

PUBLIC LAW ASPECTS OF WORK-LIFE BALANCE IN SLOVAK REPUBLIC FROM THE PERSPECTIVE OF EUROPEAN LEGISLATION¹

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Abstract: *In the context of European social and legal culture, the legislature, through family policy, including the legislative measures of the labor legislature, creates conditions for employees – women and men taking care of children and other dependents – not to be subject to economic and social instability. The study analyzes the minimum standards of Directive 2019/1158 on work-life balance for parents and carers and examines the degree of compliance of the required measures with the legislation of the Slovak Republic. We also identify the challenges the country faces in transposing the Directive, including the requirement to introduce a paternity leave institute and the possibility of addressing its financial coverage.*

Keywords: *work balance, concerning working and family life, labour law, public administration*

INTRODUCTION

Symbiosis of work and family is of particular importance in the Slovak context in relation to gender equality, as there is still a historically rooted stereotype of the division of gender roles between men and women. For a rational reason for the need for economic security of the family, the two-income model of the family, with the employment of both partners mostly full-time, persists. Deciding between work and family, which is particularly exposed to young women, often results in voluntary, resp. for them the necessary postponement of the founding of the family for later.

From the employers' point of view, women and men caring for young children are 'problematic' because of the variable situations associated with their care. They are concerned about the procrastination of mothers of young children, that is, because of child-care they will postpone the handling of important work tasks for a later period and will not fulfill their obligations in the required quality and timeframe set by the employer. However, the experience of experts suggests that working mothers cannot afford procrastination. It is the necessity of a consistent division of family responsibilities and the organization of work at home that makes them able to cope with the time demands of work responsibilities, even at the cost of living under stress.²

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² Procrastination refers to an incorrect assessment of the situation, judged by the experts as psychological, ill postponing important tasks for a later time, as a tendency to prefer minor or interesting activities to the person, all at the expense of performing and performing essential tasks, matters and duties. LADÁNYI, D. Prokrastinace = žrút života. In: *Work Life* [online]. 19. 8. 2019 [2020-10-12]. Available at: <<https://worklife.sk/efektivita-a-rovnovaha/prokrastinacia-zrut-zivota/>>.

Public intervention by the state promotes equal opportunities for women – mothers, but also for men – parents of young children in the labor market, in access to employment, in remuneration and hence in the amount of pensions. A. Gray states that full-time employment of employees with family responsibilities would be problematic without some State interference.³

L. N. Dinh states in his study⁴ that “Employee engagement is one of the most important issues in human resource management in order to ameliorate the turnover intention in organizations. Employers often face different challenges of finding ways to increase the interaction with their employees in order to have good labor force.”

In the context of European social and legal culture, the state is to create, through family policy, legislative conditions for young families, women and men caring for children and other dependents to facilitate the performance of their work duties in employment.

Let us take the view that the difficult and complicated reconciliation of family and working life may be one of several reasons why many families are failing to perform their functions satisfactorily. Achieving this balance and understanding employers’ necessity implies respect for the fact that each individual has multiple life roles. Life challenges: as an employee, parent, colleague and partner. Success at work helps employees to manage their homework as well, and vice versa, an employee who has no major problems in ensuring the running of the household and family life brings satisfaction to the work environment and is more encouraged to perform efficiently at work.

Finding a delicate balance, but especially maintaining it, has a profound effect on the mental health of employees who maintain the trust, concentration and sense of responsibility at work. Balance reduces stress and the likelihood of employees bringing home problems to work or vice versa. The psychosocial aspects of the personal involvement and involvement of individuals in the workforce, which are undoubtedly affecting families, are addressed by W.A. Kahn in his study.⁵

In the historical context, the concept of staff responsible for the family as a product of the International Labor Organization’s standardization has been adopted and adopted by the Council of Europe in the version of the 1996 European Social Charter. Family responsibilities, which are accorded the right to equal opportunities and equal treatment. The 1961 European Social Charter of the Council of Europe (the original charter) had not yet envisaged such a clearly defined and formulated group of persons and included it among the entities of the economic and social rights it had established. Against the background of this legislative shift and the improvement of the range of subjective rights that are the subject of the revised Charter, a significant qualitative shift in the protection of human rights guaranteed and guaranteed by the Council of Europe can be observed. Similarly, a family of employees with family responsibilities has also been included in the content

³ GREY, H. *Family-Friendly Working: What a Performance!* London: Centre for Economic Performance London School of Economics and Political Science, 2002, p. 39.

⁴ DINH, L. N. Determinants of employee engagement mediated by work-life balance and work stress. *Management Science Letters*. 2020, Vol. 10, No. 4, pp. 923–928.

⁵ KAHN, W. Psychological conditions of personal engagement and disengagement at work. *Academy of Management Journal*. 1990, Vol. 33, No. 4, pp. 692–724.

of essential European Union documents (eg Decision 1672/2006 / EC of the European Parliament and of the Council establishing a Community Program for Employment and Social Solidarity 'Progress', including the work-life balance agenda).

In 2019, the European Union adopted a **new Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the work-life balance of parents and carers, the primary objective of which is to facilitate the** reconciliation of work and family and contribute to the achievement of gender equality by promoting women's participation in the labor market and by equally distributing care responsibilities between men and women. In the study, we point out the minimum standards of the Directive, which the Member States of the European Union (hereinafter the EU or the Union) are obliged to transpose into national legal systems. We examine the degree of conformity of the required measures to ensure work-life balance with the existing legislation in the Slovak Republic and identify the challenges that the Slovak Republic will face in transposing the Directive into national law.

Methods

From the point of view of the use of scientific research methods, we used the *de lege lata* legal status analysis method to examine the substantive content of the study, using a systematic qualitative analysis of legislation that examines the dynamics of an event in terms of its legislation. As the variety of the issue is considerable, it is evident that its explication cannot be achieved without outlining the current legislation. Of the other methods of scientific knowledge, a generalized abstraction was appropriately used to draw conclusions.

We used analytical-synthetic method mainly in the part of penetration into legislative sources and we also relied on citation content analysis, which we used in interpreting sources of technical literature and other related documents. We have also applied a semantic analysis, which makes it possible to penetrate the terminology of the researched issue as the basic postulate necessary for interpreting the content of the legal text. In the presentation of evaluation attitudes and conclusions, in addition to logical procedures, the method of causality and deduction, generalization and the search for analogies were applied.

Work-life balance in recent European law

Europe has made a significant progress in economic and social development and the European integration process is steadily increasing.⁶ The European Union's activity has gradually improved, among other areas, in the process of promoting a higher quality of social protection in the form of measures against discrimination, protection of human dignity in life and work and in developing the principle of social cohesion. Promoting an effective approach to the social protection of its actors is also an essential element of the revised Council of Europe's social cohesion strategy.

⁶ HORVÁTHOVÁ, Z., ČAJKOVÁ, A. Framework of the sickness insurance in the Czech Republic and selected countries of the European Union. *EJTS European Journal of Transformation Studies*. 2019, Vol. 7, No. 1.

The European legal and social model, within its value principles, is also based on the tradition of family support as the subject of social and family policy. While recognizing the upbringing of children as a private matter for the family, the interest in the functioning of the family at fulfilling all its functions translates into community-wide measures and policy programs by governments and parliaments. The implementation of social policies, and specifically family policies, aims to meet society's recognized needs for the development of the family, to strengthen its functioning, and to ensure its social sovereignty, such as social protection of the family.

The adoption of legislation to improve labor standards and workers' rights is currently considered to be one of the Union's major social achievements. For the forthcoming period of strengthening European integration, social policy has been identified as the highest priority of the European Union.

However, the current European legal framework has not yet adequately reflected the need for an equal sharing of caring responsibilities between men and women. Few countries have introduced paternity leave and men's parental leave is limited. Strengthening equal opportunities and encouraging men to be more motivated to take multiple forms of leave to provide care to children but also to other family members led to the adoption of a new directive in 2019. With regard to parental leave as free time for childcare, its minimum requirements are currently regulated by Directive 2010/18 / EU on a framework agreement on parental leave concluded between UNICE, CEEP and the ETUC.⁷

From the standpoint of equal opportunities, it is important whether parental leave is granted (explicitly or implicitly) as an 'extended' maternity leave, mainly stimulating women to take leave, or whether the provisions on parental leave also motivate men to exercise this subjective right of employees. The Directive from 2010 set its minimum four-month length as an individual right for both parents.

In principle, employees should be able to take all their leave, but the Directive exceptionally allows the transfer of part of the leave from one parent to another, provided that each parent retains at least one in four months of leave. Member States must ensure by national legislation the necessary safeguards to protect workers against dismissal as a result of parental leave.

In addition, they must ensure the right to include an employee in the original work and workplace after returning from parental leave or, if that is not possible, equivalent or similar work corresponding to their employment contract. This measure is undoubtedly in favor of the parent-employee, but it can cause application problems especially after the woman returns from parental leave after several children in succession, or even up to six years of parental leave for a child with a long-term adverse health condition.

It is thus possible to understand the doubts of M. Galvas that increased protection (the right to the same chair after returning) makes sense in such cases, in particular with rap-

⁷ The Directive was adopted as a result of bipartite social dialogue at European level between employers 'and workers' representatives, as a result of which the social partners are the creators of the law affecting the legal status of citizens of the Member States of the Union. The European Union's social dialogue mechanism, its objectives and its importance for European norm-setting are precised by TKÁČ, V. *Odbory, zamestnávateľia, zamestnanecké rady: Európa, právo a prax*. Košice: PRESSPRINT, 2004, p. 80 et seqq.

idly changing operational and organizational measures by employers.⁸ Unfair practices of circumventing both women and men after parental leave were known, when two to three days after returning to their original work and workplace, the employer began to assign them another job in accordance with the employment contract. Neither the original work nor the workplace was canceled.

In order to meet the objective of the Directive, which is to facilitate the reconciliation of the parental and professional responsibilities of working parents, the requirement to place a parent on his or her original work and workplace is eligible. It seems that no serious application problems within this framework are applied in countries where the length of parental leave is considerably shorter compared to ours. where parental leave is granted for part of the working time or in the form of a time credit system.

However, in the previous decision-making work, the EU Court of Justice has already dealt with the scope of protection afforded by EU law to employees in relation to taking parental leave and immediately after returning to the same or, if that is not possible, equivalent job to work contract. In that regard, J. Komendová points out the employer's unlawful practices in Case C-7/12 *Nadezhda Riežnice* by offering to a worker returning to work after parental leave, a job which is to be abolished shortly, and subsequently the employment was terminated. due to cancellation of job position.⁹

New legal instruments to ensure work-life balance

Newly adopted Directive 2019/1158 with a aim to increase women's participation in the labor market, encouraging men to take time off for care or childcare, but also to take leave for family reasons and to encourage the introduction of flexible forms of work organization should be transposed by 2 August 2022 into national legislation and repeal Council Directive 2010/18 / EU on parental leave.

Based on the generally unfavorable demographic growth and aging of the population, the Directive allows employees to take leave to care for family members in need of support. Thanks to the newly introduced forms of leave, parents and carers will have new opportunities for work-life balance.

A key concept of the Directive is the concept of equilibrium as a state of balance and balance between work and family responsibilities and its central content elements include: 1. **Paternity leave.** The basic purpose of adopting the institute of paternity leave is to have a more even distribution of care between women and men, as well as to create an emotional balance not only between the mother and the child, but also the father and the child at an early age.¹⁰

⁸ GALVAS, M.: K otázce právní úpravy některých skupin zaměstnanců v současném českém pracovním právu. In: *Pracovní právo v zjednotenej Európe, zborník príspevkov*, Poradca podnikateľa, Žilina, 2004, s. 250.

⁹ KOMENDOVÁ, J. Ochrana zaměstnanců na rodičovské dovolené pohledem Soudního dvora EU – *Naděžda Riežnice v. Zemkopibas ministrija, Lauku atbalsta dienests*. In: Baláž, P. et al. (ed.). *Labor Ipse Voluptas. Pocta prof. JUDr. Helene Barancovej, DrSc.* Krakow: Spolok Slovákov v Poľsku, 2014, p. 241 et seqq.

¹⁰ Point 19 of the preamble to Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the work-life balance of parents and carers, repealing Council Directive 2010/18/EU.

In Art.4 point 1, The Directive states that Member States shall take the necessary measures to ensure that fathers or equivalent second parents, if recognized in national law and to the extent that they are recognized, have the right to paternity leave of at least 10 working days to be drawn on the occasion of the child's birth. States shall determine whether paternity leave is to be taken in part before or after the birth of the child, and whether it can be taken in flexible forms.

In this context we point out that the current state of *de lege lata* in Slovakia does not know paternity leave, unlike, for example, the Czech Republic and other neighboring countries (we have not examined the situation in Ukraine).¹¹ There is hope for fathers in Slovakia that the institute of paternity leave will become a contentual part of the subjective social rights of employed fathers and logically arises the natural notion that they will be able to spend two weeks at home with their mother and help her care for the newborn.

However, it is not excluded that the legislature may have a different legal perspective on the matter. He could argue that paternity leave is already part of our legal order (even if it is not called), since the Labor Code in the provision of the Act no. Article 166 (1) also allows a father to take leave, in the context of the care of a newborn child, from the date of birth to the same extent as the mother if he / she takes care of the newborn child.

Benefit from sickness insurance - maternity insurance, however, Act no. 461/2003 Coll. on social insurance, as amended, permits at the earliest six weeks after giving birth and only if the mother does not receive maternity (or parental allowance) for the same child (Section 49 of the Act). On the basis of the above, it can be inferred at first glance that the Slovak legal system already allows fathers the possibility of taking the kind of leave that the Directive refers to as paternity leave, even for a much longer period than that granted by the newly adopted Directive.

The Directive leaves it up to the Member States to determine the period of its draw-down. Whether or not the father will draw it during the mother's puerperium or later is not explicitly stated. It must, however, be linked to the birth event of the child for the purpose of providing care, and during its duration the income should be guaranteed at least at a level corresponding to the income provided in the event of interruption of work due to health-related reasons.

Under the conditions of the Slovak legal order, these requirements could already be partially fulfilled even now if we interpret that the "leave on the occasion of the birth of a child" also covers the period following the expiration of six weeks from the date of birth. However, this would not fulfill the objective of paternity leave - a more even distribution and sharing of care responsibilities between women and men and the creation of a timely bond between father and child. We admit that, as a result of the introduction of minimum standards for paternity leave in the Directive, the Slovak legislature will make a legal revision to ensure that fathers are entitled to paid paternity leave around the time of the child's

¹¹ From the available data it is known that 19 EU Member States provide paternity leave (end-2019 data also covering the UK). The duration of paternity leave varies from one day in Italy and Hungary, to 28 weeks in France and the financial coverage is from 20% wage compensation to 100%. Otcovská dovolená 2020. In: *Pracomat* [online]. [2020-10-12]. Available at: <<https://www.pracomat.cz/poradna/pro-pracujici/385-otcovska-dovolena.html>>.

birth without affecting in any way the mother's entitlement allow both parents to share childcare at the same time.

We can assume that one of the legal drawings will be / may be a concurrent maternity and paternity leave of at least 10 working days. The right to paternity leave under the Directive is not subject to a requirement for periods of service nor a requirement for a certain length of employment relationship. It follows that the principle of merit is suppressed in the context of the principle of universality and solidarity. Likewise, in Article 4 (3) of the Directive, the right to paternity leave is granted irrespective of the marital or family status of an employee, as defined in national law.¹²

The father or second parent will thus be able to take a minimum of 10 working days of leave around the child's birth. If the amount of material security should remain at the level of the maternity allowance for the woman – mother, it would be higher than the allowance given to the employee because of his absence from work due to health problems, therefore higher than compensation for incapacity for work.¹³

It appears that the system of financial coverage of paternity leave will also need to be adjusted because the duration of paternity leave of 10 working days as a strict requirement of the Directive does not correspond to the length of the sick leave (10 calendar days). While, in our opinion, it would be sufficient to cover materially paternity leave with a benefit corresponding to the amount of the employee's material security during sick leave, since the directive requires at least such a level of income. However, the source of the financial coverage of paternity leave itself is to be solved, ie to decide whether the employer or some of the social security schemes (possibly sickness insurance) should bear the cash benefit.

Contrary to the right to paternity leave, the provision of material security during it may be made conditional upon the requirement of a previous employment relationship of no more than six months immediately before the expected date of birth. It should not be forgotten, however, that the Directive encourages States and recommends that they provide for a benefit – a contribution to fathers during paternity leave - in line with the objectives of the Directive at the same level as the provision of material security to women during maternity leave.

In our case, 75% of the employee's daily assessment base. However, in order to ensure the principle of equality between men and women and to encourage men to share childcare, the European legislator rightly expects the same amount of benefit for both genders for paternity leave.

¹² Due to the diversity of family forms and partnerships and the impact on the social rights of employees in labor law see: ŽULOVÁ, J. Diverzifikácia rodinných foriem v odraze pracovnoprávných vzťahov. In: Baláž, P. et al. (ed.). *Labor Ipse Voluptas. Pocta prof. JUDr. Helene Barancovej, DrSc.* Krakow: Spolok Slovákov v Poľsku, 2014, pp. 339–350.

¹³ The maternity benefit is a sickness insurance benefit, the employer provides compensation for incomes in case of temporary incapacity for work. The amount of the maternity allowance in the SR currently represents 75% of the employee's daily assessment base, but the amount of compensation for temporary incapacity for work is 25% of the daily assessment base during the first three days of incapacity for work and 55% of the assessment base during further days of incapacity for work. In general, the support period for compensating incomes for temporary incapacity for work is no more than 10 (calendar) days.

2. **Parental leave.** Directive in Art. Article 5 (5) obliges Member States to take the necessary measures to ensure that each worker has an individual right to parental leave of four months to be taken until the child reaches a certain age, up to a maximum of eight years, as decided by the Member State or under a collective agreement. In this respect, the national legislation of the Slovak Republic is generous. The second obligation is to limit the transfer of parental leave so that a maximum of two months is not transferable. States should set a reasonable length of time within which employees must inform the employer of the exercise of their right to parental leave. The Slovak legislation is settled with this obligation, as in the sense of § 166 par. 3 ZP woman and man shall notify the employer in writing at least one month in advance of the expected date of commencement of parental leave, as well as the expected date of their interruption, termination or possible change.

Under the Directive, Member States may make entitlement to parental leave subject to a period of service or a duration of employment which may not exceed one year. In the case of successive fixed-term employment contracts within the meaning of Council Directive 1999/70 / EC (14) for the same employer, the sum of those contracts shall be taken into account for the purposes of calculating the qualifying period. Slovak legislation is more favorable for employees. The Directive also provides for the possibility of postponing parental leave for a reasonable period on the ground that taking parental leave would seriously undermine the proper functioning of the employer at the required time.

It requires employers to justify in writing any postponement of parental leave. The Directive considers adoptive parents, parents with disabilities and parents with children with disabilities or long-term illness to be a particular group of special consideration and does not explicitly impose an obligation on Member States but only to consider the conditions of access to parental leave.

3. **Care leave** – the new concept at European Union level is aimed at those employees who take care of family members or common households who require extensive support or care because of serious health reasons. The caregiver - employee will be subjected to a subjective right to nursing leave for five working days per year. Member States may use a different reference period, grant leave on an individual basis and may introduce additional conditions for the exercise of this right.

The Directive does not require States to ensure income during the period of care leave, and it is therefore optional to provide for paid or unpaid care leave. Slovak legislation does not yet have such a form of leave. It is therefore welcomed in view of the objective strengthening of the need for care and care for family members with health problems. From the perspective of labor law, the relevant situations have so far only been dealt with by leave (for recovery) or free time without wage compensation, or obstacles to work with wage compensation or sickness insurance benefit – nursing. Definition of family member in Art. Article 3 (1) (e) of the Directive, where the member of the family is the person to be taken care of or given to the employee by the employee, is considerably narrower than the established definition of the notion of the same term in Art. § 40 par. 5 of the Labour Code.

In this sense, its personal scope of the term in Slovak labor law is much wider and moreover it includes other related persons in the direct and branch councils, but also other persons living together with the employee together in the household.

4. Leave due to force majeure. The Directive obliges States to take measures to ensure that every employee has the right to leave on grounds of force majeure for imperative family reasons in the event of illness or accident in which the immediate presence of the worker is necessary. We will expect the Slovak legislature to make changes to the existing legal status of the established important personal barriers to work or not to change the content of the institute concerned.

We are of the opinion that the concept of the “family situation” directive covers those types of leave that the Slovak Labor Code guarantees as a subjective right of an employee due to either treating a sick child or other family member or accompanying a family member to a health care facility illness or injury, but also when the child is born to an employee.

These are all situations where there is an urgent need for an employee to provide support to a family member due to his illness or injury, or to a family member. other extraordinary family situation. In the case of force majeure, the Directive does not provide for its minimum scope, but leaves the possibility for States to limit the right to this type of leave to a certain period of time for each year or for individual cases. The financial coverage of both care leave and leave due to force majeure is left to the Member States to decide.

The Labor Code grants the employee the right to take leave for an unnecessary period of time, for a maximum of seven days in a calendar year (at each obstacle) with wage compensation from employer (§ 141 LC). Other obstacles at work that arise because of extraordinary family situations are mainly paid by the employer or from the sickness insurance system.

The implementation of the directives is accompanied by a demanding transformation procedure. Their transposition into national law usually consists in modifying domestic law. In this sense, high demands are placed on compliance with the essential parameters of acts of European law, the accuracy of the text, the uniformity of interpretation, thus creating the conditions and conditions for uniform application. The decision-making activity of the Court of Justice of the European Union affects both the completion of EU law and national legislation.

Work-Life Balance and flexibility at work

As a society, we are prone to believe that “the army is here to protect families, public administration to solve their housing problems, healthcare to make the family healthy, and education to ensure family education. Together with Keller, we ask:”¹⁴ “Why, despite the so versatile care of all organizations, so often does the family collapse, become increasingly fragile and disintegrate into a good state literally under their hands?”

It is important to perceive family support in reconciling work and family life. A. Ahmad, A., Z. Omar in their study they dedicate to family support¹⁵ Compared with employees who work in an environment perceived as providing little family support, research findings

¹⁴ KELLER, J. *Nedomyšlená společnost*. Brno: Doplněk, 1992, pp. 59 and 132.

¹⁵ AHMAD, A., OMAR, Z. Informal workplace family support and turnover intention: Testing a mediation model. *Social Behavior and Personality*. 2013, Vol. 41, No. 4, pp. 555–556.

show that those who work in an environment with strong family support report less work-family conflict¹⁶, lower levels of job stress¹⁷ and of turnover intention¹⁸. Employees who experience high levels of work-family conflict have also reported high levels of job stress¹⁹ and increased intention to leave the organization²⁰.

Despite the importance and outcomes of family support in the workplace, few researchers have examined informal support and the mediating roles of work-family conflict and job stress in the support turnover relationship. Reconciliation of work and family responsibilities, work-life balance contribute positively to the full realization of people both in their work area and in ensuring family functions and tasks. Last but not least, the implementation of the positive measures that the legislature provides for this purpose reinforces the self-confidence of working parents and positively affects their mental health.²¹

Reconciliation of work and family life is a socially necessary requirement. It is a widely perceived agenda including gender mainstreaming, support for the combination of work with care for children and other family members by the state, NGOs, employers, municipalities and local governments. It also includes promoting the creation of suitable conditions for employment, family and society, eliminating unjustified inequalities between men and women arising from gender, promoting equal treatment and non-discrimination.

“The existence and continuity of which state is significantly influenced by parenthood. Society, nation and the world come from the family”.²² The current family in the field of gender equality also needs to increase the active proportion of men in childcare so that the burden of family responsibilities is divided. It is an urgent requirement for the society to create such economic and social conditions, including working conditions, that take into account family responsibilities, family situation and social needs of employees. Employers can - and many are already doing so - proactively introduce family-friendly measures to understand and accept equality of employee roles in parental and family responsibilities.

The benefits of flexible forms of work²³ with a freer working involvement of employed mothers and fathers are reflected in the quality of work results, but also in employee sat-

¹⁶ LAPIERRE, L. et al. Family-supportive organization perceptions, multiple dimensions of work-family conflict, and employee satisfaction: A test of model across five samples. *Journal of Vocational Behavior*. 2008, Vol. 73, No. 1, pp. 92–106.

¹⁷ BOZO, Ö., TOKSABAY, E. KÜRÜM, O. Activities of daily living, depression, and social support among elderly turkish people. *Journal of Psychology: Interdisciplinary and Applied*. 2009, Vol. 143, No. 2, pp. 193–205.

¹⁸ AHMAD, A., OMAR, Z. Perceived family-supportive work culture, affective commitment and turnover intention of employees. *Journal of American Science*. 2010, Vol. 6, No. 2, pp. 839–846.

¹⁹ KREINER, G. Consequences of work-home segmentation or integration: A person-environment fit perspective. *Journal of Organizational Behavior*. 2006, Vol. 27, No. 4, pp. 485–507.

²⁰ PASEWARK, W., VIATOR, R. Sources of work-family conflict in the accounting profession. *Behavioral Research in Accounting*. 2006, Vol. 18, No. 1, pp. 147–165. [online]. [2020-10-12]. Available at: <<http://doi.org/bqfrhg>>.

²¹ SEILEROVÁ, M. Stres spojený s prácou, jeho právne aspekty a regulácia. In: Marcel Dolobáč, Monika Seilerová (eds.). *Starostlivosť o zdravie zamestnancov: recenzovaný zborník príspevkov z vedeckej konferencie*. Košice: Univerzita P. J. Šafárika v Košiciach, 2018, pp. 306–331.

²² MACKOVÁ, Z. Zabezpečenie ženy v materstve rodičovským príspevkom. In: Daniela Gregušová (ed.). *Acta Facultatis Iuridicae XIX*. Bratislava: Univerzita Komenského, 2000, pp. 146–148.

²³ Identification of new non standard forms of employment are searched by BELLAN, P., OLŠOVSKÁ, A. (*Flexible forms of employment within EU – possibilities and risks in the Slovak republic*). Bratislava: Inštitút pre výskum práce a rodiny, 2012, pp. 73–81. [online]. [2020-10-12]. Available at: <<http://www.ef.umb.sk/konferencie/dvfp/pdf/prispevky/Jusko.pdf>>.

isfaction, loyalty to the employer. Some forms of working regime variability have long been in use (flexible working time, home office), others are more or less looking for their place (teleprinter, home-office sharing, crowd working, smart working).²⁴

Atypical forms of employment are more often used by women, but in most cases they choose this form involuntarily due to the absence of full-time employment²⁵. There is no universally applicable 'recipe' for reconciling work and family life. However, the elements, options and tools that benefit this strategy are known to be applied on a community-wide scale and also shape a family-friendly employer policy.

They are based not only on the legal requirements for the realization of human rights and fundamental freedoms enshrined in national law, but also on the fundamental legal and political documents of major international institutions with an impact on the national legal order. In our opinion, the focus should be on giving families with children a priority for active economic activity over inaction.²⁶ Legislative measures (whether in the area of state social support, social assistance, but also in the tax burden) should encourage parents to ensure the living conditions of the family at work and not to make children a means of survival by profiting from social and family benefits.

CONCLUSIONS

A prerequisite for an effective policy of equal opportunities in labor law is the regulation of working conditions, which allows for greater flexibility and better organization of working time, as well as an easier return to working life after the leave in connection with the birth of a child. It must be taken into consideration that positive discrimination does not adversely affect the employment of protected persons.

Legislation on the work conditions of employed women and employed men who, in addition to performing dependent work, take care of children or other family members can be described with seriousness as being of good quality and in compliance with the standards of the present time. However, the process of harmonizing work and family life is also evolving and would benefit from the sharing of family responsibilities more evenly distributed among partners. Reducing the economic dependence of women from men still perceived as breadwinners and abandoning the dogmatic pattern of their status and tasks in family and work requires a shift in understanding values, changing cultural habits, not only in families but in society as a whole.

The legislative work connected with the harmonization of our legal order with the law of the European Union is not completed. We suggest to introduce the minimum of 5 working day care leave per year into the Labour Code with the financial coverage. An amount

²⁴ For more details on modern forms of work organization, see eg. DOLOBÁČ, M., SEILEROVÁ, M. *Ochrana (duševného) zdravia zamestnanca v informačnom veku*. Košice: Univerzita P. J. Šafárika v Košiciach, 2018, p. 35 et seqq.

²⁵ HANZELOVÁ, E., KOSTOLNÁ, Z., REICHOVÁ, D. Atypical forms in Slovakia: past and present. Bratislava: Stredisko pre štúdium práce a rodiny. 2005, pp. 2–14.

²⁶ Ministry of labour proposes more solutions also in the tax system that would eliminate demotivating elements when looking for work. p. 9. *Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky* [online]. [2020-10-12]. Available at: <www.employment.gov.sk/sk>.

of the benefit could be on the same level as the family member care benefit. Instead, it is possible to introduce an unpaid care leave with the legal claim of the employee and the employer would be obliged to give it to him. But it ought to be different from unpaid working leave that is an obstacle at work without the legal claim nowadays. It is also needed to introduce a parental 10-working day leave and to pay it similarly as a cash sickness benefit during its duration.

We believe that interference with the Labor Code or other regulations (social security rights) will be necessary to ensure their compliance with the new directive. We are convinced that it is essential to continue to take measures to protect the health of pregnant women and fulfill the maternal mission of mothers after childbirth.

In other cases, the legislator should act to meet the objectives of the Directive and introduce new measures to promote equality of integration of women and men with family responsibilities into the workforce. It will undoubtedly be an institute of paternity leave, which other EU Member States are awaiting, where its length or material provision does not comply with the standards of the Directive (as it emerges from Note no.13). However, the legislator should consider the level of protection of the subjects concerned so as not to impede the development of working relationships of employees with family responsibilities.