

MANAGEMENT OF LABOUR FORCE MOVEMENT APPLIED IN SLOVAKIA*Darina SAXUNOVÁ, Lenka CHORVATOVIČOVÁ***Abstract**

The research object of this scientific paper is the freedom of labour force movement. The paper objective is to highlight the significance of the institute of free labour force movement that is utilised by Slovak citizens. Moreover, the paper further examines and analyses employment of foreigners in Slovakia and illegal employment which is considered as negative social and economic problem not complying to the European Union legislation. The analysis also covers the measurements introduced to the Slovak labour force market. The objective of investigations are phenomena, processes and measures associated with the freedom of labour force movement within the European Union. The results point out the reality that the number of the people working abroad is growing, so is the number of people not interested in returning to a domestic state. Finally, the recommendations for the management of labour force movement are discussed that could assist managing "desired or undesired" migration of people in Slovakia or worldwide.

Key words

labor mobility, regulation, Slovak labor market, free movement, migration

JEL Classification: J6, J8, J81

Introduction

Poverty and penury in the mountainous regions in Slovakia were the reason of the migration. The exodus of Slovak citizens abroad at the beginning of the 20th century and after the wars was a consequence of deterioration of living conditions, shortage of job opportunities or changes of political governance that resulted in a large outflow of labour force especially from the poor regions Northern and Eastern Slovakia. The change of the political regime in Slovakia in 1968-1969 lead to immigration, 20 years later velvet revolution caused another an increase of labour force mobility. Slovakia's accession to the EU in 2004 enabled and eased Slovak citizens to work abroad within EU member states that resulted in another big wave of Slovak labour migrants, for example, to Great Britain, Austria, Germany.

Free movement of workers is the one of 4 basic freedoms of the European integration and should contribute to the creation of common labour market, what eventually should lead to establishment of EU citizenship. There are discussions on politics of labour mobility, not only on the European level but throughout the world. Numerous international organizations such as Organization of the United Nations, European Union, European Council, International Organization of Labour and others have been dealing with this matter lately. At present theoretical, practical and also political interests in labour mobility issues belong to priorities of the EU member states. There are discussions on politics of

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1. Labour Mobility and Economic Aspects of Migration in Literature Overview

The UN Convention on the Rights of Migrants defines a migrant worker as a "person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national." From this broader definition of migrants implies: "The term 'migrant' in article 1.1 (a) should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor. (Unesco, 2016). Taking this definition into account a migrant does not refer to refugees, displaced or forced or compelled to leave their homes. The proposal of Special Rapporteur of the Commission on Human Rights' considers migrants to be "(a) persons who are outside the territory of the State of which they are nationals or citizens, are not subject to its legal protection and are in the territory of another State; (b) persons who do not enjoy the general legal

recognition of rights which is inherent in the granting by the host State of the status of refugee, naturalised person or of similar status; (c) persons whose fundamental rights are not legally protected by virtue of diplomatic agreements, visas or other agreements. (Pizarro, 2002). The broad concept of migration covers crossing the boundary of a political or administrative unit for a certain minimum time period or for instance, it covers the movement of refugees, displaced persons, as well as economic migrants. United Nation's definition specifies a refugee as an individual who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country" (Giacco et al., 2016). Thus, refugees, in addition are seeking for the safe place to live and to work, which they do not have at their homelands.

A mobility of workers may be understood as the movement of people from one state to another state (a host state) because of performing a working activity i.e. work performed in relation to the employer's superiority and employee's being on the subordinate level, particularly work by the employee for the employer, following the employer's orders, on behalf of the employer, in the working time assigned by the employer, for the wage or reward on the territory of the other state different from his/her domestic country. To the broader extent working activity is meant to perform the work for which the employee or entrepreneur is rewarded, the most frequently they receive the cash for the work performed (Uramová, Orviská, 2014). According Wojcak (2013) labour mobility is a working activity which enables to fulfil person's expectation of becoming successful in the labour market in the other state different from a domestic one. It is the situation of changing a place of residence due to a certain purpose for workers, which is firstly, to work and secondly, to fulfil expectations of their own. It is required to distinguish whether the person was delegated by his/her employer to perform the job for a certain time on behalf of the company and on the other side it may be a personal decision of a person to work abroad. We consider labour mobility as a working activity abroad, which is performed by the person on the base of working agreement for an agreed reward. Labour mobility is voluntary, or it is a consequence of the globalization; it is a certain advantage for the citizens because legal obstacles of labour force international movement are being removed. A positive feature of the labour mobility is that migrating employees can complement missing job positions on all levels of labour force, e.g. highly specialized positions with scarce expertise, or jobs not considered attractive for the EU citizens, Moreover,

there is a shortage of qualified or unqualified labour due to the negative consequences of demographic evolution.

Students mobility, e.g. Erasmus plus and others have been believed that it will be beneficial to Europe, its member states and regions, even to nourish an overall sense of European patriotism. This is obviously true for countries lagging behind economically and doing their best to get closer and catch up the results of developed countries (Workie Tiruneh, & Stefánik, 2014). On the other side, students mobility has a negative impact on the free labour force movement. It includes the threat that bright students will be offered research or attractive working positions. Emphasizing a potential risk of brain drain, Crescenzi et al. (2016) made a research what can drive students to return back to their domestic countries. They focus on recent studies that stress the prevailing importance of economic factors but stressing that there is a recent shift towards the factors as quality of life, tolerance and local creativity, social networks, regional socio-environmental conditions as other important factors for urban European migration. (Crescenzi et al., 2016, p.604 - 606).

Goal and Methodology

Free movement of labour force must be perceived from economic, social, cultural and legal perspective. The objective of the scientific paper is to investigate the situation in Slovakia in the area of free Slovak labour mobility legislation within the EU and the employment of citizens from other EU member states or other foreigners in Slovakia. Moreover, this paper presents a) the analysis of migration development especially focusing on free movement and recent trend of migration in Slovakia and within the Visegrad Four countries compared to the data of OECD and the EU members. The EU member states are in charge of the employment policy that must respect the rights of the labour force regulated in primary and secondary EU legislation. In general, each citizen of the European Union has the right to work and live in other EU member state without being discriminated referring to his/her state nationality and for the work performed he/she must be rewarded in accordance with the EU norm and National legal regulations and directives. A type of mixed-methods approach (synthesis, deduction, analysis, comparison) called sequential explanatory design is used, in which firstly, theoretical thresholds are compiled and processed, then the research continues by collection and analysis of the quantitative and qualitative data, that allows better understanding and interpreting the data collected. Results are analysed and compared,

focusing on the characteristics of a Slovak position. Data were obtained from the OECD and ministries of Slovak Republic databases and Statistical authority of the Slovak Republic.

2. Legislation for Migrating Labour in the European Union and Slovakia

The European Union accepts numerous regulating measures not only to finance job creations, but also those which contribute more significantly to the protection of rights for migrating workers. The Treaty on the Functioning of the European Union (further abbreviated TFEU) states that all EU member states must consider their economic policies and support for unemployment as their common interest and coordinate them mutually. Individual matters are modified in the treaty (TFEU) in relation to the free movement of people and associated provisions on social security are modified particularly in following articles of the Official Journal of the EU – C83:

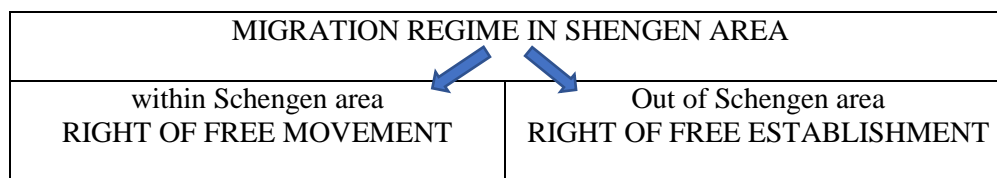
- Article 18 TFEU on non-discrimination.
- Articles 20 and 21 TFEU dealing with Union citizenship and free movement rights.
- Articles 45-48 TFEU on the free movement of workers and social security co-ordination.
- Articles 49-53 TFEU as they relate to the freedom of establishment of self-employed persons (OJ-C83, 2010).

2.1. Freedom of labour mobility for removing unemployment in the EU legislation

In March 2016, the European Commission proposed the revision of rules on workers' posting which comprises in granting equal rules on remuneration to posted workers as they are in effect for local labour, in general, not covering only the minimum wage issue. This must be applied for the period not exceeding 2 years. (EC, 2016). Wefers (2017b) states the labour market is experiencing a strong segmentation into normal and atypical - non-standard forms of work resulting in deepening the problematic phenomenon of increasing capital profits and reducing employees' salaries. She adds that political measures in Germany under the name „Hartz I-IV“^{viii} in the years 2002 till 2006 constitute one of the biggest social reforms. Because of these reforms, there has been a) an increase in the number of people threatened by poverty, b) pessimistic expectations of lower, future pensions and c) postponement of state benefits transfers to the future (Wefers, 2017a).

A primary EU legislation complemented by the secondary legal acts of an international significance and must be applied in EU member states and it is obligatory for employers to act socially responsibly in accordance with EU legislation. Institutions of the European Union assist to regulate movement of EU member-state workers within workers' free movement policy, so as Slovakia. Citizens of the EU member states must be employed or to have sufficient resources and health insurance so that they may establish residence in another member state of the European Union, no residence permit is required. If an uninterrupted residence lasts five years, EU national is granted the right of permanent residence. There are no border controls in the EU member states covered by the Schengen Agreement. A residence permit is required for the non - EU immigrants, immigration of country of residence are applied.

Table 1. Schengen Area and Migration Regime



Source: own processing

As stipulated in the Treaty (TFEU) and reinforced by the case-law of the European Court of Justice, the freedom of establishment and the freedom to provide services guarantee mobility of businesses and professionals within the EU (Maciejewski, Pengelly, 2016).

2.2. Slovak Legislation and its Economic Instruments to Support Employment

In Slovakia adhering to the Act on employment services enables to provide financial support from public resources: a) for hiring disadvantaged applicants for employment (§50), allowances for commuters (§53), allowances for creating new

working positions (§53d), financial assistance to support employment sustainability in small and medium enterprises (§53e), and allowances to sustain a handicapped person employed (§56a). The Slovak government approves various economic measurements encouraging creation of new working positions to cease young people emigrating, but the reality proves them not to be sufficiently attractive and therefore efficient.

Slovak economic measurements to support:

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|--|--|
| 1. A creation of new working positions | Act No. 364/2014 Coll., on health care allowances amending and complementing the former Act No. 580/2004 Coll. and Act No.95/2002 Coll. on insurance
Act No. 595/2003 Coll. on Income tax |
|--|--|
2. An increase of net income for low income groups - introduction of a new tax-deductible item in the amount of €380 a month in order to compensate a low-income person (whose monthly income does not exceed €570) for a health care obligatory payment in Slovakia. In this way employees or sole-proprietors whose gross income is lower than €570 will have a higher net income. Effectiveness of this measure is to be proved in creation of favourable conditions to reinclude these people in the labour market and in 2014 it led to the support of 2800 citizens on a monthly basis (The office of Government of SR, 2015). A minimum wage has increased from €435, the last approved value to a new value of €480 to be applied since 2018.
3. A return of Slovak citizens - introduction of the economic measurement by the government of Slovak Republic in July 2015 (Ministry of Sport and Education of SR, 2015) which includes:
- i) €10,000 initial assistance given to the people, up to the age of 40, who graduated abroad (master and doctoral degree)
 - ii) one-time financial assistance, maximum amount of €500,00 is given to the people who are highly qualified professionals, working abroad more than 10 years at the managerial positions fulfilling certain terms.

In addition, the government took an initiative and supported formation of newly created working positions. Certain measures that were introduced are financed from the European Social Fund and co-financed from the state budget.

2.3. *Employment of foreign workers in Slovakia*

Equality of opportunities, equal pay conditions for men and women for equal work, a ban of,

discrimination (due to gender, marital and family status, race, skin colour, language, age, health state, religion, political or other belief, union activity, national or social origin, ethical or state nationality, property possessions etc.) from citizens' employment perspective in Slovakia is guaranteed by the Slovak Constitution and Labour Code and incorporated in particular acts and legal directives and it is directed by the principle of equal treatment (constituted in the Labour Code) in the area of social and health care, providing goods, services and education and for the area of labour-law relations.

Slovak legal system provides suitable conditions for employment of foreigners from the EU member states and from third-country nationals and their right of family integration is respected adhering to mentioned legislation and the Act No. 404/2011 Coll. on the residence and the Act No. 480/2002 Coll. on asylum politics. In Slovakia equal conditions are created for both domestic and foreign citizens to choose their employment. Slovak measures to simplify the hiring process of foreigners were possible owing to:

- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.
- Establishing a single application procedure for a single permit including permit to reside temporarily and work in the territory of a Member State and a single application procedure leading to the blue card EU issuance within a single legal act and introducing more effective application procedure also for third-country nationals.

These measures were introduced, after being incorporated into the Slovak Act on services for employment, in order to ease employment procedures of foreigners.

Note: The content of these laws is:

- a) temporal reduction of unemployment benefits for people older than 52 years; younger people have to be mobile within their region and having received for one-year unemployment compensation have to accept even working places without social insurance and paid under the collective arrangement,
- b) unemployment benefits and material need benefits were put together, material needs benefits can be received only by people able to work,
- c) support of self-employed work by digressive contributions for a maximum of three years if the yearly income does not exceed 25.000 €,

d) establishment of one-person stock companies (Ich-AG), mini jobs – the employed persons does not have to pay any taxes, the employer pays contributions to social and health insurance and a 2 % rate of taxes from the remuneration, midi jobs – employees pay a graduated contribution to social insurance, jobs through Job Agencies, 1€ jobs – job opportunities that cover the costs for taxes and social insurance.

Findings and discussions

German, French and South Korean investors create the largest group of foreign investors in Slovakia, including the employees of these corporations. A new Jaguar investment is bringing another group of British investors and managers who will enlarge a foreign community in Slovakia.

Regular statistic surveys elaborated by the Statistic Authority of the Slovak Republic are evidence that other member state citizens work in Slovakia.

According to the Ministry of the social and family affairs in Slovak Republic there were 54,056 EU foreigners and 50395 third -country nationals working in our territory by the end 2017, which include 69645 permanent and 34570 temporary residence stays.

The table 2 presents the number of citizens registered as residents in Slovakia. Apart from the worker, his family members also have the right to reside in Slovakia and must be registered for being temporary or permanent residing in Slovakia. The number of the valid residences issued officially to the third –country nationals has been increasing (87% increase since June 30th, 2014 up to December 2017), the EU national workers within the same period grew up by 15.42%). The pace of the growth was almost six times faster in the number of valid residences permits approved for third-country nationals than the ones for EU-nationals. All in all, the total number of valid residence permits approved in Slovakia has increased by about 42% since 2014.

Table 2. Number of valid residence permits in Slovakia in the period of 2014-2017.

Nationality type	30.06. 2014	31.12. 2014	30.06. 2015	31.12. 2015	30.06. 2016	31.12. 2016	30.06. 2017	31.12. 2017
Third-country nationals	26950	29171	31043	35261	37217	41232	44747	50395
	100%	+8.24%	+15.19%	+30.84%	+38.10%	+53.00%	+66.04%	+87.00%
EU nationals	46833	47544	48379	49526	50749	52015	53187	54056
	100%	+1.52%	+3.30%	+5.75%	+8.36%	+11.06%	+13.57%	+15.42%
TOTAL	73783	76715	79422	84787	87966	93247	97934	104451
	100%	+3.97	+7.64%	+14.92	+19.22%	+26.38	+32.73%	+41.57%

Source: own elaboration using the data (Ministry of Interior Affairs of SR, 2014,2015,2016,2017).

The most abundant proportion of the Slovak labour market in 2016 was taken by citizens from the Czech Republic and Hungary, then third –country nationals who obtained the work permit, e.g. from Serbia, Monte-Negro, Ukraine, Macedonia, Albania etc. (OECD, 2016). In 2017 the most of foreign workers in Slovakia were Czechs, Hungarians, Romanians, Poles, German, Italians, Austrians, Englishmen and Bulgarians from the EU (representing top 10 permanent residence permits, it also included Ukraine which is third country nationals' group) and top 10 temporary residence permits were approved for citizens from the third country nationals' group - Ukraine, Serbia, Russia, Viet Nam, Iran, Korean Republic, China (PRC), Macedonia (FYROM), the

USA, Turkey (top 10) and other nationalities for both temporary and permanent valid residence permits.. (OECD, 2017).

Slovakia and its neighbouring countries have good relations, the largest group of deported workers are from Ukraine because of not respecting our law in the area of e.g. smuggling, human trafficking, illegal work etc., definitely caused by worsening living conditions due to the war conflict in Ukraine. Citizens of member states or third-country nationals have not always respected Slovak law and commit crimes and therefore they are bound to be deported from Slovakia. The table 3 shows the number of people deported from Slovakia.

Table 3. Number of persons who received decisions to return to their country issued in 2014, 2015, 2016.

	2014	2015	2016	2017	
	Number of citizens				Ranking
Ukraine	501	770	1185	1770	1./1./1./1.
Syria	25	250	44	18	6./2./5./9.
Afganistan	75	129	14	6	2./3./13./21.
Kosovo	22	92	4	2	7./4./31./41.
Iraq	4	55	80	15	20./5./3./13.
Russia	29	36	32	31	5./6./6./5.
Serbia	34	31	107	239	3./7./2./2.
Pakistan	15	27	12	2	17./8./16/42.
Vietnam	31	15	57	140	4./12./4./3.
Moldova				32	-/-/-/4.
Romania				20	-/-/-/6.
Czech R.	12	8	3	12	
Poland	2	9	4	13	
Hungary	13	4	13	19	-/-/-/8.
Total number of people: ordered					
to leave the country in 2014, in 2015, in 2016, in 2017.					
received orders	1027	1720	1839	2531	
performed orders	725	1261	1462	1802	

Source: own elaboration using the data (Ministry of Interior Affairs of SR, 2014, 2015, 2016, 2017).

Illegal employment

Results of the control conducted by state administration authorities in 2015 revealed persons performing illegal work and deportations from Slovakia due to the crime, see table 3. The results of the control confirmed an existence of this undesirable phenomenon. Revised and updated legislation in Slovakia has dealt with illegal work and illegal employment. It has led to banning performing illegal work and illegal employment and to performing controls in accordance with its legal framework i.e. the Act No.82/2005. Coll. on illegal work and illegal employment. The illegal employment is defined as employment under such terms when an entrepreneur

(who is a natural or legal person) exploits a dependent work of a natural person and has not signed a working contract with him/her and there are not fulfilled terms for the employment of the third-country nationals. Dependent work is defined by the Labour Code No. 311/2001 Coll. as a working activity performed in relation to the employer's superiority and employee's being on the subordinate level, particularly work performed by the employee for the employer, following the employer's orders, on behalf of the employer, in the working time assigned by the employer, for the wage or reward. In other words, the employer deliberately breaks the law if he does not act in conformity with the legislation.

Table 4. Controls of Illegal Employment

in Slovakia:	Fines levied	Amount	Law broken
2014	934 employers	€2752400	illegal employment
2017	1226 employers	€5000000	illegal employment

Source: Adapted by author based on: (Ministry of Labour, Social Affairs and Family of the Slovak Republic (2015))

Controls by the empowered authorities are conducted regularly at the enterprises to reveal black labour employees, penalties to the employer may be in the interval <2,000€; 200,000€> for employing people illegally. The control of 18,411 various Slovak enterprises and 49,093 sole proprietors revealed 3,384 illegal employees in 2017, an yearly-increase by 15.7%, but went up by 58,3% compared to 2014 (2,138 employed illegally: 833 women and 1,305

men) including workers from the EU member states (Romania, Hungary) and recently from Serbia and Ukraine. In the case of law violation economic entities were penalized. The measure accepted in 2014 was amended, since that time an employer must report the announcement of new employees to the social security in 10 days, but definitely it must be done by the time of control being performed.

The most frequent violation revealed was due to not valid working contracts (signatures missing), workers not registered. We consider more frequent controls and penalties to be a very efficient instrument to fight against illegal work (Ministry of Labour, Social Affairs and Family of SR, 2015). Negative experiences occurred, people utilizing free movement within the EU break the law of the countries where they work, e.g. committing criminal acts as drug trafficking, documents counterfeiting, human trafficking etc. Totally 771 citizens of Slovakia are imprisoned abroad out of which 524 in Czech republic, 88 in Austria, 65 in Great Britain and 21 in Spain creating a negative image of Slovakia abroad and has an impact on the formation of a general public opinion in EU member states and the consequence of it is weakening or lost trust toward economic mobility from Slovakia (Public prosecutor's office of SR, 2015).

There was an increase in number of international students amounting to 3 million in 2013, choosing OECD as the country of choice for their scholarship, out of which 23% were Chinese enrolling to the

OECD universities, it declined by 7% in the following year, in spite it Chinese students are the largest group in the OECD universities. On average 13% study at master level and 22% at doctoral level, 55% of international doctoral graduates earned a degree in engineering or science. In 2014 from 11000 students enrolled for studying in Slovak universities, 81% were students from OECD countries, 75% from EU28 and 58% were women. Table 5 shows the number of foreign students entering Slovakia, Czech Republic, Hungary and Poland, also historically tied countries to V4Group countries: Austria and Germany, the trend of students coming is increasing, a surprising fact a decline in Hungary compared to 2008, but the trend shows a steady growth since 2011, which may be considered the first year of financial crisis recovery. The share of international students coming from Central Europe and certain Asian countries is relatively low, the possible reason is not sufficient income for the families to afford to send children to study abroad. (lowest GDP in V4Group countries and certain Asian countries are developing countries also with very low GDP)

Table 5. Foreign students entering V4Group countries and Austria and Germany in 2008-2015.

	2008	2009	2010	2011 Year of decline	2012	2013	2014	2015	Change in % 2014-2015* 2008-2015**
SR	300	300	300	300	500	700	900	1300	+37, +385
CR	1000	1200	1400	1000	1900	2300	2500	5500	+118, +285
HU	7800	9200	4000	3700	3900	5400	5100	5800	+13, -25
PL	4500	5300	7300	3900	6000	16900	22900	29800	+30, +567
AU	3000	3100	3500	4000	4700	4600	5400	5900	+10, +98
GE	22200	24200	23500	21200	32300	36900	40400	44100	+9, +99

Legend: Slovakia (SR), Czech Republic(CR), Hungary (HU), Poland (PL), Austria (AU), Germany (GE).

*First number in the last column means the change in percentage from 2014 to 2015, **the second number of the last column means the overall change in percentage comparing 2015 to the base year 2008.

Source: processed by the author based on (OECD, 2017).

Conclusion

National legal systems in the area of Labour law are harmonized as a consequence of the EU legislation. The agency EURES assists with the employment policy to a large extent. Freedom of the mobility has a positive impact on individual economics of the EU member states.

Relatively high number of Slovak citizens work abroad, many times they are very qualified and Slovakia may lose these people not being able to offer

them attractive living condition at home. We recommend the following measures to be implemented to protect people before leaving the country, thus to:

- a) carry on adapting the process of secondary technical schools and universities to the requirements of economic practice in order that graduates may enter the labour market better prepared and capable of adjusting to the employers' requirements. Educated labour force increases the work productivity and is more

- flexible to growing working requirements and changes in demanded skills and by that it contributes to the higher quality of life.
- b) intensify support of small and medium enterprises and support of young people employment within operational programs to protect before leaving the country.,
 - c) provide financial resources from the structural funds into the regions where GDP is reaching below 75% of the EU average and for creating new working positions for handicapped labour force.
 - d) utilize the scheme of assistance *de minimis (to support social inclusion, employment and education of the employees)*
 - e) provide irrevocable financial loans to young workers in the area of agricultural production, where requirements for the education are less strict and therefore accessible also for workers from marginalized social groups.

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