

UNIVERSITY TEACHERS IN SLOVAKIA AS A SPECIAL CATEGORY OF EMPLOYEES IN PUBLIC ADMINISTRATION: SOCIAL STABILITY OF EMPLOYMENT?

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Abstract

The main role of public administration is to administrate public affairs. All of the functions in this field are realised by employees carrying out the dependent work. Public administration, as an employer, has to fulfil the demand of stability and attractiveness of public sector employment. For the purposes of the study our attention focuses on a large group of public employees, namely teachers in public universities in Slovakia. Legislative regulation of the employment of university teachers is alarming. The paper analyses Slovak legislation of time-terminated employment contracts with university teachers and its unlimited repetition. The authors, supported by settled case law of the Court of Justice of the EU, assess the legislation in substance and critically, but also point to its potential impact on the private life, social security and health of these employees, i.e. psychological aspects. Descriptive analysis aimed at assessing quantitative changes in individual groups of university teachers according to the highest level of qualification was used to express trends in the development of quantitative indicators characterizing selected aspects of employment of university teachers (assis-

tant, assistant professor, associate professor, professor). Legislation on the employment of university teachers under the conditions of the Slovak Republic raises considerations of unequal treatment of two categories of university teachers (associate professors and professors) when compared to the category of assistants and assistant professors. For this reason, an analysis of the age structure of university teachers according to the highest qualifications was carried out. The analyses were carried out using data from the Center of Scientific and Technical Information of the Slovak Republic (CVTI SR) and the Register of University Employees maintained by the Ministry of Education, Science, Research and Sport of the Slovak Republic. The study was conducted for the reference term of 2011–2019. Through our analysis, we have identified a downward trend in the number of university teachers qualified as assistant professors in the 40–49 age category, and this change does not reflect the increase in the number of associate professors in the same age category. The group of university teachers in this age category then becomes vulnerable/disadvantaged in the labor market, which has serious social consequences for the employees themselves and provides a picture of the university environment in terms of legislation.

Keywords: employment; public administration; university teachers; descriptive analyses of university teachers; social security; the Slovak Republic.

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Introduction

University teachers are a category of employees in public administration, whose legal position in the legal order of the Slovak Republic is not without doubt. There are no clear opinions in the literature and discussions on the legislative regulation of some aspects of their employment relationships. The practices of some universities in the exercise of the social rights and freedoms of university teachers in the performance of dependent work vary, particularly on the fundamental issue of temporary employment arrangements. The topic of dependent work is further discussed, for example, by Štefko (2013).

The selection of topic was influenced by the fact that little attention is paid to the stability of the performance of dependent work of university teachers. We consider it as a challenge that we have not recorded detailed, comprehensive research studies examining whether national legislation is friendly to this category of employees, whether the performance of such employment is currently trendy and whether such employment is dignified with a reflection on social stability, etc. We offer summary pilot considerations that are of interest to provoke discussion in the scientific space so that further related studies are focused on detail. We consider this study to be a summary of current legislation (also with regard to case law) and quantitative context (on development of the number of university teachers according to pedagogical qualification and age with

a focus on analysing changes in the age structure of university teachers taking into account different qualifications to define in which age of teachers there is a breakthrough in the gradual increase of qualifications and possible termination of employment due to the instability of this employment).

Literature review

The labor status of university teachers has its basis in Act No. 131/2002 Coll. on universities as amended (legal act on universities). Other specifics of their employment are regulated by Act No. 552/2003 Coll. on performance of work in the public interest and general legal aspects of this legal relationship are regulated by the Labor Code.

The starting point of the examination is the fact that university teachers are not entitled to conclude their employment relationship with a university for an indefinite period of time, which is merely substantiated by the provision of § 77 par. 2 to 4 of the legal act on universities. It is a remarkable and unusual arrangement that provides for the treatment of teachers which does not provide an outlook on the stability of the employment relationship that would implicitly result from an employment contract negotiated for an indefinite period of time (Barinková, 2011).

The employment relationship with university teachers can be agreed upon for a maximum of five years on the basis of a selection procedure and for a maximum of ten years in medical and pharmaceutical fields. The limitations on the number of fixed-term employment relationships are still missing in the Slovak legal act on universities. The only exception is the appointment of associate professors and professors who, on nine years of service at the earliest, and on condition that they have filled this post at least three times, have the right to conclude a fixed-term employment contract and to be assigned to that post by the age of 70. At the same time, pursuant to § 77 par. 1 of the legal act on universities, the selection procedure to fill the position of professor and associate professor is also a selection procedure to fill the position of university teacher. Teachers in lower positions than professors and associate professors are not given the prospect of social security by determining the maximum duration of fixed-term employment relationships, nor by determining the maximum number of repetitions.

The wording of Article 48 of the Labour Code, in conjunction with the provision of Article 77 of the legal act on universities, does not provide sufficient legal possibilities for the realization of contractual freedom, i.e. flexibility, but above all the necessary level of social status protection for thousands of qualified employees capable and willing to participate in forming the personalities and educating the student elite of the nation in such a way that their own legal status at work would reflect the significance, social importance of the profession and the requirement of stability in their employment relationship.

Considering the premise that the work of a university teacher is, by nature, work where the academic, professional knowledge and pedagogical-psychological readiness and maturity of the teacher are intertwined, with the continuing process of education and scientific research and the use of scientific research

results, we state that their work qualitatively forms students in a significant way. By investing in education, we invest in the human population and participate in the formation of future generations (Horváthová, Čajková, 2019). A. Coronado-Marín, M. J. Bautista-Cerro and M. A. Murga-Menoyo, in their study, state that “It is confirmed the need for institutional strategies to strengthen the training of both groups, students and teachers, in the competencies that sustainable development demands” (2020, p. 1021).

(The need for institutional strategies to strengthen the training of groups, students and teachers in competences that require sustainable development is confirmed (ibid.)) It cannot be accepted that teachers’ work should be at the level of, as a rule, occasional, short-term employment or fixed-term contracts.

The argument for a longer time horizon is, for example, the necessity of further qualification progress on the basis of the legal standard on the obligation to educate in order to obtain a scientific-pedagogical title, implementation of projects, research tasks, etc. Any short-term employment period limits the achievement of these objectives. Incorrect are the cases where the employer is led by a bad and bullying intention to keep an employee tense and worried about his job to conclude an employment contract for only a year or two. It happens that he is forced to agree on obligations beyond the possibilities of the teacher to which the teacher commits under the pressure of the threat of non-renewal. But often again only for a year or two which discourages him from working on projects and meeting other conditions for professional growth. The existing legal regulation on the renegotiation of fixed-term employment contracts must be respected, but the exercising of the employer’s right to extend the employment contract must not be linked to the intention of harming the employee or misrepresenting his social and working status. The outputs from the solution of the research task of Urdziková and Kardošová (2016) appeal to the necessity by law to establish the length of fixed-term employment contracts with university teachers lasting at least three years.

The legal regulation of the chaining of employment contracts with university teachers limits contractual freedom; the vocational crisis, the emotional burden, the psychological feeling of insecurity including job insecurity, helplessness in any way to affect the duration of the employment relationship and its synchronization with the demands placed on the teacher, resignation, gradual frustration of the employee and insecurity in relation to the employer, etc. There is often a negative emotional experience of the situation, but also psychological overload, when the teacher is aware of the conflict between the requirements for maintaining his job, which are sometimes conducted with dishonest intent, and his real possibilities to perform the desired performance. Employment insecurity and weakened teacher motivation are further specified in Cao, Shang, Meng (2020), where they examine the motivation to teach students in relation to personal expectations of exhaustion from work.

“Teacher self-efficacy (personal resources) negatively predicted exhaustion and indirectly related to innovative teaching via teaching motivation” (Cao et al., 2020, p. 1). As in other disciplines, university teachers are facing a trend of digitization and new technologies and have to keep moving forward.

According to L. Starkey (2020), a certain stressful aspect is also caused by the increasing impact of the digital era. As schools and teaching evolve as a result of the integration of technologies, teacher preparation will also change. Anxiety and fear cannot be a stimulating factor for higher quality performance. The issue (on the impact of various job demands on burnout) of burnout from work is specified in a study by Bakker and Demerouti (2017).

In this context, it is very important to maintain a passion for education for future generations. Day (2004), in 'A Passion for Teaching', offers a refreshing and positive view. "A Passion for Teaching is a contribution to understanding and improving the teaching profession and brings new insights to the work and lives of teachers" (Bakker and Demerouti, 2017). Coronado-Marín, Bautista-Cerro and Murga-Menoyo (2020) state that there is a need for institutional strategies to strengthen the professional preparation of groups, students and teachers in competences that require sustainable development.

The cumulative negative feelings of self-experience, excessive work tasks that usually exceed working hours, or even psychological pressures and job insecurity, create an unfavorable psychosocial environment, not only in the workplace but also in the privacy of the teacher due to the blurring of the boundaries between work and private life.

Data and Methods

The aim of the study is a critical analysis of the legal regulation of unlimited repetition of fixed-term employment contracts with certain categories of university teachers and the search for answers to several research questions. These relate to the quality of the law enabling the negotiation of fixed-term employment contracts without a limit on their number, as well as the possible effects on the psychological experience of re-concluding employment contracts. One of the authors dealt with this issue in a separate study (Barinková, 2018). There is no aim to pay special attention to this secondary effect, but although we state that the psychological consequences of temporary employment, this issue problem is not investigated in this study, but postulated as a normative assumption.

The answers are sought both through the argumentation of the critical attitude to the legislation, the results of the settled case law of the Court of Justice of the EU (hereinafter also the Court), and through quantitative data analysis on selected indicators of employment of university teachers (including research and artistic workers of universities).

With regards to the given aim of the article, we specified research questions that focus on the selected topic of the quality of the law enabling the negotiation of fixed-term employment contracts without a limit on their number, as well as possible effects on the psychological experience of re-concluding employment contracts:

1. We are considering whether the transposition of Directive 1999/70/EC on the framework agreement on fixed-term work (hereinafter referred to as the Temporary Work Directive or the Directive) has been done correctly,

- in line with its objective and whether the legal status is based on fundamental principles of Slovak public law as well as European labor law standards?
2. Is it possible to assume a connection between the absolute increase in the number of professors and associate professors in comparison with the decrease in the number of professional assistants and assistants in the same observed period?
 3. The changes in the age structure of university teachers, taking into account different qualifications, determine at which age teachers face a breakthrough in qualification improvement and possible termination of employment due to the instability of the job. Is it possible to conclude that the instability of fixed-term employment with teachers contributes to the decision to terminate employment?

In terms of the use of scientific research methods (as well as sociological method), for the merits of the definition, we proceeded from the *de lege lata* legal status analysis using a systematic qualitative analysis of legislation that examines the dynamics of a particular event in terms of its legislation. The researched issue is quite extensive, for its explication we used the valid legislation. Among other methods of scientific knowledge, generalized abstraction was used to draw conclusions, comparison method, analytical-synthetic method, mostly in the part of the penetration into legislative sources, as well as citation content analysis used in the interpretation of case law 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. The system approach was also used. Descriptive statistical and imaging methods were used to express trends in the development of quantitative indicators characterizing selected aspects of employment of university teachers. Besides the above given methods, we used methods typical for sociological research, such as methods of induction, deduction, abstraction, generalization and analogy.

The data sources were drawn from the database of the Center of Scientific and Technical Information of the Slovak Republic (CVTI) and the Register of University Employees maintained by the Ministry of Education, Science, Research and Sport of the Slovak Republic in accordance with Section 80b par. 1 of Act no. 131/2002 Coll. on universities as amended. The study was conducted for the reference term of 2011–2019.

Preventing the chaining of employment in the decision-making activities of the EU Court of Justice

A Fixed Term Work Directive provides a framework to prevent the unlawful use of recourse to fixed-term employment contracts and relationships and also aims to prevent discrimination. An EU Member State may, in agreement with the social partners, take into account the conditions in each sector and

profession, including activities of a seasonal nature (General Aspects, Point 8 of the Framework Agreement).

However, according to the judgment in Case C-238/14 European Commission v Grand Duchy of Luxembourg, paragraph 51, when implementing clause 5(1) of the Framework Agreement, the State cannot interpret its right to take into account the needs of relevant fields as a right that is provided by this field to the state and, as such, the possibility to get rid of the obligation to accept relevant measures to eliminate the abuse of enclosing fixed-term contracts or eventually the punishment. If the state is referring to an objective such as the flexibility of fixed-term employment and thus relieving itself of the obligation to take safeguard measures, it is contrary to one of the objectives of the framework agreement, which is the stability of employment as a paramount element of employees' protection. Contrary to the objective of the Framework Agreement, is the reduction of the category of persons benefiting from safeguard measures under Clause 5.

Under Clause 5(1), Member States which do not have equivalent legal measures to prevent unlawful conduct are required to take at least one of the preventive measures provided for in clause 5(1) (a), (b), (c) of the Framework Agreement. Apart from two of these measures, which the Slovak legislature has not included in the legal act on universities in relation to university teachers in positions lower than associate professor and professor (see text above), there is still the possibility of extending employment contracts for objective reasons.

Approaches to the explanation of the concept of 'objective grounds' for recurrent fixed-term employment contracts have been clarified by the Court of Justice in a number of cases. Several decisions are known from the older matters discussed, for example, in Case C-364/07 Vassilakis. The EU Court of Justice has stated that, where national law does not contain other effective measures to prevent abuse of fixed-term contracts, it is not consistent with the Temporary Work Directive. If the law of the State, as in the Vassilakis case, prohibits the reclassification of fixed-term employment contracts exclusively in the public sector, which are intended to satisfy the employer's long-term and long-term needs for contracts of indefinite duration, they must be regarded as an abuse of rights. However, it is for the national court to determine whether the national legal order contains such effective measures, on the basis of the obligation to interpret in conformity.

More recent cases, for example, in Joined Cases C-22/13, Mascolo, C-61-13, Forni, C-62/13, Racca (hereinafter – Mascolo and others), show that 'objective grounds' – under clause 5(1) (a); (a) of the framework agreement must be understood as referring to the precise and specific circumstances characterizing the intended activity and can therefore justify the repeated conclusion of fixed-term employment contracts. Those circumstances may arise, in particular, from the specific nature of the tasks for which the contracts were awarded and the characteristics attached to them or, where appropriate, from the pursuit of a legitimate social policy objective of a Member State. (The decision of the EU Court of Justice linked cases Mascolo and others C-22/13, C-61/13, C-62/13., Point 87 dated November 26, 2014. Also, the decision of the EU Court of Justice, dated January 26, 2012, in the case C-586/10 Küçük, Point 27).

The Court also stated in *Mascolo* and others that a national provision which, in general and abstract terms only permits the conclusion of fixed-term employment contracts on the basis of legal and sublegal norm, does not comply with the requirements of the concept of 'objective reasons'. Such a provision is purely formal, it does not make it possible to establish objective and transparent criteria in order to ascertain whether the renewal of such contracts satisfies a genuine need, whether it is capable of attaining the objective pursued and necessary for that purpose. Such a provision carries a real risk of abuse of this type of contract and is therefore incompatible with the objective and necessary effect of the Framework Agreement. (Decision of the EU Court of Justice in the case of *Mascolo*, Point 88; Decision in the case of *Küçük*, Point 28 and 29; Decision in the case C-364/07 *Vassilakis*.)

We believe that the Slovak Legal Act on universities does not fulfil the purpose of Clause 5, Point 2, letter a) and (b), which requires the State to determine the conditions under which fixed-term contracts are to be regarded as being concluded and concluded for an indefinite period. However, as is apparent from the judgment in *Mascolo*, paragraph 80, the Directive does not impose an obligation on States to provide for an amendment to a fixed-term employment contract of indefinite duration. General legislation on fixed-term employment, contained in the provisions of Section 48 of the Labor Code permits the extension or renewal of employment for a fixed term of up to two years or more than two years with a university teacher or an employee of science, research and development, even if there is an objective reason of science, research and development established by a special regulation. Thus, the diction of the Labor Code refers to an objective reason which, according to its wording, should be laid down by the legal act on universities.

However, this law does not specify or even suggest an objective reason for the eligibility of the chain of fixed-term employment contracts. What legitimate social policy objective is pursued by allowing uncontrolled chaining of fixed-term contracts? However, the absence of an explicit target does not necessarily mean that no target is being tracked. The Court also dealt with cases in which the national legislation did not express an opinion on the objective it would pursue. However, this does not mean that it did not pursue such an objective.

In the *Georgiev* case as well as in *Petersen*, in the absence of an objective in law, the Court stated that the underlying objective can be inferred from other circumstances based on the general context of the measure. That is for the purposes of examining by the national court whether the objective is justified and if the used means are necessary to attain it. (Decision of the EU Court of Justice, in the case of *Georgiev*, Point. 40; also the decision of the EU Court of Justice dated January 12, 20210 in the case of C-341/08 *Petersen*, Point 40.)

In *Petersen*, paragraph 56 it was made clear that from Article 6(1) of Regulation No.2000/78/ES establishing a general framework for equal treatment in employment and occupation (hereinafter the Equal Treatment Directive) that the absence of a well-defined objective pursued in national legislation would automatically preclude it not being justified pursuant to this provision.

Prohibition of discrimination due to age – legal limitation of the duration of the employment

Slovak legislation allows an unlimited number of renewal of fixed-term employment contracts, with the exception of contracts relating to the appointment of associate professor and professor. We recall that the posts of associate professor and professor are, according to the law, at the same time classed by occupation as university teachers. In addition, a minimum of nine year duration of the position and at least three times repeated resettlement do not lead to the transformation of fixed-term employment contracts of associate professors and professors into an indefinite period of employment. They are legally entitled to a (further) contract (and again) for a fixed period of time. This is defined by a longer period of time until the age of 70.

The legislation, as set out here, makes it necessary to reflect and consider the unequal treatment of two categories of university teachers (associate professors and professors) in comparison with other categories, generally beginner or younger colleagues. Council Directive 2000/78/EC permits different treatment only in very limited circumstances where religion or belief, disability, age or sexual orientation is an essential and decisive requirement of the profession and where the objective is justified and the requirement of proportionate (paragraph 23). Under Point 25 of the Directive, the difference in treatment on grounds of age may, in certain circumstances, be justified, in particular, by legitimate employment policy objectives in the field of employment, labour market and professional training and discrimination which must be prohibited.

Judgment of the ECJ in Joined Cases C-250/09 and C-268/09 *Georgiev* and other contains a statement according to which national legislation provides for compulsory retirement for university professors who have reached the age of 68 and allows them, after reaching the age of 65, to continue their activities only through fixed-term contracts of one year, with the possibility of extending them twice as long as it pursues the legitimate objective of employment policy and the labor market, namely to ensure the quality of education and to optimize the allocation of professions between generations, and does not conflict with Council Directive 2000/78 / EC.

In Case C-45/09 *Rosenbladt*, the Court of Justice of the EU stated that Article 3 (1) of Directive 2000/78 / EC is to be interpreted as not precluding a measure such as the automatic termination of employment contracts of workers who have reached the retirement age of 65 years, provided that this regulated in a collective agreement of general application for employees of companies providing building cleaning services. The automatic termination of contracts of employment for workers who qualify for a retirement pension has long been part of the labor law of many Member States.

This mechanism relies on a balance between political, economic, social, demographic and/or budgetary reasons and depends on the decision to either extend the working life of employees or to adjust their early retirement (*Rosenbladt*, paragraph 44). The provisions on the automatic termination of employment contracts by reason of the retirement age cannot, in principle,

be regarded as a disproportionate interference with the legitimate interests of the concerned employees.

Such legislation takes account of the fact that the persons concerned receive a retirement pension at the end of their professional career (Rosenblatt, paragraph 48; Palacios de la Villa, paragraph 73). Competent authorities must be able to change the means to achieve a legitimate objective, e.g., by adapting them to the employment situation in the state. It is not substantial that compulsory retirement (in Spain) was reintroduced after it had been abolished for several years (Palacios de la Villa, paragraph 70). The task of finding a fair balance between the various interests involved lies with the Member States, using the means appropriate and necessary to achieve the objective pursued (*ibid.*, paragraph 71). The use of labor market policy instruments is at the discretion of the national court.

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We believe that the purpose of the Equal Treatment Directive is not contradicted by the substance of the Slovak legislation on the termination of employment of university teachers by reaching the age limit. We consider it an expression of a compromise between the needs of universities to renew the teaching staff, to balance its age structure and to create conditions for cooperation of different age categories. In our opinion, the practical implementation of § 77 par. 4 and par. 6 of the Legal act on universities: acquires the right to an employment contract with that university as a university teacher and to be assigned to that post (professor or associate professor) for a fixed term up to the age of 70. This means that at the age of 70, a professor or associate professor is legally terminated in one of these positions, but does not end his employment. This will not end until the end of the academic year in which he/she has reached 70, unless he/she has finished earlier for various reasons. There may be several days, weeks, or months between the age of the academic year and the end of the academic year.

The law does not give an answer as to what position the teacher will remain in until the end of the academic year, when it says elsewhere that teachers work in positions ranging from lecturer, assistant, assistant professor, associate professor to professor. And the functions in which they operate are filled by selection. It is unreasonable for a teacher to pass a selection procedure to fill a post lower than associate professor or professor for a period until the end of the academic year. We believe that it would be more appropriate to combine the function of professor and associate professor with the termination of employment

by the end of the academic year in which he/she has reached the age of 70. This can be justified by the fact that the post of associate professor and professor is at the same time the occupation of the job, so it could also be the other way round – by terminating the function due to the age – also the occupation of the position would end.

Termination of employment by reaching the age limit laid down by the national legislation has on several occasions been the subject of an assessment of its compliance with European law, prohibiting age discrimination. In the Mangold case the EU Court of Justice stated that the prohibition of discrimination is a fundamental human right already contained in primary law of the Union and constitutes one of its fundamental principles (Mangold, paragraph 75). The Court has held that legislation which, as the sole criterion for the application of a fixed-term employment contract, considers the age of the worker without proving that the age limit is not dependent on other criteria linked to the labor market policy and personal situation of the person and it is not objectively necessary for the achievement of the objective of professional integration of older unemployed workers, shall be considered as exceeding the framework of proportionality and necessity.

Proportionality expresses that any exception to subjective law must, as far as possible, comply with the requirements of the principle of equal treatment and the objective pursued (Mangold, paragraph 65). General advocate Mazák did not agree with some of the Court's conclusions in Mangold and expressed his views in the Statement of the case Palacios de la Villa. It concerned the possible impact of the general principle of non-discrimination on grounds of age as applied in Mangold, doubting the correctness and convincing nature of that construction. The conclusion that the existence of the prohibition of age discrimination on the general principle of equality, as the EU Court of Justice said, is not convincing. Only a few states recognize in their legislation the specific principle of age discrimination, for example, it is contained in the Finnish Constitution. Other countries regulate the general legal principle of equal treatment. In this respect, it is worth noting that at the age of 70, a professor and associate professor at a Slovak university are materially secured by an old-age pension due to the fulfilment of legal conditions; therefore any worries about social security at old age are not relevant. (Statement of the General advocate Mazák dated February 15, 2007 in the case C-411/05 Palacios de la Villa).

Analysis of the development of the number of university teachers in the Slovak Republic

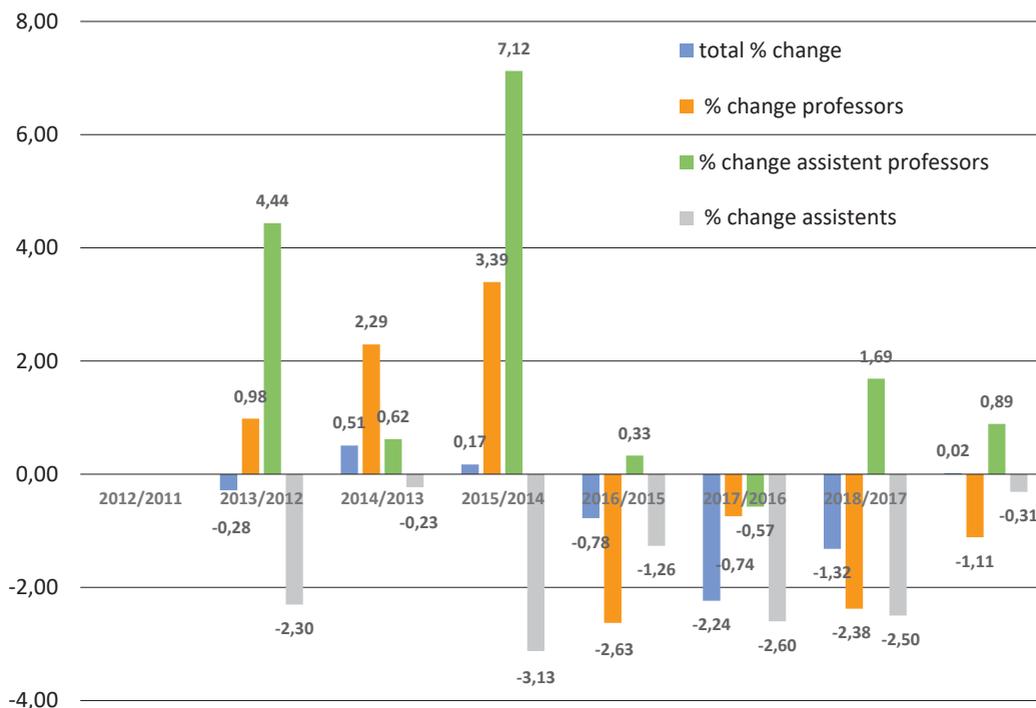
The above-mentioned legislative bases also significantly influence the trends in the development of the number of internal university teachers taking into account changes in their positions (assistant, assistant professor, associate professor and professor) and qualifications (secondary and tertiary education, associate professor with tertiary education and professor with tertiary education) at public and state universities in Slovakia. The analysis does not include private universities operating in Slovakia, as they are not subject to statutory restrictions in terms

of the length of service for a fixed term. The legislature permits the conclusion of employment contracts for an indefinite period of time. Therefore, in the context of social stability of employment, we focus only on public and state universities operating in Slovakia.

In the analyses we focused on the changes in the age structure of university teachers, taking into account different qualifications, to determine at which age teachers face a breakthrough in qualification improvement and possible termination of employment due to the instability of the job. In this section we will present a descriptive analysis of selected laboratory indicators for the Slovak Republic in 2011–2019 (the most recent year as of writing this paper). The development of the year-on-year percentage change in the number of internal university teachers by qualification (Fig. 1) is used. For the analysis we have used data from CVTI and the Register of the university employees.

When assessing the total number of university teachers (regardless of qualifications), there is no significant quantitative decline (Figure 1, Table 1) throughout the reference period (the percentage change varies from -2.24% to +0.51% over the reference period). We only see a slight downward trend. In the period under review, there was a significant decline after 2014 (-77 university teachers), with the most significant decrease in 2016 (compared to 2015, the number of university teachers fell by 2.24%, i. e. 220,220 teachers).

Figure 1: Development of the year-on-year percentage change in the number of internal university teachers by function at public and state universities in the SR



Source: CVTI SR

Table 1

**Development of the number of internal university teachers by function
at public and state universities in the Slovak Republic**

Year	Universities	Faculties	Total		Professors		Assistant professors		Assistants		Others	
			Between year difference	Total % change	Between year difference	% change professors	Between year difference	% change assistant professors	Between year difference	% change assistants	Between year difference	% change others
2012/2011	23	111	-28	-0,28	14	0,98	96	4,44	-133	-2,30	-5	-0,98
2013/2012	23	111	50	0,51	33	2,29	14	0,62	-13	-0,23	16	3,16
2014/2013	23	111	17	0,17	50	3,39	162	7,12	-176	-3,13	-19	-3,64
2015/2014	23	111	-77	-0,78	-40	-2,63	8	0,33	-69	-1,26	24	4,77
2016/2015	23	111	-220	-2,24	-11	-0,74	-14	-0,57	-140	-2,60	-55	-10,44
2017/2016	23	111	-127	-1,32	-35	-2,38	41	1,69	-131	-2,50	-2	-0,42
2018/2017	23	111	2	0,02	-16	-1,11	22	0,89	-16	-0,31	12	2,55

Source: CVTI SR.

From the beginning of the monitored period from 2011 to 2014, the number of professors increased (by 97 professors). In the following period (until 2018) the number of professors decreased by 102. In the same period, there was a significant increase in the group of associate professors (by 272), while the number of assistant professors decreased overall by 322. The given quantitative changes indicate a trend in the qualification growth of assistant professors and assistants with a higher growth in the number of associate professors. The most significant change is the increase in the number of associate professors in 2014 (in comparison with 2013, the number of associate professors increased by 162, which is an increase of 7.12%). During the whole monitored period the number of assistant professors has been decreasing with the most significant decrease in 2014 (a decrease of 176 assistant professors); a decrease in assistant professors is monitored also following the year 2015.

If we assume that the group of assistant professors have increased their qualifications and become associate professors, the associate professors group would have to increase. According to the data (Table 1) we conclude that this decrease is not compensated by an aliquot increase in the number of associate professors and professors, suggesting that probably not all assistant professors have habilitated as associate professors, but rather some of them have probably terminated their employment. Based on the quantitative data presented in Table 1 we can confirm the assumption expressed in research question no. 2, that we found a connection between the absolute increase in the number of professors and associate professors in comparison with the decrease in the number of professional assistants and assistants in the same monitored period. The same findings are also in the group of professors and associate professors in the same reference period, while the recorded decreases are in the number of professors and associate professors.

These findings confirm, among other things, that the profession of university teacher reflects social instability and a lack of attractiveness of employment. We do not exclude, however, that there may be several causes of disproportionate changes in the number of teachers by function. For example, the development of the student population, changes in the habilitation and inauguration criteria, etc. It would be expected that even with an overall decline in the number of teachers, there would be a qualitative shift towards a higher qualification level, but the data from Fig. 1 and Table 1 indicate that there is no natural increase in the number of higher-level university teachers (associate professor and professor). With a certain degree of generalization, we can state that there is a tendency in the group of assistant professors to disregard the pursuit of this profession. One of the reasons influencing the decision of an assistant professor to stay in employment may be the examined legislative aspect – instability of fixed-term employment as well as unpredictably changing conditions of habilitation, time limits of acquired rights to carry out habilitation procedures at public universities, as well as difficult access habilitation for teachers from workplaces that do not have habilitation rights.

In this context, it is requested to supplement the examination with an analysis of the age structure of university teachers according to the highest qualifications, taking into account the type of full-time employment (men and women together). We used data on the number of university teachers by age category, whereas data were only available in the database if they were over 20. Table 2 shows the year-on-year changes in the number of university teachers by qualification and function (A – assistant professor, AP – associate professor, P – professor).

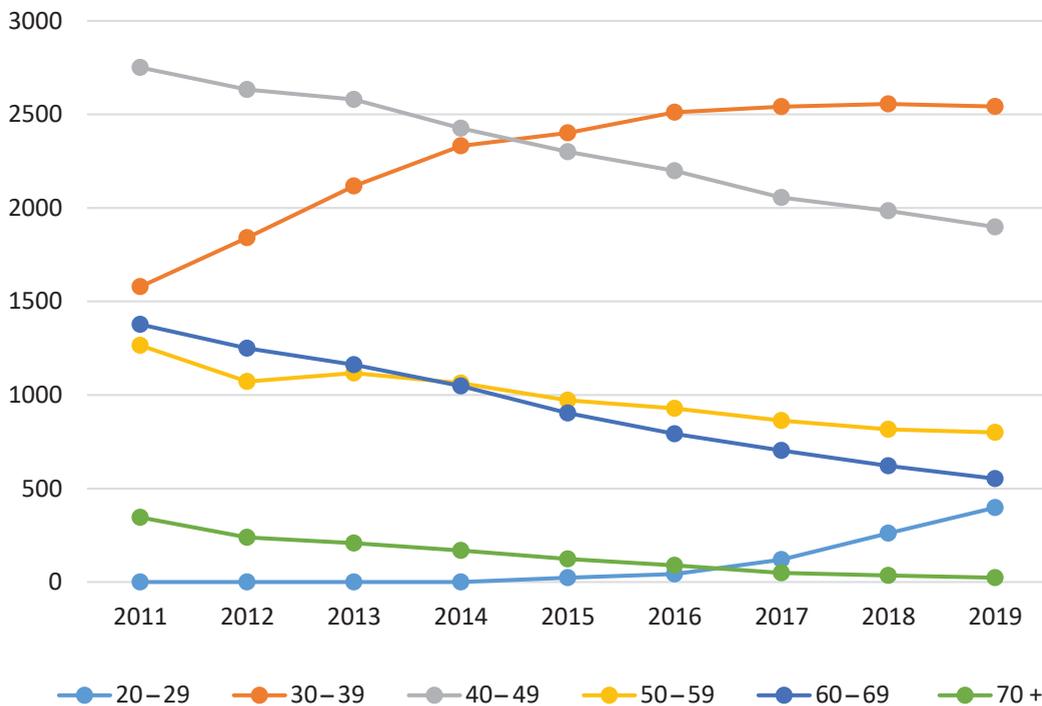
Table 2

University teachers by age group

Age group (year)	2012/2011			2013/2012			2014/2013			2015/2014			2016/2015			2017/2016			2018/2017			2019/2018		
	A	AP	P	A	AP	P																		
20-29	-	-	-	-	-	-	23	-	-	20	-	-	77	-	-	141	-	-	137	-	-	-	-	-
30-39	262	25	-	276	9	-	69	21	-	110	32	-	30	42	-	15	68	-	-14	72	-	-	-	-
40-49	-118	93	-	-53	91	-	-126	55	17	-102	35	20	-143	53	21	-71	45	29	-86	54	33	-	-	-
50-59	-193	46	35	45	-3	30	-91	14	21	-44	-4	20	-65	13	23	-47	-33	29	-16	-8	26	-	-	-
60-69	-127	9	21	-88	-10	36	-145	-19	32	-111	-50	12	-89	-31	-21	-82	-55	33	-68	-45	-11	-	-	-
70 +	-107	-51	-18	-31	-55	-21	-46	-61	-64	-34	-60	-31	-40	-56	-38	-14	-50	-51	-12	-63	-54	-	-	-

Source: Register of University Employees of the Slovak Republic, Author's calculation.

Figure 2: Assistant professors by age groups (years)



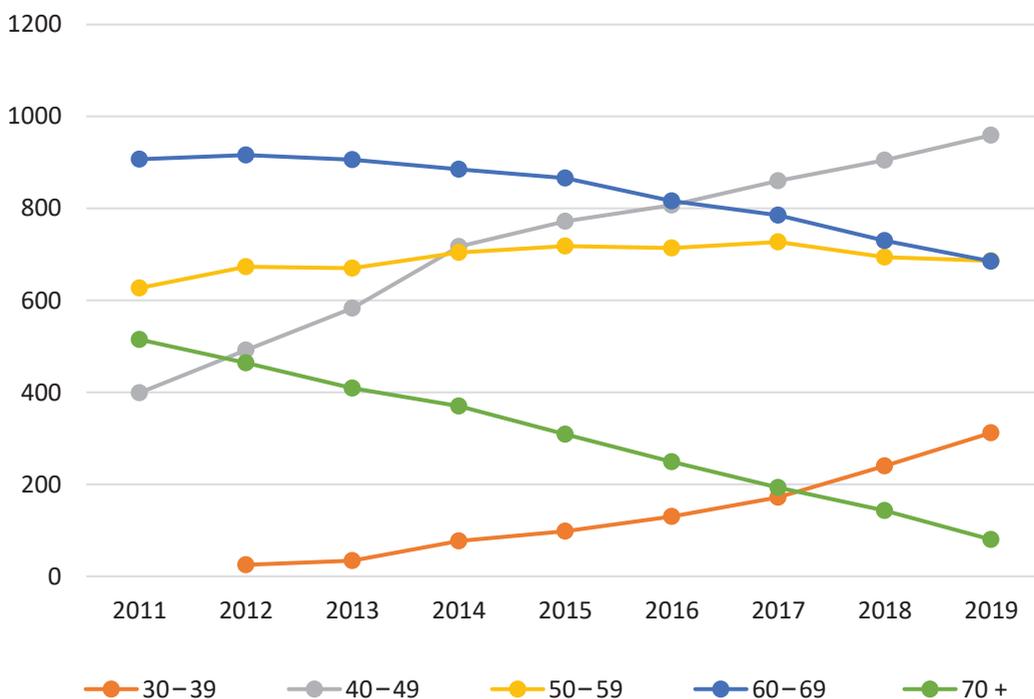
Source: Register of University Employees of the Slovak Republic, Author's calculation.

By analyzing the time series of the number of university teachers by qualification, we found that the breakthrough age occurs around the age of 40 (Tab. 2). The age of 40+ is a period of social responsibility in relation to family, material security and the future. It is a period of the most significant economic activity also in the context of reconciliation of work and family life. It is also a period of necessity of social stability of employment also in the context of responsibility for material security in old age, i.e. in retirement age. It is therefore alarming that the number of university teachers with second and tertiary degrees (assistants, assistant professors) is decreasing, and this decline does not follow the increase in the number of associate professors with a tertiary degree of education (Fig. 2; Tab. 2).

This phenomenon is particularly evident after 2014 (for example, in 2015, the increase of associate professors and professors compared to the number of assistant professors is lower by 54, in 2016 it is lower by 47, and in 2017 it is lower by 69 professors and associate professors compared to the decrease in the number of assistant professors). When examining trends in associate professor qualifications, there is a visible trend towards an increase in the number of associate professors in the 30–39 age range, but also in the 40+ age range (Fig. 3; Tab. 2), confirming our assertion that at the age of 40- the university teacher is at his life's crossroads when deciding whether to upgrade his qualifications (if available). If this is not possible, it will also terminate the

employment in the context of the aforementioned connections with the social stability of employment. In the age category of university teachers 30–39 years, but also in the age category over 40 years, the assumption expressed in the research question no. 3, i.e., that the instability of fixed-term employment with teachers contributes to the decision to terminate employment in selected age categories of university teachers.

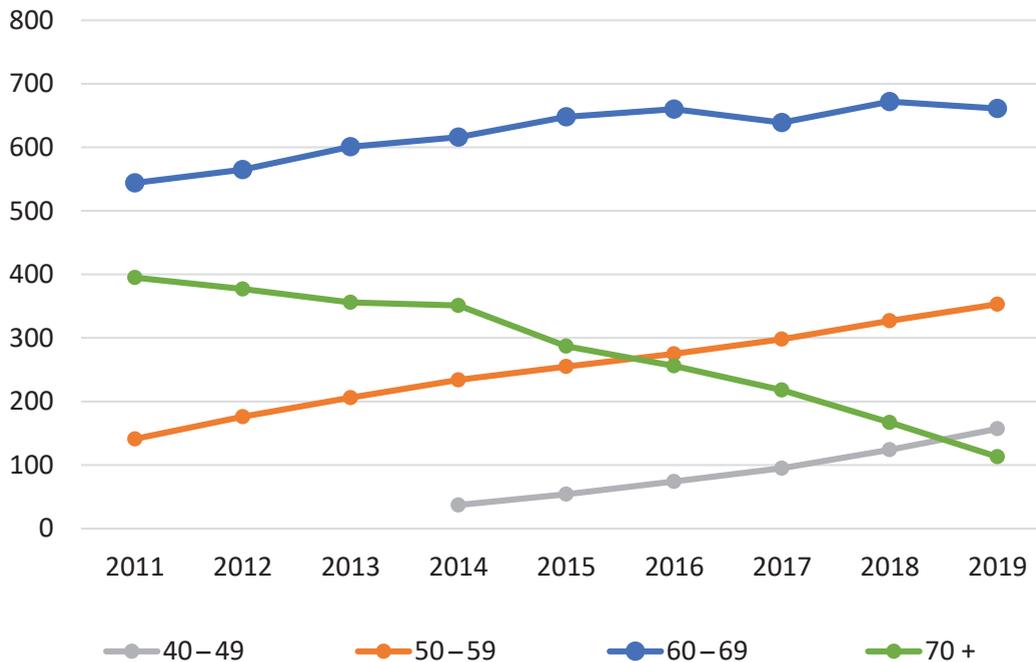
Figure 3: Associate professors by age group (years)



Source: Register of University Employees of the Slovak Republic, Author's calculation.

At the same time, in every year of the monitored period, there has been a significant decrease in associate professors with a tertiary level of education over the age of 70, which is a logical reflection of a compromise between the needs of universities to renew the teaching staff and balance its age structure. The legislation is also oriented in this respect (Section 77 of the legal act on universities). Already after the age of 50, the number of associate professors stagnates then respectively decreases. However, it is worth noting the category of associate professors at the age of 50–59, where stagnation is clearly proven (in 2018 a decrease of up to 33 associate professors was recorded, while the number of new professors did not increase proportionally). This implies an interest in raising the qualification to the level of associate professor up to the age of 50. In the age range beyond the age of 50, the trend is stagnation and with the increasing age of university teachers their ambitions for increasing the qualification in the category of associate professors decrease.

Figure 4: Professors by age group (years)



Source: Register of University Employees of the Slovak Republic, Author's calculation.

Upon acquiring the qualification, a professor with a tertiary level of university education (Fig. 4, Tab. 2) is again experiencing an increase in the 40+ age group, while over the age of 60 we see a trend of stagnation and decline. In the group of professors there was a positive trend of shifting qualification growth in lower age categories, where we have seen a significant increase in the number of professors over 40 since 2014 (in 2019 the number of professors in this age category increased by 33 new professors), whereas this trend also persists in the age categories up to 59.

Discussion

European Union labor law refers to temporary employment as so-called precarious employment (Barancová, 2014). Olšovská and Bellan (2012) add that these are situations where employees are involuntarily employed in these forms of employment (if they would be able to choose, they would prefer to work for an indefinite period of time) while their job position is characterized by a low level of remuneration as well as low level of job security. The performance of teachers' work is certainly not an occasional job. Although there is no justification of causality or relations between legal norms, actual practices and changing staff structure, the legislation allows such a process. We consider such legislation critically.

If the Slovak legislature denied the right of university teachers to freely agree with the university on the duration of their work obligation (and at the same time they refused this right to their employers), it is reasonable to assume that it pur-

sued some fundamental goal and had a serious reason for doing so. If we consider that the legislator's objective reason for repeated fixed-term employment contracts is to press for continuous education and to obtain the title of associate professor and professor, we find that the results of the analysis do not indicate this.

Assistant professors around the age of 40 often resign (for objective or subjective reasons) and abandon the teaching profession in order to achieve social security, as evidenced by data on the change in the number of assistant professors, associate professors and professors at the age of 40–49 (Table 2). At this stage of the working life of the university teacher, there is a significant decrease in the number of assistant professors, which is not covered by the increase in the number of associate professors and professors in the same age category. This legislation also has negative effects on the personal and family life of individuals. In this context, we perceive that the legislator – a subject of public law – with this legislation creates space for undesirable psychological aspects. And we are critical of such legislation. It allows *lege artis* universities to exploit the weaknesses of the law.

They lack the need for acceptance and belonging, and on the upper floor of the pyramid the need for recognition, respect and appreciation. The feeling of significant instability and emotional burden as psychosocial factors influence their work and efforts after scientific success and self-education.

Anxiety, fear and negative emotional experience cannot be a stimulating factor for higher quality performance. On the contrary, a certain amount of tasks in the research and scientific work of several scientific disciplines, which are not carried out in laboratories or clinical workplaces, are transferred to the home environment and take place outside working hours. The undesirable effect is the psychological burden of wiping out the differences between working time and personal leisure time, abandoning family activities for work duties, without the possibility of a more efficient use of leisure time compared to how someone in another profession can (freely) organize their time.

The constant onslaught of workloads and their intensity, the loss of a sense of joy from work, fear of terminating a job without a vision of prolonging it lead to exhaustion, frustration, an increase in psychosomatic diseases, create a tense working environment and affect people's psychological resilience. The impact of consequences of short-term employment are multiplied in the case of employees who are breadwinners or those with family responsibilities. Employees with fixed term employment contracts suffer from stress due to exposure to labor and social insecurity. Occupational psychology and public health literature present the findings that work insecurity can be harmful to health through increased stress (Caroli, Godard, 2014).

Young teachers starting families in Slovakia are a group of employees with low salaries, and temporary employment is an obstacle to ensuring adequate housing, material security of the family, but also personal development. The necessity to move in parallel to another job has a counterproductive effect on the performance of duties in employment with a university. With little time to relax, the objective impossibility of relaxation is a predisposition for mental health lability. Many are looking for a job elsewhere. Expert studies state the relationship between the type of labor involvement – working conditions on the one hand, and workers' health on the other – show that employees working in fixed-term contracts have assessed

this form of employment negatively in relation to their mental health in comparison with employees with contracts of indefinite duration (Barnay, 2016).

The issue of labor law, psychological and other aspects of employment of university teachers in the European Union will be influenced in the future by the implementation of the so-called ESG standards in the academic environment of universities. "The ESG are a set of standards and guidelines for internal and external quality assurance in higher education" (ESG 2015). The main objective of the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) is to contribute to a common understanding of quality assurance in learning and teaching regardless of geographical boundaries, by all interested parties.

Also, university teachers have an important role in providing quality university education. ESG standards in relation to university teachers emphasize in particular the efforts of universities to have sufficient competencies for their teachers, while they should use fair and transparent processes for the recruitment and personal development of staff.

The teacher's role is essential in creating a high-quality student experience and enabling the acquisition of knowledge, competences and skills. The diversifying student population and stronger focus on learning outcomes require student-centred learning and teaching and the role of the teacher is, therefore, also changing. Higher education institutions have primary responsibility for the quality of their staff and for providing them with a supportive environment that allows them to carry out their work effectively.

Following on from the most important employment aspects of the employment of university teachers in this study, as outlined, as well as the content context of ESG standards, which strengthens the position of university teacher, this opens the way for further interdisciplinary scientific research of university teacher employment. Scientific questions: Does the instability of the employment relationship of university teachers have a negative effect on their motivation to further increase their pedagogical qualifications? Can the profession of university teacher be considered unattractive because of its instability caused by the chaining of fixed-term employment contracts? Does the temporal instability of university teachers employment affect the teachers' mental health and well-being?

Conclusions

We stated that the study did not aim to bring the results of detailed research to the fore, but rather the authors worked in an effort to excite other researchers and scientists to explore this topic. The topic has so far been little explored, and it is such an important area – the stable performance of the work of a public university teacher in a 'protective' legislative environment. It is an incentive for wider research across several scientific disciplines and individual countries. It would be appropriate to build on our study and open it to rational research.

The performance of dependent work must be commensurate with the dignity of individuals, even more so in professions which deserve respect for the profession, including the work of university teachers (Frťalová, 2014). The introduction of only fixed-term employment contracts for university teachers negates the underlying

principle of the Temporary Work Directive, namely that only permanent employment can ensure the stability of employment relationships and only objectively justified use of fixed-term employment contracts is a way of preventing their abuse. Based on our examination of the compliance of the Slovak Higher Education Act with the principles of the Temporary Work Directive and with the support of the case law of the Court of Justice of the EU, we came to the answer to the first research question. Fixed-term employment of university teachers in Slovakia does not fully implement the Directive and it requires further intervention in order to bring it into line with it.

Finally, we also admit a slight amount of speculation that Slovak universities are generally satisfied with the arrangements allowing repetition of fixed-term contracts with teachers.

This can also be understood from the perspective of school managers. At the same time, the Labor Code provides legal solutions in the case of non-fulfilment of work obligations or achievement of weaker work results. It wants to take advantage of the Slovak Labor Code's exhaustively defined reasons for unilateral termination of employment by the school, which is, however, much more complicated, unpopular and at risk of bringing an action for invalid termination of employment by the employee. This is why schools choose to simply let time-term contracts expire.

The connection of analyses of the legislative regulation and descriptive statistics of staff structures in Slovakian universities is one of the most important things we have dealt with. Analyses of the legal acts produces a clear picture of the discrimination of fixed-term teachers that is inconsistent with the European Union regulations and requirements on the concept of objective reasons.

In our opinion, the legal norms of temporary employment contracts with university teachers disadvantage this category of employees. The legislator has not yet identified the need for legislative change. Our conclusions also confirm the results of a descriptive analysis, stating that there is a decrease in the number of university professors qualified as assistant professors in the 40–49 age category, and this change does not reflect the increase in the number of associate professors in the same age category.

It is therefore reasonable to assume that the profession of university teacher becomes unattractive to this age category of staff and for personal reasons, and in respect of the legislative reasons described above, these employees are forced to look for a new job. In view of such a position in the labor market, university teachers at the age of 50 are becoming a critically disadvantaged group of employees. The authors express the wish that the legislator will make the necessary change towards ensuring dignity and strengthening the principle of contractuality when negotiating employment contracts with university teachers.

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