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ABSTRACTING AND INDEXING



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CONTENTS

JOB ANALYSIS AS A TOOL FOR IMPROVED ORGANIZATIONAL PERFORMANCE OF SMEs IN LAGOS, NIGERIA Chukwunonye Anyakoha	7
THE REVISION OF HUNGARIAN PUBLIC SERVICE MOTIVATION (PSM) MODEL Zsuzsanna Horváth – Gábor Hollósy-Vadász	17
A RECIPE FOR EFFICIENT AND CORRUPTION-FREE PUBLIC SECTOR Oliver Okechukwu Okanazu – Maureen Anayo Madu – Samuel A Igboke	29
THE CONSEQUENCES OF PSYCHOSOCIAL RISKS IN THE WORKPLACE IN LEGAL CONTEXT Monika Seilerová	47
NOTICE FOR REDUNDANCY AS A DISCRIMINATORY MEASURE ON GROUNDS OF AGE Martin Štefko	61
COMPARATIVE ANALYSIS OF MOTIVATION OF CIVIL SERVANTS AND PUBLIC SERVANTS IN THE LOCAL STATE ADMINISTRATION – CASE STUDY OF SLOVAKIA Dominika Vlacseková	74
INSTRUCTIONS FOR AUTHORS	94
MANUSCRIPT REVIEW PROCESS AND REVIEW POLICY	97
PUBLICATION ETHICS RULES	98

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JOB ANALYSIS AS A TOOL FOR IMPROVED ORGANIZATIONAL PERFORMANCE OF SMEs IN LAGOS, NIGERIA

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Abstract

This study explored the influence of job analysis on organizational performance among 180 small and medium scale enterprises in Lagos, Nigeria. Data was obtained using structured questionnaires and analysis of company financial statements. The analysis was done using statistical package for social science (SPSS) version 20 and the results obtained showed that proper job analysis improves productivity at work, efficiency and organizational profitability. Findings also showed that there are significant challenges that hamper the effective implementation of job analysis in SMEs in Lagos. The study thus recommended that entrenching a company policy of robust talent management and job analysis in order to bring about continuous improvement of staff performance and organizational efficiency.

Key words: Job analysis, human resource management, small and medium scale enterprises, organizational performance

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JEL classification: D21, D23, J08

Introduction

Job analysis involves the process of understanding the jobs that need to be filled in an organization, the specific tasks that are supposed to be accomplished by individuals doing these jobs, the human traits and characteristics needed in order to do these jobs and the parameters that can be used to evaluate the successful and effective execution of these jobs. According to Dessler (2013), job analysis could be defined as the procedure determining the duties and skill requirements of a job and the kind of individual or individuals who should be hired.

Business organizations in recent times have adopted job analysis as a very important human resource planning strategy. This is due to the fact that the human resource is the most important resource of every business organization. According to Sackett and Laczó (2003), proper human resource management practice has a direct positive effect on organizational performance. The study further mentioned that business organizations that pursue job analysis as a planning strategy for human resource management tend to have competitive advantage over organizations that do not make such provisions.

Previous research work done on job analysis focused on the methodological aspects of the topic, thus making significant contributions to the field of human resource management by developing procedures and techniques for generating job-related data. This has enabled experts to effectively apply the procedures of job analysis in various organizations. Furthermore, Osibanjo, Kehinde and Abiodun (2012) opined that job analysis information and procedures have effectively been used to provide information about jobs and also characteristics for jobs, thus helping recruiters to know the features they are looking out for in prospective employees and also for job seekers to ascertain if they are qualified for the job that they seek.

The importance of job analysis cannot be over-emphasized. According to Fine and Cronshaw (2009), job analysis is the backbone of nearly all human resource management activities. He further mentioned that it provides information about jobs and job holders, utilized by human resource professionals to develop job descriptions as well as design performance evaluation standards that will be used for staff appraisal. In addition, Adegbamí (2013) also mentioned that job analysis helps management in preparing appropriate recruitment strategies, training and development, compensation packages as well as health and safety requirements that are designed around the demands and characteristics of the job. He further mentioned that this information is vital to the job seekers as they adequately prepare themselves to be qualified for the jobs that they seek and know areas where they are deficient in order to develop themselves.. Effective human resource practice requires a clear understanding of the details of jobs on the part of the organization and employees, thus making it intuitively imperative that there is a relationship between job analysis and company performance.

Despite the increased importance of job analysis, there has not been enough empirical research done, especially linking it organizational performance in African countries. It is based on this gap that this study is carried out and is aimed at examining this link between job analysis and organizational performance, and test it with empirical data obtained from 160 SMEs in Nigeria.

Theoretical background

Over the years, management experts have been of the view that sound human resource practices significantly help in improving organizational productivity and financial performance. The advantages of job analysis go beyond business organizations, but also for public sector enterprises and non-profit organization. However, this study focuses on the role of job analysis for business organizations. One of the theoretical designs adopted in job analysis is the Hackman and Oldham job characteristics model, as described by Anyadike (2013). This model postulates that desirable job outcomes are cultivated in response to the task itself. This model, postulated by Hackman and

Oldham (1980) further postulated that in order for motivation to prevail among workers, the tasks being assigned must stimulate satisfaction within their own specific context. Tasks should be identifiable and there should also be a tangible outcome, while significantly impacting the organization and the individuals working in the organization. The theory of the job characteristics model, according to Bohlander and Snell (2009) relies on stretching the capabilities of individual workers by creating a challenging work environment by giving workers greater autonomy, responsibility, rotation and job enrichment. In another related study, Wilson (2004) also mentioned that it is important to periodically administer periodic surveys in order to ensure that workers are continually motivated and improved in their work environment and measures be taken in order to improve upon identified deficiencies.

In order to ensure the success of administrative decisions in business organizations, it is important to ensure that workers participate in the decision making process of the organization. According to Robinson (2012) when workers have a say in decisions made by the management of the organization, these workers perceive the procedures within the organization more favourably as opposed to situations when they are not given a voice in managerial decisions.

Another theory of job analysis is the Job Embeddedness Theory. This theory postulates that if employees are embedded to their job, it is unlikely that they will leave (Rogelberg, 2007). Job Embeddedness is measured with the relationship of an employee's fit with the organization and the individual's social links to the workplace and the community. However, Schmitt and Fine (2003) mentioned that a significant limitation of the job Embeddedness theory is that it places heavy emphasis on factors such as marital status the workers' connection to the community and many of these are outside the jurisdiction of the manager. The Human Capital Theory of job analysis postulates that human workers within an organization may be used interchangeably, and that human workers bring a tangible asset within an organization in the form of their learned skills, innate talent and relationships (Schneider and Konz, 1999). This theory thus views the individual worker as an asset or a liability to the organization, thus this makes it imperative that business firms employ individuals who have the aptitudes and capabilities that are contained in the job description.

Job analysis is vital in order to achieve the strategic plans and objectives of a business firm. According to Anyim, Ikemefuna and Mbah (2011), job analysis information helps in identifying key employee competencies required in different work positions as well as training needs that to be met, thus consistently equipping workers with the needed skills for doing the job effectively. Furthermore, the organizational tradition also helps in determining the key traits that are needed by employees. For instance, according to Edien (2015), a business organization that thrives on creativity and constant improvement will not limit its workers to being "pigeon-holed" at their position, but look beyond their own jobs and constantly seek for ways to improve things in their organization. The study thus recommended that competency-based job analysis be used by business organizations and the traditions and strategic plan of an organization should be considered in every decision pertaining to staff recruitment and training in order to effectively organize work around the employees competencies in order to bring about continuous improvement.

Companies that conduct regular job analysis are more able to get the best from their employees than those that do not apply job analysis. According to Fine and Cronshaw (2009), this is due to the fact that organizations that carry out job analysis set minimum required performance benchmarks for their employees and also bring about proper evaluation benchmarks that will be used to for effective employee performance appraisal.. In another related study, Franklin (2005) also opined that proper job analysis information helps business firms in making decision about the right compensation package that is suitable for the job position; decision about training needs required for the job, and also helps ensuring that the organization complies with existing employment laws that exist in the country or community, where the enterprise is based in. Furthermore, Bannick, Levine and Morgeso (2007) were of the view that proper job analysis helps organizations to set up human resource management systems in place that will not be too difficult for new entrants to understand, thus creating an atmosphere of stability and sustainability.

The most important aspect of job analysis is designing the job description. The job description is a written statement of what the worker does, how he/she ought to do it and the working conditions under which the work shall be done. According to Cascio and Aguinus (2005), the information contained in the job description helps inform the job seeker the role his job plays in the organization achieving its goals and objectives. He further mentioned that job description information clearly highlights the chain of command of the organization, the authorities as well as responsibility due to the job seeker. Harley (1999) mentioned that proper job analysis, description and design promotes employee productivity as individuals specialize on tasks that they are qualified and have the skill for. The study further mentioned that a continuous repetition of tasks leads to expertise and dexterity.

The human resource department of every organization plays a key role in its development. In his study, Franklin (2005) mentioned that the human resource departments play important management roles in organizations as they ensure that there is proper staffing of different departments in the organization. In another related study, Muchinky (2012) mentioned that the consequences of filling job positions with the wrong people cannot be exaggerated. The study mentioned that an organization's success is highly dependent on the quality of its human resources, thus with increased competition amongst businesses and the need to continually keep abreast with changing dynamics of the modern day business world, it is imperative that competent individuals are put in various positions.

Some business organizations make use of competency-based job analysis to create employee profiles for various positions in their organization. According to Okoye and Ezejiofor (2013), competencies are observable and measurable behaviours of an individual that make the performance of job tasks possible. Competency based job analysis involves describing the job in terms of measurable and observable behavioural competencies (knowledge, skills and behaviours) that an employee doing a job must exhibit. Furthermore, Siddique (2007) mentioned that unlike the traditional job analysis that is job-focused, competency based analysis is worker-focused, as it concentrates on the fact that the worker must be competent enough to perform all the tasks inherent in the job. The study further mentioned that managers usually group competencies into three broad parts namely general competencies, leadership competencies and technical competencies. General competencies are described as skills that are general

in nature for instance writing, reading and language skills. Leadership competencies on the other hand are skills that measure leadership ability of the individual such as strategic thinking and planning ability, while technical competencies are specific skills needed for the job, for instance, for a systems engineer position, the individual should have the ability to create and design software applications.

In studying the behavioural aspect of job analysis, Wilson (2004) opined that one of the fears employees have about job analysis is that a clear and concise definition of their work means limiting their creativity and flexibility. The study further mentioned that employees are also afraid about the purpose of elaborate examination of the workplace. In order to ameliorate this fear, the study recommended that employees must be properly educated why job analysis is done and also make an input on how they think the job can be done better. In another related study, Rogelberg (2007) also mentioned that giving employees increased responsibility improves their confidence level at work and also their level of contribution to the organization. The study further mentioned that increased responsibility helps in improving the leadership abilities of these employees as they are able to take on new tasks and lead new projects. Small and medium scale enterprises (SMEs) constitute a major bedrock of the Nigerian economy. They contribute significantly to gross domestic product, tax revenue for the government and also help in capacity utilization as well as giving new and prospective entrepreneurs the opportunity to venture into entrepreneurship. Furthermore, according to Anyakoha and Nwolisa (2017), SMEs help in creating employment for the society, especially for fresh graduates, as they gain working experience in these organizations. It is therefore critical that these organizations do well financially in order to achieve economic balance in the country. For these SMEs, the human resource is their most important asset. This makes human resource management an integral part of the management decisions in the organization.

The Nigerian economy has been classified as a fast growing one, driven by private sector growth, foreign investment and a surge of afri-capitalism. Furthermore, with a population of more than 90 million individuals, there is available a dynamic workforce that if properly harnessed, is capable of positioning the country's economy into the best in Africa. Lagos state on its own is the biggest economic hub of the country, with a large concentration of SMEs that are championing innovation and commerce. The influx of foreign direct investment (FDI) has created an impressive mix of domestic and foreign companies. This has created an atmosphere of competition making it imperative that companies become productivity and efficiency conscious. This in turn has made business organizations especially SMEs to search for strong management practices, especially in the area of human resource management. Job analysis provides a veritable human resource management tool for SMEs in achieving their strategic objectives as it helps to clearly outline performance targets for employees of an organization.

It is on the backdrop of this that this study is conducted and is aimed at exploring the influence of job analysis on organizational performance of selected SMEs in Lagos State, Nigeria. Financial performance (earnings, profitability and liquidity) as well as employee satisfaction and staff turnover were used to ascertain the organizational performance.

Material and methods

A sample of 180 SMEs was randomly selected for this study, and these organizations were distributed across the various local government areas in Lagos State. Structured questionnaires were distributed to the managers of the various businesses, and 172, indicating a return rate of 95.5%. Furthermore, the audited financial statements of the companies were also used to ascertain profitability and earnings figures. SMEs were used for this study based on the fact that they constitute more than 65% of the business organizations in Nigeria (Anyakoha and Nwolisa, 2017). Furthermore, they also constitute 59% of total private sector employment in the country.

The SMEs used for this study are based in Lagos state of Nigeria and are engaged in different sectors of the Nigerian economy. The sectors of the economy that SMEs for this study are engaged in include agriculture, oil and gas, extractive industry (mining industry), education, non-professional services, fast moving consumer goods (FMCG), telecommunication and information and communication technology (ICT). The justification for using Lagos State for this study is based on the fact that Lagos has the highest concentration of SMEs in Nigeria and also these SMEs cover almost all the sectors of the Nigerian economy. Also, a 5 point Likert scale was used to measure the times that described the effect of job analysis on organizational performance.

Results and discussion

Demographic Characteristics of the Sample

The results of data analysis are presented in the following section. Demographic characteristics of the sample, outlining the sectors of the economy in which the SMEs are engaged in are shown in Table 1.

Table 1: Sector Breakdown of Respondents for the Study

Sector	Frequency	Percent
Agriculture	19	11.05%
Oil and Gas	24	13.95%
Extractive Industry	21	12.21%
Education	17	9.88%
Non-professional services	28	16.28%
Fast Moving Consumer Goods	34	19.77%
Telecommunication	8	4.65%
ICT	21	12.21%

Source: Computed field data 2019

There was a fairly even distribution of respondents amongst different sectors of the economy, with Fast Moving Consumer Goods (FMCG) sector having a slightly higher

population than the rest due to their prevalence in terms of population in SME sector. However, most of the productive sectors of the economy were captured in the study.

Descriptive Statistics of Use of Job Analysis

Table 2 shows the descriptive statistics of the effect of job analysis on organizational profitability of SMEs in Lagos, Nigeria

Table 2: Descriptive statistics of effect of job analysis on profitability

Variable	Mean	Standard Deviation	Variance
Less resources spent on correcting mistakes	4.13	1.05	1.71
Reduced wastage of production inputs	3.99	1.26	1.87
Proactive in anticipating problems before they occur	3.71	0.89	2.42
Recruitment of skilled and qualified manpower thus reduced training costs	4.01	0.97	2.39

Source: Analysis of field data 2019

The findings in Table 2 indicate that job analysis leads to fewer resources spent on correcting mistakes. This is due to the fact that job tasks are properly outlined, thus enabling employees to be methodical in accomplishing job tasks. In addition, the findings also show that job analysis brings about a reduction in wastage during the production process. This could be attributed to the fact that qualified and skilled workers are more efficient in carrying out their tasks thus reducing mistakes and wastages. This is in agreement with the postulations of Anyadike (2013), who mentioned that clearly specifying tasks for a given job helps human resources departments to hire the best qualified staff and also makes employees to grasp the rudiments of the job faster. Furthermore, Fine and Cronshaw (2009) also opined that repetition of tasks leads to specialization, thus making for improved output at work.

Descriptive statistics on the effect of job analysis on employee productivity

Table 3 shows the descriptive statistics of the effects of job analysis on employee productivity.

Table 3: Descriptive statistics on effect of job analysis on productivity

Variable	Mean	Standard deviation	Variance
Jobs are done efficiently	3.84	1.05	1.86
Minimal down-time between performing tasks	3.91	0.97	1.81
Rudiments of the job are mastered faster and improved upon within a short time	4.01	0.87	2.31
Multi-tasking is done to more effect	3.84	0.91	2.42

Source: Analysis of field data, 2019

The findings in Table 3 shows that job analysis makes it possible for jobs to be done more efficiently, thus using fewer resources to accomplish more objectives. Furthermore, the findings also show that job analysis brings about minimal down-time between performing different tasks. These are in agreement with the postulation of Okoye and Ezejiofor (2013) who mentioned that job analysis leads to specialization and accomplishment of tasks in a more efficient and effective manner. The findings from this study also show that job analysis enables employees to master the rudiments the job faster, thus reducing mistakes and costs in the medium and long run. This is in agreement with the findings of Osibanjo, Kehinde and Abiodun (2012) who mentioned that faster understanding of the rudiments of a job reduces training costs for the organization, increases efficiency and leads to more productivity, thus giving the organization an edge over its competitors.

Descriptive Statistics on the Challenges of Implementing Job Analysis in SMEs

Table 4 shows the challenges that are faced by SMEs in implementing job analysis

Variable	Mean	Standard deviation	Variance
Lack of management support	3.71	0.91	1.81
Lack of support by employees	3.87	0.97	1.76
Bias on the part of the job analyst	4.01	1.09	2.04
Using single data source	3.61	0.76	2.03
Inability to identify the need for job analysis	3.92	0.85	2.30

Source: Data analysis 2019

The findings in Table 4 show that lack of management support significantly hampers the effective implementation of job analysis in SMEs. In order to inculcate such an important policy in an enterprise, there is a need for top management not only support but work in tandem with human resource departments in order to promulgate optimal policies on staffing, employee training and job analysis. Furthermore, lack of support on the part of employees significantly hampers the implementation of job analysis. These findings are in agreement with the postulations of Schmitt and Foe (2003) who mentioned that the use of single source of data for job descriptions does not give an accurate and complete description of what is expected for different jobs. They further mentioned that it is imperative for the job analyst to be objective in order to properly itemize and describe what is expected from an employee in a given position. The findings are also in agreement with the postulations of Anyadike (2013) who mentioned that there is a need to properly educate employees on the value and need for job analysis in order for it to be implemented effectively. The study further opined that employees should also be involved in the job analysis process so as to make it more dynamic and effective.

Conclusion

The findings from this study have shown that job analysis contributes significantly to organizational performance. Furthermore, the findings from this study also buttress the fact that job analysis is an important strategic management decision for business organizations. Human resource departments play a key role in organizational development by ensuring that only skilled and qualified candidates are recommended for job positions. Furthermore, staffing constitutes very important management decision, thus the strategic plan of an organization must include staffing and how the staff employed will help the organization to attain its strategic objectives. This study thus recommends that SMEs should inculcate a culture of job analysis in their operations and use it as a framework in making recruitment decisions, drawing staff training curriculum and also making promotion and appraisal decisions. Furthermore, job seekers should also study the requirements, rudiments and responsibilities pertaining to the jobs they want to apply for in order to ensure that they possess the needed aptitudes, attitudes, qualifications and experience needed for the job.

The findings of this study are relevant for human resource professionals as it helps them to initiate workable human resource management principles and activities that will help their organizations to achieve strategic goals. Furthermore, findings from this study are also important for management decisions of SMEs as they employ the specific type of job analysis most suitable for them.

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THE REVISION OF HUNGARIAN PUBLIC SERVICE MOTIVATION (PSM) MODEL

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Abstract

The Public Service Motivation Theory (PSM) turned up in the USA in the 90's, the European civil services applied the PSM concept later. Very few studies addressed the PSM in Hungarian context. One of those prepared a PSM model adapted to Hungarian public service. In this study, we develop and complete this model with job security as new variable. We use the PLS-SEM method to analyze the representative database of ISSP. According to our result, the job security can be adapted to the previous PSM model. We also identify the direct and indirect effects of job security on the other variables of the model. The results of this study can be adapted in human resource management of the Hungarian public administration. Therefore, we suggest the public policy makers to confirm the motivation and job security among the public sector employees.

Key words: Calling, organizational commitment, perceived social impact, public service motivation, work satisfaction

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JEL classification: J24, J28, J29

Introduction

The Hungarian public administration has a huge handicap to hire, retain and motivate the employees (Hazafi, 2017), because the private sector can provide better work conditions (Hazafi, 2015). That is why the Hungarian public sector can hire only professionals who can not find jobs in the private sector (Hazafi, 2015). The low level of motivation among public sector workers is a dysfunction of human resource management (Hazafi, 2017). Hazafi (2015) mentions that the three main resources of

motivation in public sector are: 1) fair income, 2) stable career opportunity, 3) moral appreciation. On the one hand, Hajnal, Kádár and Kovács (2018) emphasize that Hungary has received a huge amount of support from the European Social Fund and the Norway Grants to develop its governance system. On the other hand, Hazafi (2017) mentions that the new career models and pay rise could not abolish the salary gap between the public and private sector. The average income in private sector was higher by 19% than in public sector in 2016. Take into consideration the morale appreciation, Hollósy finds the labour representation of public service negative and no positive prestige is associated with working in public sector. The above mentioned factors reduce the competitiveness of the public sector and the motivation among the public sector employees. The aim of this study is to prepare and adapt a public service motivation model for the Hungarian public sector. The practical application of this model can help to optimize the motivation of the Hungarian public sector workers and increases the competitiveness of the Hungarian public sector.

The UNDP's study (2017) distinguishes intrinsic and extrinsic work motivation. The intrinsic motivation is an activity enjoyed by the individual. The work is carried out because the employee finds it interesting. The extrinsic motivation stimulates the employee to work hard and receive something for the work done. The above mentioned approach is not satisfactory to motivate the public sector workers, because it ignores the special needs of the employees and the special environment of public sector. The Public Service Motivation (PSM) is a relatively new research field. The motivation factors in the public sector can be different in terms of the national culture, the local economy, and the politics.

Theoretical background

PSM is an Anglo-Saxon theory turned up in North America in the 90's, also applied by the European public administration organizations (Mihalcioiu, 2011). Mihalcioiu (2011) mentions that PSM focuses on special motivation of public sector workers and also involves the main points of public management e.g. work satisfaction, organizational commitment and the incentive system. PSM is an individual predisposition how public sector employees react to the motivation tools applied in the public sector (Perry and Wise, 1990). Brewer and Selden (1998) added two aspects of the above mentioned definition. First, the PSM stimulates to serve the community. Second, PSM is relevant in the public sector. The PSM concept was developed and completed in the 2000s. Vandenebeele (2007) says that PSM is a mix of attitudes, values, beliefs beyond the individual and organizational interest. These beliefs can modify the behaviour of public sector employees.

Mihalcioiu (2011) mentions that the main goal of NPM (New Public Management) was to rationalize the public sector, organize the resources more effectively and maximize the power, the budget and the public reputation. This approach cannot provide an explanation for the special motivation of public sector employees. This problem can be solved by PSM and its special dimensions. Perry and Wise (1990) identified three dimensions of PSM.

1. Rational: Whilst public servants behave in an altruistic way, they also want to increase their efficiency and importance.

2. Norm-based: The main norm in public sphere is to serve the interest of society.
3. Affective: Public administration must provide safety for citizens based on basic human laws, thus applying the affective norm of patriotism of benevolence.

According to the study of Rainey and Steinbauer (1999), PSM can be manifested in general altruistic motivation to serve the interest of the local community, the interest of the state or the interest of the nation. The intrinsic motivation in connection with self-sacrifice can be a fundamental human feature and it can be as strong as the extrinsic motivation (e.g. received income).

We found numerous studies investigating the relationship between organizational commitment, job security, work satisfaction, perceived social impact, Calling, and PSM. We also use these variables in our model.

1. Bullock, Srich, and Rainey (2015) defined the organizational commitment. It is an individual strength that makes an employee to identify himself with the organization.
2. Bullock, Srich, and Rainey (2015) defined the perceived social impact that presents the impact of the work of public sector employee on the other people's live.
3. Calling is *"a transcendent summons, experienced as originating beyond the self, to approach a particular life role in a manner oriented toward demonstrating or deriving a sense of purpose or meaningfulness and that holds other-oriented values and goals as primary sources of motivation"* (Dik and Duffy, 2009, p. 427). Calling refers to being talented or passionate (Horváth, 2016; 2017a; 2017b; 2017c).
4. In the last decade, several studies have addressed the issue of work satisfaction (Westover and Taylor, 2009). According to the above cited study, work satisfaction is a positive emotional state that originates from one's job experience.
5. Job security presents how secure an employee feels his/her job at the organization he/she is working for (Esser and Olsen, 2012). It is very important since the job of an employee generates the main source of income.

In Hungary, there is a scarcity of academic inquiry on PSM: only four relevant studies have been published up to date. One of them is a theoretical study investigating the adaption opportunities of PSM in Hungary (Hollósy and Szabó 2016). The second one investigates the relationship between PSM and job satisfaction in case of the local public service (Hollósy 2018). The third one prepares and adapts the Hungarian PSM model with PLS-SEM (see the method chapter) method (Horváth and Hollósy, 2018). Horváth and Hollósy (2018; 2019) use the representative database of ISSP 2015 and their model includes five variables: organizational commitment, work satisfaction, perceived social impact, motivation and Calling. The R² of this model is 60%. It means that public servants with high PSM, high organizational commitment, high Calling and high perception of the social impact are satisfied with their job. According to that study, the correlation between work satisfaction and organization commitment is over 0,9, which is especially high in social science. This result raises the question whether work satisfaction and organization commitment can be rejected or not. Calling has direct and indirect effects on work satisfaction. (We provide more details about direct and indirect effects in Method chapter.) The correlation between Calling and organizational

commitment is also strong, so public sector workers with high Calling can get easily committed to public organizations.

In this study, we test and develop the model of Horváth and Hollósy (2018). We complete the model with job security as a new variable. Esser and Olsen (2011) define the job security as a variable that determines how secure the employees feel in their jobs. The job security *“is a critical aspect of work quality because a person’s work usually provides the main source of income and serves as an important basis for living conditions”* (Esser and Olsen (2011, 443). Bullock, Hansen and Houston (2018) claim that most studies present that job security is more important in the public service than the private sector.

Hur and Perry (2016) report that scholars may focus on three aspects of job security:

1. The relationship between the objective job security and perceived job security.
2. The effect of job security on PSM among public administration workers.
3. Identifying the relationship between deinstitutionalization of job security and outcomes.

Based on the classification of Hur and Perry (2016) we cite some public administration studies that fit the second category. The job security is one of the main reasons that attracts public sector workers to public sector (Chen and Hsieh 2015). According to their study:

1. Job security correlates positively with PSM.
2. The pursuit of high pay correlates negatively with PSM.
3. The income satisfaction correlates positively with PSM.
4. The income satisfaction affects negatively the relationship between the pursuit of high pay and PSM.

Liu and Perry (2014) conducted a research in China to test the relationships between PSM and CCB (community citizenship behaviour), JS (job satisfaction), and OI (Organization identification). According to their results:

1. PSM correlates with the other variables. OI has a partial mediating effect on the relationship between PSM, CCB and JS.
2. Public service employees with high PSM are more compatible with the goals, missions and work environment of the public organizations than public service employees with low PSM.
3. PSM correlates negatively with organizational tenure. Furthermore, organizational tenure correlates negatively with OI, JS and CCB.
4. Although PSM and job security correlate positively with work attitudes (for example JS) and prosocial behaviour (for example CCB), PSM has stronger effect on work attitude and work behaviour than job security.

Ballart and Rico (2018) investigated the relationship between PSM and job security in Spain. The respondents study at a public university in Bachelona, so they have no work experience in public sector and avoid the socialization effects of public sector organizations. According their results:

1. In case of high level of attraction to public service and commitment to public values, the PSM can be compatible with job security.
2. Self-sacrificing students do not care about job security.

Material and methods

Only few studies addressed the PSM concept in Hungary, therefore there is only one PSM concept adapted by the Hungarian public service, so this is an explorative research. In this study, we test and develop the model of Horváth and Hollósy (2018) as well as complete the model with job security as a new variable.

We tested two hypotheses:

1. **H(1):** Job security as a new variable can be adapted by the original model (Horváth and Hollósy 2018).
2. **H(2):** Job security has direct and indirect effect on the other variables of the model.

The Work Orientations 2015 module of the representative database of ISSP (International Social Survey Programme) was used as a basis for analysis, with delimitation of current employment. Therefore, Hungarian workers currently employed have been selected for further analysis (n=564). The distribution of the gender of respondents is (n=250) (44.3%) men and (n=314) (55.7%) women. The youngest person is 27 years old and the oldest is 75 years old. The average age of the respondents is (m= 50.42; SD=10.837). (n=141) (25%) and (n=141) people worked in public sector. In further part of this study, we only analyse the responses of the public sector workers.

PLS -SEM (Partial Least Squares – Structural Equation Modeling) method was used to analyse the data. Path analysis is a series of regression analyses making it a predictive statistical method (Kovács and Bodnár 2016). Kazár (2014) distinguishes two types of structural equation models, the first one is the covariance-based structural equation model, the second one is the variance-based structural equation model. PLS-SEM is a variance-based structural equation model (Mitev and Kelemen 2017). Kovács and Bodnár (2016) mention that correlation coefficient presents the relationships between the variables in the model. This coefficient involves direct and indirect effects. Insignificant relationships between the variables are automatically ignored. The PLS-SEM method is specifically adapted to detect and investigate an indirect effect between constructs and variables, making it a popular method in a number of disciplines (Kazár 2014). Kovács and Bodnár (2016) mention that PLS-SEM can run the factor analysis and the regression analysis simultaneously. The PLS-SEM does not require normal distribution and it is applicable for a sample with low number of respondents. Exogenous variables are the explanatory variables in the model. Endogenous variables can be explanatory variables but also target variables in the model. Regarding to the relationship between indicators and indirect variables, we can distinguish reflective and formative models. In reflective models, the indirect variable can be the reason and the effect of the indicator. In formative model, the indicator is the reason of the indirect variable. PLS-SEM can test the reflective and formative models.

The PLS-SEM method is useful when theoretical concepts cannot be measured directly, so the models based on them cannot be tested (Kovács,2015). The PLS-SEM model includes two parts, the first one is the measurement, the second one is structural. The measurement part examines the indirect variables via direct variables. In order to assess the structural validity of the model, several in-build modules have been included in the software. The SRMR (Square Root Mean Square Residual) examines how theoretical concept fits to the empirical data (Mitev and Kelemen

2017). The coefficient of SRMR is between 0 and 1. The Cronbach-alfa represents the validity of convergence. AVE (Average variance extracted) tests the value of convergence. Both the value of Cronbach-alfa and AVE coefficient can be between 0 and 1. The coefficient of Cronbach-alfa must be over 0,7 to accept the validity of the test. The coefficient of AVE must be over 0,5 to accept the validity of the test. Fornell and Larcker test is able to test the validity of discriminant. According to this test, the value of AVE must be over the squares of correlations between the constructions.

Results of the path analysis are presented in a diagram with arrows pointing from indirect variables to indirect dependent variables. Arrows can point from indirect variable to direct variables, or from indirect explanatory variables to indirect target variables. Indirect variables are marked with circles and direct variables with squares.

Results and discussion

Firstly, we tested the convergent and the discriminant validity (see Table 1 and Table 2). The convergent and discriminant validities are over the expected levels.

Table 1. The convergent validity

Variable	Cronbach-alfa	AVE
Calling	1,000	1,000
Job security	0,788	0,560
Organizational commitment	0,790	0,585
Perceived social impact	0,745	0,512
Work satisfaction	0,851	0,757

Source: own processing

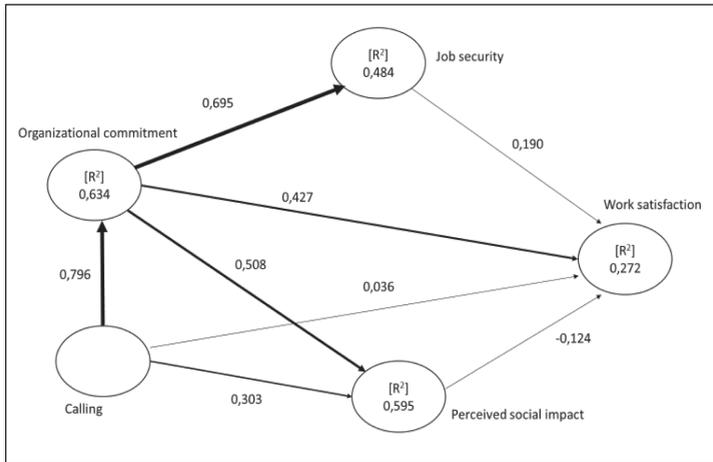
Table 2. The discriminant validity

FORNELL-LARCKER test					
	Calling	Job security	Work satisfaction	Organizational commitment	Perceived social impact
Calling	1,000				
Job security	0,447	0,749			
Work satisfaction	0,373	0,449	0,870		
Organizational commitment	0,796	0,695	0,494	0,765	
Perceived social impact	0,708	0,429	0,302	0,749	0,716

Source: own processing

We created a model (Figure 1) using the above mentioned variables. The thickness of arrows represents the strength of correlations.

Figure 1. The path analysis of Calling, organizational commitment, job security, work satisfaction and perceived social impact



Source: own processing

The correlation is especially strong between Calling and organizational commitment; organizational commitment and job security. The correlation is moderately strong between the organizational commitment and perceived social impact. The correlation is 0,4 between work satisfaction and organizational commitment. Calling is an explanatory variable. Work satisfaction is a target variable. The other variables are explanatory and target variables as well. Calling has impact on job security via organizational commitment. Organizational commitment has direct effect on work satisfaction and on perceived social impact.

We use bootstrapping method to test the significance of paths between the variables. Bootstrapping analysis estimates variances, confidence intervals and other statistical attributes based on random samples extracted from an existing previous sample (Füstös, 2009). Table 3 presents the results of the bootstrapping method.

Table 3. The results of bootstrapping

Test of couple of factors	Original sample	Mean (M)	Standard Deviation (SD)	T statistics	P value
Calling -> Organizational commitment	0.796***	0.795	0.044	18.028	0.000
Calling -> Perceived social impact	0.303**	0.305	0.151	2.010	0.045
Calling -> Work satisfaction	0.036	0.067	0.910	0.040	0.968
Job security -> Work satisfaction	0.190	0.192	1.071	0.177	0.860
Organizational commitment -> Job security	0.695***	0.700	0.077	9.091	0.000
Organizational commitment -> Perceived social impact	0.508**	0.509	0.154	3.305	0.001
Organizational commitment -> Work satisfaction	0.427	0.416	2.374	0.180	0.857
Perceived social impact -> Work satisfaction	0.124	0.150	0.951	0.131	0.896

source: own processing

The next step focused on the mediation analysis revealing the underlying indirect effects between the variables. The indirect effects analysis was conducted on all possible paths. Therefore, the effects of intermediate variables are unknown. The effects of intermediate variables are important because the groups differ alongside of these variables. These are called specific indirect effects. Table 4 presents our mediation analysis. VAF is an acronym for Variance Accounted For.

Table 4. The results of mediation analysis

Relationships between indirect variables	Total indirect effect	Bootstrapping significance	Total effect	Bootstrapping significance	VAF %
Calling -> Organizational commitment -> Perceived social impact	0,403	2.847	0,705	10.854	57%
Calling -> Organizational commitment -> Job security -> Work satisfaction	0,109	1.618	0,393	3.484	28%

Source: own processing

Only 141 public sector employees participated in this study, so limited interpretation of results can be provided. In this study we test and develop the PSM model of Horváth and Hollósy (2018). Our results suggest that job security as a new variable can be adapted to the model. Hypothesis 1 is approved. This result is supported by Chen and Hsieh (2015), who found that job security correlates positively with PSM. The model can explain 48% of job security. The organizational commitment correlates strongly to job security, so public sector workers with high organizational commitment believe their organization can provide stability and security. Calling does not have direct and indirect effect on job security. According to the mediation analysis, Calling has indirect effect on perceived social impact (VAF =57%) and on work satisfaction (VAF =. 28%). Calling can indirectly modify how public sector employees evaluate the social impact of their work. In case of public service workers, this transcendent summons as primary source of motivation and can be manifested in the perceived social impact. So, Calling can get implemented to PSM researches. This is in connection to the study of Thompson and Christensen (2018) who mention that PSM and Calling together can offer a prolific research area to the scholars. Calling has indirect effect on work satisfaction via organizational commitment and job security. This result correlates to the study of Horváth and Hollósy (2018), where Calling has also indirect effect on work satisfaction.

According to the bootstrapping analysis, the work security has latent relationship only to organizational commitment. The work security can be adapted to the model, but its indirect effects are not remarkable. Since the work security correlates strongly to the organizational commitment, it indicates that a public sector worker with perception of a stable job becomes loyal to his or her organization. Calling has an indirect effect on organizational commitment and on perceived social impact. It means that Calling can modify the perception of public sector workers how relevant and essential they feel their work contributes to the public interest. This result is supported by the study of Markow and Klenke (2005) who find that Calling is a predictor of organizational commitment. The main finding of this study that Calling and job security can be added to the PSM concept. The organizational commitment has direct and indirect effect on the perceived social impact. The job security has direct and indirect effect on the perceived social impact. Our results do not confirm Hypothesis 2 because job security has direct and indirect effect on the organizational commitment and on perceived social impact, but job security does not have relationship to Calling. This PSM model can explain 63% of the organizational commitment. According to the model, those public sector employees are committed to their organizations who notice life goals, know how their work contributes to well-being of the society and they believe their jobs are secure.

Further studies should test and develop the original PSM model, what kind of variables can be adapted to the model and contribute to increase the motivation of public sector professionals.

Conclusion

Ideally, the highly motivated staff is the output of well functioning human resource departments. According to the study of Hazafi (2017), one of the main problems of the Hungarian human resources management in the public sector is the under motivated employee. The new career models and pay rise could not abolish the salary gap between the public and private sector (Hazafi, 2017). The moral reputation of public service is not positive (Hollósy under construction), so we need to find other method

to motivate the public sector workers. PSM seems to be a good possibility to motivate these employees. This is the third empirical study that proves the validity of PSM in case of Hungary. However, this is the second study that prepares a valid PSM model for the Hungarian public sector. As we know, no Hungarian public institution uses or tests the PSM method. The reasons can be:

1. PSM method is not well known by managers in the public sector.
2. Implementing the PSM concept in the public sector has some direct and indirect effects on the human resource management including the process of hiring to the outplacement. The recruiters should check the motivation of candidates to serve the public interest. The HR professionals should educate the employees via trainings how their work influences the society and their work contributes to the well-being of the society. The managers in public sector should redesign the entire HR process.
3. Managers in the public sector are afraid how their staff will react to the redesigned function of HR departments.

Although the above mentioned difficulties, we suggest the managers to install the PSM model. As we have proved in this study, the PSM concept can successfully contribute to improve the motivation in the public sector.

The Hungarian public sector should adapt to the changing work environment in order to enhance competitiveness on labour market. Fazekas (2017) mentions that these changes have effect on the tasks and the competencies. The author reports that the relevance of non-cognitive competencies (e.g. motivation to serve the public interest, altruism) has increased in developed countries. The development of non-cognitive competencies is necessary not only in the private sector but also in public sector as well. On the other hand, the non-cognitive competencies can be developed in adulthood. Fazekas (2017) also mentions that organizations should employ emotionally stable and cooperating professionals who are open to new challenges. These organizations can protect their own employees from the displacement effect of new technologies. We suggest that public administration through development of PSM can get two benefits. Firstly, the public administration organizations may protect their employees from displacement effect of new technologies. Secondly, public administration organizations can increase indirectly the perceived work satisfaction and job security among their employees.

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A RECIPE FOR EFFICIENT AND CORRUPTION-FREE PUBLIC SECTOR

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Abstract

This study centred on innovative practices that the management of public sector in Nigeria, Enugu State in particular should adopt to ensure efficient and corruption-free public sector. Three research questions and three null hypotheses guided the study. The study contains the research results conducted in the Ministry of Finance and Local Government Affairs of Enugu State, Nigeria. The ministry consisted of 521 senior and junior members. A questionnaire survey was applied to collect the necessary data. The chosen method was validated by three experts. The Cronbach Alpha Reliability Method was used, and a general reliability coefficient of 0.83 was obtained. The obtained data was analysed and the set hypotheses tested using mean, standard deviation and t-test statistics. Generally, the study found out that public sector managers in Nigeria, Enugu States in particular agreed that the innovative recruitment/selection, training/development, compensation/motivation practices will serve as a recipe for efficient and corruption-free public sector.

Key words: Innovation, Personnel management, Innovative personnel management, Public sector

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Introduction

No institution, organisation or establishment will work efficiently without having credible, sound and innovative personnel. Having an innovative personnel will not only bring efficiency, but will also go a long way in stemming the tide of corruption which has eaten deep into the fabrics of most public offices/organisations especially in

Sub-Saharan Africa, which Nigeria is a part of. In this study, the researchers gave an insight into innovative personnel management practices that might serve as a recipe for efficient and corruption-free public offices in Enugu State, Nigeria. The emphasis of the researchers was on two ministries, The Ministry of Finance and the Ministry of Local Government Affairs. These ministries were found to be the ministries with the highest rate of inefficiency among its personnel, which in most cases resulted in corruption and mismanagement of public resources (Enugu State Government 2018). Recently, the personnel management has assumed an interesting role in solving organizational problems in a scientific and sophisticated manner, thereby creating a smooth society, where output can be achieved at an increasing pace. According to Kalpana (2018), human relations and human behavioural school of management emphasized the role of people - staff in organizations. Adopting new measures on how to treat staff well in an organization will help in getting the desired results efficiently and effectively. Personnel psychology, sociology and other related behavioural sciences have also emphasized the importance of treating employees well, using new methods in order to get things done through them, so as to contribute to the success of the enterprise/organization. In fact, proper personnel management will ensure proper recruitment, selection, placement and induction of workers into their respective duties. It is glaring now that for any organization to have efficient and corruption-free staff; it must adopt new ways of personnel management, which should start with the proper recruitment process. For instance, selecting the right employee and assigning them to the right positions at the right time, will result in success of the organization.

Furthermore, new way of personnel management will enable the organization conduct various training programmes, seminars and development programmes for the employees in order to keep them abreast of the current developments in their respective fields (Shaw, 2018). It will equally help in the evaluation of employees' performance within any given organization. Employee performance appraisal is very important, especially in public offices. Performance appraisal will not only help in determining the efficiency of employees, but will also improve their potentials in future endeavours. This study therefore, serves as a mean of steaming inefficiency and corruption among public office personnel as a result of poor personnel management practices. The innovative personnel management practices serve as a recipe for efficient and corruption-free public sector in Enugu state and Nigeria at large.

Theoretical background

In the present global and competitive environment, most of the organizations, also the public offices are trying to satisfy their clients' needs in innovative ways. As the society is evolving, innovation becomes increasingly important for the public sector to survive. Globalization requires institutions, public offices and public sector to generate an endless stream of new ideas, systems, technologies, services and innovative practices. The new paradigm is, "*Innovation is the hallmark of survival. When the going gets tough, the tough innovates*" (Okanazu, 2018). Whether we talk about innovation or change, this change can take several forms. Innovation is a positive, constructive, and productive change. Change is inevitable, so as to maintain a competitive advantage in terms of constantly changing demographics, technologies and globalization trend is essential (Siltala, 2010).

Several definitions have been offered for innovation, each of them are different. Edison, Ali, & Torkar (2013) emphasized that innovation involves all the entire activities. ; It begins with formulation of an idea in order to achieve the goals and objectives set by a particular organization. Innovation is rather redesigning the idea than generating a completely new one. According to Anthony, Johnson, Sinfield, and Altman (2008), innovation generally refers to rebirth of useful ideas that will refresh the activity of the organization. In order to achieve a meaningful effect of the implemented ideas, the company managers should change their decision-making approach. Personnel managers must show innovative approach to management (Iansiti, Lakhani, Karim, 2017). Hence, for any idea to be seen innovative in personnel management, it must bring an improved, efficient and effective ways of doing things (Salge, & Vera, 2009)^a. For public offices to be successful, they have to apply innovations with regard to internal systems and methods so as to create and sustain a source of competitive advantage (Salge, & Vera, 2012)^b. Thus, for any innovation to exist and survive in any public office, adequate personnel management should be adopted in organizations.

Personnel management according to allbusiness.com (2018) is defined as a systemic way of recruiting and training employees to be more resourceful to the organization. It is part of the organization's human resource management issues, focusing on employees' identification, selection and general development. Peter (2018) asserts that personnel management helps in maintaining staff collaboration, organizational staff needs and the employer – employee relationship. Smriti (2018) citing Flippo and Jucius says that personnel management deals with the acquisition, improvement and preservation of the personnel of an organization for the sole aim of contributing toward the achievement of organization's main goals and objectives as successfully and inexpensively as possible. In order to achieve this objective, the personnel managers have to consider the interest at all levels of personnel and community to the highest degree. Personnel management should enable the employee to provide the appropriate contribution that serves the success of the organization (The British Institute of Personnel Management 2016).

In the context of this study, personnel management is an act/process that is being utilized by organizations in recruiting/selection of their staff, training/development of their staff to become an efficient and effective workforce and at the same time compensating/motivating them to do their best in order to achieve the organizational goal. In our present day society, no organization or public office will achieve a desired result without embracing innovative personnel management practices. Innovative personal management involves the combination of new ideas and methods in recruitment, training, development and motivation of organization's staff to achieve the desired result in any given task. It also entails radical and most efficient and effective way of doing things in an organization with regard to the staff, the adoption and diffusion of innovations in the organization and especially among its staff, which can be attributed not only to external environmental forces but also to social processes (Nomita, 2018). Innovative Personnel management is focusing on core administrative functions e.g. employee recruitment and training, job description and job analyses, keeping record of employee activities, employee motivation, benefits and safety issues. These may be summarized into three broad areas: 1) the recruitment/selection of staff, 2) training/development of staff, 3) compensation/motivation of staff.

Recruitment/selection of staff refers to all approaches and systematic methods used in engaging the right and competent individual either on permanent or temporary bases to carry out a given task(s) in the organization (Zarei, and Wong, 2014). According to Martin (2016), recruitment is a method of determining the most qualified candidate that will do a given job and engaging them in cost effective manner. It is a tool or procedure adopted while searching for potential employees. It equally involves inspiring and motivating them to apply for jobs in the organization. Since recruitment/selection of staff plays a pivot role in any organization, it will likely be a recipe for efficient and corruption-free public offices if done in an innovative way. Innovative recruitment/selection practices according to Darling (2007) encompass all the best, current technological driven and cost effective practices adopted in the process of recruitment/selection. The success or failure of any organization depends on the professionalism of the employee they were able to engage. Innovative recruitment/selection practices will also enable organizations and public offices to employ staff whose skills are properly align with the organizational goals, policies, laws and societal trends. These employees will not only bring efficiency and effectiveness but will also prevent the presence of corruption.

Furthermore, training/development of staff helps to achieve the organization goals. While training is a tool to gaining new, up-to-date knowledge and competency in a given job, development on the other hand, is more encompassing. It is heading towards staff growth and increased performance rather than the current activity conducted by the employee. (Shrm, 2019). Thus, innovative training/development practices include recent practices aimed at improving the knowledge and skills gained by employees in any given job to remain relevant in this competitive society. Excellent training and development mechanism enables the institutions to preserve their most competent staff in order to boost profit. In fact, staff training and development programmes have become crucial, especially nowadays, when institutions are becoming selective in engaging individuals with higher abilities and competencies to achieve efficient service delivery. Therefore, organizations must handle their top talented staff well and retain them to maintain organizational growth. As organizations are expanding and they are increasing their capacity, it is increasingly essential that training and development programmes will not only be viable, but will be a key to organizational success. (Gorman, 2018). According to Arte (2016), training the new and existing employees, can be the biggest challenge for the organization, especially in a rapidly changing global environment. The seven key steps the public sector should consider in providing an effective training and development program include: benchmark against competition, employees survey, aligning training with the management's operating goals, run it as business, include it in the company culture, keep pace with innovation and measuring results. Therefore, introducing innovative training/development practices will not only serve as a recipe for efficient and corruption-free public offices, but will also align the employees with global trend in the field of their specialization.

No employee will perform better no matter the amount of training/development given without adequate compensation/motivation. Compensation refers to any kind of benefit provided for an employee an employee(s) in return of his/her work in the organization. Compensation is not only a financial reward e.g. wage resp. salary, but also other non-financial incentives provided for the employee by the company (Kappel, 2018). Companies can compensate their staff by salary, commissions, overtime payment

and bonuses. On the other hand, motivation is that internal and external factor that enables the individual being more committed in performing a job or task to achieve the desired result.(businessdictionary.com). Motivation is the set of different visible and invisible factors resulting in achieving the desired result. Motivation according to Parker and Wang (2016) is the reason for people's actions, willingness to act and achieve goals. It can be approached as an element inspiring the individual or public office resp. organization to move forward. Mastering motivation will allow one to have sustained and deliberate practice, which will bring high level of achievement. Motivating employees to become more innovative as Alicia (2018) noted, is something an organization willing to expand and grow has to ensure. The future success of any organization, especially in the public sector depends largely on the ability of the organization to motivate their employees.

According to Ikwumezie (2009), the public sector plays an essential role in the quality of our lives. It supports the way we manage our lives,, develops and delivers social programmes and protects our interests and values in the world. The public sector involves all those institutions not in private ownership, but, set up and financed by the government. According to Adimmadu (2003), public sector is that administrative structure, by which the policies and programmes of the government are initiated, appraised and implemented. Ihe and Umeaka (2006) emphasized that public sector refers to the area of the nation's financial system controlled and monitored by the national government. It is the segment, where decisions of what to do, how to do and for whom it will be done (represented by the government). In Nigeria, public sector consists of institutions and agencies under the three tiers of the government (Nnamocha, 2002). Public sector as postulated by Salisu, (2018) is represented by any organization with the responsibility of formulating and implementing government policies, programmes, plans and actions aimed at providing essential services for the citizens. The author noted that public sector in Nigeria is a mandatory institution under the Nigerian Constitution of 1999 with the mandate of providing public service. From the definition above, it is clear that Nigeria has employees in the public sector running into millions across different institutions. These institutions such as ministries and extra-ministerial departments carry out the activities of government at all levels of governance. Their main duty is to implement government plans, policies and programs.

It is worrying that the public sector in Nigeria, especially the one in Enugu state is still characterized by high level of inefficiency in delivering their mandate. The question is, what caused the public sector corruption and inefficiency? It is not easy to discuss the level of corruption and inefficiency in government institutions. The following factors are worth noting as the hallmark of public sector inefficiency and corruption: greed among public service employees, poor quality service by the administrators, poor career development mechanism, tribalism, nepotism, bureaucracy among top administrators, incompetency, illiteracy, poor motivation, inadequately trained staff, constant change in government policies and policy summersault, misplacement of priorities, poor standard of living, weak institutions, poor execution of government plans, policies and programmes due to political instability, autocratic nature of decision-making resulting in poor quality jobs, erosion of public confidence in the service. It is essential to make the public sector more efficient and effective by applying innovative personnel practices. The researchers set out to determine how innovative personnel management practices will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria.

Material and methods

The main purpose of the study was to determine the innovative personnel management practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria. Specifically, the study determined the innovative recruitment/selection practices, innovative training/development practices and innovative compensation/motivation practices that will lead to establishment of efficient and corruption-free public sector.

The following null hypotheses were formulated to guide the study and were tested at 0.05 level of significance:

H01: There is no significant difference in the mean ratings of the ministries staff on the innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their designation.

H02: There is no significant difference in the mean ratings of the ministries staff on the innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their gender.

H03: There is no significant difference in the mean ratings of the ministries staff on the innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their gender.

The study used the survey research design. In the opinion of Nworgu (2015), survey research design makes possible the collection and analysis of data obtained from the target group. Also, Fraenkel, Wallen and Hyun (2012), noted that survey research design involves asking the same set of questions from different individuals. This study was limited to the Ministry of Finance and the Ministry of Local Government Affairs of Enugu States, Nigeria. These ministries were chosen due to high level of inefficient and corruption rate among their staff. The respondent sample was made up of 521 senior and junior staff members of the Ministries of Finance and the Ministry of Local Government Affairs of Enugu State, Nigeria. Instrument for data collection was a structured 33 item questionnaire, "*Innovative Personnel Management Practices a Recipe for Efficient and Corruption-Free Public Sector Questionnaire*" (IPMPRECFPSQ). The questionnaire was structured into a four-point rating scale of "Strongly Agree" (SD)-4 points, "Agree" (A)-3 points, "Disagree" (D) - 2 points, and "Strongly Disagree" (SD)- 1 point respectively. Three experts validated the instrument. One from the perspective of measurement and evaluation and two from the Department of Business Education, University of Nigeria, Nsukka, Enugu State. The Cronbach Alpha reliability method was used and an overall reliability coefficient of 0.83 was obtained. Copies of the research instrument were distributed and the collection was on the spot to avoid losing on transit. 513 copies out of 521 copies administered were retrieved representing 98% rate of return. Mean and standard deviation were used in answering the research questions and null hypotheses were tested using t-test at 0.05 level of significance.

Results and discussion

Result of the innovative recruitment/selection practices as a recipe for efficient and corruption-free public sector.

H01: There is no significant difference in the mean ratings of the ministries staff on the innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their designation.

The data for answering the first research question and testing the first null hypothesis are presented in Table 1.

Table 1: Mean Responses on innovative recruitment/selection practices as a recipe for efficient and corruption-free public sector.

S/N	Item Statements	X	SD	Remarks	Sig t-value	Remarks
1	Establishment of a well-planned recruitment/selection processes and follow it squarely	3.63	.35	SA	0.00	S
2	Engaging highly-skilled recruiters and keep training them on innovation processes	2.77	.55	A	0.18	NS
3	Establishment of a strong relationship with hiring managers and recruitment specialists	2.77	.89	A	0.13	NS
4	Setting up a career website, where the hired employees can be monitored	2.92	.83	A	0.91	NS
5	Using smart sourcing tools and technologies during recruitment/selection	2.74	.81	A	0.02	S
6	Implementation of cordial candidate-management relationship.	2.84	.58	A	0.59	NS
7	Automation of reporting procedures in recruitment and selection.	2.74	.77	A	0.32	NS
8	Practicing increased transparency during recruitment/selection	3.15	.66	A	0.14	NS
9	Ensuring that the recruiters possess proper certificates and qualifications	2.94	.70	A	0.00	S
10	Involvement of current employees, other relevant members during the recruitment	2.49	.86	A	0.10	NS
Grand Mean		2.99	0.7	A	0.24	NS

Source: analysis of field data 2019

The data presented in Table 1 reveals that the mean rating of the respondents on item number one in the Table was 3.63. This indicated that the respondents strongly agree with item one. On the other hand, the mean values of the remaining 9 items, 2 -10 ranges from 2.49 to 2.94. This implies that the respondents agree with the remaining 9 items as the innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria.

Data presented in Table 1 on the first hypothesis shows that the t-values of 7 items ranged between 0.10 – 0.91 which are all greater than 0.05 level of significance. This indicates that there are no significant differences in the mean ratings of the ministries staff on the innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their designation. Therefore, the hypothesis of no significant difference was accepted on the 7 items. On the other hand, the calculated t-values of the remaining three items range from 0.00 to 0.02, which in each case were less than 0.05 level of significance. This indicates that there are significant differences in the mean ratings of the ministries staff on the innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria. Therefore, the null hypothesis of no significant difference was rejected on the three items.

The findings of this study on innovative recruitment/selection practices as a recipe for efficient and corruption-free public sector show that the respondents strongly agree that one item in Table 1: Establishment of a well planned recruitment/selection processes and follow it squarely was an innovative recruitment/selection practice that will serve as a recipe for efficient and corruption-free public sector. While the remaining items like: engaging highly-skilled recruiters and keep training them on the new innovation, establishment of strong relationship with hiring managers and recruitment specialist, setting up a career website, where the already hired employees can be monitored, using smart sourcing tools and technologies during recruitment/selection among others were equally agreed by the respondents as innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector Enugu States, Nigeria.

These findings supported the report of Martin (2016) that a process, no matter how it was structured, will be beneficial if it is diligently executed. Hence, putting in place an efficient recruitment process and following it up is a positive way in achieving efficient and corruption-free public sector. The author maintained that public sector, and in fact, every organization should endeavour to select and train the best employee that will carry out duties required by the organization. Similarly, creating a close cooperation between the hiring managers and the recruitment specialists will propel them to perform their recruitment process effectively and efficiently to ensure quality hiring (Benson, 2017). Liisi, (2018.) The main finding of the study is that recruitment is the process of finding and hiring the most competent individuals. It is a way of looking for qualified staff and inspiring them to apply for jobs in an organization. Varsha (2018) outlined setting up a career website, using smart sourcing tools and technologies, implementation of good candidate relationship management, practice compliance management, automation of recruitment reporting procedures, practice increased transparency when recruiting, ensuring proper certifications and qualifications, the involvement of employees and

other members of the organization as part of innovative recruitment/selection practices that will bring efficient and corruption-free public offices.

There was no significant difference in the mean ratings of the ministries staff on the innovative recruitment/selection practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their designation. According to Prachi (2018) there are factors which must be considered during the recruitment/selection process irrespectively to the employee's designation. The innovative recruitment should include conducting job analysis in a systematic manner in order to build job description, review job description, set minimum qualifications for the employee who will do the job and define salary range among others. Also, sourcing of talent, screening of applicants, finalization of the job offer, introduction and induction of the new employee in a systematic and innovative ways are equally recruitment processes that every employees will undergo before becoming an employee of any organization irrespectively to his/her designation.

Result of the innovative training/development practices as recipes for efficient and corrupt free public sector.

H02: There is no significant difference in the mean ratings of the ministries staff on the innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria, based on their carder.

The data for answering the second research question and testing the second null hypothesis is presented in Table 2.

Table 2: Mean Responses on innovative training/development practices as a recipe for efficient and corruption-free public sector.

S/N	Item Statements	X	SD	Remarks	Sig t-value	Remarks
1	Using learning management system in training employees	3.67	.67	SA	0.18	NS
2	Organizing e-learning contents in location accessible to them	3.94	.92	SA	0.23	NS
3	Provision of unlimited access to e-learning materials to the employees	2.99	.74	A	0.23	NS
4	Developing employee training/development plans based on the current global trends	2.97	.89	A	0.00	S

5	Making use of real-life scenarios and visual aids while training employees	2.94	.78	A	0.02	S
6	Using various training methods, teaching techniques for easy understanding	2.74	.87	A	0.00	S
7	Making use of positive reinforcement to acknowledge good performance	3.65	.68	SA	0.89	NS
8	Knowing the staff ability and capability before training him/her on a programme	2.76	.84	A	0.00	S
9	Checking employees retention ability with regard to employee training undergone periodically	2.61	.71	A	0.81	NS
10	Sticking to the training agenda regardless to challenges	2.72	.89	A	0.00	S
Grand Mean		3.09	.79	A	0.24	NS

Source: analysis of field data 2019

Data presented in Table 2 shows that the mean ratings of the respondents, three out of ten items have mean values that range from 3.65 to 3.94. This indicated that the respondents strongly agree with the three identified items as innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria. On the other hand, the mean values of the remaining seven items have mean values that range from 2.72 to 2.99. This shows that the respondents also agreed with the remaining seven items as innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector.

Data presented in Table 2 regarding the the second hypothesis shows that the t-values of the five items in the Table ranged from 0.18 to 0.89. The rates in each case show a higher value than 0.05 level of significance. This indicates that there are no significant differences in the mean ratings of the ministries staff on the innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria, based on their carder. Therefore, the hypothesis of no significant difference was accepted in relation to the five items. On the other hand, the calculated t-values of the remaining five items range from 0.00 – 0.02 which are, in each case show less than 0.05 level of significance. This indicates that there are significant differences in the mean ratings of the ministries staff based on their carder

on the innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector. Thus, the null hypothesis of no significant difference was rejected in relation to the five items.

The findings of this study with respect to innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector reveal that the respondents strongly agree with three items in Table 2 : using learning management system in training employees; organizing e-learning contents in location accessible to them and making use of positive reinforcement to acknowledge good performance as innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector. While the remaining 7 items : providing unlimited access to e-learning materials for the employees; drawing employees training/development plans based on the current global trends; making use of real-life scenarios and visual aids while training employees and knowing the staff ability and capability before training him/her on a programme among others were also agreed by the respondents as innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector.

These findings support the report of Takayama (2017) who reported that every organization requires innovative training and development program to enhance their employee knowledge about organization's goals and objectives. However, many organizations, especially in the public sector overlook training programs due to difficulties faced in achieving their targets. To reduce such difficulties, the author advised that organization should make a use of innovative technologies, such as learning management system for training employees and improving the skills of their employees. Takayama (2017) identified organizing e-learning content in one location for all staff by providing unlimited access to e-learning materials, regular tracking of learners' progress and performance, reducing learning and development costs for the staff to enhance large participation among others are steps that should be followed to achieve the objective. Sheldon (2017) outlined seven key steps for better training and development programmes for organization's staff to include benchmarking against competitors, survey the employee ability before training, align training with operational goals set by the management, determining training purposes, which show in-depth understanding of the training, prepare a realistic budget including all expenses, be conservative (better to under-promise than to over-promise, include an analysis of the benefits the training will bring to the organization, so that everyone can better understand the return on their investment) design surveys to get feedback from participants, conduct pilot classes to make sure your plan works. Including Also, in line with the findings of this study, Kulkarni, (2018) identified important steps to be followed in training/development of staff. These include: following the steps in the agenda, knowing your staff, checking retention periodically, employing visual aids, using various teaching techniques, applying real-life scenarios, use positive reinforcement and offering online training.

There was no significant difference in the mean ratings of the ministries staff on the innovative training/development practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria, based on their carder. These findings were supported by Varsha (2018) who stated that the smart way to

make learning engaging, fun and inspiring is to create interactive employee training/development content that can be easily consumed anywhere, anytime and actively utilized by the employees, regardless to their carder, hence boosting their productivity. According to Varsha (2018), the need for effective corporate training has increased. The organizations have to create innovative online training content that is more interactive and incites action from the learners.

Result of the innovative compensation/motivation practices as a recipe for efficient and corruption-free public sector.

H03: There is no significant difference in the mean ratings of the ministries staff on the innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria, based on their gender.

The data collected for answering the second research question and testing the second null hypothesis is presented in Table 3.

Table 3: Mean Responses on the innovative compensation/motivation practices as a recipe for efficient and corruption-free public sector.

S/N	Item Statements	X	SD	Remarks	Sig t-value	Remarks
1	Establishment of basic compensation structure and philosophy in organisations	3.52	.76	SA	0.18	NS
2	Alignment of the employee compensation with strategic objectives of the organization	2.94	.92	A	0.23	NS
3	Communicating compensation plan of the organization to employees during the hiring process	2.99	.74	A	0.23	NS
4	Training of organisational managers to explain compensation plan from onset.	2.97	.89	A	0.00	S
5	Compensating employees based on their stand out performance	3.94	.78	SA	0.02	S
6	Having compensation plan that stands out and also changes with the global trends	2.74	.87	A	0.00	S
7	Allowing employees catch fun while working in the organization	3.65	.68	SA	0.89	NS
8	Expressing oral and written appreciation to employees who perform well	2.76	.84	A	0.00	S
9	Establishment of mentorship among old and new employees	3.61	.71	SA	0.81	NS

10	Provision of feedback on individual employee performance	2.72	.89	A	0.00	S
11	Establishment and encouragement of collaboration among the employees	3.74	.84	SA	0.80	NS
12	Ensuring that employees are free to negotiate their compensation/motivation	2.74	.76	A	0.03	S
13	Constructive feedback to employees regarding their mistakes or failure in learning	2.93	.80	A	0.04	S
Grand Mean		3.25	.81	A	0.22	NS

Source: analysis of field data 2019

Data presented in Table 3 shows that the mean ratings of the respondents on five out of 13 items have mean values that range from 3.52 to 3.94. This indicated that the five identified items were strongly agreed as methods of innovative compensation/motivation practices that will serve as a recipe for creating an efficient and corruption-free public sector. On the other hand, the mean values of the remaining eight items have mean values that range from 2.72 to 2.99. This shows that the respondents also agree with the eight items being methods of innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector.

The obtained data presented in Table 3 in relation to the third hypothesis shows that the t-values of the six items in the Table ranged between 0.18 to 0.89 which are in each case greater than 0.05 level of significance. This indicates that there is no significant difference in the mean ratings of the ministries staff based on their gender on the innovative compensation/motivation practices that will serve as a recipe for creating an efficient and corruption-free public sector. Therefore, the hypothesis of no significant difference was accepted in relation to the six items. On the other hand, the calculated t-values of the remaining eight items range from 0.00 – 0.04 which are, in each case, less than 0.05 level of significance. This indicates that there are significant difference in the mean ratings of the ministries staff based on their gender on the innovative compensation/motivation practices that will serve as a recipe for creating an efficient and corruption-free public sector. Thus, the null hypothesis of no significant difference was rejected in relation to the eight items.

The findings of this study with respect to innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector reveal that the respondents strongly agree with five items in Table 3: establishment of basic compensation structure and philosophy in organisations; compensating employees based on their stand out performance; allowing employees catch fun while working in the organization; establishment of mentorship among old and new employees; establishment and encouragement of collaboration among employees as innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector. While the remaining eight items : alignment of employees compensation with the strategic objectives of the organization ; communicating

compensation plan of the organization to employees during the hiring process; training of organisational managers to explain compensation plan from onset; having compensation plan that stands out and also changes with the global trends among others were also agreed by the respondents as innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector.

These findings supported the report of Marianne (2017), who reported that neglecting or inability of management of the organisation to compensate and motivate their staff well will definitely have an adverse and unpleasant effect on the progress of the organisation. Some of these adverse effects can not be measured as attitudes, feelings or behaviour, while those improving turnover rates, productivity and profitability can be easily measured. To be able to run away from this unsympathetic situation, the author outlines the emergence of innovative compensation practices needed in the organization: stating when, how and at what point salaries should be reviewed, train managers who can explain and communicate the compensation regulations of the organisation, aligning the objectives and goals of employees with the organization objectives. Alicia (2014) and Steff (2016), in support of finding innovative ways of keeping employees motivated included the following: accepting brilliant ideas from the employees, infusing fun and work as an entity, expressing appreciation (verbal and written) to employees performing well, establishment of mentorships for the staff, providing feedback to staff when necessary, encouraging cooperative environment, encouraging learning and increasing the organization's incentive quality, supporting and encouraging new ideas, offering flexible work times, recognizing talent and hard work, celebrating personal milestones, being transparent with the numbers, Do not allow sinking in boredom, create security, encourage friendly competition, start new traditions, explore the outside world, create a napping retreat, encourage creativity and innovation among others.

There is no significant difference in the mean ratings of the ministries staff on the innovative compensation/motivation practices that will serve as a recipe for efficient and corruption-free public sector in Enugu States, Nigeria based on their gender. The result of this study with regard to third hypothesis supported the reports of Clayton (2015), Kylie and Kappel (2018) that innovative compensation/motivation practice is concerned to be the best and modern way of compensating/motivating the employees within an organization. The authors formulated three options the employees regardless to gender can be compensated/motivated: establishment of organizational information structure and define compensation philosophy, establishment of a well-communicated compensation plan/structure and showing a sign of recognition from management when an employee performs credibly.

Conclusion

The public sector plays a vital role in the development of any economy. It brings about economic development, regional development, employment, sound infrastructure and government control. As for the public sector in Nigeria and Enugu state in particular the rate of inefficiency and corruption is alarming, which acts as an obstacle to achieve the goals and objectives. Hence, this study determines the innovative personnel management practices as a recipe for efficient and corruption-free public sector.

The study identifies innovative recruitment/selection practices, innovative training/development practices and innovative compensation/motivation practices that will bring about efficient and corruption-free public sector in Enugu state.

By implication, this study will provide for the public sector in Nigeria and Enugu state in particular innovative ways of recruitment/selection, training/development, compensation/motivation of their staff especially in the era of globalisation. It will equally enable researchers to have an insight into solving corruption problems systematically without the involvement of anti-graft agencies. The study proposes that staff of the Ministry of Finance and the Ministry of Local Government Affairs in Enugu State to adopt innovative recruitment/selection practices, innovative training/development practices and innovative compensation/motivation practices so as to eliminate corruption, boost efficiency and effectiveness in their operation. Curbing corruption will not only restore the confidence in public sector, it will also increase the standard of living through adequate provision of social amenities.

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THE CONSEQUENCES OF PSYCHOSOCIAL RISKS IN THE WORKPLACE IN LEGAL CONTEXT

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Abstract

Although the issue of psychosocial risks in the workplace is not entirely new, dynamic economic and technological developments require adequate responses to changing realities of work and the working environment, both from legislative authorities and from internal policies. The Slovak legislation includes the evaluation and adoption of measures against the psychological workload, including the control mechanism. The author, however, does not consider the current legal status to be optimal. The paper deals with the analysis of the legal regulation of mental workload and points to its shortcomings. It also deals with the responsible legal relationships that arise in the context of the presence of psychosocial risks in the workplace, especially in the context of their impact on employee health, their subsequent legal entitlements and the duration of the employment relationship.

Key words: psychosocial risks, control mechanism, harm to mental health, employer's responsibility

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Introduction

The International Labor Organisation has already introduced a definition of the psychosocial factors of work in 1986. It defines them as *interactions between the working environment, the content of work, organisational conditions and capacities, needs, culture, personal out-of-work attitudes that can affect health, work performance through perception and experience and job satisfaction*. (ILO, 1986) The European Agency for Safety and Health at Work (hereinafter referred to as 'The European Health and Safety Agency') also points to their seriousness for employees. It identifies them as one of the potential risks to workers' health and safety. In addition, several

empirical studies confirm the link between the factors examined and the health of an employee (e.g. Harvey et.al., 2017).

The presence of psychosocial factors in the workplace is not a modern phenomenon. Restoration of their perception representing important elements of the working environment is related to the changing form of the economic and labor market. The intensification of work, the flexibility of forms and ways of work performance, together with the expanding technological revolution, lead to their increase, to the possible variation of the reasons behind them and the need to reassess their origin as a result of information and communication technologies (hereinafter referred to as ICT') (Stacey et. al., 2018). The Eurofound and International Labor Office (2017) and the World Health Organisation (2014) merely testify that the implications of using the ICT can have consequences for employees' physical and mental health.

In the context of digitisation, The European Health and Safety Agency draws attention to new challenges that legal regulation of states will have to deal with. Among them, there are also psychosocial and organisational factors triggered by increased work pace, changes in the way, place and time of work, including its management and control. In particular, work-related stress is increasing as a result of the constant monitoring of everywhere portable ICT technologies, which allow for continued availability and are blurring the gap between work and private life.

It can be assumed that the effects of work-related stress and other related factors will be reflected on the health of employees in a rising tendency even more so than until now. For this reason, it is necessary to consider the question of whether the legal status of *de lege lata* in the Slovak Republic (hereinafter referred to as 'SR') is sufficient, to the addressees of the norms comprehensible, the sanction mechanism sufficiently effective and the claims of employees that arise in the operation of these factors are enforceable.

Theoretical background

Legal regulation of psychosocial risks - is there a need to change legislation?

A legal definition of the concept of psychosocial risks in the Slovak legal order is missing. The explicit reference to them is found in the regulation § 21 of Act No. 124/2006 Coll. on The Safety and Health Protection at Work, as amended (hereinafter referred to as the 'The Health and Safety Act'), within the framework of determining the tasks of preventive and protective services, the activity of which the employer is obliged to provide in the scope required by law. In the same law, the legislator already uses another notion in another instance - the notion of mental workload. According to regulation § 6 Article 1 (a) e), the employer is obliged to ensure that o.i. factors affecting mental workload and social factors have not endangered workers' safety and health.

Act No. 355/2007 Coll. on The Protection, Promotion and Development of Public Health, as amended (hereinafter referred to as 'The Public Health Protection Act'), complements the range of terms by referring to psychological factors as a part of working conditions that affect the health and work performance of a person in the

work process (regulation § 2 Article 1 e)). At the same time, this law also defines the employer's legal obligation to ensure an assessment of mental workload and to take measures to exclude or reduce it (regulation § 38 Article 3 of The Public Health Protection Act). The Decree of the Ministry of Health No. 542/2007 on the details of health protection against physical stress at work, psychological workload and sensory workload (hereinafter referred to as 'the Decree') is also different by its terminology. It defines the central concept of mental workload (regulation § 2 Article 1 a)). The mental workload is a factor that is a summation of all the evaluable effects of work, working conditions and the working environment, affecting the cognitive, sensory and emotional processes of a person that affect a person and cause conditions of increased mental tension and stress on psychophysiological functions. Furthermore, the terminology is "enriched" by the definition of psychosocial burden (regulation § 2 Article 1 f)), which is separate from the definition of mental workload. However, in other provisions of the Decree, we do not find again any link of psychosocial burden with the mental workload. Similarly, the measures set out in the Decree apply explicitly to reducing the increased mental workload, not the psychosocial burden.

The common terminological denominator of the legislation constituting the national legal framework for health protection at work is, therefore, the notion of mental workload. Among the characteristics of work and work environment used in its assessment are those that are included in psychosocial factors in professional studies (e.g. social interactions, forced work pace, the monotony of work). But is the mental workload the same set of variables as the psychosocial burden? The 2013 Annual Report on the Activities of the Regional Public Health Authorities of the Slovak Republic shows that the mental workload does not include social or psychosocial characteristics, i.e. it does not replace the assessment of psychosocial factors at work (The Public Health Authority, 2013). However, from a legal and psychological point of view, we base our standpoint on the need to interpret the term more broadly, inclusive of psychosocial characteristics, as well as the work-related stress. Finally, according to the European Commission Report on the Implementation of the Framework Agreement on work-related stress (SEC, 2011, 241 final), reference is made to the above-mentioned legal standards for the Slovak Republic. We assume then that at the European Union level (hereinafter referred to as 'the EU'), the notion of mental workload is naturally accepted as a sufficiently general basis for the inclusion of psychosocial factors. It follows that national legislation meets the requirements of the social partners at the EU level to incorporate work-related stress as well as other psychosocial risks into the national regulation.

Regardless of legal or psychological considerations, it is important for employee health care that psychological stress assessment criteria respond flexibly to changes in the labour market and the factors that bring about these changes. Recent studies on psychosocial factors include, for example, low intra-organisational communication, job insecurity, lack of staffing impact on work pace/decision-making, or discrimination in the workplace (Irastorza & Milczarek & Cockburn & European Agency for Safety and Health at Work, 2016). The question that arises is whether the 2007 Decree corresponds to the changing circumstances of the current world. The answer is, in our opinion, negative.

The second point of these considerations is to answer the question if the clarification of the legislation based on the explicit definition of the notion of psychosocial risks and work-related stress is desirable, or would be merely yet another legislative instrument without adequate effects for the addressees of the ruling. In addition to what has already been mentioned in the concept of mental workload, we add that it is argued that psychosocial risks and work-related stress are a natural part of the occupational health and safety system (hereinafter referred to as 'the OSH'), as well as other factors of the working environment (Seilerová, 2018). Preventing, managing and evaluating this risk group is a standard statutory obligation for the employer, regardless of whether we have the obligation to manage or reduce, for example, work-related stress in the Labour Code or in specific laws. On the other hand, employers' practice often does not suggest that the legal framework in this area is properly implemented. For this reason, the statutory emphasis enshrining a specific range of employer responsibilities to develop in-house rules for assessing psychosocial factors, including work-related stress, would increase the required level of health protection. We see this as an analogy to the operating order, which the employer must have ready, for example, in the presence of increased physical workload in the workplace. However, we see the most important need for legislative change in achieving legal clarity through the terminological unification of the terms used or their clear distinction (mental workload and psychosocial risks in the OSH Act).

Let us briefly discuss how to assess psychosocial risks. According to regulation § 21 Section 1 of The OSH Act, the scope of preventive and protective services should include the implementation of risk prevention tasks, with a particular emphasis of their focus on the prevention of psychosocial risks. The preventive protective services are provided by the employer in addition to the occupational health service, by the technical safety service. The competencies in assessing health risks and supervising the working conditions of employees in the first and second categories of selected duties were withdrawn from the scope of the technical safety service with effect from December 1, 2017. They are currently entrusted exclusively to the occupational health service. The status and content of activities covered by the health services for individual categories of works divided by the severity of the health risk are regulated by The Public Health Protection Act. From regulation § 30 Section 1 b) of this Act, it follows that the employer is obliged to ensure an assessment of the health risk from exposure to the factors of the work and the working environment and, on the basis of this assessment, to provide a written risk assessment with the categorisation of works. The employer's obligation to ensure the assessment of psychosocial risks is legally guaranteed for all categories of works. The question of how to ensure the assessment of psychosocial risks by occupational health services in the first and second categories is unclear. According to § 30aa Section 1 a) and Section 2 a) of The Public Health Protection Act, the role of occupational health service for the first and second category of selected duties may also be carried out by a physician specialising in general medicine.

According to § 5 Section 1 of the Decree evaluating of the mental workload, the employer arranges through the occupational health service physician with specialisation in occupational medicine or clinical occupational medicine and clinical toxicology, or preventive occupational medicine and toxicology, or health services at work (letter a)) or through another medical worker in the team of the occupational health service, which is a psychologist with a practice of at least three years in a legally specified field.

According to the Decree, the assessment of mental workload cannot, therefore, be carried out by a physician specialising in general medicine. How does the employer ensure the assessment of the level of psychosocial risks, if the occupational health service is provided 'only' by a general practitioner? In our opinion, in order to fulfil the obligation to carry out a psychological workload assessment (which should also include psychosocial risks), it is the employer's duty to arrange the assessment by a person within the meaning of § 5 Section 1 of the Decree, i.e., for example, a psychologist. Even though the employer will ensure the activities of the occupational health service by a medical practitioner with specialisation in general medicine, it is objectively impossible for this health supervision to achieve a comprehensive assessment of all risks of the working environment. The general practitioner may not have all the details of working conditions and professional qualifications to evaluate them. Therefore, in our opinion, the employer should ensure that the mental workload is assessed in a different manner, in the manner required. Otherwise, these kind of factors cannot be evaluated. The legal possibility of assessing potential risks by general practitioners is inconsistent (e.g.) with the wording of the Decree. It does not follow from the provisions of the Act that the employer cannot ensure the assessment of risks in two or more ways, for example by a doctor with specialisation in general medicine and specialisation in clinical occupational medicine and clinical toxicology. In our opinion, regulation § 21 of The Health and Safety Act is necessary if the employer makes use of the possibility to provide health care services by a general practitioner only.

In particular, the idea behind pointing out of psychosocial risks in legislation is to address the consequences of their presence in the workplace. The World Health Organisation in The Global Work Plan on the Employee Health 2008 - 2017, has highlighted the achievement of the highest attainable level of physical and mental health for employees, including favourable working conditions (point 4). One of the objectives was to improve the assessment and management of health risks, which was to be achieved by defining basic interventions to prevent and control the mechanical, physical, chemical and psychosocial risks in the working environment (point 11). Equally, in its Mental Health Action Plan 2013 - 2020, the determinants of mental health and mental disorders include not only individual attributes (the ability to manage their thoughts, emotions), but also emphasise social, cultural or economic factors such as social protection or working conditions (The World Health Organisation, 2013).

Many authors, however, disagree that the labour factors may be the exclusive cause of employee mental illness. Finding a causal relationship between psychosocial factors and mental health disorder is particularly complicated by the fact that individual qualities and other facts specific to a particular individual do not have to be related to work performance. The ambiguity of the cause and effect is consequently reflected in the ambiguity of the answer assuming the employer's responsibility for the injury suffered by the employee. We are afraid that the uncertainty in assessing the chain of causes that may cause mental disorder will always be present. In addition to retaining this fact for professional or expert judgment, consideration may also be given to setting auxiliary criteria (rebuttable legal assumptions), under which we accept that the factors of the working environment have been so intense that when the injury was incurred they have outweighed other non-occupational factors, unless proven otherwise. In addition to identifying the consequences of a particular mental health

disorder, it is also interesting to look at the responsibilities that arise when not taking action in relation to psychosocial risks, including work-related stress.

Material and methods

The purpose of the scientific paper is a critical analysis of the Slovak legislation in the context of the regulation of psychosocial risks in the workplace. Furthermore, the effectiveness of the sanction mechanism in the event of a breach of statutory provisions and the employer's responsibility for the consequences of not taking measures to prevent and reduce the increased mental workload also depend on this. Another objective is to evaluate the legal consequences of an employee's termination of employment and to find a causal relationship between the existence of a mental workload and the immediate and serious threat to the employee's life and health.

The basis for processing the issue is the material obtained by studying domestic and foreign literature mostly of a journalistic nature. In addition, the case law of the Slovak and Czech courts was used to present the current decision-making practice in the legal consequences of the emergence of mental disorder in employees and the employer's liability. Also available were publicly available statistical surveys carried out by The European Agency for Safety and Health at Work, The World Health Organisation, The Public Health Authority of the Slovak Republic and The Ministry of Health of the Slovak Republic. The apparatus of knowledge also builds on the results of the research activities carried out so far in the area of employee mental health (research project APVV - 16 - 0002 The Mental Health in the Workplace and the Assessment of Employee Health Fitness). Scientific methods of analyses of legal regulation, including induction, deduction and descriptive methods, were used in the compilation of the paper.

Results and discussion

The Control of Psychosocial Risks in the Workplace

If we have established that measures for mental health protection are a part of the OSH policy, the effectiveness of the reinforcement of legal ruling is achieved through the sanctions resultant from non-compliance. Competencies in the area of work protection are entrusted to public administration bodies in addition to the employer, employees safety representative or a trade union organisation. According to Act no. 125/2006 Coll. on The Labor Inspection and an amendment and supplement to Act no. 82/2005 Coll. on The Illegal Work and The Illegal Employment and on amendments and supplements to certain acts (hereinafter referred to as the 'The Labour Inspection Act'), the Labour Inspectorate supervises the observance of legal and other regulations for the occupational health and safety, including regulations governing the working environment (regulation § 2 Section 1 (a) point 3)). For their violation, The Labour Inspection is entitled to impose a fine of up to 100,000 EUR (§19 Section 1 (a)). The control activity of the inspection focuses, among other things, on the OSH management system, keeping the necessary documentation or assessing the risks (e.g. The Report on the Status of Labour Protection for 2017). However, we believe

that, in practice, the importance of factors associated with the mental workload is given less attention than to the others. In fact, we were unable to find out from the available reports whether the subject of the control activities is also the exclusive category of psychosocial conditions and anti-stress policy at the workplace. We reiterate that the assessment of mental workload is the employer's legal obligation, not just the added value of the OSH rules, which the employer may or may not choose. The fact that the assessment of psychosocial risks is not carried out is formal and does not correspond to reality, is justified by the 'absence of a methodology for assessing psychosocial factors (lack of evaluation tools for the employer).' (Urdziková & Kordošová, 2015) For this reason, there is a current call for compilation of the national methodological processes for The Employment Inspectorate that would allow for the control and for the amendments of identified deficiencies to take place. Foreign research confirms the importance of labour inspection for the prevention of psychosocial risks (Weissbrodt et. al., 2018).

The absence of control activities in the area of labour inspection is partly offset by the state health surveillance, which is carried out by the regional public health authorities. Under The Public Health Protection Act, for example, failing to assess health risk from exposure to factors of work and the working environment and failing to produce a risk assessment is an offence (regulation § 57 Section 22), for which the competent authority imposes a fine from 150 EUR to 20,000 EUR. Even more costly for the employer may be a violation of one of the employer's obligations in the area of health protection against physical workload or mental workload (regulation § 57 Section 29), for which the state health supervision authority is entitled to impose a fine from 2000 EUR to 150,000 EUR. According to data from The Annual Activity Report of The Regional Public Health Authorities of 2017, it is clear that every year the number of hazardous work resultant from increased mental workload is ascertained (p. 169), whereby an overview of its content contains also an overview of their activities, which are so-called other investigations, including investigations into the mental workload (p. 192). We do not find results of the inspection activity specifically focused on the internal policies of employers against the increased mental workload. This implies the need to focus on consistent professional oversight on the fulfilment of employer's obligations in the field of psychosocial risk assessment in order to ensure regulatory compliance.

The Consequences of Psychosocial Risks on Employee Mental Health and Their Compensation

Pointing to the importance of legal obligations relating to the psychological factors of the working environment is reflected in the employer's liability for damages to the employee's health. In the case of psychosocial factors, mental health disorders are increasingly mentioned in the professional community. The International Classification of Diseases, although more of a tool for clinical use, as a basis for justifying a change to the current legislation, includes mental disorders and behavioural disorders (F00 - F99), among which there is also the so-called acute stress response as a response to exceptional psychological stress (F43). However, in a brief description of these diseases, there is no indication of their closer connection to work and the working environment. Another group of classification of diseases labelled Z00-Z99 is 'factors affecting health and contact with health services'. On the contrary, we find a connection between them and the working life of the individual in several places. These include, for example,

employment and unemployment issues, as well as a stressful working regime (Z - 56.3), stress (Z73.3), burnout (Z73.0) or lack of rest and leisure.

The Commission Recommendation on The European List of Occupational Diseases of 2003 emphasises the support for research into occupational diseases, including psychosocial disorders, but The Commission does not mention in its own list mental disorders acquired as a result of work. Conversely, the list of occupational diseases developed by The International Labour Organisation (revised in 2010) refers in point 2.4 to 'the post-traumatic stress disorder and other mental and behavioural disorders where the direct linking is scientifically determined or determined by methods appropriate to national conditions and practices, between exposure to the risk factor resulting from work activities and mental disorders and behavioural disorders of the employee.' The Slovak List of Occupational Diseases listed as the Annex no. 1 of Act no. 461/2003 Coll. on The Social Insurance, like The Commission Recommendation on The European Occupational Disease List, does not contain any mental disorder (Demková, 2018; Dolobáč & Seilerová, 2018). Therefore, The Slovak Occupational Disease Catalogue should be considered incomplete. While work-related mental disorders are part of the international classification of diseases recognised in Slovakia (burn-out syndrome) but are not recognised as occupational diseases with accidental insurance claim eligibility, the range of employee legal rights for mental health compensation is narrowing.

According to a 2013 study carried out in ten European countries, the recognition of mental disorder as an occupational injury was recognised in most of these countries already a few years ago. The condition, however, was that the cause of the mental disorder was an unexpected traumatic event of short duration (e.g. robbery in the workplace). In these circumstances, in particular, post-traumatic stress disorder was recognised. However, these were not cases of work-related stress or other psychosocial risks in the workplace. In the Slovak and Czech legal environment, we do not find many practical cases and court decisions related to the compensation of mental disorder acquired as a result of factors of the working environment. Findings if we can consider a mental disorder of an employee as an occupational injury is based on the fulfilment of its legal identification indicators. According to regulation § 195 Section 2 of The Labour Code, a work-related injury is a damage to the health of an employee in the performance of work tasks or in direct connection with these, regardless to his will, by short-term, sudden and violent external influences. The fulfilment of the condition of the short-term, sudden and violent state caused by external influences makes it difficult to recognise a mental disorder as a work injury. The case-law defines a work-related injury consistently as 'such damage to the health of an employee, the cause of which was the nature of the accident, that is to say, damage to health was caused by external effects (physical or psychological overload - trauma) which were short-lived in nature; sudden and violent, it must be a substantial, important and significant cause.' (The Resolution of the Supreme Court of the Czech Republic, File No. 21 Cdo 1235/2011 dated October 5, 2011) The long-term effect of certain factors in the working environment leads rather to the emergence of disease from jobs.

In particular, in the case of bullying by the employer, which may manifest itself differently, for example in the improper organisation of working time (division of working time with a four-hour break between working hours) or the imposition of work tasks that

do not correspond to work under the employment contract, The Supreme Court of The Czech Republic judged that it would not be considered as work-related injury because none of the employer's actions 'has the character of an accident that would be short-lived, sudden and violent in nature, and the action that takes place over a period of months is neither an accident nor as a whole.' The judgment of The Supreme Court of the Czech Republic, File No. 21 Cdo 4394/2014 dated March 24, 2016)

Similarly, another case was assessed in which the employee was diagnosed with a mental disorder of adaptation (F 43.2 serious mental disorder resulting from terrible experiences or other adverse psychological factors and distress situations) because of the gross, arrogant or vulgar behaviour of the company executive. This was excluded from classification as an occupational accident. The reason was the process of damage to health, which did not happen suddenly but by 'the long-term negative effect', due to the long-term stress and permanent tension (the judgment of The Supreme Court of the Czech Republic, File No. 21 Cdo 2738/2017 dated May 15, 2018). In both cases, The Supreme Court of the Czech Republic proceeded by subsuming the employer's conduct under the general liability of the employer for damages under the provisions of regulation § 192 Section 1 of The Labour Code or Section 2 of The Labour Code. In the first case, The Supreme Court of the Czech Republic applied the provision on violation of legal obligations by the employer to the facts of the employer bordering with bullying. In the latter case, the long-term negative behaviour of the employer was subsumed under the intentional action of the employer against good morals.

In order to qualify for compensation for damages caused to mental health, it is therefore necessary to investigate and prove the employer's liability for damages caused to the employee by breach of the legal obligations in the performance of the employer's work duties by employees acting on behalf of the employer (paragraph 2) or the employer's liability for damages incurred by the employee in performing of work-related tasks or in direct relation to these, by violating legal obligations or deliberately acting against good morals (paragraph 1). The cases presented suggest that claiming compensation for damages to mental health due to working environment factors is not excluded. However, demonstrating the facts that will fulfil all the necessary assumptions of general responsibility for the employer's damage to the employee is not easy.

A risk to the mental health of an employee can lead to extreme consequences such as suicide (Mišner et. al., 2017) Some countries recognise suicide originating from work as a reason to provide coverage from accident insurance. For example, in France, it is believed that if an employee commits suicide during working hours and in the workplace, the cause is work. In order to refuse insurance cover, it has to be demonstrated that the death of an employee as a result of suicide had no connection with working conditions (Kieffer, 2013).

In the Slovak environment, the possibility of suicide compensation in the form of accident insurance claim according to The Social Insurance Act depends on whether we define suicide as a work injury or an occupational disease. Given that one of the identifying indicators of an occupational accident is that it occurs independently of the will of a person, its definition as an occupational accident is excluded. Similarly, the absence of external factors as a result of individual problems that are not work-related can also rule out these findings. The list of occupational diseases, as well as mental disorders,

does not include suicide as a result of working environment factors. The solution would again be only to subordinate this consequence to the general responsibility of the employer for the damage or to subsume it under the so-called other health damage caused by work, which is a part of the list of occupational diseases.

In line with the list of occupational diseases of The International Labour Organisation, as well as The International Classification of Diseases, we are in favour of opinions calling for the mental disorders to be added to the list of occupational diseases. If the legal regulation is set on preventing of the increase of psychological workload, the regional authorities confirm the performance of hazardous work under the psychological workload (in the third and fourth categories of works), it is illogical then not to allow legislation to classify mental disorders as occupational diseases. Another option is to offer an additional category of the health damage directly related to work, which is neither an occupational accident nor occupational disease right into the wording of The Labour Code. It is this category that would make it possible to invoke compensation for such health consequences, which we cannot clearly assess, despite the fact that the link to work will be proven.

Mental workload as a legal reason for immediate termination of employment by an employee.

A recent fact in relation to mental workload is the possibility of an employee's legally permitted response to situations where the mental workload threatens his or her life or health. The imminent threat to life and health is the legal ground for refusing to perform work or complying with an instruction under the regulation § 47 Section 3 b) of The Labour Code, which the employer may not evaluate as a violation of the work discipline. At the same time, the imminent threat to life or health allows for the employees to terminate their employment immediately under the provisions of the regulation § 69 Section 1c) of The Labour Code.

The question is whether an employee can take advantage of the legal reality and decide on one of the legal procedures if it is based on a subjective perception that the mental workload causes an immediate threat to his or her physical or mental health. If the mental workload is part of the OSH legal framework, the options should relate to the effect of any factors that cause the condition. The Council Directive 89/391/EEC of June 12, 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work in Art. 8 nor the OSH Act in the regulation § 8, does not provide for a legal definition of the immediacy and seriousness of life or health threats. The state of existence of the immediacy and seriousness of the health threat is certainly clearer if the employee is under threat of various physical, chemical and similar factors such as fire, flood, gas leakage (Paceková, 2014). However, neither the provisions of the framework directive nor The OSH Act imply that the threat does not originate in other factors (e.g. psychological violence, long working hours). This depends on the interpretation of the notion of immediacy. In the case of a threat of psychological factors, immediateness should be seen through other criteria than the other risks.

Compared to the wording of The Labour Code, the OSH Act contains a more appropriate legal concept, i.e. an employee's reasonable presumption of imminence and seriousness

of life or health threat (Barancová, 2013). According to the regulation § 8 Section 2 of the OHS Act, an employer may not consider it being an infringement if the employee refuses to work, has stopped work or left the workplace to go to safety if he reasonably believed that his or her life or health or the life of others was imminently and seriously threatened. In the regulation § 47 Section 3 b) nor in the regulation § 69 Section 1 c) of The Labour Code, the employee's procedure based on the reasonable presumption is not mentioned. Art. 13 of The International Convention No. 155 of 1981 on the safety and health of workers and on the working environment in the absence of work performance due to the fact that this work threatens his or her life or health is also based on the reasonable presumption ('he reasonably presumed'), whereby such employee should be protected in accordance with the national law against unjustified consequences.

In our opinion, even when evaluating a refusal or immediate termination of employment, the evaluation should also be based on the facts that prompted the employee to do so. According to expert opinions, the refusal of further work under the OSH Act permits objective but also subjective reason based on the evaluation of the situation of employees with respect to health status, qualification or experience (Paceková, 2014). These characteristics should also be taken into account in the event of a refusal to perform a job or immediate termination of employment. According to the current situation, if the employer evaluates the employee's conduct as a violation of the labour discipline and terminates the employment relationship with the employee, the question should be the subject of expert judgment in the case of invalidity of termination. A similar conclusion also arises from the employee's ability to terminate his employment immediately because of an immediate threat to his life or health due to mental stress. For example, long working hours have been proven to be one of the stress factors by an expert judgment in a lawsuit, which in the context of an already confirmed health disorder, can seriously jeopardise health should the worker remains in the working environment. The aforementioned assessment was also adopted by the court in its justification (Judgment of The Prešov Regional Court, File No. 3CoPr/4/2015 dated November 11, 2015), to justify the immediate termination of employment due to an immediate and serious threat to life and health. The legal reason for immediate termination, unlike in the regulation § 69 Section 1 a) of The Labour Code, does not require a medical opinion, but it is appropriate, from the point of view of the legal certainty of the employee, to ensure that the factual definition of the case is substantiated by a medical report, a finding or an opinion. According to The Regional Court, such medical opinion should include an explicit statement that the work performed directly threatens the life or health of the employee and therefore cannot be carried on by the employee. Furthermore, this reason should be defined so as to be non-interchangeable with the reason under the regulation § 69 Section 1 a) of The Labour Code (see the justification of the judgment of The Regional Court Bratislava File No. 6 CoPr/6/2018 dated June 13, 2018). In our opinion, the immediacy and seriousness of the health threat should be more a matter of expert evidence than a precise reference to this in the presented medical reports. From the point of view of legal uncertainty, the law should then state that the immediate termination of the employment relationship for that reason should be the same as in the case of § 69 Section 1 a), and that is to be substantiated by a medical opinion or medical certificate, which would facilitate proof of the factual state of affairs.

Conclusion

The analysis of Slovak legal regulation showed that the legislator does not neglect the regulation of psychosocial factors in the workplace. On the contrary, it sets them as the employer's standard legal obligation. At the same time, however, a number of conclusions indicate that the equal approach to psychosocial risks in a working environment with the risks of a different nature is not achieved at many levels. Due to the impossibility of separating the individual factors of an individual, ensuring the same fulfilment of legal obligations by employers as well as by the control bodies is challenging and therefore often unimplemented. With a view of ensuring the effective reinforcement of the legislation, we call for an increase in control by the public authorities on the adoption of measures against psychosocial risks. A passive attitude towards the regulation by employers can act against them by harming employees' mental health, which is reflected in the absence of employees at workplaces due to incapacity for work, claiming damages for health, or even terminating employment. Possibilities of compensating the mental disorder are narrowed but not excluded. According to the legal status of *de lege lata*, a compensation for non-pecuniary damage to health is only possible under the general liability of the employer. Along with the increasing intensity of work-related stress, we share the views that call for the extension of the occupational disease catalogue by mental disorders. Another option is to extend the definition of occupational injury to include psychosocial injuries, such as accidents caused by excessive mental workload (overtime work, not taking leave, etc.). Against this background, the current legal situation does not even address the case of a mental workload of such an intensity that will result in an employee's suicide. Its possible conditionality through multiple life factors makes it difficult to recognise that it is a consequence of working environment factors. At present, it is not possible to assess the employee's death by suicide as a work-related injury because of the lack of a sign of health damage caused 'independently of the employee's will', but also a sign that the damage was due to 'external influences'. Again, *de lege ferenda* can only consider the extension or opening of a definition of occupational injury, which would be more appropriate to the unconventional damage to health that may occur at work.

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NOTICE FOR REDUNDANCY AS A DISCRIMINATORY MEASURE ON GROUNDS OF AGE

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Abstract

Sociological investigations and a number of court decisions support the idea that redundancy dismissals are legal tools that can be misused easily for wrongful discharge based on an illegal age discrimination reason. This article analyses trial and appeal courts' case law in order to clarify, what makes this particular reason for discharge so attractive for age discrimination perpetrators. Although Czech law does not recognize At-will Doctrine, and the Eu-Law forces an employer to proceed in relation to any elderly employee equally, redundancy has been proved to be the right instrument for employers that enables them to decide, who they do not work with, who they fire.

Key words: Labour Law, Termination of Employment Relationship, Notice of Dismissal, Wrongful Dismissal, Age Discrimination

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JEL classification: K31, K41, M12

Introduction

Almost twenty years ago, in 2000, the Czech legislator harmonized labour laws and claimed to reach the same antidiscrimination standard as seen in Western European countries. The Czech Labour Code (Act No. 262/2006 Collection as amended) and, since 2009, the Antidiscrimination Act (Act No. 198/2009 Collection), protect all employees from discrimination on the basis of age in hiring, promotion, discharge, compensation or terms, conditions or privileges of employment. Czech labour law bans mandatory retirement with narrow exceptions for military, police officers and state servants. In addition, there is a strong protection of employees against dismissals.

However, sociological investigations, even those from last years, have not identified any recognizable decrease of age discrimination. As usual, studies and analyses

elaborate that the majority of Czech society maintains prejudice against older people. This phenomenon is also present in other countries, as it is evidenced by studies (Bell, 2019). Other countries are fighting against the unfair discrimination of the young workforce on the labour market (Blackham, 2019). A separate group is formed by those discriminated on gender basis (Burbayey, Khamzina, 2019; Fapohunda, 2017). The issue is complicated, special attention is devoted to the problem by scientists and professionals from practice as well. These phenomena formulate resp. distort the labour market in many countries (Kádár, 2017; Sychenko, 2019). Not only legal instruments, but also intervention of a third party e.g. Ombudsman is required to solve the issue. The Ombudsman carried out a relatively vast interview survey in 2014 and 2015, which confirmed the reasons of a relatively unfavourable balance in fighting against age-related discrimination (The final research report of February 27, 2015 *„Diskriminace v ČR: oběť diskriminace a její překážky v přístupu ke spravedlnosti“* (Discrimination in the Czech Republic: Victims of discrimination and obstacles to justice for them), docket file No. 46/2014/DIS; hereinafter the Report of 2015). Although discrimination on grounds of age has been evaluated to be the third most frequent reason of discriminatory behaviour, as the Ombudsman report reveals: *„The overwhelming majority among the respondents who made experience with discrimination personally, resigned and didn't complain anywhere. The discrimination non-reporting ratio in the Czech Republic reaches up to 90 %.“* Nevertheless, some people with burning ambitions have sued out their employers and were, to large degree, unsuccessful.

Paradoxically, such a situation may be desired or enforced also by co-employees. Court protocols do list namely these employee stereotypes who defended themselves against them, who were being dismissed on grounds of redundancy, by pointing to the fact that the employer was to select other employees as redundant, namely those who had already reached retirement age (Cf. Supreme Court decision of 6 September 2011, docket file No. 21 Cdo 2534/2010). Such employees explicitly demanded in Supreme Court decision of 20 November 2014, docket file No. 21 Cdo 4442/2013, e.g.: *„...the organizational changes were to have been carried out predominantly via dismissing retirement-aged employees.“* Another example stating the same comes from the same dispute, where the plaintiff pointed to the fact that *„lately“*, the defendant hired new employees, who had already reached *„retirement age“*, although – according to her (the plaintiff's) opinion the organizational changes were to have been: *„addressed mainly by dismissing retirement-aged teachers.“*

From legal efficiency perspective, elderly or aged workers get fired all the time and almost none of them is able to assert to age discrimination claim. This paper analyses relevant laws and all redundancy cases, in which employees raised the age discrimination to identify why age discrimination claims fall under the table.

Theoretical background

Modern public law of Czech Republic's predecessors has always recognized mandatory retirement (Cf. Section 28 of Decree No. 145/1902 Coll. o pomocném personálu kancelářském při státních úřadech a ústavech (on Ancillary Personnel by State Agencies). The same is true in current legislation for the military (Section 19 I Lit. a) zákona o

vojácích z povolání (Act on Professional Soldiers)), police officers, fire fighters, custom and immigration officers, secret service agents etc. (Section 74 I Lit. h) of Act No. 234/2014 Sb. o státní službě (on Civil Service), as amended).

In contrast to previous labour law regulations, the Labour Code currently doesn't regulate the compulsory or voluntary employment termination on grounds of age. In contrast to the previous legislative practice, according to which an employee was entitled to terminate an employment with a shorter period of notice and doing so on grounds of having reached the retirement age/on grounds of a pension entitlement having arisen, such a regulation is not necessary today, as the employee is entitled to terminate the relationship without stating the reason (Cf. Section 51 I Lit. c) of Act No. 65/1965 Coll. Labour Code as amended till 31 December 1988). An employer's right to terminate the employment on grounds of the retirement age having been reached or due to the entitlement for a pension having arisen was stipulated by the 1950s legal regulation (Section 58 of Act No. 55/1956 Coll. Section 19 II Lit. e) of Act No. 66/1950 Coll. o pracovních a platových poměrech státních zaměstnanců (Working and Wage Conditions for Civil Servants)) and also later on in the first Labour Code (Section 51 I Lit. c) of Act 65/1965 Coll. set forth retirement. Employees eligible to old-age pension could be dismissed based on this reason). Yet the latter regulation tried to protect also older employees, which was due to specific reasons linked to the centrally planned economy with full employment (Cf. two governmental decrees: No. 209/1962 and 254/1964). Firstly, this referred to prolonging the period of notice (Section 45 II of Act No. 65/1965 Coll.) and secondly, it was linked to the condition of acquiring a consent given by the District National Committee (Section 50 of Act No. 65/1965 Coll.).

The current approach towards an employee's age is different. Age isn't irrelevant neither in general labour law, yet if the employer has doubts whether the employment in a given sector within the Czech economy is appropriate, then the labour law or other public law regulation most frequently increases the minimum age for entering this sector. Another example is the definition of maximum exposure periods. In a way, also the stricter medical examinations or other type of examinations have a certain impact, as far as general labour law regulation is concerned and these conditions are mostly listed in connection with working for the security forces. Higher age represents a qualification criterion for more frequent medical examinations also as far as civil employees in more exposed professions are concerned (Cf. Section 87a of Act No. 361/2000 Coll. as amended, that sets forth rules for drivers). Nevertheless and in contrast to previous regulation, it is generally valid that age itself cannot serve as a reason for termination. It is a prohibited reason for discrimination both according to Czech (Section 16 of the Labour Code) and according to the European Union law. The Court of Justice of the European Union has ruled in the Marshall case (Cf. CJEU judgment of 26 February 1986, C 152/84, M. H. Marshall; and CJEU judgment of 6 November 2012, C-286/12, Commission v. Hungary) that an employer cannot select redundant employees only based upon the fact that the respective employee has already reached retirement age, and it has thus been provided for him/her via the pension (Cf. Article 21 of the Charter of Fundamental Rights of the European Union). This problem analysed some authors (Van der Mei, Pieter, 2017)

The employment relationship with a potentially too old employee (according to an employer's opinion) may thus only be terminated in a limited number of cases

(Agranovich, 2019). If it is not about an employment relationship for a definite period of time; it is not the case of an employment, where the trial period has not elapsed; it is not an employment relationship with a foreigner, who needs an employment permission to be entitled to work; or it is not the case of an employee willing to accept the proposal to terminate an employment on grounds of an agreement, then the employer has a relatively small room to manoeuvre.

Unless the employer wants to wait until such an employee fulfils a reason to terminate the employment due to his/her health status, performance or behaviour, then the employer can make use of the so-called organizational measures for this purpose. As it is hardly imaginable that an employer would simulate so-called large-scale organizational changes leading to respective employee's post or parts thereof being abolished or the employer or sections of the employer being relocated, the termination reason on grounds of redundancy according to § 52 letter c) of the Czech Labour Code appears to be the most appropriate measure.

Both according to the doctrine and according to case law, the applicability of this termination reason depends upon several conditions being met, with the fulfilment of these conditions being examined by the court in such a case when the validity of the decision is being assessed. It's about the following cases:

- (internal) organizational changes,
- the employee's redundancy,
- causality between the organization changes and the employee's redundancy.

The employer's decision about an organizational change represents the first condition (requirement) for a termination on grounds of redundancy. Such a decision has to have been adopted prior to the notice of termination, as the validity of legal actions, including legal actions directed at dismissal is to be assessed at the given moment and with respect to the conditions under which the legal actions were taken. Following the Supreme Court jurisprudence, an employer's decision may be classified into the following categories: decisions regarding the employer's changed tasks, decisions regarding a change of the technical equipment, staff downsize decision for efficiency increase purposes and decisions regarding other decision types with reference to organizational changes. Identifying, to which decision type the respective decision actually pertains, is relevant in order to assess, which causality there has to be and how the organizational change has to be carried out (change of tasks or technical equipment).

Decisions regarding organizational changes represent a decision-making process that changes an employer's organizational structure. The employer's decision does not represent a legal action, which means that it is impossible to defend against it directly. Nevertheless, court practice has effectively forced the employer to decide whether certain specific employees are redundant, and specify the impacts of such an organizational change as well.

If doubts arise, whether an employer has made a decision linked to organizational changes, a court may only assess whether such a decision has actually been adopted, and whether it has been made by a person entitled to do so. As the Supreme Court elaborated (Supreme Court decision 11 April 2002, docket file No. 21 Cdo 1105/2001,

published in *Právní rozhledy* No. 10, 2002, C. H. Beck, pgs. 512 to 517), it is generally valid that „...a person entitled to take legal actions on behalf of the employer is also entitled to take factual activities, and this person is then also obliged by such an action in this sense.” As far as the form of the decision regarding the organizational change is concerned, the Supreme Court (Supreme Court decision of 15 November 2001, docket file No. 21 Cdo 2521/2000) has decided that the form via which such an action is carried out is irrelevant, and that this applies in spite of the fact that the employer’s internal regulations list the decision form regarding the organization change and in spite of this form not being fulfilled. It is hitherto possible to apply the Prague High Court’s ruling that the decision regarding an organizational change needn’t be „announced“ or published in any other manner. The employee affected by the organizational change has to be made acquainted with it, but such an action may occur only as late as in the notice of termination of the employment relationship.

If the employer is the only one who makes decisions regarding changes within the internal organization, then it’s also the employer, who decides whether a specific employee is redundant (Sborník stanovisek, zpráv o rozhodování soudů a soudních rozhodnutí Nejvyšších soudů ČSSR, ČSR, SSR (Statements and Restatements of Law Prepared from Supreme Courts’ Decisions), volume IV, SEVT, Prague: 1986, p. 189). Both decisions can be made at once or one after another, yet the decision regarding an organizational change always precedes, due to its nature, the decision whether a specific employee is redundant pre-defining and delimiting such a decision at the same time.

When selecting redundant employees, an employer should always follow this three-step process:

- defining the employees who will be part of the selection procedure,
- defining the criteria (data) that shall be considered during the selection,
- selecting the unnecessary, or redundant employees.

If a job position is to be cancelled, it is necessary to include all employees into the decision pool, who are work on the same level or carry out comparable tasks to those that are to be performed by the employee fulfilling the job position that is to be cancelled. Employees carrying out the same type of work agreed upon in the employment contract are encompassed in the selection pool (Supreme Court decision of 29 January 1991, docket file No. 6 Cz 1/91, published in *Sbírka soudních rozhodnutí a stanovisek* (Collection of Court’s Decisions) under No. 3, 1991, pgs. 100 to 103). An employee is redundant, if the employer has no opportunity to assign work to this employee, which has been agreed upon in the employment contract. The reasons for this impossibility may consist in the fact that the employer does not need the work performed by such an employee any more, be it either at all, and/or at least within the previous scope (content). This is the case if the employer’s task or his technical equipment changes, if the staff volume is decreased due to work efficiency increase or due to other organizational changes.

An employee may not always be redundant already at the moment when the notice of termination is given and this can be deduced from § 52 letter c) of the Czech Labor Code, which states that: „if the employee becomes redundant...“. Nevertheless, neither the mere existence of internal organizational change nor the mere redundancy of the

given employee is enough, as the settled case law requires that there is a causality between the organizational change and the redundancy of the given employee (Cf. Supreme Court decision of 23 July 1968, docket file No. 6 Cz 49/68, published in *Sbírka soudních rozhodnutí a stanovisek* (Collection of Court's Decisions) No. 9, 1968, p. 535, Supreme Court decision of 21 June 2001, docket file No. 21 Cdo 1630/2000). If a certain decision is to be the actual cause for an employee becoming redundant, then the employer has to give the notice of termination due to redundancy at a moment that makes the employment relationship end, based upon this notice (due to the period of notice having elapsed) at the earliest one working day prior to the adopted changes becoming effective (Supreme Court decision of 29 June 1998, docket file No. 2 Cdo 1797/97, published in *Sbírka soudních rozhodnutí a stanovisek* (Collection of Court's Decisions) No. 54, 1999, p. 431). Thus, the courts assess, whether it was the organizational change which have led to a staff reduction or to another structural composition of the staff, i.e. that the given employee became redundant explicitly due to such a decision (or rather the implementation thereof at the employer's premises).

An employee's redundancy is not caused by an employer's decision regarding an organizational change, if the presupposed staff decrease (stated by the organizational change) is to occur another way (without the necessity to dismiss), e.g. when another employee terminates the employment relationship, or the term agreed upon within the employment contract for a definite term has elapsed for other employees (Supreme Court decision of 27 April 2004, docket file No. 21 Cdo 2580/2003, published under No. 45 in *Sbírka soudních rozhodnutí a stanovisek* (Collection of Court's Decisions), 2005).

Material and methods

Although redundancy dismissal is subject to a mixture of specific developments as derived by both the legislator and relevant jurisprudence, the aim of this article is to consider lower and higher courts' case law. Courts remain to be the main factor that influences age discrimination claim's effectivity. Of course, the Czech Republic is not a common law country, without the court's approval the gradual development of the specific decision regarding an organization change (i.e., informality, secrecy, and non-contestability) would have never been possible. Courts have developed the employer's right to decide on the organizational change and the employer's immunity in this regard (Cf. Supreme Court decision of 25 September 1998, file docket No. 2 Cdon 1130/97, published *Soudní rozhledy* No. 11, 1999, p. 374; or Supreme Court decision of 11 April 2002, docket file No. 21 Cdo 1105/2001, published in *Právní rozhledy* No. 10, 2002, C. H. Beck, p. 512).

The same has happened in connection with severance pay (Supreme Court decision docket file No. 21 Cdo 5285/2016) as well as with so-called the option to move into a different job. The latter can be used as an example. The Parliament approved the abolishment of the employers' duty to offer a new job to chosen redundant employees, but it was the Supreme Court, which has to confirmed in several border-line cases, that the duty has vanished entirely (Supreme Court decision of 26 September 2012, docket file No. 21 Cdo 1520/2011; and another decision of 28 November 2017, docket file No. 21 Cdo 1628/2017).

Thus, the first important step was to identify all relevant cases. To find and collect all redundancy cases, in which the claimant claimed to suffer age discrimination, the author used commercial search machines, public or private published reports and books, and his own legal actions. Firstly, the author used all commercial search machines operated in the Czech Republic and separate search tools provided for cases issued by the Supreme Court, the Supreme Administrative Court and the Constitutional Court. Secondly, the set of identified cases was confronted with other published searches (for example Report of 2015 or research, which was conducted by E. Šimečková and published in her book Šimečková, E.: *Formy násilí na pracovišti (Types of Violence at Workplace)*, Brno, MU PF 2017, p. 45). Thirdly, the author has delivered his formal application to every particular trial or appellate court in this country (be given all redundancy cases in last 20 years). After those three steps, there was a list prepared of relevant age discrimination cases as follows: Regional Court in Ostrava docket file No. 16 Co 232/2013, District Court in Karvina docket file No. 25 C 61/2012, Regional Court in Ostrava docket file No. 16 Co 241/2001, District Court in Ostrava docket file No. 85 C 145/2009, Municipal Court in Prague docket file No. 23 Co 318/2013, District Court in Prague 4 docket file No. 25 C 127/2012, District Court in Prostějov docket file No. 5 C 2/2013, District Court for Prague 1 docket file No. 17 C 122/2012.

Having identified all relevant lower court cases (the higher had been known, because they were published in official Collections of Supreme or Constitutional Court decisions), the author examined all of them to learn the apparent lack of efficiency on the side of fired aged employees.

Results and discussion

The author has managed to identify only two trial court decisions out of all the labour disputes, where the employee as a plaintiff was successful. (Cf. District Court in Ostrava docket file No. 16 Co 232/2013 (District Court in Karvina heard the case as a trial court, case recorded under docket file No. 25 C 61/2012) a District Court for Prague 1 docket file No. 17 C 117/2012. In both cases, dismissed employees sued to obtain a judgment that notices of dismissal due to redundancy are null and void.) Altogether, there were 9 redundancy cases with recorded age discrimination claim. The sole fact that the numbers are so low seems to confirm that the redundancy dismissal is a proven powerful tool for age discrimination in no-termination-at-will country.

Based on law in books, results should be different. As the Supreme Court confirmed (See the most recent Supreme Court's decision of 24 January 2013, docket file No. 21 Cdo 444/2012), the claimant is equipped with a relatively strong arsenal. The employer has to prove that a decision regarding the change of the respective employee's duties, or regarding the technical equipment, or regarding staff downsizing has been made in order to increase work efficiency or other to put through organizational changes and that it's precisely these changes due to which the employee became redundant. In reviewed case, judges were active and intended to scrutinize employer's behaviour. Firstly, courts have examined, whether an employer or an organization has adopted a decision as a result of which the respective employee became redundant, whether this employee is redundant and subsequently, the causality between the decision

concerning the organizational change and the respective employee's redundancy is being scrutinized (Cf. Supreme Court decision of 11 April 2002, docket file No. 21 Cdo 1105/2001, published in *Právní rozhledy* No. 10, 2002, C. H. Beck, p. 513). However, the judge control has failed because of the settled doctrine of the exclusively employer-related aspect (Cf. Regional Court in Brno decision of 3 January 1967, docket file No. 7 Co 612/66, published in *Sbírka soudních rozhodnutí a stanovisek* No. 8, 1967, p. 484).

A court cannot scrutinize whether e.g. another structural type change at the employer might have become more effective, whether the employer is not to carry out other organizational changes as well, or whether another employee should have been dismissed as well (e.g. due to social reasons). Neither has the employee who has been assessed by his/her employer to be redundant an option to legally apply to have this decision reviewed. Another very problematic issue is the implementation of an organizational change in the shape as it is accepted by courts, in cases, where the previously defined conditions for such a change have not been met (Supreme Court decision of 28 November 2017, docket file No. 21 Cdo 1628/2017).

The causality of redundancy is neither hampered by a staff increase occurring later on. There has been a court ruling in a case, where an unsuccessful objection had been raised in relation to discrimination on grounds of age that although the number of radiology assistants was increased later on, the decisive factor is that: *„...the number there of has remained the same for 8 months and that the employer cannot be restricted to react via the staff number towards the development of the demand, i.e. to react towards the number of patients.”* Cited from District Court in Ostrava decision of 29 March 2011, docket file No. 85C 145/2009-148.

The analysed court decisions reveal that the employee, i.e. the plaintiff, usually asserts to the objection himself based upon discrimination on grounds of age. In a case ruled by the Karviná District Court (District Court in Karvina docket file No. 25C 61/2012), an employee did so by a claim regarding his retirement age, to be more precise by the fact that he had been in service for 4 excess years already, and by pointing out that the employer made use of the same method also regarding other retirement age employees (where the employer also decided to dismiss them on grounds of redundancy). In a case occurred in the Moravian city of Brno an employee deduced that discrimination on grounds of age occurred because he was the oldest employee of a tertiary school department (Municipal Court in Brno decision of 17 February 2016, docket file No. 38 C 137/2015-19).

If the first instance court is insufficiently active, even the court of appeal may direct the evidence proceedings on this path. Such an issue occurred e.g. in a case where the Ostrava Regional Court (Regional Court in Ostrava decision of 2 November 2010, docket file No. 16 Co 179/2010) ordered the first instance court to: *„...assess whether the employees' age has not been selected as a criterion for selecting redundant employees – be it openly or in a covert manner.”* The ruling that discrimination on grounds of age didn't occur has then to be based upon the respective evidence proceedings.

Yet analysing the court jurisprudence reveals that both lower and higher instance courts are hesitant in deciding that discrimination occurred. Within the dispute bearing the reference number 85 C 145/2009, the court decided that discrimination on

grounds of age did not occur, because even after the plaintiff was dismissed, there had remained radiology assistants of similar age at the oncology clinic in comparison to the plaintiff or even older colleagues. The second employee (radiology assistant) who was dismissed as well, was 38 years old at the time of her dismissal. In Brno case (Municipal Court in Brno decision of 17 February 2016, docket file No. 38 C 137/2015-19), the court decided that no discrimination had occurred due to evidence which proved that: *„...there were at least three other employees at the civic education department within the decisive period, who were of similar age in comparison to the plaintiff, which means that no systematic removal of these persons and their replacement by younger ones had occurred (in the past, this department's employees had been replaced only based upon previous employees having left or due to the death of a previous employee).“* The court of appeal (Regional Court in Brno decision of 2 August 2016, docket file No. 15 Co 112/2016-39.) added that the head of department's letters revealed that there were reproaches regarding the plaintiff's personality (unpopular among students, low percentage of lessons provided in core subjects within the accredited program and problematic communication with other department members). Not even in the case where the dismissal on grounds of redundancy was declared as invalid by the Karviná District Court, did the court take the view that discrimination on grounds of age had occurred. The court based its judgement on witness reports and on the documents presented. Said decision file No. 25 C 61/2012-60 was overruled by the Supreme Court decision of 24 January 2013, docket file No. 21 Cdo 444/2012. However, the Supreme Court did not decide the case because of prima facie age discrimination.

From the factual point of view, it's no help for potential victims even if the higher instance courts rule that *„questions regarding the issue when a plaintiff retires, undoubtedly represent the usual type of communication occurring between the superiors and subordinates, and in this sense – such an issue cannot be regarded as fulfilling the characteristics of discrimination.“* As elaborated in Regional Court in Prague decision of 16 April 2014, file No. 23 Co 28/2014-160; and Supreme Court decision of 19 February 2016, docket file No. 21 Cdo 4619/2014.

If the dismissal was finally found out to be invalid then the invalidity was not due to discrimination on grounds of age, but due to a missing causality (the staff decrease would have occurred also otherwise; Supreme Court decision of 22 November 2017, docket file No. 21 Cdo 5600/2016). The reason is that it's usually impossible to prove that the employer was following discriminatory purposes – in contrast to the separate dispute regarding the outstanding payments of an exceptional increased redundancy payment (Supreme Court docket file no. 21 Cdo 5763/2015. For EU context, see SDEU C-499/08, Andersen).

The fact that there isn't a representative amount of court decisions available where the courts would have found out that the dismissal was motivated by the employee's age, is suspicious and stimulates considerations about strengthening the protection of ageing employees against this issue. Within the given legal regulation, technological progress and jurisprudence tolerating the use of concealed recording devices by the employee during negotiations about the notice of termination on grounds of redundancy bring by an evolution. Using these devices, it might be proven which reasons actually lead the employer to decide that the respective employee is redundant (Cf. Supreme Court decision 21 Cdo 5281/2016).

If we are to consider more revolutionary changes, it's necessary to reject the reactivation of a permission system from the first Czechoslovak Labour Code. A compulsory information similar to the regulation in cases of mass dismissals, when the employer is obliged to inform about aspects (criteria) for the selection of dismissed employees, would not solve anything as the employers would be able to apply strategies effectively, which work during judicial reviews whether notices of termination for reasons of redundancy are valid. Prolonging the period during which the abolished work post cannot be established might help, yet this would affect all redundancy cases generally (Cf. Section 61 III of Act 311/2001 Coll. *zákoník práce* (Labour Code of the Slovak Republic)). Re-establishing the duty to make an offer selectively to employees who reach retirement age should also be considered, and in this case, the Labour Office of the Czech Republic could be the one entitled to exempt the employer from this duty (Cf. Supreme Court decision of 31 October 2017, docket file No. 21 Cdo 5285/2016).

Taking into consideration the ageing population, we cannot determine a generally valid limit, from when the work potential of an employee is marginal (CJEU judgment of 13 September 2011, *Prigge*, C-447/09.). That's why it is correct that no such limit exists. It does not mean that sectoral age limits might not exist – irrespective whether the reason would be the fight against unemployment (CJEU judgment 16 October 2007, *Palacios de la Villa*, C-411/05, or judgment of 5 July 2012, *Hörfeldt*, C-141/11), enabling the employers to act more flexibly when dealing with workforce (CJEU judgment of 5 March 2009, *The Incorporated Trustees of the National Council for Ageing*, C-388/07; and judgment of 18 November 2010, *Georgiev*, C-250 to C-268/09), or the aim would be the social policy (CJEU judgment of 12 January 2010, *Petersen*, C-341/08), or any combination of these aims. That's why it is appropriate to open up this issue for a social dialogue and strengthen the option to agree upon a compulsory termination of an employment relationship, if an adequate financial arrangement would be provided for in the collective agreements (CJEU judgment 12 October 2010, *Rosenblatt*, C-45/09). It's not the individual employees, but the social partners who could find an equilibrium consisting of a dignified work career termination in exchange for an acceptable financial compensation, stipulating such a thing in company-internal collective agreements or even in branch-covering collective agreements. In this case, there is at least a potential advantage for the employer as well. The employee representatives participating in the negotiations of criteria, according to which the selection of redundant employees will be carried out as this would in turn simplify the employer to prove in possible future court proceedings the dismissal validity, whether these criteria are appropriate or not (Cf. CJEU judgment of 16 February 1982, *Arthur Burton*, C 19/81; CJEU judgment 17 December 2011, *Barber*, C 262/88. More recent, CJEU judgment 21 July 2011, *Fuchs and Köhler*, C-159 and 160/10; a judgment of 6 December 2012, *ODAR*, C-152/11).

Conclusion

This unique evolution has helped to create a powerful legal instrument for terminating the employment relationship with an employee who is (from the employer's subjective point of view) too old, although the reason for such a decision is not based upon the respective employee's performance or behaviour.

The correctness of considering that a termination of employment on grounds of redundancy is being misused in order to dismiss „old“ employees substantially more often than other termination reasons is being confirmed as well by sociological investigations carried out by the Ombudsman, and furthermore confirmed by the Ombudsman advices in specific cases, and also by individual court rulings. This concept thus replaces – to a certain extent – the compulsory or permitted termination of employment when reaching retirement age, which is a measure currently missing within general law. In court trials, raising an objection against discrimination isn't effective, as it is necessary to take into consideration that one has to prove the employer's intention.

It is also necessary to consider the whole issue of elderly working employees comprehensively, i.e. especially from the point of view of universal, compulsory, publicly funded pension scheme. Our fundamental aim is actually the dignity of the individual, which equally applies to pensioners. Isn't the older employers' eager desire to work predominantly caused by the volume of their retirement pensions? If so, financial incentives to terminate an employment relation and to enjoy pleasant autumn years could represent a conceptual solution. If the pension benefit payments, which would be increased by supplementary pension schemes reached a sufficient level, it would be easier to reach an agreement with older employees to decrease their eagerness to work. Raising the pension benefit payments is a task for decades.

Yet seen from short-term perspective, it would be possible to do a lot. Today's managers dismissing redundant older employees will find themselves in the old or elderly employee category as well. That's why even these people could understand from the point of view of intergenerational solidarity that a situation where elder employees do have to leave on grounds of redundancy does not represent a pleasant state of affairs. Many of these dismissed employees do actually then get the impression that they are useless and nobody needs them. This approach seems to be unacceptable since it is still possible, if not very desirable to involve these employees.

Investigating the hitherto occurred disputes, where discrimination occurred or might have occurred makes us consider that the social partners' task should be to set up adequate conditions for a dignified retirement; yet this is a task the legislator is hesitant to refer to them, although he himself does not provide another solution.

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COMPARATIVE ANALYSIS OF MOTIVATION OF CIVIL SERVANTS AND PUBLIC SERVANTS IN THE LOCAL STATE ADMINISTRATION – CASE STUDY OF SLOVAKIA

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Abstract

The topic of public service motivation is very actual. In several countries, including Slovakia, the public administration employees are divided into two major groups, which are civil servants and public servants. The civil servants are the state employees, while public servants are doing public service work. As we meet these two groups of employees in the public administration, who in terms of job and working conditions perform different tasks and receive different wages and benefits, we assumed, there is a difference in their motivation level. Therefore, the aim of this paper is to present a comparative analysis of motivation of civil servants and public servants in the local state administration of Slovakia. In order to carry out the research, one of the basic methods of quantitative research was chosen, the questionnaire survey. The results of the research are mainly highlighting the differences between two groups of employees working in the local state administration.

Key words: public administration, local state administration, public service motivation, civil servant, public servant

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JEL classification: J28, J45, H83

Introduction

Unfortunately, the public administration of Slovakia is characterized by late adoption of new procedures and development techniques. The public services are considered inflexible and inefficient by citizens. The increasing demand and expectations of customers encourage managers to increase the quality of public services and support the transport of knowledge. To this end, the continuous development of intellectual capital and the correct attitude of employees are essential. The largest capital of

public administration is the knowledge within the organization, embodied by employees (Machová & Zsigmond, 2019; Hitka, et al., 2018; Machová & Mura, 2015; Zsigmond & Csereiová, 2018; Mezeiová & Bencsik, 2017). The success of public administration institutions depends mainly on the attitude of the staff performing public services. This process is significantly influenced by how motivated the employees are. Employees perform the same task differently because of the different personality traits and different preferences of motives, understanding the motivation directly affects the public administration as well (Mura & Horvath, 2015; Harausová, 2015).

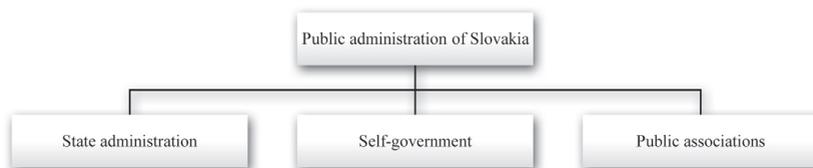
The expert group of OECD spent a year in Slovakia to map the public administration. The result of this research was a comprehensive report issued in 2015. The report focuses on five areas of public administration that present the main challenges and made concrete proposals for change. One of the five areas is the HRM in public administration. Based on the GCI (The Global Competitiveness Report), public administration is characterized by bureaucracy, corruption, restrictive legislation, political instability and high taxes, which slow down the process of economic development (Olšovská, Mura & Švec, 2018; Korcsmáros, 2018; Korcsmáros & Šimonová, 2016).

In several countries, including Slovakia, the public administration employees are divided into two major groups, which are civil servants and public servants. The civil servants are the state employees, while public servants do public service work. As we meet these two groups of employees in the public administration, who in terms of job and working conditions perform different tasks and receive different wages and benefits, we assumed, there is a difference in their motivation level. Therefore, the aim of this paper is to present a comparative analysis of motivation of civil servants and public servants in the local state administration of Slovakia.

Theoretical background

The public sector can be regarded as an integral part of every state economy. Public administration is a significant part of the public sector. The organizational units within the public administration system belong to the public sector. In terms of public administration, we mean primarily administrative-type activities, which are carried out by public administration bodies (Klimovský, 2014; Potůček, et al., 2010; Papcunová, et al., 2011; Machová & Mura, 2015). Public administration of Slovakia is divided into three sub-systems: state administration, self-government and public associations (Klimovský, 2014), as illustrated in the following figure:

Figure 1 The public administration of Slovakia and its three basic subsystems



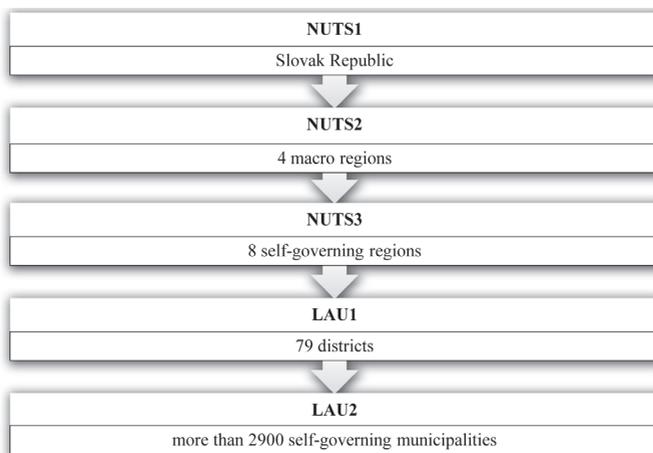
Source: Author's own editing based on Papcunová, et al, 2011, 11 p.

From the three sub-systems only the state administration is presented, because the aim of this paper is to present a comparative analysis between the two groups of employees in the local state administration of Slovakia.

The state administration of Slovakia can be divided into central and local state administration. The task of the central state administration is to provide the state administration through the state. The central state administration consists of the Government Office, ministries, central state administration bodies and other central bodies (mainly agencies) with special status (Štofko, et al., 2011; Papcunová, et al., 2011; Klimovský, 2014). The task of the local state administration is to perform state administration tasks in a certain area. Based on changes delivered by the recent ESO public administration reforms, most state administration tasks at lower levels have been performed since October 2013 by 72 district offices, responsible for general and specialized state administration. District offices fall under the authority of the Ministry of Interior (Nemec, 2018).

In Slovakia, we have five levels of regional development. Regions are divided into statistical units (Nomenclature units for territorial statistics: NUTS) (Lengyel, 2010), as illustrated in the following figure:

Figure 2 Five levels of regional development



Source: Author's own editing based on Klimovský, 2014

The administrative structure of the Slovak Republic is represented by five levels of regional development. The lowest level is LAU2 (formerly NUTS5 level), which includes more than 2900 self-governing municipalities, settlements. The next level is LAU1 level (formerly NUTS4 level), which includes 79 districts (historical territorial units – now only statistical units). Although the number of districts is 79, the number of district offices is 72, which can be explained by the fact that some district offices serve as a district office of two or more districts. According to the territorial administrative units

act, Slovakia is represented by eight self-governing regions (NUTS3 level). The eight self-governing regions are grouped into four larger units, which are called macro regions (NUTS2 level). The NUTS1 level is the Slovak Republic (Rechnitzer & Smahó, 2011; Leikes, 2008).

Various comparative studies carried out in the public administration in recent years have shown that public administrative employees have different motives than private sector employees (Tej, 2015; Harasuová, 2015; Rashid & Rashid, 2012). Perry & Hondeghem (2008) remarked that the public administration traditionally provides a strong extrinsic (external) motivation that can be attractive to employees. For example, stable job, career opportunities or retirement. The work in public administration is not dependent on the economic situation as the work in the private sector (Birčák, 2014). Many think, that the public sector offers better opportunities for reconciling work and family. Further extrinsic motivation in public sector can be the following: formulating realistic and achievable goals, providing training, recognition and praise, involving employees in decision-making, providing opportunities for development and progress. According to Birčák (2014) and Kravčáková (2013) intrinsic (internal) motivation in public administration can be the desire to influence public affairs positively, work for the public, compassion and helping others as well as self-sacrifice. Vandanabeele (2007) argues that the pursuit of working in the public administration means values and attitudes that go beyond the interests of the individual and affect the interests of a larger subject. The individual wants to work for the benefit of others and for the benefit of the society (Chen et al., 2013; Pery, Hondeghem & Wise; 2010). According to Birčák (2014), intrinsic motivation can be determined from the perspective of work sustainability too. The point is that the individual will be satisfied with his work in long turn, if the work is meaningful and challenging for him. As a typical employee working in the public administration, usually carries out routine activities, leads well-defined procedures and it can reduce his motivation (Harausová, 2015). The following table shows extrinsic and intrinsic motivation in public administration:

Table 1 Intrinsic and extrinsic motivation in public administration

Intrinsic (internal) motivation	Extrinsic (external) motivation
<ul style="list-style-type: none"> • a desire to influence public affairs positively • work for public • compassion and helping others • self-sacrifice • a creative, attractive job 	<ul style="list-style-type: none"> • stable job • retirement • career opportunities • realistic and achievable goals • training • praise and recognition • involving employees in decision-making • opportunities for development and progress • working environment • working conditions • feedback

Source: Author's own editing based on literature review

Material and methods

The aim of this paper is to present a comparative analysis of motivation of civil servants and public servants in the local state administration of Slovakia. The sub-objectives of this paper are examining the differences between the motivation, motivation factors and employee benefits of civil servants and public servants.

In order to carry out the research, one of the basic quantitative methods was chosen, the questionnaire survey. Sampling was used in the research, which means that we selected a part of the population to represent the whole population. Sampling is cheaper and faster than asking the whole population. Stratified sampling was used as a random sampling technique. In the quantitative research, according to the purpose of the research, it can be stated that all local state administration bodies operating in Slovakia belong to the basic population, the district offices are the sampling unit because they are included in the sampling frame. The unit of observation for quantitative research are the employees who actually provide the data. The sample from this particular population provides relevant information only for that particular population.

Our research questions were formulated before the research. The research questions helped us to define the problem even more accurately. When formulating research questions, we took into account not only the problem definition but also the theoretical framework. The hypotheses were formulated after the research questions were formulated. Unlike research questions, the hypotheses were formulated to reject or prove them with statistical analyses. In the research, the hypotheses formulated were called the null hypothesis (H0), and its opposite is alternative hypothesis (H1). The two are mutually exclusive, they cannot be true at the same time. During the research, we wanted to reject or prove the null hypothesis. In the hypotheses, the significance level was determined by the generally accepted $\alpha=0,05$. The following table summarizes our research questions and the system of hypotheses:

Table 2 System of hypotheses

Research question	Hypotheses
Are there any differences between employee benefits of civil servants and public servants?	H1 There is no significant difference between employee benefits of civil servants and public servants.
Are there any differences between motivational factors of civil servants and public servants?	H2 There is no significant difference between motivational factors of civil servants and public servants.
Are there any differences between motivation level of civil servants and public servants?	H3 There is no significant difference between motivation level of civil servants and public servants.

Source: Author's own editing

We used one-variable and multivariate analysis to analyse the data. The one-variable analysis is the first step of each database analysis and it is designed to analyse

the variables independently. The purpose of multivariate analysis is to quantify the relationship between the variables. To selecting multivariate analysis, metric and non-metric variables, dependent and independent variables were considered important. The following table summarizes the methods of data analysis used for testing the hypotheses:

Table 3 Methods of data analysis used for testing the hypotheses

Hypotheses	One-variable analysis	Multivariate analysis
H1 There is no significant difference between employee benefits of civil servants and public servants.	number of cases	cross-table analysis
H2 There is no significant difference between motivational factors of civil servants and public servants.	average, standard deviation, skewness	multi-point variance analysis
H3 There is no significant difference between motivation level of civil servants and public servants.	average, standard deviation, minimum, maximum, number of cases	one-way variance analysis

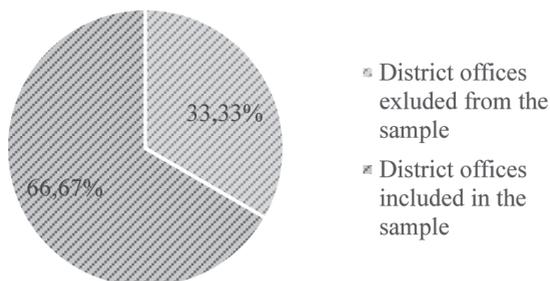
Source: Author's own editing

Results and discussion

As there are two groups of employees in the public administration, who in terms of job and working conditions perform different tasks and receive different wages and benefits, we assumed, there is a difference in their motivation level.

Of the 72 district offices, 19 district offices did not wish to participate in the quantitative research for various reasons. These included the workload of employees due to their responsibilities, such as inventory of state assets at the end of the year, archiving of documents and participation in other questionnaire surveys. These district offices were excluded from the sample. No further feedback was received from another 5 district offices despite repeated visits. They were also excluded from the sample. There are 48 district offices in the sample out of 72 district offices. The following figure shows the percentage distribution of district offices included in the sample and excluded from the sample:

Figure 3 Distribution of district offices included in the sample and excluded from the sample



Source: Author's own editing based on research

If we look at the entire sample, it is necessary to compare the number of district offices included in the sample with the number of district offices per region to get a more realistic picture of participation of district offices in the research. The following table shows the distribution of district offices taking into account the number of district offices per region:

Table 4 Distribution of the questionnaire sample taking into account the number of district offices per region

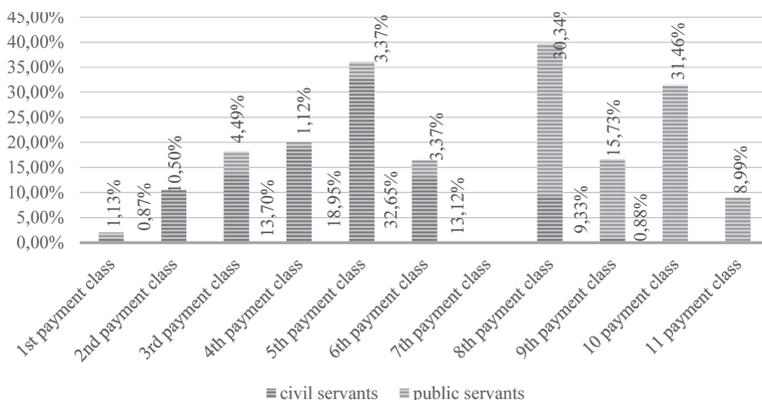
Name of region	Number of district offices	Number of district offices included in the sample	Percentage value
Banská Bystrica region	13	8	61,53 %
Bratislava region	4	3	75,00 %
Košice region	8	5	62,50 %
Nitra region	7	6	85,72 %
Prešov region	13	9	69,23 %
Trenčín region	9	6	66,67 %
Trnava region	7	5	71,42 %
Žilina region	11	6	54,54 %
Σ	72	48	66,67 %

Source: Author's own editing based on research

The unclear, logically incompatible and neglected questionnaires were excluded from the sample. A total of 432 questionnaires were included in the sample. A total of 320 women and 112 men participated in the research. 59,5 % of the respondents are civil servants and 40,5 % of respondent are public servants.

In the Slovak Republic, a separate law regulates the remuneration of civil servants and public servants. In the case of civil servants, 9 payment classes were defined according to 55/2018 law from January 2019. In the case of public servants, 11 payment classes were defined according to 55/2018 law from January 2019. The following figure shows the classification of civil servants and public servants into payment classes:

Figure 4 The classification of civil servants and public servants into payment classes



Source: Author's own editing based on research

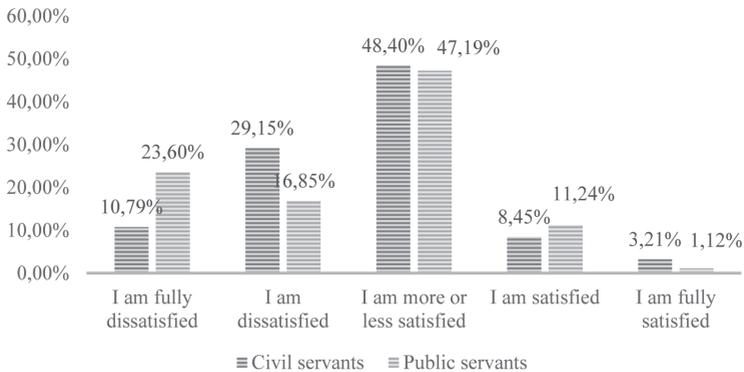
The next question was about the salary supplements that makes up the monthly wage of employees. Since the wage of civil servants and public servants are made up of different salary supplements, we evaluated the question separately.

100 % of civil servants receive the basic salary, which is not surprising, as this is the basis of the monthly wage according to law. 69,39 % of civil servants receive a personal salary, which they can receive for high quality of public services. 29,15 % of civil servants are rewarded by bonus, which they can receive for high quality of public services or after a certain age. 25,29 % of civil servants receive a supplement, which is due to a reduction in the basic salary due to changes in the law. 22,45 % of civil servants receive an allowance for driving a company car and 22,16 % of civil servants receive a management allowance. 4,66 % of civil servants receive compensation for incapacity for work and 12,24 % of civil servants receive another allowances, like allowance for overtime, allowance for public holidays, etc.

100 % of public servants receive the basic salary, which is not surprising, as this is the basic for the monthly wage according to law. 52,81 % of public servants receive a personal salary, which they can receive for high quality of public services. 23,60 % of public servants receive bonus, 10,11 % of them receive a special salary, which can be awarded instead of a basic salary for performing particularly difficult or important tasks. 6,74 % of public servants receive a management allowance. 6,74 % of public servants receive an allowance for practical training and 2,25 % of them receive an allowance for replacement.

The result showed that civil servants receive more salary supplements than the public servants. After that we asked the respondents about the satisfaction with the employee benefits. The respondents were able to mark their opinion on a five-point Likert scale. The following figure shows the satisfaction with the employee benefits of civil servants and public servants:

Figure 5 Satisfaction with the employee benefits of civil servants and public servants



Source: Author’s own editing based on research

We considered it important to prioritize the order of preferences of employee benefits according to motivation. The responses were weighted. The following table shows the order of preferences that motivate the civil servants and public servants:

Table 5 Order of references of employee benefits that motivate the civil servants and public servants

Employee benefits	Order of preference	
	Civil servants	Public servants
providing meal vouchers or eating contribution	3	4
contribution to cultural events, sports activities and recreation	8	7
contribution to life insurance or to supplementary pension insurance	1	1
compensation for incapacity for work	2	2
reimbursement of the costs of education	4	3
reimbursement of health care costs	5	5
contribution to marriage, funeral, birth of a child	7	8
possibility to use a service car or service phone, or reimbursement of travel and telecommunication costs	6	6

Source: Author’s own editing based on research

Taking into account the order of preferences of the respondents, the order of preference of civil servants and public servants in some places is relatively the same. In the 3rd and 4th place are providing meal vouchers or eating contribution and reimbursement of the costs of education. In the 7th and 8th place are contribution to cultural events, sports activities and recreation and contribution to marriage, funeral, birth of a child.

In the following, we listed various motivational factors. We asked the respondents about extrinsic and intrinsic motivation. The respondents were able to mark their opinion on a five-point Likert scale.

85,42 % of civil servants are very motivated or motivated by a stable work, 83,09 % of them by flexible working hours. 76,09 % of civil servants are very motivated or motivated by the workplace collective, 75,51 % of them by praise and recognition and 74,64 % of them by working conditions. 72,01 % of civil servants are very motivated or motivated by communication within the organization, 71,43 % of them by the working environment and 69,68 % of them by self-realization. 68,51 % of civil servants are very motivated or motivated by feedback, 64,43 % of them by knowledgeability within the organization and 62,97 % of them by training and education opportunities. 59,48 % of civil servants are very motivated or motivated by helping others, 58,31 % of them by working for public and 57,73 % of them by career opportunities. 56,85 % of civil servants are very motivated or motivated by influencing public affairs in a positive direction, 53,64 % of them by interesting and varied job. Less than half (47,81 %) of civil servants are very motivated or motivated by the opportunity to engage in organizational life, by the catering system (46,06 %), by the possibility of transferring responsibility (42,57 %), by self-sacrifice (30,32 %) and by organizational events (18,37 %).

87,64 % of public servants are very motivated or motivated by the attitude of the leader, 85,39 % of them by the communication within the organization, 84,27 % of them by the working environment and 84,27 % of them by training and education opportunities. 80,90 % of public servants are very motivated or motivated by stable work and 80,90% of them by working conditions. 78,65 % of public servants are very motivated or motivated by workplace collective and 78,65 % of them by self-realization. 77,53 % of public servant are very motivated or motivated by praise and recognition, 75,58 % of them by career opportunities and 74,16 % of them by flexible working hours and 74,16 % of them by an interesting and varied job. 70,79 % of public servants are very motivated or motivated by feedback, 69,66 % of them by knowledgeability within the organization and 62,92 % of them by influencing public affairs in a positive direction. 60,67 % of public servants are very motivated or motivated by opportunity to engage in organizational life, 55,06 % of them by possibility of transferring responsibility and 52,81 % of them by catering system. Less than half of public servants are very motivated or motivated by working for public (49,44 %), by organizational events (33,71 %) and by self-sacrifice (32,58 %).

We considered it important to prioritize the motivational factors, which motivate the employees, whether they are civil servants or public servants. The responses were weighted and we could determine the order of preferences. The following table shows the order of preferences of motivational factors of civil servants and public servants:

Table 6 Order of preferences of motivational factors of civil servants and public servants

Motivational factor	Order of preference	
	Civil servant	Public servant
workplace collective	4	10
attitude of the leader	3	2
communication within the organization	7	8
self-realization	8	11
working conditions	5	4
working environment	9	6
praise and recognition	6	7
feedback	10	12
knowledgeability within the organization	12	13
training and education opportunities	11	3
possibility of transferring responsibility	20	18
career opportunity	17	14
opportunity to engage in organizational life	18	16
flexible working hours	2	1
catering system	19	17
organizational events	22	21
interesting and varied job	15	9
stable work	1	5
influencing public affairs in a positive direction	14	15
working for public	16	20
helping others	13	15
self-sacrifice	21	22

Source: Author's own editing based on research

The next step was to test the hypotheses.

In the first hypothesis we were looking for the answer to the research question, are there any differences between the employee benefits of civil servants and public servants or not. We chose a cross-table analysis to test our hypothesis that examines the relationship between two or more variables. During the cross-table analysis, we examined whether the non-metric (ordinal) variables are related to each other.

H0: There is no significant difference between employee benefits of civil servants and public servants.

H1: There is significant difference between employee benefits of civil servants and public servants.

The following table shows the results of χ^2 -test, which helps determine whether there is a relationship between the two variables. Since we were dealing with ordinal scales, we used a Gamma coefficient that can be used for symmetric and non-symmetric tables too.

Table 7 Person χ^2 -test and Gamma coefficient

Employee benefits	Pearson Chi-Square	df	Asymptotic Significance (2-sided)	Gamma
providing meal vouchers or eating contribution	4,431	1	,011	-,089
contribution to cultural events, sports activities and recreation	18,106	1	,000	,515
contribution to life insurance or to supplementary pension insurance	9,008	1	,000	-,367
compensation for incapacity for work	5,926	1	,000	-,290
reimbursement of the costs of education	18,559	1	,000	-,519
reimbursement of health care costs	4,580	1	,000	,480
contribution to marriage, funeral, birth of a child	4,330	1	,005	,080
possibility to use a service car or service phone, or reimbursement of travel and telecommunication costs	9,922	1	,000	-,422

Source: Author's own editing based on research

The χ^2 -test are used to measure the statistical significance of the relationships and show whether there is relationship between two variables. The χ^2 -test is $<0,05$ in all cases, so there is significant relationship between the variables.

The Gamma coefficient shows the tightness of the relationship between two variables. The value of Gamma coefficient can be between -1 and +1, where 0 means that the variables are independent from each other, while 1 means that the variables are

completely dependent on each other. The absolute value of Gamma coefficient indicates the tightness of the relationship and the sign shows the direction of the relationship.

The χ^2 -test is characterized by the magnitude of the degree of freedom (df). With the significance level of 0,05 and a degree of freedom of 1, the critical value of χ^2 -test is 3,841. This is shown in the following table:

Table 8 Upper-tail critical values of Chi-square distribution with 1 degrees of freedom

(df)	Upper-tail critical values											
	0,995	0,99	0,975	0,95	0,90	0,75	0,25	0,10	0,05	0,025	0,01	0,005
1			0,001	0,004	0,016	0,102	1,323	2,706	3,841	5,024	6,635	7,879

Source: Author's own editing

The null hypothesis is rejected if the calculated value of the probe function at the given degree of freedom is greater than the critical value of the χ^2 -test. Since the value of the test is always smaller than the critical value of χ^2 -test, the null hypothesis is rejected. Based on the results, it can be stated that there is a significant difference between the employee benefits of civil servants and public servants.

When testing the second hypothesis, we were looking for the answer to the research question, if there are any differences between motivation of civil servants and public servants or not. The multi-point variance analysis was used to test the hypothesis, where we examined the effect of several independent non-metric variables on a dependent metric variable.

H0: There is no significant difference between motivation of civil servants and public servants.

H1: There is significant difference between motivation of civil servants and public servants.

The applicability of variance analysis has two conditions, one is the normal distribution of the dependent variable and the other is the condition of homogeneity of variance. The Levene statistic examines the condition of homogeneity. This is shown in the following table:

Table 9 Levene Statistic

Motivational factor	Levene statistic	df1	df2	Sig.
workplace collective	3,856	7	424	,000
attitude of the leader	2,748	7	424	,008
communication within the organization	3,779	7	424	,001
self-realization	4,041	7	424	,000
working conditions	3,869	7	424	,000
working environment	4,581	7	424	,000
praise and recognition	4,982	7	424	,000
feedback	6,382	7	424	,000
knowledgeability within the organization	5,138	7	424	,000
training and education opportunities	1,621	7	424	,128
possibility of transferring responsibility	4,213	7	424	,000
career opportunity	3,425	7	424	,001
opportunity to engage in organizational life	1,119	7	424	,350
flexible working hours	5,401	7	424	,000
catering system	2,669	7	424	,010
organizational events	5,024	7	424	,000
interesting and varied job	4,293	7	424	,000
stable work	3,320	7	424	,002

Source: Author's own editing based on research

In our case, based on the Levene statistic, it can be stated that the condition of homogeneity of variance is not fulfilled, which can be seen from the fact that the test is significant ($<0,05$) except for two variables.

In the following we examined the second condition, the normal distribution of the dependent variable. Variance analysis can only be done if our data is normal. The skewness in this case is 0 or very close to it. The following table shows the skewness and std. deviation of variables:

Table 10 Skewness and std. deviation

Motivational factors	Std. deviation	Skewness	Std. Error of Skewness
workplace collective	1,26626	-,202	,117
attitude of the leader	1,42445	-,766	,117
communication within the organization	1,10183	,147	,117
self-realization	1,13328	-,393	,117
working conditions	1,16511	-,364	,117
working environment	1,24698	-,358	,117
praise and recognition	1,25018	-,081	,117
feedback	1,17526	-,067	,117
knowledgeability within the organization	1,19113	,107	,117
training and education opportunities	1,34354	-,320	,117
possibility of transferring responsibility	1,07267	-,006	,117
career opportunity	1,50362	,020	,117
opportunity to engage in organizational life	1,33154	,052	,117
flexible working hours	1,50148	-1,044	,117
catering system	1,52700	-,342	,117
organizational events	1,47384	,129	,117
interesting and varied job	1,38353	-,382	,117
stable work	1,33893	-,591	,117

Source: Author's own editing based on research

The condition of normality is not fulfilled in every case. Since the Levene statistic is significant except for two variables, and the condition of normality is not met, we cannot use classical variance analysis. Instead, we chose robust tests like Welch and Brown-Forsythe. The following table shows the results:

Table 11 Welch and Brown-Forsythe tests

		Statistic ^a	df1	df2	Sig.
workplace collective	Welch	4,112	7	165,028	,000
	Brown-Forsythe	2,620	7	359,922	,012
attitude of the leader	Welch	2,777	7	161,682	,009
	Brown-Forsythe	3,497	7	303,985	,001
communication within the organization	Welch	13,813	7	167,821	,000
	Brown-Forsythe	5,984	7	329,032	,000
self-realization	Welch	6,085	7	162,941	,000
	Brown-Forsythe	5,240	7	331,167	,000
working conditions	Welch	4,963	7	161,052	,000
	Brown-Forsythe	5,109	7	324,290	,000
working environment	Welch	4,666	7	162,327	,000
	Brown-Forsythe	4,681	7	348,996	,000
praise and recognition	Welch	1,989	7	164,921	,009
	Brown-Forsythe	2,118	7	328,525	,001
feedback	Welch	5,191	7	167,933	,000
	Brown-Forsythe	3,345	7	335,689	,002
knowledgeability within the organization	Welch	2,250	7	163,164	,033
	Brown-Forsythe	1,703	7	348,296	,007
training and education opportunities	Welch	5,149	7	161,747	,000
	Brown-Forsythe	4,208	7	337,005	,000
possibility of transferring responsibility	Welch	3,466	7	170,067	,002
	Brown-Forsythe	2,580	7	341,175	,013
career opportunity	Welch	7,037	7	160,976	,000
	Brown-Forsythe	6,050	7	317,963	,000
opportunity to engage in organizational life	Welch	3,455	7	161,787	,002
	Brown-Forsythe	2,548	7	330,187	,014
flexible working hours	Welch	4,093	7	162,722	,000
	Brown-Forsythe	3,604	7	367,252	,001
catering system	Welch	4,151	7	162,894	,000
	Brown-Forsythe	3,240	7	350,749	,002
organizational events	Welch	2,708	7	172,686	,011
	Brown-Forsythe	2,925	7	372,500	,005
interesting and varied job	Welch	5,623	7	164,295	,000
	Brown-Forsythe	4,486	7	355,518	,000
stable work	Welch	6,015	7	162,874	,000
	Brown-Forsythe	4,308	7	313,598	,000

Source: Author's own editing based on research

Since the significance of the Welch and Brown-Forsythe tests is $<0,05$ in all cases, the null hypothesis is rejected. Based on the results, it can be stated that there is a significant difference in the motivation of civil servants and public servants.

When testing the third hypothesis, we were looking for the answer to the research question if there are any differences between motivation level of civil servants and public servants or not. The one-way variance analysis was used to test the hypothesis, where we examined the effect of an independent non-metric variable on a dependent metric variable.

H0: There is no significant difference between motivation level of civil servants and public servants.

H1: There is significant difference between motivation level of civil servants and public servants.

Table 12 Descriptive statistics

	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Min	Max
					Lower Bound	Upper Bound		
public servants	257	,2857	2,52589	,13639	,0175	,5540	-5,00	5,00
civil servants	175	,8652	2,09540	,22211	,4238	1,3066	-5,00	3,00
Total	432	,4051	2,45238	,11799	,1732	,6370	-5,00	5,00

Source: Author's own editing based on research

The applicability of variance analysis has two conditions, one is the normal distribution of the dependent variable, and the other is the condition of homogeneity of variance. In this case, both conditions were met, so we could use a classical variance analysis. The following table shows the results of variance analysis.

Table 13 The ANOVA table

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	23,727	1	23,727	3,972	,047
Within Groups	2568,382	430	5,973		
Total	2592,109	432			

Source: Author's own editing based on research

Since the significance level of F is 0,047, which is less than 0,05, we reject the null hypothesis. The results show that there is a significant difference between the motivation level of civil servants and public servants.

Conclusion

The research revealed that the problem is the benefit system itself and the benefits. It is logical that 31,70 % of the respondents want to change the system of benefits. Employees said that benefits are so low that they are almost non-existing. It has also turned out that public servants receive less employee benefits than civil servants. This was also evident from our first hypothesis, where we state there is significant difference between employee benefits of civil servants and public servants. Public servants receive significantly less benefits than civil servants. The second hypothesis also shows that there is a significant difference between motivational level of civil servants and public servants. It can be said that civil servants receive more motivational factors than public servants. The third hypothesis shows that there is significant difference between motivation of civil servants and public servants. It was logical. Public servants receive substantially fewer employee benefits and less motivational factors, and therefore their motivation level is much lower than the motivation level of civil servants.

In the future we want to expand our research further. The research presented in this paper – due to time and financial constraints – was only the first step in deeper understanding of public administration. As the public administration of Slovakia is extremely complex and based on different sub-pillars, we would like to conduct research within other sub-pillars. This is a direction that can predestine our research for many years. Mapping the entire public administration promises a very time-consuming job. Of course, we must not forget about the constantly changing laws and regulations that impose new expectations on employees. These constantly changing expectations create a new situations for the future public administration. This research topic offers many more opportunities for researchers.

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