and therefore the response has come from the supranational level.

have created their own codes of conduct.[30] It can be said that companies usually seek to comply with international legal standards through voluntary compliance.[31]

30 At the World Economic Forum meeting in January 1999, Kofi Annan announced the UN Global Impact Principles, four of which are related to working conditions. Available at: https://press.un.org/en/1999/19990201.sgsm6881.html (Accessed: 20 July, 2022). The World Economic Forum also concluded that new technologies pave the way for economic growth and the reduction of social inequalities as much as for less noble goals (e.g., civil wars, propaganda). In its research, the organization created a new measure, digital value to society (DVS), which analyzes the impact of digitalization on health, safety, employment, the environment, and consumers. The resulting DVS indicator expresses how a given instance of digital transformation contributes to value creation in the business sector and society (World Economic Forum, 2017). It was also in the 1990s that the UN became aware of the growing environmental and social pressures that threaten the planet and humanity. In response to this threat, in 1983 it established the World Commission on Environment and Development, better known as the Brundtland Commission. The Commission worked from 1984 to 1987 to try to find solutions to the world's environmental and social problems. The results of their work were published in a report at the end of their work. The solution to these problems was called sustainable development, defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Report of the World Commission on Environment and Development: Our Common Future, 2018).

31 In my view, corporate social responsibility (CSR) and public social responsibility (PSR) activities are part of this process. According to one of the most widely accepted definitions of CSR, it comprises four interlocking areas of responsibility: economic, legal, ethical, and philanthropic expectations, which are addressed to companies from the side of society, where society is understood to mean the broad range of stakeholders of a company. This approach can be traced back to the work of Archie B. Carroll and his CSR pyramid metaphor (Szegedi and Mélypataki, 2016, pp. 51–70).

The European Union has also developed its own definition of CSR as a concept whereby companies voluntarily integrate social and environmental considerations into their business operations and use these principles to shape their relationships with their wider stakeholders, i.e., anyone affected by their activities or who has an influence on the company's operations (European Commission, 2001).

GSR stands for global/collective social responsibility. One of the happy effects of globalization and the development of information technology tools is that different organizations and individuals can find each other with increasing ease. This, together with the willingness of individuals and organizations to seek each other out, is making social responsibility global and cross-sectoral.

To address society-wide problems and to exploit the various opportunities that arise, CSR, PSR and individual social responsibility (ISR) are becoming interlinked and globalized to work together in a multifaceted partnership.

PSR is linked to the specific field of activity of public sector institutions. The monitoring of the functioning of these institutions, of public responsibility, is on the one hand carried out through the public sphere. This responsibility becomes a public social responsibility when the organization, in addition to its statutory tasks, carries out activities within its remit, or sometimes even beyond it, which contribute to meeting important social needs or even to solving problems (Gazdasági Versenyhivatal, 2016).

Public sector corporate social responsibility has received increasing attention in recent years. This is evidenced by several research and projects in this field, including the EU-funded project Governmental Social Responsibility Model: An Innovative Approach of Quality in Governmental Operations and Outcomes, which is part of the South-East European Transnational Cooperation Programme. Social Value and Responsibility in the Public Sector, based on presentations at the National University of Public Service Workshop, 9 November 2018.

Technological advances in telecommunications over the decades and the spread of English as the common language of business have made it much easier for European and North American companies to do business with each other. A series of bilateral trade agreements between countries around the world,[32] following the Uruguay Round negotiations, have made it possible for products destined for the European market to be made in Asia, where labor costs are a fraction of those in Europe. With the creation of the World Trade Organization (WTO), all barriers to international trade seemed to have been removed. A key issue in this context is how individual companies can ensure competitive prices and maximize profits while optimizing and reducing labor costs. In this respect, it is possible to apply an appropriate strategy, considering the legal framework provided by the Member State concerned.[33] Employers can choose flexible working arrangements, leading to precarious employment.

We have been talking about the information age since the advent of the computer and the invention of the microprocessor in the 1970s. The world of work has moved from the factory to the office, where the number of employees has been significantly reduced. Information technology has completely transformed the way people work. Instead of many people performing the same repetitive work processes, fewer workers are using computers to produce products. No wonder companies have put the individual at the center of this change. After all, to thrive in today's open labor market, one needs advanced interpersonal skills, the ability to work in a team, the ability to problem-solve, the ability to learn and innovate continuously, the ability to absorb new technologies (soft skills).[34] Constant adaptation to work has become the key to successful employment. The above qualities all contribute to this flexibility. Employees are even more affected by careerism in the 21st century than before.[35] The work ethic has also changed. Whereas in the past hard work, honesty and integrity were important, today the changes are pushing workers to become less emotionally attached to their jobs and to seek external motivation, for example in leisure activities. In other words, work is no longer necessarily the defining building block of personality.[36] Workers are no longer necessarily substitutes for each other, and the intelligence

32 The series of trade negotiations, which lasted seven and a half years and involved a total of 123 countries, is still considered a unique initiative worldwide. Available at: https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact5_e.htm (Accessed: 2 December 2018).

33 Bellace, 2018, p. 17.

34 The learning process must be based on a methodology that allows the individual to adapt to the new. This is the basis of learning outcome-based education today.

35 Murray and Heron, 2003, pp. 3–4; Holmes, 2007, pp. 7–9.

36 Murray and Heron, 2003, p. 4. Here I refer to the fact that reflexive labor law regulation has a major role to play in the development of a social policy in which as many people as possible live in well-being according to their abilities, enjoying social rights to the fullest. Alongside Freedland and Countouris, Deakin and Rogowski draw on Sen and Nussbaum's theory of capability, described earlier, and relate this to the labor market. See Deakin and Rogowski, 2011, pp. 230–238. Amaryta K. Sen and Martha Nussbaum's theory of capacity takes a holistic human rights perspective. Sen is credited with the capability-based approach to disability. His theory focuses on the person's ability to function, i.e., whether someone can do something. This theory does not refer to the existence of a physical or mental ability, but understands it as a practical opportunity.

and individual commitment of the worker is increasingly important. In this respect, the traditional employer–employee relationship is clearly changing.

In North America and Europe, it was mainly manual workers who were unionized. They truly represent the traditional employer–employee relationship based on the Fordist model. In their case, there is no strong free will, they were able to achieve results together. However, from the 1970s onwards, a completely different generation has grown up, no longer identifiable with the former working class. We call the millennial generation the digital natives, and they are the ones who have lived with technology since birth. These workers feel part of an online community that is very different from the working community of fifty years ago.[37]

Globalization, the changing nature of work, and the increased role of the individual are simultaneously and mutually reinforcing the pushing of boundaries in national labor law. In the 19th and 20th centuries, the improvement of working conditions was achieved through collective bargaining. The collective consciousness of workers was strong. But the cross-border activities of multinational companies have weakened workers' organizations.[38] In the digital economy, it is not easy to get workers to take collective action, as the playing field is completely different.[39]

Another very important component of the employment relationship has changed in the 21st century: employers paid wages not so much for the work done but for the time spent at work.[40] It varied from country to country as to what other benefits the employer also paid, such as the cost of incapacity for work due to illness or pension contributions. Today, however, the employer pays wages for the work done rather

Function is the actual performance of the individual—what the individual achieves through his or her existence and actions. What is practical opportunity? For Sen, it means ability. In the same way, he does not use the traditional notion of action; for him it also means desires rather than specific actions, such as eating *properly*. To illustrate this, he gives the example of two starving people. One does not eat out of religious conviction, the other because he has nothing to eat. This is the difference between action and practical possibility. That is, Sen looks at the interests that drive the person, rather than his or her actions. He distinguishes between two ways to interpret one's interests and performance: the way of well-being, and the way of advantage. 'Well-being' refers to the actions an individual takes for his or her personal well-being; 'advantage' refers to the opportunities that are available to a person, which enable him or her to exercise the ability to choose. A person's capabilities are in fact the courses of action available to him or her, among which the person exercises the freedom of choice. The set of capabilities is influenced by the goods available, the environment around the individual, and his or her personal characteristics, all of which lead to actions. Sen does not specify a method for measuring the capability set, because the problem and the circumstances cause the individual's attributes, abilities, and actions to change constantly (Mitra, 2006, p. 236; Freedland and Countouris, 2011, pp. 378–379).

37 Bellace, 2018, pp. 19–20.

38 In this period in Hungary and in the other former socialist countries, we are faced with an unfavorable situation in which workers with a modest collective consciousness were even more vulnerable after the change of regime. It is noticeable that the disadvantage of nearly forty years after the Second World War is still difficult to compensate for today. Meanwhile, we can see the changes in the Labor Code of 1992 and 2012, and the clear emergence of a more civil rights approach.

39 As Bellace puts it, 'The platform and algorithms work automatically' (Bellace, 2018, pp. 20–21).

40 Bellace, 2018, p. 21.

than for the job done,[41] so the place of work is less important. This has led to the development of atypical forms of work, such as remote work and on-call work, where the employer's right to define the specific nature of the work is clearly reduced.

One can agree with the point of view that sees the information age in the world of algorithms and applications, in the gig economy, as an industrial revolution[42] of work at home,[43] where there is no point in fighting for minimum wages, for decent remuneration for work done in extraordinary hours.[44] At this level, it is of great importance whether the worker is considered as an employee or as a self-employed person[45] (capitalist, owner). Since the Court of Justice of the European Union[46] has considered Uber drivers to be workers rather than employees,[47] the question arises as to what

41 In the case of crowdworking, the project approach is also reflected in the fact that the question is more about how many hours it should take to produce the service for the customer.

42 Mangan also writes: 'The world of the gig-economy is most like working at home or on a piece-rate basis. If the quality of the work is acceptable and it is completed on time, there is no shortage of compensation. It is important that the work done is not a whole but a part of it' (Mangan, 2018, pp. 69–71).

43 Bellace and Mangan also refer to the case of the Fair Labor Standards Act of the 1930s in the United States, which banned work at home (Mangan, 2018, p. 71; Bellace, 2018, p. 22).

44 David Mangan writes at length on the gig economy phenomenon, pointing out, among other things, that those who work on this platform are mostly looking for additional income or are doing so because they have been unable to find work in the 'traditional' labor market. These workers are also generally satisfied with their income (Mangan, 2018, pp. 64–67).

45 The Council's recommendation underlines that an important change is the blurring of the boundaries between labor market statuses because of structural changes in labor markets. In addition to the traditional self-employed' and 'liberal' professions, the self-employed status is becoming more widely used, in some cases even when it is a de facto employment relationship. As the world of work evolves—with more people working as self-employed, on atypical contracts, or alternating or combining economically dependent work with self-employment—an increasing proportion of the workforce does not have sufficient access to social protection because of their labor market status or the type of employment relationship. (The Council of The European Union, 2019, p. 3).

46 Judgment in Case C-434/15 Asociación Profesional Elite Taxi v Uber Systems Spain SL. According to the judgment of 20 December 2017, 'service' is defined as 'Any information society service, i.e., any service provided at a distance, by electronic means, and at the individual request of the recipient, normally for remuneration.' For the purposes of this definition: 'at a distance' means that the service is provided without the simultaneous presence of the parties; 'by electronic means'means that the service is sent from its point of origin and received at its destination by means of electronic equipment for the processing (including digital compression) and storage of data, and is sent, transmitted and received entirely by wire, by radio, by optical means or by other electromagnetic means; and 'at the individual request of the recipient of the service' means that the service is provided at the individual request by the recipient of the service by the transmission of data.

47 C-434/15, point 39: 'In that regard, it is apparent from the information available to the Court that Uber's intermediary service is based on the selection of non-professional drivers who use their own vehicles and for whom that company provides an application without which, first, those drivers would not be able to provide transport services and, second, persons requiring a transfer within the city would not be able to use the services of those drivers. In addition, Uber has a decisive influence on the conditions of service provided by such drivers. On the latter point, it appears explicitly that Uber establishes, through the application of the same name, at least the maximum fare, that it collects that fare from the customer and then pays part of it to the non-professional driver of the vehicle, and that it exercises a certain degree of control over the quality of the vehicles and their drivers and over the conduct of the latter, which may, where appropriate, lead to their exclusion.'

protection is afforded to workers on the new platform.[48] Bellace himself argues that the answer for labor law may be to *return to its core values*. The fundamental value of labor law is that it provides economic security and thus predictability: internally, by providing rules to protect workers, and externally, by the state, by providing a social safety net if workers are unable to work in a situation of disruption. Another very important value is a healthy and safe working environment. In 1998, the ILO set out the fundamental rights that all states must respect: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced and compulsory labor; (c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation.[49] These rights should apply as basic rules of the game, regardless of the playing field.[50] Security in labor law is therefore about upholding core values.[51]

Theories of the employment relationship have long held that the employment relationship reflects market processes, and labor law has been identified with the actual agreements that emerge in the labor market, by classifying them as legal categories and extending the protection of labor law to them. Legal analysis throughout the 20th century has shown that there are two main ways in which an employment relationship can be established. Under this legal construction, most working people are either dependent employees or self-employed. This represents the binary divide

48 Mangan refers to an Uber ruling in North Carolina, which found that Uber is not a technology company. According to the ruling, just because someone uses a technology does not make them a technology company. Mangan warns that this argument ignores the changes that have taken place. See O'Connor et al v. Uber Technologies, Inc., C.A. No. 13-03826-EMC (N.D. Cal.); Mangan, 2018, p. 70; and Prassl and Risak, 2016, pp. 619–651.

49 International Labor Conference, 1998.
'The International Labor Conference…(2.) Declares that all Member States, even if they have not ratified the Conventions in question, are bound by their membership of the Organization, in good faith and in conformity with the Constitution, to respect, promote and fulfill the fundamental rights to which these Conventions refer. These principles are: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the abolition of forced and compulsory labor in all its forms; (c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation.'

50 Mangan also refers to what Bellace pointed out in the case of algorithms—that algorithms can lead to inequalities, i.e., discrimination (Mangan, 2018, p. 72).

51 Freedland's and Countouris's theory of personal employment relationships will not be analyzed in this chapter, as I do not consider the concept feasible. However, there are several elements of the concept that deserve to be highlighted. One of these is about values in work. It is pointed out that, rightly, the normative basis of labor law is the balancing of the positions of parties in unequal situations. Human dignity is a first-generation right with which we are all familiar and which is enshrined in many international documents. Freedland and Countouris complement this thinking on dignity with the concept of autonomy and equality. Autonomy means that a person makes decisions about his or her own life (work life) autonomously, without any constraints. This is complemented by equality, which, like human dignity, is also one of the oldest first-generation human rights. However, equality is thought of in terms of Amaryta Sen's concept of equality—equality based on ability—which is considered the most appropriate for labor and social law. Dignity is closely linked to the person of the worker, based on personal work (Freedland and Countouris, 2011b, pp. 372–376).

of employment relationships. Of the two, the traditional worker enjoys the protection of labor law. This dual model was reinforced by industrial mass production and subordination in the factory. In recent years, Deakin and Freedland[52] have argued that this model has been shaped by political, social and, ultimately, legal pressures, and several authors (J. Pélissier, A. Supiot, A. Jeammaud) have accordingly argued that the changes which have influenced the dual model are due not only to world economic events but also to changes in the law as a result of legal policy.[53] Countouris is quoted as saying: 'The dream of many employers is to be able to afford a workforce without the need for permanent paid employees. This is not a dream that cannot come true... the law prohibits in principle the provision of labor for profit yet, allows for significant exceptions to the prohibition.'[54]

The changes have occurred at two main levels: on the one hand, employers have modified the terms of the agreement in ways that the efficient operation of the business has required. On the other hand, the modified agreements transformed the workforce, and new legal categories emerged in the second half of the 20th century: casual worker, part-time worker, temporary agency worker, false (or 'bogus') self-employed worker, or person with a status like that of an employee, etc.[55] Two distinct strategies have emerged at national and supranational level for managing changes in the employment relationship. One of the regulatory strategies is to extend the scope of labor law. This strategy is based on the theory that there is a grey area between subordination and self-employment, where subordination and autonomy are more nuanced. The redefinition has sought to extend labor law to as many new forms of agreement as possible.[56] The second regulatory strategy sought to regulate and protect new atypical forms of employment through ad hoc legislation. This approach assumed that legal relationships that have some elements of contingent work (e.g., continuity, full-time work) deserve some level of protection. This view does not focus on the subject matter of employment relationships, but rather on taxonomy and classification.[57]

Countouris points out that the law has taken the following approach to employment relationships that do not fit into the dual model.[58] For much of the 20th century,

52 Deakin, 2000; 2001; Davies and Freedland, 1999–2000, pp. 231–248.

53 Countouris, 2007, pp. 2–4. On the Swedish dual model, see Källström, 1999–2000, pp. 157–186. On the Dutch regulation, see Peijpe, 1999–2000, pp. 127–156. On the Japan dual model, see Yamakawa, 1999–2000, pp. 99–126. On the Canadian model, see Langille and Davidov, 1999–2000, pp. 7–46.

54 'The dream of numerous employers is to be able to avail themselves of a workforce without also having salaried workers. This is not a dream that cannot materialize...the law poses a prohibition of principle to the supply of work for profit, by introducing, though, a significant exception to this prohibition (authorization of 'temporary work').'

55 On self-employment, see Szekeres, 2018, pp. 472–484; Countouris, 2007, p. 4.

56 In the same way, Act I of 2012 on the Hungarian Labor Code has sought to extend labor law to as many atypical jobs as possible.

57 Countouris, 2007, p. 5. Mark Freedland and Nicola Countouris propose a new taxonomy by introducing the notion of personal employment relationships (Freedland and Countouris, 2011a, pp. 200–202; 219–224).

58 These are the prohibition, conversion, encouragement, normalization-without-parity, and normalization-with-parity models.

the law prohibited all employment, typically fixed-term and part-time, which did not fit the dual model or fell outside the traditional employment relationship. If not prohibited, it transformed atypical employment into an employment relationship based on subordination, such as the relationship to fixed-term contracts in several continental jurisdictions. In addition, the law has given a lower level of protection to workers who have engaged in atypical employment. At the same time, this regulatory policy also motivates employers to enter into such contracts, as it means cheaper labor. This means that regulation then normalizes atypical work without giving workers the same rights. This also raises the question of a breach of the principle of equal treatment. And the principle of equal treatment is a fundamental value of European labor law that has had and continues to have a significant impact on the new employment relationships. It is a pillar of security.

One of the consequences of normalization is the increased prevalence of atypical forms of work, outside the framework of contingent work and labor law, of course. Countouris cites the UK and France as examples. In the latter, he refers to the conclusion of special contracts that excluded protection against dismissal during the first two years of employment. Later, however, national legal systems have sought to establish rights for fixed-term and part-time workers, and even temporary agency workers, through ad hoc legislation, invoking the principle of equal treatment. This period can be seen as a period of the normalization of rights.[59]

Anyone who examines changes in the employment relationship will inevitably fall into the trap of discourses as determined by the economy, since the prevailing view is that the profound transformations in the economic structure of industrial society are inexorably shaping economic relationships, to which the law in general, and labor law in particular, are adapting. In fact, the newly emerging employment relationships are constantly putting two fundamental concepts of labor law under pressure: the employment relationship and subordination. With the normalization of atypical employment relationships, which enshrines rights, atypical contracts have grown in a way that has not fallen under the umbrella of contingent employment. An example of this is the extension of some elements of employment law in the UK to quasi-contingent workers.[60]

A similar regulation can be observed in Italy with the introduction of the 'Biagi law,' which referred to quasi-subordinate workers as project workers. This was not a move away from the dual model, but rather typified atypical employment, like the fixed-term and part-time employment of the past. The law normalized this by not giving these workers the rights that workers have. It is for this reason that we must be careful in our conceptualization, because if a third category (*tertium genus*) is added to the dual model of employment relationships under labor law and civil law, there is a high risk of creating a more atypical and less protected legal relationship. It would be good if the typification of quasi-contingent work moved toward a normalization

59 Countouris, 2007, pp. 5–6. French term for the special contract: *contrat première embauche.*
60 Countouris, 2007, pp. 7–8. See also Bronstein, 2009, pp. 30–69.

that enshrined rights, like part-time and fixed-term employment, while the latter two were normalized based on the principle of equal treatment. For quasi-regular workers, normalization without guaranteeing rights seems to be maintained.[61]

The myriad of employment relationships, as mentioned above, poses a challenge to legislatures and legal policy, and a variety of strategies have emerged, either moving away from or toward the employment–self-employment dichotomy. In this context, the question is: how is the regulation of the new employment relationships in Central Europe evolving? The question is also how, with all these changes, will the place of labor law in the legal system, the concept of the employment relationship, the employment contract, and the collective agreement evolve in Central Europe? What is the relationship between labor law and civil law in the countries under study? What were the arrangements that were introduced in the spirit of flexicurity? How did the COVID epidemic shape labor law? How is collective bargaining coverage shaped to measure the state of collective consciousness?

The regulation of the countries being studied is therefore about the foundations of labor law. We are convinced, however, that based on these foundations, we can reflect on the future of labor law in the Central European reality in the framework of new research and cooperation. We believe that we can learn from each other, as the bases are the same and the regulations do not differ much. We understand each other and can also determine the future of labor law in Central Europe. This book aims to contribute to that.

61 Countouris, 2007, p. 8. However, one can agree with Countouris that the driving force of change is not only due to processes in the economic system, but that law itself has a huge role to play. Law has just as much influence on economic processes as vice versa. The legal system is constantly conceptualizing agreements, and it can thus be argued that the emergence of the now-defunct dual model was not merely an economic product of industrial society. I link this finding to the view of the reflexive nature of labor law. The term 'reflexive labor law' was first used by Rogowski and Wilthagen in 1994. According to this theory, the legal system should be regarded as a separate order, just like the political and economic system. All three subsystems must protect their own institutions. The separation of law, politics, and the market creates a decentralized social structure in which power is shared between autonomous but interconnected institutions. The autonomy of the legal system is a prerequisite for the existence of the rule of law and objective justice. It would not be appropriate to separate the legal system from its external environment. If the legal system were to lose its autonomy, it would become a mere expression of political power. On the reflexive labor law regulation, see Arthurs, 2007, pp. 19–36.

Bibliography

Arthurs, H. (2007) 'Corporate Self-Regulation: Political Economy, State Regulation and Reflexive Labour Law' in Bercusson, B., Estlund, C. (eds.) *Regulating Labour Law in the Wake of Globalisation. New Challanges, New Institutions.* Oxford and Portland, Oregon: Hart Publishing, pp. 19–36.

Bellace, J.R. (2018) 'The Changing Face of Capital: The Withering of the Employment Relationship in the Information Age' in Hendrickx, F., Stefano, V. (eds.) *Game Changers in Labour Law. Shaping the Future of Work. Bulletin of Comparative Labour Relations–100*. Netherlands: Kluwer Law International BV, pp. 11–26.

Blanplain, R (1999) 'European Social Policies: One Bridge Too Short', *Comparative Labour Law and Policy Journal*, 20(3), pp. 497–504.

Bronstein, A. (2009) *International and Comparative Labour Law.* International Labour Organisation: Palgrave Macmillan; https://doi.org/10.1007/978-0-230-30076-7.

Collins, H., Ewing, K. D., McColgan, A. (2012) *Labour Law.* Cambridge: Cambridge University Press; https://doi.org/10.1017/CBO9781139227094.

The Council of The European Union (2019) *Council Recommendation on access to social protection for employed and self-employed workers* [Online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2019.387.01.0001.01.ENG&toc=OJ:C:2019:387:TOC (Accessed: 1 October 2022).

Countouris, N. (2007) *The Changing Law of the Employment Relationship. Comparative Analyses in the European Context.* Hampshire, Burlington: Ashgate Publishing Company.

Csizmadia, A., Kovács, K., Asztalos, L. (1991) *Magyar állam- és jogtörténet*. Budapest: Pécsi Szikra Nyomda.

Davidov, G. (2017) 'The Status of Uber Drivers: A Purposive Approach', *Spanish Labour Law and Employment Relations Journal*, 6(1-2), pp. 6–15; https://doi.org/10.20318/sllerj.2017.3921.

Davies, P., Freedland, M. (1999-2000) 'Labour Markets, Welfare and the Personal Scope of Employment Law' *Comparative Labour Law & Policy Journal,* 21(1), pp. 231-248.

Deakin, S. (2000) *The Many Futures of the Contract of Employment.* Working Paper No. 191., ESCR Centre for Business Research, University of Cambridge, December.

Deakin, S. (2001): *The Contract of Employment: A Study in Legal Evolution*. Working Paper No. 203. ESCR Centre for Business Research, University of Cambridge, June.

Deakin, S., Morris, G.S. (2012) *Labour Law.* 6th edn. Oxford: Hart Publishing.

Deakin, S., Rogowski, R. (2011) 'Reflexive labour law, capabilities and the future of social Europe' in Rogowski, R., Salais, R., Whiteside, N. (eds.) *Transforming European Employment Policy. Labour Market Transitions and the Promotion of Capability.* Cheltenham: Edward Elgar Publishing, pp. 229-254; https://doi.org/10.4337/9781781001172.00022.

European Commission (2001) *Green Paper: Promoting a European framework for corporate social responsibility* [Online]. Available at: europa.eu/rapid/press-release_DOC-01-9_en.pdf (Accessed: 1 November 2018).

Freedland, M., Countouris, N. (2011a) 'The Legal Characterization of Personal Work Relations and the Idea of Labour Law' in Davidov, G., Langille, B. (eds.) *The Idea of Labour Law*. Oxford: Oxford University Press, pp. 190-208; https://doi.org/10.1093/acprof:oso/9780199693610.003.0013.

Freedland, M., Countouris, N. (2011b) *The Legal Construction of Personal Work Relations*. Oxford: Oxford University Press; https://doi.org/10.1093/acprof:oso/9780199551750.001.0001.

Gazdasági Versenyhivatal (2016) *A GVH társadalmi közfelelősség vállalási (PSR) stratégiája* [Online]. Available at: http://www.gvh.hu/data/cms1036194/GVH_PSR_strategia_2017_04_27.pdf (Accessed: 25 October 2018.).

Hajdú, J., Kun, A. (2011) *Munkajog I.* Budapest: Patrocínium.

Holmes, J. (2007) *Vocational Rehabilitation.* Oxford: Blackwell Publishing.

Collins, H., Ewing, K. D., McColgan, A. (2012) *Labour Law.* Cambridge: Cambridge University Press.

International Labour Conference (1998) *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up* [Online]. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/normativeinstrument/wcms_716594.pdf (Accessed: 1 October 2022).

Källström, K. (1999-2000) 'Employment and Contract Work', *Comparative Labour Law & Policy Journal,* 21(1), pp. 157–186.

Kelemen, L. (1941) *A szerződésen alapuló kötelem*. Szeged: A M. Kir. Ferenc József-Tudományegyetem Barátainak Egyesülete.

Kiss, Gy. (2000) 'Az új Ptk. és a munkajogi szabályozás, különös tekintettel az egyéni munkaszerződésekre', *Polgári Jogi Kodifikáció,* 2(1), pp. 1–17.

Kiss, Gy. (2005) *Munkajog.* Budapest: Osiris.

Kiss, Gy. (2006) *Alapjogok kollíziója a munkajogban*. Academic Doctoral Dissertation, Pécs.

Kiss, Gy. (2013) 'A munkavállalóhoz hasonló jogállású személy problematikája az Európai Unióban és e jogállás szabályozásának hiánya a Munka Törvénykönyvében', *Jogtudományi Közlöny*, 68(1), pp. 1–14.

Kiss, Gy. (2014) 'Foglalkoztatás gazdasági válság idején—A munkajogban rejlő lehetőségek a a munkajogviszony tartalmának alakítására (jogdogmatikai alapok és jogpolitikai indokok.)', *Állam-és Jogtudomány,* 55(1), pp. 36–76.

Langille, B. A., Davidov, G. (1999-2000) 'Beyond Employees and Independent Contractors: A View from Canada', *Comparative Labour Law & Policy Journal,* 21(1), pp. 7–46.

Mangan, D. (2018) 'Labour Law: The Medium and the Message' in Hendrickx, F., de Stefano, V. (eds.) *Game Changers in Labour Law. Shaping the Future of Work. Bulletin of Comparative Labour Relations–100*. Netherlands: Kluwer Law International BV, pp. 63–74.

Mitra, S. (2006) 'Capability Approach and Disability', *Journal of Disability Policy Studies*, 16(4), pp. 236–247.

Murray, B., Heron, R. (2003) *Placement of Job-Seekers With Disabilities. Elements of an Effective Service*. Port of Spain: International Labour Organisation.

Peijpe, van T. (1999-2000) 'Independent Contractors and Protected Workers in Dutch Law', *Comparative Labour Law & Policy Journal,* 21(1), pp. 127–156.

Prassl, J., Risak, M. (2016) 'Uber, Taskrabbit, & co: platforms as employers? Rethinking the legal analysis of crowdwork', *Comparative Labor Law and Policy Journal,* 37(3), pp. 619–651.

Prugberger, T. (1978) *A gazdasági szervezetek szabályozásának jogrendszertagozódási kérdései, Szövetkezeti Kutatóintézet Közleménye*. Budapest: SZÖVORG.

Prugberger, T. (2001) 'Az új Ptk. és a munkajogi szabályozás, különös tekintettel az egyéni és a kollektív munkaszerződésre' in Ploetz, M., Tóth, H. (eds.) *A munkajog és a polgári jog kodifikációs és funkcionális összefüggései.* Miskolc: Novotni Kiadó, pp. 60–80.

Prugberger, T. (2006) *Munkajog a polgári jogban a globalizálódó társadalmi viszonyok között.* Competitio Könyvek, Debrecen: Debreceni Egyetem Közgazdaságtudományi Kar.

Prugberger, T. (2008) 'Munkavállalói biztonság a globalizációban', *Valóság,* 51(2), pp. 39–53.

Prugberger, T. (2014) 'Az önfoglalkoztatás intézménye a nyugat-európai és a magyar munkajogban', *Magyar jog,* 61(2), pp. 65–71.

Radnay, J. (2001) 'A Ptk. és a munkajog kapcsolata, különös tekintettel a magyar jogra' in Ploetz, M., Tóth, H. (eds.) *A munkajog és a polgári jog kodifikációs és funkcionális összefüggései.* Miskolc: Novotni Kiadó, pp. 259–260.

Report of the World Commission on Environment and Development: Our Common Future [Online]. Available at: http://www.un-documents.net/our-common-future.pdf (Accessed: 18 October 2018).

Richardi, R. (1968) *Kollektivgewalt und Individualwille bei der Gestaltung des Arbeitsverhäiltnisses.* München: C.H. Beck.

Richardi, R. (1988) 'Das Arbeitsvertrag in Zivilrechtssystem', *Zeitschrift für Arbeitsrecht*, 19(7), pp. 221–255.

Richardi, R. (1992) *Das Arbeitsrecht als Teil der Sozialen Ordnung in Münchener Handbuch Arbeitsrecht*. München: C.H. Beck.

Rogowski, R., Salais, R., Whiteside, N. (2011) *Transforming European Employment Policy- Labour Market Transitions and the Promotion of Capability.* Cheltenham: Edward Elgar Publishing; https://doi.org/10.4337/9781781001172.

Szegedi, K., Mélypataki, G. (2016) 'A vállalati társadalmi felelősségvállalás (CSR) és a jog kapcsolata', *Miskolci Jogi Szemle,* 11(1), pp. 51–70.

Szekeres, B. (2018) 'Fogalmi zűrzavar a munkajogtudományban: az önfoglalkoztatás problematikája', *Publicationes Universitatis Miskolcinensis Series Juridica Et Politica*, 36(2), pp. 472–484.

Werbőczy I. (1517) *Tripartitum*. Bécs: Johann Singriener Nyomda.

World Economic Forum (2017) *Unlocking Digital Value To Society: A New Framework For Growth White Paper*. [Online]. Available at: http://reports.weforum.org/digital-transformation/wp-content/blogs.dir/94/mp/files/pages/files/dti-unlocking-digital-value-to-society-white-paper.pdf (Accessed: 13 October 2018).

Wenzel, G. (1877) *Magyarország városai és városjogai a múltban és jelenben*. Budapest: A Magyar Tudományos Akadémia Könyvkiadó Hivatala.

Yamakawa, R. (1999-2000) 'New Wine in Old Bottles? Employee/Independent Contractor Distinction under Japanese Labour Law', *Comparative Labour Law & Policy Journal,* 21(1), pp. 99–126.