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Necessity of Reconsideration of Labour Law Relations – Pandemic, Labour Market, Social Innovation¹

Summary

The changing of labour law relations has been accelerated because of recent events. The suddenly occurring pandemic situation has overwritten all the processes of the labour market. We are faced with numerous problems while recovering from the crisis. Basic questions should be asked, and they have to be considered. One thing is sure: nothing will be the same as before. The situation created by COVID-19 is a disaster and probably an opportunity at the same time. It is an opportunity for rebuilding and developing a bit different and maybe a fairer labour market. There are several open questions which should not be answered at once, but we should dare to ask them. Given the initial stage of the epidemic, this study seeks to shed light on the issues that have arisen rather than to give concrete answers to each of the potential problems. The copy of the manuscript submitted for publication was finished in April 2020, so by the time it is published, we may have already received answers to many things, but it is more likely that many questions will remain open.

Keywords: COVID-19, labour market, social distance, automation, labour law

1. Introduction

Labour law and employment issues are significantly influenced by the coronavirus epidemic that broke out in the Chinese city of Wuhan in

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2019² (hereinafter: COVID-19). The virus has attacked the two most important and, in some ways, the weakest elements of our present economy. One is the globalized economy, based on which it is worthwhile to import components or raw materials from overseas because of their cost-effectiveness, rather than to obtain them at a higher cost domestically. The other important, but weak, element is human manpower. As the virus and its exact behaviour are still unknown, we know only that it can lead to death relatively easily in the case of certain co-morbidities and risk factors. Accordingly, governments have ordained restrictive measures partly to protect the people. The role of the restrictive measures is to protect citizens and the economy. These two have a significant impact on the world of work. If people are protected, it will be easier to restart the economy. But it should be added that the damages of economy and labour market can be estimated only quite imprecisely at this time.³ Their real scope will be detectable completely only during the years following the virus situation. The next years will be the years of reconstruction. But it is certain that we will not be able to continue as earlier. If even not radically, our concept about work and labour market will change significantly. Several effects should be considered which have had only a partial role. These are such tendencies and measures whose effects on changing labour law and the labour market have been expected for later or even a decade later.

The role of alternative and atypical employment and the application of the tools of technological development are growing significantly. These should be evaluated in the light of the fact that employees are getting into a more vulnerable position than before in this current situation. One reason for this is that the employers employing a significant part of the employees also find themselves in a vulnerable position. Not just the SME sector, but multinational companies as well. The basis of the employment crisis is that personal work carries a high risk of the spread of the epidemic. But it is also true that not all jobs can be performed from a home office. There is another important effect

² This start point is increasingly questioned by the latest sources. See: H. OSBORNE: *Coronavirus Outbreak May Have Started as Early as September, Scientists Say*. <https://www.newsweek.com/coronavirus-outbreak-september-not-wuhan-1498566?fbclid=IwAR3zDI2ecmJMaBuizRISxh0XsKfDwFz83Ty-6cRzvXwhwA71kP2xfj23TqA>, (20/04/2020).

³ A. KRAVCHENKO: *The Future of Tourism Post-COVID-19*. <https://www.unescap.org/blog/future-tourism-post-covid-19>, (19/04/ 2020).

on the labour market, namely, the decline in consumption. The decline in consumption means less demand.⁴ And less demand means fewer produced products and provided services. These mean less manpower is needed. The importance of this can be seen in the significant decrease in consumption of luxury products and the collapse of tourism.⁵

As it is also highlighted by Valerio Di Stefano, the employment crisis caused by a pandemic has no precedent since World War II.⁶ The decline can best be illustrated by the decrease of the officially registered working hours. In the newest report of the U.S. BUREAU OF LABOR STATISTICS in March, the average work fell by 0.2 hours, but fell by 1.4 hours per week in some sectors (such as catering, free time services).⁷ The number of lost working hours is expected to increase with the increased spread of the virus.⁸ The preliminary data of Eurofound also show that certain sectors will be affected especially strongly by the economic effect of the pandemic. Based on the data of March 2020, Hurley collected the reductions from EU countries definitely caused by COVID-19. Based on his blog entry published on

⁴ E. SZALAI: *Koronavírus és a jövő alternatívái*. https://merce.hu/2020/04/01/szalai-erzsebet-koronavirus-es-a-jovo-alternativai/?fbclid=IwAR1LwRtpTVT9AO4-nsFBTx-8sR_CF1F5zdf-VsEbb3yTznZfCHBtPHp3TN4, (19/04/2020).

⁵ The UNTWO explains in its statement that the branch is significantly affected by the pandemic. It urges the reconstruction of tourism as soon as possible. It also emphasizes that responsible behaviour and travelling will be the key in the future. See: *UNWTO Statement on the Novel Coronavirus Outbreak*. <https://webunwto.s3.eu-west-1.amazonaws.com/s3fs-public/2020-02/31012020%20Coronavirus%20EN.pdf>, (19/04/2020).

⁶ V. Di STEFANO: *Labour and social protection in times of COVID-19*. <https://www.youtube.com/watch?v=UQPzbdP0kEY&feature=youtu.be&fbclid=IwAR0Qn3V9TvfoaUV55sGD5gih661U9rABtLr-labduq3-itlye0yrWdGwLEw>, (19/04/2020.); *ILO Monitor: COVID-19 and the world of work. Second edition - Updated estimates and analysis*. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_740877.pdf, (19/04/2020).

⁷ Frequently asked questions: The impact of the coronavirus (COVID-19) pandemic on The Employment Situation for March 2020, available at *Frequently asked questions: The impact of the coronavirus (COVID-19) pandemic on The Employment Situation for March 2020*. <https://www.bls.gov/cps/employment-situation-covid19-faq-march-2020.pdf>, (19/04/2020).

⁸ According to Richard Bales, the effect was immediate and enormous: The number of people checking in for unemployment benefits on the week ending 21 March 2020 increased by 3.28 million employees which was almost five times more than the earlier record. The number of new unemployment demands doubled in the next week. See: R. BALES: "COVID-19 and Labour Law: U.S." *Italian Labour Law Journal* 2020/1 (DOI: <https://doi.org/10.6092/issn.1561-8048/10807>).

02 April 2020, he counted 16,000 employees who lost their jobs because of the pandemic during March.⁹ Naturally, the above-mentioned reported 16,000 job losses in March related to the COVID-19 outbreak represent only a tiny part of the disruption that is unavoidably caused by the crisis in Europe. The effects of the employment crisis will be felt in all the sectors, since it will not concentrate on only some sectors. Due to the COVID-19 crisis, 6.7% of the former working hours is expected to disappear worldwide in the second quarter of 2020, which means the working hours of nearly 195 million full-time employees. The prediction of the ILO expects significant decreases: 8.1% of the former working hours will disappear in the Arabic states, meaning that 5 million full-time employees will lose their jobs; this will be 7.8% in Europe, meaning the loss of about 12 million full-time jobs, and 7.2% in Asia and the Pacific Region, meaning the disappearance of 125 million full-time jobs.¹⁰ Not only the decrease of the amount of working hours should be faced, but the changes in the rates between different sectors as well. In total, the amount of total working hours is decreasing, but in certain sectors, such as health care and sectors employing “unskilled manpower” analysed by O’Shea, the working hours are increasing.

The labour market will be significantly transformed. New principles and reinterpreted definitions will define the employment and labour law frames. It is necessary to re-evaluate the employment frames, as after the crisis in 2008. The crisis in 2008 could be handled by classic labour law and employment policy tools. However, the labour market has changed a lot since then, so new formulas and innovative solutions will be necessary. Here we may refer to the publications of the journal “Fordulat” cited by Szalai that deal with the losers and winners of COVID-19.¹¹ It is absolutely necessary to underline that, according to the current situation of the labour market, those employees working in

⁹ J. HURLEY: *Coronavirus: A labour market earthquake*. <https://www.eurofound.europa.eu/publications/blog/coronavirus-a-labour-market-earthquake>, (19/04/2020).

¹⁰ ILO: *COVID-19 causes devastating losses in working hours and employment*. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_740893/lang--en/index.htm?fbclid=IwAR2DZB8znFirijfyNKsFkTT9gYd332LJoIANeWaGIVy4q1vikJZLBfs8IZI, (19/04/2020).

¹¹ <https://www.facebook.com/fordulatfolyoirat/posts/3587921061280126>, (See: 19/04/2020).

underrated and underpaid positions operate the economy while they are considered to be unqualified employees. But we have to cite the thoughts of O'Shea to re-evaluate this definition. She says that these jobs are underpaid and usually related to repetitive working processes, and they are mostly considered to be a dead end by both the society and the economy. The most important characteristic of these jobs, such as cashier, shop assistant or fast food waiter, is that they are all registered as "unskilled" jobs. But we have good reason to consider more precisely the meaning and importance of this concept. Although these jobs can be called unskilled, people in these positions often need several other skills.¹²

Based on the above, solutions are needed that go beyond previous values. The method of handling the crisis will be defined by its deepness. In our opinion, based on the possible outcome mentioned by Szalai, a more moderate recession is coming in which different and contrary tendencies of contemporary capitalism will be strengthened, which will be characterized by a further rapid decrease in the number of face-to-face relationships, increasing dominance of the digital net in human relationships, robotization accelerated by the risk of infection, and the almost complete exclusion of people from production. We would like to examine the possible degree of this tendency in the light of flexible working hours and the digitalization of the labour market.¹³

2. The effect of distance on the employment relationship

Because of COVID-19, one of the most important social norms to follow is distancing. In the current context, distancing primarily means physical and social distancing. The aim of distancing is to decelerate the spread of the virus and save human lives. Like everything, this distancing also demands sacrifice. It is not just about not visiting our relatives for a few weeks to protect their health and our own, but the fact that the classic employment relationship is based on personal contact. It is such a relationship of trust that demands personal contact between the employer and the employee. Views derived from German dogmatics

¹² L. O'SHEA: "We Keep You Alive - Unskilled labor does not exist." *Baffler* Issue 50, 2020 March, <https://thebaffler.com/salvos/we-keep-you-alive-oshea>, (19/04/2020).

¹³ Szalai, op. cit.

and spreading in continental law,¹⁴ which characterize the relationship between the employer and the employee, also refer to this. Of course, it can be seen in the chain of the theories that distance is becoming more and more evident in the legal relations of the parties as well. Its result is that the employee has been moved from a relation of personal dependence to one of economic dependence. Economic dependence, however, also supposes a kind of personal relation. This personal relation had started to break up when those first atypical work forms occurred that increased both physical and personal distance. As a result of the epidemic, the survival of many employers depended on the introduction of teleworking and the use of the home office. These became necessary not only due to the introduced restrictions, but also due to the occupational safety obligations arising on the part of the employer. These obligations requires the employer to ensure general conditions for work that do not endanger health and are safe. It can be stated that in the current situation, personal space is increasingly being transferred to digital space, and a system based on traditional personal work is being replaced by work in online space. The epidemic raised labour law issues whose interpretation suddenly became important. One such question is, what exactly is a home office? How is it different from telecommuting and other forms of working from home?¹⁵ There are questions about the fundamentals of classical labour law, such as the difference between labour relations and self-employment. This year, with elementary force, there is a search for the answer to how much the relationship between employee and employer is built on personal and economic dependence.¹⁶ The role of classic physical jobs will change.

¹⁴ R. MICHAEL: *Die Arbeitsaufgabe und der Arbeitnehmerbegriff*. Frankfurt am Main, Bern, New York, 1985, 8; U PALLASH: *Arbeitsrecht–Ein Lehrbuch für Wirtschaftswissenschaftler*, München, 2010, 39; M. KÖHLER: *Arbeitnehmerbegriff im Sport*. Hamburg, 2008, 45.; R. Richardi: *Münchener Handbuch Arbeitsrecht*. München, 2009, 228.; W. MOHR: *Der Arbeitnehmerbegriff im Arbeits und Steuerrecht*. Frankfurt am Main, 1994; R. WANK: *Arbeitnehmerbegriff und Selbstständige*. München, 1988, 46; A. NIKISCH: *Die Grundformen des Arbeitsvertrags und der Anstellungsvertrag*. Berlin, 1926, 121.

¹⁵ G. MÉLYPATAKI, D.A. Máté, Z. RÁCZ: Forms of working from home in Hungary, 2nd Virtual International Conference Path to a Knowledge Society-Managing Risks and Innovation – PaKSoM 2020 - 2020. November 16–17. See the slides on Researchgate in: DOI: <https://doi.org/10.13140/RG.2.2.28224.97282/1>.

¹⁶ M. VALLASEK, G. MÉLYPATAKI: Rules on Home Office Work and Telework in Romania and in Hungary, *Central European Journal of Comparative Law* 1 : 2 pp. 177–191.

However, it should be noted that not all work can be done in a home office and telecommuting form. There are jobs where personal presence is essential. In these cases, it is necessary for the employer to adapt to the new situation and create safe working conditions.

3. Robotization

The impact of distancing and the pandemic on the economy will have a medium- to longer-term impact. In our view one aspect of this will be the digitalisation of labour. The demand for digitalization is exponentially increasing, and the importance of robots will be one of its features. We do not dispute that the technological change of the 21st century had an effect independent of the epidemic. However, it can be stated as a fact that the epidemic has significantly accelerated the need to apply new technologies. There is, in connection with this, the rules of distance and the tendency to increase the so-called installation of “dark factories”. In our opinion, some prognoses about automation¹⁷ will become invalid as a lot of companies would like to robotize some or all of their working processes. As has been mentioned, human manpower is one of the weakest elements of the developing globalized market;¹⁸ its replacement by machines has been going on for decades, and this will be accelerated by this current situation.

Using a robot is a standard practice today. It would be hard to imagine how many purposes robots are used for by some companies. Some companies use them as supplementary workforce beside human manpower. And other employers use them especially for controlling purposes.¹⁹ The combination of technologies has developed a lot in recent years. The COVID-19 pandemic will probably strengthen this process. The lack of employees and the restriction on human relationships based

¹⁷ McKinsey Global Institute: *A Future that Works: Automation, Employment, and Productivity*. <https://www.mckinsey.com/~/media/mckinsey/featured%20insights/Digital%20Disruption/Harnessing%20automation%20for%20a%20future%20that%20works/MGI-A-future-that-works-Full-report.ashx>, (12/01/2020).

¹⁸ *Deloitte press release: A vállalati IT kihívásai COVID19 kapcsán*. <https://www2.deloitte.com/hu/hu/pages/technologia/articles/a-vallalati-it-szerepe-az-uzletmenet-folytonossag-fenntartasaban.html#>, (28/03/2020.).

¹⁹ J. Dzieza: *How hard will the robots make us work?*, <https://www.theverge.com/2020/2/27/21155254/automation-robots-unemployment-jobs-vs-human-google-amazon>, (21/03/2020.).

on voluntary and legal measures due to the coronavirus pandemic are boosting the demand for service robots in China. According to some studies, this current situation could potentially result in a boost for this sector which has not been so strong from the aspect of the market.²⁰ The mass application of robots will be a process driven by cost-effectiveness besides the supplement/replacement of vulnerable human manpower. In our opinion, if the maintenance cost of a robot falls under five dollars a day, the question will be only the time when the companies will seize the opportunity. The said value limit is the limit that makes robots competitive against human labour. In labour law relations, the use of cheap robots will influence not just the direct working conditions, but also issues such as wage bargaining and the exercise of collective employee rights. Because of the recession caused by COVID-19, automation will probably have effects, for example, some of the jobs lost due to the virus will never return²¹, since companies will transform their operations to be supported rather by machines than humans. The economic effects of the epidemic cannot be estimated at this time but great losses can be predicted even without concrete numbers. Automation and robotization endangers those “unskilled employees” who operate the economy under the current conditions. O’Shea also highlights the rhetoric of the employees’ management, the basis of which is that using robots is usually connected to the underpaid layers of the labour market. The debate about the automation of the management is less common. This can include things such as the time schedule of the employees, which is more and more optimized by the use of technology, and it disproportionately influences unskilled work.²²

One main effect of robotization and automation will be collective reductions in the labour force. This process can be expected even if those analyses which say that employment may expand by using AI and robotization are proven accurate.²³ We think this because technol-

²⁰ J. Horwitz: *Robots rising: Coronavirus drives up demand for non-human labour in China*. <https://www.thestar.com.my/tech/tech-news/2020/03/23/robots-rising-coronavirus-drives-up-demand-for-non-human-labour-in-china>, (27/03/2020).

²¹ G. MÉLYPATAKI: “Dematerialisation of Workplace in Non-Classical Labour Law Relations.” *Zbornik Radova Pravni Fakultet (NOVI SAD) LII* : 2 pp. 671–682. (2019).

²² O’Shea, op. cit.

²³ *AI at work: It’s time to Embrace AI*. <http://www.oracle.com/us/products/applications/oracle-ai-at-work-report-5037501.pdf>, (17/02/2020) Like all research, this should

ogy eliminates jobs, and the jobs created by new technologies require completely different skills. Significant redundancies are expected on one side, but the other side of the labour market cannot compensate by recruitment. On the contrary, a different view is taken by Paba and Solinas. According to their findings, robotization and automation were just some factors which explained this labour force decline.²⁴ According to them, the application of the new technologies will create more jobs than we lose.²⁵ We also agree that the changes of labour market are influenced by economic processes that are involved in social innovation.²⁶ The situation is mostly approached from the negative side, but it can be interpreted as a kind of final rehearsal. Standing in front of digitalization, we can test in actual time how many jobs will have an immediate possibility to be transformed to teleworking and home-office work. According to some extreme views, these processes are a kind of profile cleaning. The current dominant approach is that people will simply be able to work less and occupy themselves with something else by the development of robotics. However, David Graeber highlights that theoretically, it can be debated on more levels²⁷ that most of the productive jobs have been automatized and services and administrative jobs have been created instead of them as these sectors have expanded. He often considers these to be meaningless and unnecessary jobs, which he calls “bullshit jobs” in his book, in which people do not do anything and the jobs are performed completely needlessly.²⁸ Of course, we are not saying that the current health emergency will be responsible for the subsequent mass use of robotics. All we claim is that

also be treated with caution. We are talking about research performed by ORACLE and Future Workplace.

²⁴ S. PABA, G. SOLINAS: “In Favour of Machines (But Not Forgetting the Workers): Some Considerations on the Fourth Industrial Revolution”, in: *Working in Digital and Smart Organizations*, E. Alles (ed.) et al., 2018, Cham, 43. (<https://doi.org/10.1007/978-3-319-77329-2>).

²⁵ AI at Work: It’s time to Embrace to AI, op. cit 2.

²⁶ G. MÉLYPATÁKI: Effects on new employment forms and social innovation on social security in Hungary, *Lex et Scientia* 27:1. p. 72.84.

²⁷ M. Purves: *You’re Not Just Imagining It. Your Job Is Absolute BS*. <https://www.bloomberg.com/news/articles/2018-05-15/bullshit-jobs-by-david-graeber-review>, (05/04/2020).

²⁸ D. GRAEBER: “On the Phenomenon of Bullshit Jobs: A Work Rant.” *Strike Magazine*, in: <http://www.strike.coop/bullshit-jobs/>, (04/04/2020); D. GRAEBER: *Bullshit Jobs*, New York, 2018, 234–237.

it is a significant indicator of this process, revealing that distance can affect production, which will lead to investment in new technologies over time to increase efficiency. The application of the new technology will not only raise labour market issues, but also issues related to the labour law relationship. We recognize that the impact of the pandemic will be indirect and rather a consequence of the changing economic situation due to the virus.

4. Innovation – the importance of social innovation

Our changed life situation and our changing economy require innovative solutions. However, innovation is not just about technical innovation. The progress and development of our world has always been ensured by eccentric ways of thinking and ideas that transcend the particular era. There are different driving forces and motivators in the background of reformers' solutions²⁹, but the most central of them is the increase in efficiency. The pandemic and the recovery from the economic crisis caused by the virus are such incentive factors in our current life situation. Nowadays, we are hearing more and more about innovation, which has become an important basic concept also in the field of the social sciences. In our opinion, it is based on the idea that accelerated technical development raises more and more possibilities and problems which require a reaction. This phenomenon occurs not only on the organizational level, but also on both the social and global levels. The economic situation caused by COVID-19 is a crisis occurring on the global level, and it goes far beyond the frames of nation-state thinking. It can be told about innovation that it is a targeted, organized search for changes, the regular analysis, realization and utilization of renewal possibilities in the economy and society, and its most common, slogan-like definition is "from the idea to realization."³⁰ Earlier, people creating innovative solutions were mostly inventors. However, innovation should be separated from invention. Currently, the solutions and ideas resulting from this innovative policy should be

²⁹ Z. RÁCZ: *Innováció és munkajog*. VII. IRI Társadalomtudományi Konferencia Stúrovo 2019. június 19–20.

³⁰ I. ΠΙΣΚÓΤΙ: *Az innováció fogalmi, tartalmi meghatározása*. http://www.piskotiistvan.hu/attachments/article/40/innovaciomarketing-megalapozas-az_innovacio_fogalmi_tartalmi_meghatarozasa.pdf, (10/01/2020), 1.

applied in practice. The result of innovation is not always a real product. It can be a regulation or even a good practice created for treating the crisis. There are more factors behind this. One of them is that technical development provides opportunity for new ideas and solutions. It breaks down the borders and obstacles that have constricted some notions. Additionally, due to technological development, an increasing percentage of employees can work in jobs where they can unveil their knowledge and creativity. Employees should perform fewer exercises that would not allow them to develop their personal potential in innovation because of their monotonous and trained character. Nowadays, innovation is characterized by a conscious break with earlier habits and systems. By means of research, it becomes possible to review older techniques and methods which often have surprising results. However, the reason for these processes is rooted in the fact that the world around us has changed due to digital changes. Our habits, life rhythms, consumption demands and traditions have changed. What was unimaginable earlier may now be built into our daily life as an innovative solution. Of course, innovative ideas can come appear not only in digital space, but may take the form of offline solutions as well. The concept that job recruiters will create new methods to utilize the global talent pool by using new technologies to search for professionals from all over the world, in order to accelerate the application process and moderate the loss of manpower after the crisis, may serve as an excellent example for this. It will be especially important as talent will be more mobile and virtual.³¹

Innovation was previously considered to be the introduction of a new product, but nowadays it has a wider meaning, and more and more types of it can be distinguished. One of them is social innovation. Simply defined, we are talking about a complex activity process that has the aim of finding a renewed or developing solution for a social problem.³² And social problems will always exist: in fact their number

³¹ J. BELLO, S. COLLINS, R. DREISCHMEIER, and A. LIBARIKIAN: *Innovating from necessity: The business-building imperative in the current crisis*. <https://www.mckinsey.com/business-functions/mckinsey-digital/our-insights/innovating-from-necessity-the-business-building-imperative-in-the-current-crisis?cid=other-eml-alt-mip-mck&hlkid=5b915457a2bd482296d3599f394b76c3&hctky=11535124&hdpid=3363065a-4a26-4da5-a605-b6868bf6781c>, (19/04/2020).

³² PAUOLOVIC, Cseh, op. cit. 10.

has increased due to accelerated technical development; they are exacerbated by the global pandemic and they are waiting for solutions. Only to highlight some of them, we might mention the issue of manpower which has been supplanted by robotization and automation, conformation to the digital environment, the generation of differences caused by digital incompatibilities, problems related to tele-education and the increased use of the home office. In a lot of cases, these emerging questions can be solved only by new, innovative ideas. In our opinion, based on the above, the topic of social innovation has a special significance. This is also confirmed by the circumstance that social problems are often caused by economic and scientific innovations and these problems can be solved only by the help of social innovations. Research has shown that the significance of social innovation is not less than that of economic and scientific innovations.³³ Woolworths retail company can be mentioned among the models of good practices even right now. It has to maintain thousands of rented food markets. By a rational application process, it offers short-term work for those 20,000 employees of Qantas Airways who temporarily cannot work because of the company's slowdown. Several companies should learn new ways. These new skills could create the basis of unorthodox partnerships. This example shows well that we are talking about a totally new level of innovation. This level is the level of social innovation.

The expression social innovation was created in the 1970's. It does not have a uniformly accepted definition, but several definitions can be found in the literature, including, but not limited to, the following, which can be and should be interpreted in light of this current economic situation:

- Social innovation is a new solution for social problems that is more efficient, effective and sustainable than the present ones, and its value redounds primarily to the whole society and not to private persons.
- Social innovation is an initiative, product, process or program that basically changes the basic routines of any social system, its access to sources, its social processes and beliefs. Successful social innovations are long-lasting, and they have a wide effect. The skill of any socie-

³³ Gy. KOCZISZKY, M. VERESNÉ, K. BALATON: "A társadalmi innováció vizsgálatának tapasztalatai és fejlesztési lehetőségei." *Vezetéstudomány*, Vol. XLVIII. No. 6–7, 2017, 19.

- ties to create a continuous flow of social innovations, especially those that re-involve the most vulnerable people, significantly contributes to the flexibility of the society and to the natural environment.³⁴
- Social innovations are new solutions (products, services, models, markets, processes etc.) that satisfy social needs (in a better way than present solutions) and new or developed skills that lead to the better utilization of connections, tools and sources. In other words, they are good for the society and they improve the capacity of the society.³⁵
 - Social innovation determines new solutions for a certain community's problems in order to improve the well-being of the community, and as a tool for reacting to challenges, it results in a new approach in the treatment of regional disproportions as well.³⁶
 - Social innovation is a new idea (product, service or model) that satisfies social demands (more effectively than alternatives) and creates new social cooperation and connection at the same time.³⁷

Social innovation provides new or novel answers for a community's problems with the aim of improving its well-being. So social innovation can be approached from the side of individuals and groups to be supported. On the one hand, social innovation is searching for new or novel solutions for people's old and continuously recurring problems, while on the other hand, it tries to find solutions for the problems created by new life situations as well. New life situations never come about without a basis, but always develop from a classic life situation.³⁸

In our current situation this life situation has developed because of the pandemic caused by COVID-19, as has been mentioned before. The centre of our research is the changing of the labour market. The labour market is a continuously changing milieu which always has to adjust its tools to some new life situations. Tools can be quite multicoloured.

³⁴ Sz. NAGY: "A digitális társadalmi innováció", *Észak-magyarországi Stratégiai Füzetek*, vol. XVI. 1, 2019, 77.

³⁵ Gy. FÜLÖP, K. SZEGEDI, B. ILLÉS, A KERCHNER: *A vállalati társadalmi felelősségvállalás és a társadalmi innováció kapcsolata*. 2015. <http://t-modell.uni-miskolc.hu/files/8608/F%C3%BCI%C3%B6p+Gyula-Szegedi+Krisztina-III%C3%A9s+Bal%C3%A1zs-Kerchner+Andr%C3%A1s.pdf> (27/01/2020).

³⁶ K. VARGA: "Társadalmi innováció az önkormányzatok működésében." in: *Társadalmi innováció és felelősségvállalás Észak-Magyarországon*, K. Lipták (ed.), Miskolc 2017, 7.

³⁷ T. OSBURG, R. SCHMIDPETER: *Social Innovation, Solutions for a sustainable future*. Heidelberg, 2013, 17.

³⁸ KOCZISZKY et al., op. cit., 16.

They can be novel, like the above-mentioned robotization, but they can also be classic solutions that have been revised, such as the regulation of working hours.

5. Summary

One thing is sure: the economy has almost stopped everywhere. This causes a social crisis that is rooted in the employment crisis explained above. Many people have lost their jobs and a lot more people will do in the near future. This situation is also a test of social systems. Is the social service system formed under earlier employment conditions able to deal with this current situation, and if not, how fast can it adapt to it? The question is whether the traditional recipe will work or not. By this we mean jobs where it is not necessarily possible to use the home office. The German legislature pulled out again the idea of shortened work (*Kurzarbeit*) as an innovative solution which was used for treating the crisis in 2008. According to some analyses, the relapse of the German economic performance was 45% less by the introduction of short work than without such a script.³⁹ As summarized by Krause and Kühn, the essential feature of the measure is to provide an opportunity for the companies struggling with economic difficulties to decrease the employees' working hours by the application of a short work system instead of shutdown. Thereby, economic facilitation is achieved by the decrease. Under certain conditions, the affected employees are entitled to social insurance benefits which are technically paid by the employer and the cost of this could be required from the national organizations in order to compensate for the net income loss (60% and 67%). The aim of this mechanism is to avoid unemployment and to ensure the sustenance of well-qualified manpower. But this is not only a labour market interest, but also a social one. If a part of the jobs could be saved by this method, it would mean even less would go out in the paid wage compensation than as social benefits and unemployment aid.

Although treating a crisis does not consist only of measures created by pioneer thoughts, it makes a traditionally complex point of view necessary. In our study, we primarily have asked our questions in a

³⁹ *Kurzarbeit könnte Wirtschaftseinbruch fast halbieren.* <https://www.zeit.de/wirtschaft/2020-04/kurzarbeit-coronavirus-pandemie-wirtschaftseinbruch>, (20/04/2020).

debating manner. We are well aware that we might be charged with having produced a rather eclectic and perhaps incoherent text. This would be due to the fact that the set of problems researched is itself incoherent but is still fed from the same source. By the time the article is published, we will have already answered many questions, but we certainly will not have a solution for everything. Employment and social crises should be treated in parallel with both innovative and classic employment policy and labour law instruments. The dominant element differs by countries. The Germans apparently see the solution in the Kurzarbeit, the Spanish have moved to the direction of unconditional basic income.⁴⁰ It does not matter whether the solution is old or new: it should be innovative and effective. The ossified reflexes do not work. This is a different crisis than earlier ones. It requires a different solution to treat both employment and social problems. Tools are available for everyone. The question is whether the legislators want to or dare to use them, or whether they will reject them and repeat old-fashioned slogans, waiting for the end.

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⁴⁰ M. RODRIGUEZ MARTINEZ: *Universal basic income: Will it become a reality after lockdown is lifted?*, <https://www.euronews.com/2020/04/17/universal-basic-income-will-it-become-a-reality-after-lockdown-is-lifted>, (20/04/2020).

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Nécessité de revoir les relations définies par le droit du travail: pandémie, marché du travail, innovation sociale

Résumé

Le changement dans les relations dans le cadre du droit du travail s'est accéléré à la suite des événements récents. Le déclenchement soudain de la pandémie a forcé une révision des processus en cours sur le marché du travail. Nous affrontons de nombreux problèmes pour surmonter la crise; nous devons également nous poser des questions fondamentales et y chercher des réponses. Une chose est sûre: le monde ne sera plus le même qu'avant. La situation provoquée par le COVID-19 est à la fois une catastrophe et une occasion de créer un marché du travail différent, peut-être plus juste. Cela soulève un certain nombre de questions auxquelles nous ne répondrons pas tout de suite, mais que nous devrions quand même nous poser. En analysant les étapes initiales de l'épidémie, nous mettrons en évidence les problèmes qui se sont rencontrés sans chercher à apporter des réponses spécifiques à chacun d'entre eux. Puisque la version de l'article soumis à la publication a été créée en avril 2020, des réponses à certaines de nos questions sont probablement apparues; cependant, nombre d'entre eux restent toujours ouvertes.

Mots-clés: COVID-19, marché du travail, distance sociale, automatisation, droit du travail

**Konieczność zrewidowania relacji określanych przez prawo pracy:
pandemia, rynek pracy, społeczna innowacja**

Streszczenie

Zmiana stosunków w zakresie prawa pracy uległa przyspieszeniu w wyniku ostatnich wydarzeń. Nagły wybuch pandemii wymusił rewizję procesów zachodzących na rynku pracy. Zmagamy się z licznymi problemami podczas wychodzenia z kryzysu; musimy również postawić zasadnicze pytania i szukać na nie odpowiedzi. Jedno jest pewne: świat nie będzie już taki jak wcześniej. Sytuacja wywołana przez COVID-19 jest katastrofą, lecz jednocześnie jest ona szansą na stworzenie innego, być może sprawniejszego, rynku pracy. Nasuwa się szereg pytań, na które nie odpowiemy od razu, ale które mimo to powinniśmy odważnie zadać. Analizując początkowe etapy epidemii, naświetlamy zaistniałe problemy, nie usiłując udzielić konkretnych odpowiedzi na każdy z nich. Wersja artykułu przedłożona do publikacji powstała w kwietniu 2020 roku, więc do czasu jego opublikowania zapewne pojawiły się odpowiedzi na niektóre z postawionych przez nas pytań; zapewne jednak wiele z nich pozostaje otwartych.

Słowa kluczowe: COVID-19, rynek pracy, dystans społeczny, automatyzacja, prawo pracy