Essential condition to the free movement of labour within the EU: the position of the economy/-ies/, continuous growth of the economy, maintenance of its competitiveness, which creates new working places.
The movement of labour generally originates through constraint – insufficient local working opportunities in terms of quantity or professional mix, and in other fields, the lack of labour can be impediment to the growth of economy, with special regard to labour-intensive branches.
Legal issues, their supporting or hindering nature constitute merely a small part of flexible labour flow, this is a far broader issue than legal environment. It should be possible to handle social movement, launched by the migration of labour in the wake of changing employment opportunities. (millions of families change their place of residence domestically and at international scale, schools, supply systems, etc.)

Ad. 3. ,Question group I.

1. What would you consider to be priorities for a meaningful labour law reform agenda. Laying down the EU-level requirements, i.e.:- working hours, holiday, sick-leave, motherhood, educational time, healthy working conditions, termination conditions subject to initiation, retirement conditions, the connection and relationship between the law and the corporate and sectorial Collective Agreements.

2. Can the adoption of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation? If yes, how? Only to the extent, if someone takes up employment overseas, e.g. in order to gain experience or due to economic constraint, it helps in orientation and decision-making.

3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to the international competition? How can improvements be made in the quality of regulations effecting SMEs, while preserving their objectives. The tools mentioned are unable to create the unity of interests between the employers and employees. This is a matter of two essentially different approaches, and the rules lay down procedural order and obligations. That is why the employers say regarding the above issue, that flexible labour rules assure the greatest security via the increase of productivity, the prompt avail of new opportunities. Looking at it from the employee side, if the new applicant gets hold of the appropriate form of regulation and understands it at all – being a person coming from another country, arriving from another legal environment and culture –, then conditions, which are favourable for aforesaid hinder him/her, and the detrimental ones assist him/her. In this respect, the European-level regulation with general force can represent a bridge upon resolving the issue in case of the minimum requirements mentioned under item 1. The state services of judicial aid should provide more practical assistance where they exist, where they are inexistent, they should be set up.
4. How might recruitment under permanent and temporary contracts be facilitated by law or collective agreements, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time? The Collective Agreement or the law itself provides no employment opportunity, which, however, is the basis of labour security. Flexibility should be transposed to CSR, on the one hand, by means of responsible, calculable and reliable corporate behaviour, on the other hand, through the social partners' great confidence in each other. I repeat: social security is based upon work and the value it produces. This provides the cover, and the laws should assure the network of conditions for general and proportionate sharing in taxation.

To Employment transitions

The transitional state should be treated as a state responsibility and task, a fund should be set up to this end. From the aspect of society, the most important is the protection of the family, and therefore of the mother giving birth too, it should be settled by not a corporate, but a social category-law, the corporate CA-s should complete it, if they can, and the company should undertake further responsibility with the CSR as a starting point.

Question group II.

5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?

I do not know precisely what the question refers to, however, the joint handling of employment conditions and unemployment is certainly a good idea.

6. What role might law/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms upward mobility over the course of fully active working time?

The corporate interest and that of national economy are separate. Capital invested into training is tied to location to the extent whereby the companies endeavour to turn to their advantage further education they support materially, in terms of working hours and otherwise. With the cessation of the employment, this capital gets entirely or partly lost. Otherwise the extremely complicated question is unintelligible.

Question group III.

7. Is greater clarity needed in Member States' legal definitions of employment and self employment to facilitate bona fide transitions from employment to self employment and vice versa?

In any event, precise legal definition of the two different legal relationships is an adequate goal, yet only with the purpose of making permeability more unequivocal and easier. However, one should take care of the fact that the activity of independent entrepreneur is an element indispensable to the realisation of flexibility, a legal form where the inflexibility of employment and
the employment of temporarily borrowed labour can be bridged well. Independent venture is a transparent form from the side of both taxation and employment. This incorrect, severity-increasing establishment of rules can easily let this huge mass of labour, flexible in its original form, loose on the labour market. At the same time, the statement whereby labour and commercial law mix in their case, is true. I do not consider it a trouble.

8. Is there a need for a „floor of rights“ dealing with the working conditions of all workers regardless of the form or their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers.

Definition of the minimum requirements, as I have already dwelled upon it in the foregoing in connection with the issues of labour law, would be advantageous, from the side of both the reliable, long-term thinking employers, and the employees. In a network of reliable working conditions, employees are more mobile, there is less fear. Naturally, it should be investigated at all times as to who is responsible in a given case for an eventual accident at the working place for instance. This definition type of the network of minimum requirements easily swings over from the minimum to the general maximum. In this case, it precisely produces the opposite impact regarding mobility, and can curb the creation of working places, at the same time, it does not secure better the protection of employees.

Three-way relationship

Involving the labour lender in the production of work and production does not complicate the position. The lender is unequivocally the employer together with all its obligations. This method is a good tool of flexible and, at the same time, safe employment, naturally, if every participant in the process acts legally and according to the intention of CSR. Thus, cost becomes calculable at the final user of labour lent, and via individual Social Security accounts, it becomes possible to follow up the paying in of public rates and taxes.

Question group IV.

9. Do you think the responsibilities of the various parties within multiple employment relationship should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in „three way relationship“?

The scope of responsibility can and should be laid down in the relevant contracts in every case. It is no good method if, e.g., the law were to devolve the lender’s responsibility upon the ordering party in respect of labour lending, as in the case of borrowed labour, employer’s rights are domiciliated with the employer, thus, the ordering party has no control possibility. The genuine employer can secure employee protection and is accountable for it identically. In case this principle is not enforceable consistently, the genuine market conditions are damaged and the ordering party takes over the labour lender’s business risk, hence the original goal and intention of lending disappear.
10. Is there a need to clarify the employment status of temporary agency workers?
Not necessary as it is unequivocal. The lender is the employer, exercises exclusively the basic employer’s rights and aforesaid undertakes the employment risk and owes responsibility for the success of its own business venture. Here again, it is a case of the conjugated effects of two different laws, the labour and commercial one.

Question group V.

11. How could minimum requirements concerning working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of worker’s health and safety? What aspect of the organisation of working time should be tackled as a matter of priority by the community?
Legal working hours and exceptions, overtime, holiday, etc. are regulated by the law. The greatest flexibility should be assured in case of overtime, it should be entrusted to the employee as to how much he/she can endure, or should be able to endure, in order to cover his/her own requirements. With a view to avoid total defencelessness, weekly maximum time should be laid down. One should think of the peculiarities of seasonal work too. Upon overtime remuneration, the employer’s burdens could be gradually increased, where already the employer comes to the conclusion that is expedient not to resolve the given work with overtime but with a new employee.

Question group VI.

12. How can the employment rights of workers operating in a transitional context, including particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of ‘worker’ in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member States where they work? Or do you believe that Member States should retain their discretion in the matter?
It is not necessary to define the notion of employee, that being identical everywhere. The general basic rule should be, that the law of the country where the work is performed, prevails. One should not depart from it, this is a clear procedural mode. If this were not the case, then several, contradictory systems of rules could prevail at the same working place and their follow-up would become impossible, on the other hand, this would lead to discrimination. It would be important for the mother company to be free to send, within its operational field, regardless of the national boundaries, key executives with managerial tasks, furthermore, staff members with training goal. These cases should be considered temporary employment for a maximum duration of 3-5 months, which could be repeated once, i.e. could be extended up to 10 months. Subsequently, if otherwise that were a regulation in the given country, it would become necessary to obtain a work permit, which could be refused only in an exceptional case.
13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community Labour Law? Do you see a role for social partners in such cooperation? A close co-operation between the authorities is necessary, but to mutually assist the positive processes. I refer here to the overlaps of labour and commercial law, already arisen on several occasions previously, and to their conjugated prevailing. The social partners should make impossible, and they have means to do so too, undeclared work, which thus lacks social supply and does not participate in the general and proportionate sharing of taxation. The question arises: in case of the micro-ventures, so typical of tourism and catering, that consist in several cases of one person or are family ventures, who is the social partner?

14. Do you consider that further initiatives are needed, at a EU level to support action by the Member States to combat undeclared work? I do not know! In my opinion, it is up to the Member States, yet pursuant to uniform principles.