

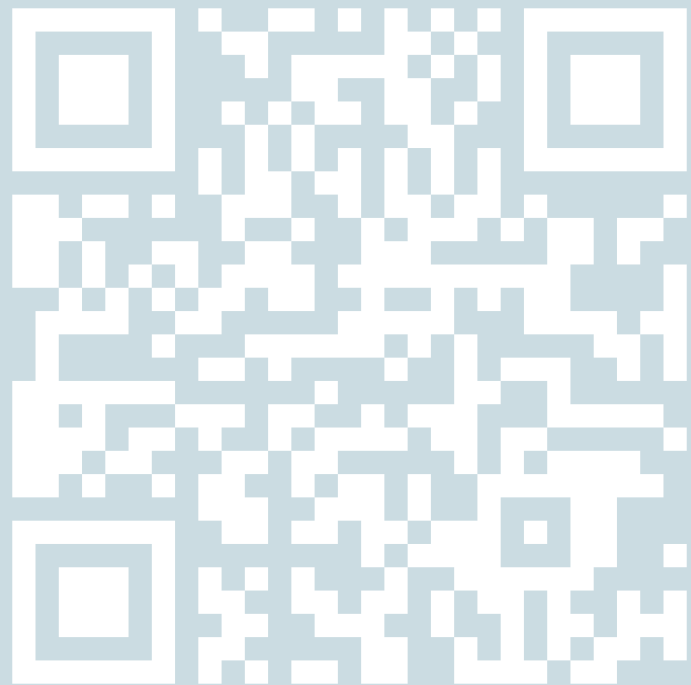
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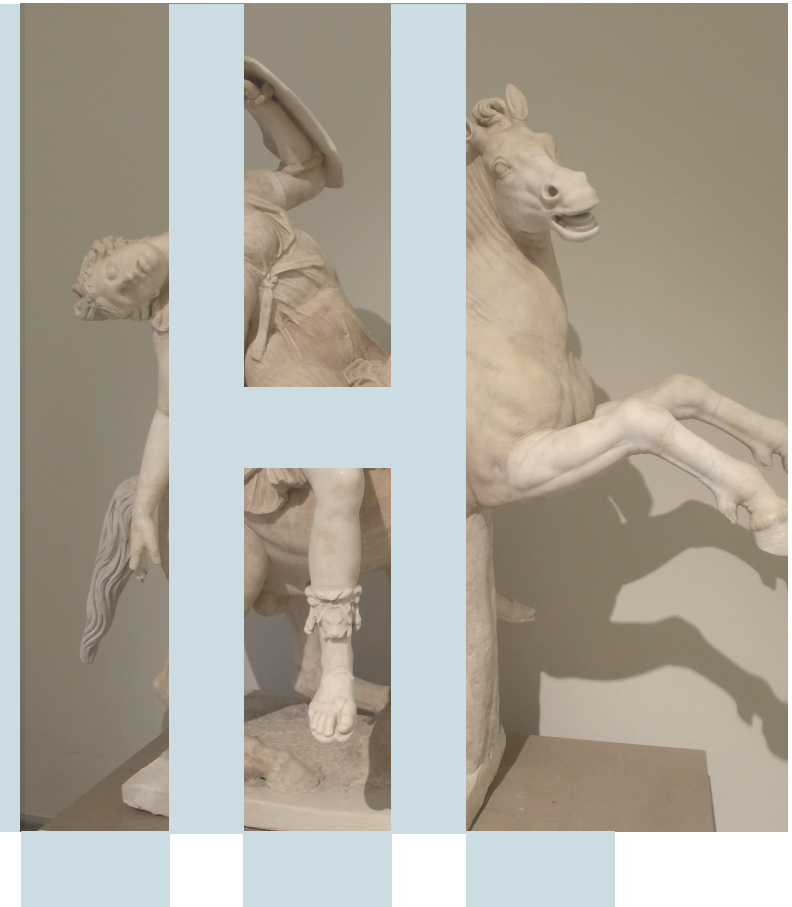
CZŁONKAMI REDAKCJI I RADY NAUKOWEJ  
SĄ UZNANI BADACZE Z POLSKI I ZAGRANICY

# HUMANUM

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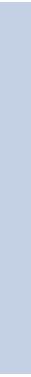
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# Etická analýza zúfalstva v diele Nemoc k smrti / *Ethical analysis of despair in the work Sickness to Death*

## **Summary**

The article analyses the question of man's despair. In his book *The Sickness Unto Death* Kierkegaard discusses despair and looks at it from several angles. In his opinion despair is a crisis of identity, it is a sin, it means turning away from God. Kierkegaard believes there are several levels of despair which follow one another and with each level the sin grows. Kierkegaard's assertion is based on the assumption that despair is a sin which is just the opposite of faith. The present paper is an attempt to describe Kierkegaard's categorisation of human despair in more detail. With respect to difficult crisis of human identity, which still persists, we deem Kierkegaard's analysis very topical from the viewpoint of theology as well as from the viewpoint of philosophy.

**Key words:** despair, sin, Kierkegaard, faith.

## **ÚVOD**

Soren Aabye Kierkegaard patrí medzi najvýznamnejších svetových etikov. Dominantným priestorom je pre neho priestor ľudského. Tým smerom sa má filozofia vydať. Musíme hlavne zodpovedať na otázku, čo to znamená existovať. Ak človek zabudol, čo znamená existovať nábožensky, potom ani nevie, čo znamená existovať ako ľudská bytosť. Odmieta Hegla, hovorí že on si skutočnosť vymyslel. Sám ani neverí, že by bolo možné vybudovať systematickú filozofiu. Ľudské bytie je iné, nestále a nedá sa nijako schematicky uchopiť.

Ako metódu postuluje sebaskúmanie. Je to podobné ako Sokratova maieutiká, ale tu ide o to pýtať sa seba samého na seba samého. Kierkegaard absolútne neuznával vedu, myslel si že je pre filozofiu úplne neplodná a nevýznamná. Úsilie o vedecké poznanie pokladal za nešťastie doby. Neuznáva ani delenie na objekt a subjekt, ozajstný filozof má byť subjektivista, ale nie ako Berkeley, že popiera objektívny svet. Tento problém ho absolútne nezaujíma. Svoju vlastnú intelektuálnu činnosť orientoval iným smerom. „Kierkegaard chcel byť predovšetkým učiteľom kresťanstva, možno dokonca povedať pastierom duší, od ktorých žiadal radikálne nasledovanie Krista“ (Valčo 2013, s. 121).

Môžeme ho pokladať za zakladateľa existencialistickej filozofie. Byť znamená existovať, ale nie v zmysle metafyziky. Je to existovať ako usilovať sa, chcieť, trápiť sa, milovať, nenávidieť, báť sa, tešiť sa, snažiť sa, nudiť sa etc., teda rozličné činnosti špecifické pre človeka. „V širšom zmysle Kierkegaard pojmom existencie odkazuje na špecificky ľudský spôsob bytia, ktoré je charakteristické tým, že sa vo svojom bytí určuje samo“ (Petkanič 2013, s. 64). Človek by mal svoje filozofovanie sústrediť na svoju vlastnú existenciu, aj keď to možno vzťahovať aj na iné osoby /skúmanie i výsledky/. No človek to musí mať prežité. Nemožno všetko pochopiť a nič neprežiť. Existovať znamená vlastne stávať sa. V tomto zmysle je existencia tým dôležitým predmetom filozofie. Práve stávanie sa je neustála zmena človeka. Človek je vždycky niečím iným, je to diskretný proces. Stávanie sa je sled okamihov, ale nie je to žiaden zákonitý proces.

Pojem okamih je ústrednou kategóriou u Kierkegaarda. Okamih je nejaký iracionálny moment v stávaní sa, je to boží dar veriacemu. Takéto okamihy ako blesk osvetľujú temné hlbiny duše. Takéto okamihy zažíva iba pravý hlboko veriaci človek. Je to človek, ktorého netrápia starosti každodenného života. Dôležitá je pre človeka budúcnosť, pre jeho stávanie. Ale je to stávanie dialektické v zmysle že je procesné. Je to diskretný proces, stávanie sa je to, že človek je stále niečím iným, stáva a mení sa. Človek je neustálou slobodou, jeho konanie je buď- alebo. Netreba hľadať pravdu, ale vnímať život, túto špecifickosť života a vôbec problémy života treba uprednostniť pred vedeckou evidenciou.

Subjektívny život človeka, to je existencia. Táto existencia sa úplne vzpiera akejkol'vek vede a pokusu začleniť ju pod súbor všeobecných javov. Ak sa veda usiluje o nejakú objektívnu pravdu, stále sa k nej približuje, ale nikdy sa jej nezmocní. No sama existencia je pravdou, toto je to čo treba brať ako prvoradá. Pravda je subjektivita, je to ak sa človek odcudzí sám sebe, nepozera na svoj prospech, ale sa stará o vyššie veci v zmysle svojho života. Existencia je vyrovnávanie sa so sebou, práca nášho vnútorného života, je to aj uvedomovanie si vnútornej rozpornosti.

Najvyššia vášeň človeka je viera. Ľudský život bez Boha je prázdny. No vo viere má človek pokročiť, ísť ďalej, viera nemá ostať nerozvinutá. Vzťah k Bohu nesprostredkuje ani cirkev, ani kňazi, ale musí byť osobný. Človek pociťuje úzkosť v náboženskom zmysle. Je zúfalý, pretože smeruje k smrti. Vierou a prebudením vedomia hriešnosti, sa človek s úzkosťou vyrovnáva. Rozhoduje sa žiť v blízkosti Boha. Človek vie že je smrteľný, ale vie že Bohu nič nie je nemožné.

Vplyvné a zaujímavé je jeho delenie ľudského života na tri štádiá, pričom jedno je kvalitatívne vyššie ako druhé. Prvé je estetické štádium. Základom je *carpe diem*, využi deň. Treba využiť každý deň, aby sme sa mohli z neho tešiť, človek sa orientuje



na veci okolo seba, žije iba v prítomnosti a iba pre krásu. Takýto človek je prirodzene nezodpovedný. Všetky jeho dni sa podobajú na seba. Etické štádium je žiť podľa kategorického imperatívu. Dominujú mravné zákony a povinnosti. Zmyslom života je vtedy pomáhať iným a obetovať sa. Toto je autentický život, stále sa rozhodovať buď- alebo. Náš filozof tvrdí, že ak človek stojí pred smrťou, rozhodne sa vždy správne. Najvyššie stojí religiózny človek. Modelom správania je tu Abrahám. Božie je nad ľudské.

## FORMY ZÚFALSTVA PODĽA KIERKEGAARDA

Kierkegaard sa v rámci spisu *Nemoc k smrti* venuje otázke zúfalstva. Práve zúfalstvo nazýva touto nemocou. Človeka vníma ako subjekt, ako „ja“. Človek je duch a duch je ja. V podstate nevedeckým esejistickým spôsobom Kierkegaard definuje ľudské ja ako pomer tela a duše. Ľudské ja má pomer k sebe samému a tým aj k iným individuám. Jednou z dvoch foriem zúfalstva, o ktorých píše Kierkegaard, je túžba nechcieť byť sám sebou. Pokiaľ sa človek spolieha sám na svoje vlastné sily, jednoducho nemôže byť v pokoji. Za druhú formu zúfalstva zasa pokladá túžbu stať sa sám sebou. Človek vedomý si zúfalstva nehovorí o ňom nezmyselne. Pokiaľ sa snaží svoje zúfalstvo odstrániť, jeho zúfalstvo sa prehľbuje, pretože jeho snaženie je len domnelé. Zúfalstvo možno vnímať ako nedostatok, ale aj ako prednosť. „Možnosť takejto nemoci je človekova prednosť pred zvieratom, a táto prednosť znamená viac než len vzpriamená chôdza, pretože ukazuje na nekonečné vzopätie a vyvýšenosť, že je duch“ (Kierkegaard 1993, s. 125). Zúfalstvo sa človeku neprihodí, je v ňom samom.

Odkiaľ teda pochádza zúfalstvo, pýta sa Kierkegaard? Človek je syntéza duše i tela, ktorá je pomerom. Týmto pomerom urobil človeka Boh. Niekedy zúfalec na oklamanie iných a seba svoj stav podľa Kierkegaarda nazýva nešťastím. „Úzkosť a strach majú rôzne významy, hoci mávajú rovnaký ontologický základ“ (Králik 2015, s. 181). Človek si v podstate uháňa zúfalstvo každým okamihom, ktorým si zúfa. Ono je stále prítomné a nie je minulosťou. Zúfalstvo vníma ako nemoc k smrti. Je to choroba, ktorá smrťou končí. Zaujímavé je poňatie zúfalstva z hľadiska vedomosti o večnom živote z hľadiska kresťanstva. Pokiaľ by prirodzeným koncom choroby, pokiaľ by bola smrteľná, bola smrť, v takom prípade by bola milosrdenstvom svojho druhu. Avšak ak človek nemôže umrieť, potom zúfalstvo pretrváva, „beznadej spočíva v tom, že chýba aj tá posledná nádej, smrť“ (Kierkegaard 1993, s. 127). Zúfalstvo je večným umieraním, v ktorom sa paradoxne umrieť nemôže. Zúfalstvo v konečnom dôsledku nedokáže zúfaleho zničiť. Zúfalec si zúfa sám nad sebou. Ako príklad ukazuje dievča, ktoré je zúfale zo smrti alebo nevery partnera. Zúfa nad sebou, že mohla byť s ním vo vzťahu a nie je to skutočnosť.

Zúfalá túžba stať sa samým sebou sa dá podľa Kierkegaarda previesť na zúfalstvo iného druhu, na zúfalstvo nechcieť sa stať sám sebou. Protirečenie podľa nášho filozofa spočíva v tom, že človek zároveň chce sa stať sám sebou, ale ono ja, čím sa chce človek zúfalo stať, nie je to ja, ktorým sme práve. Ide o krízu identity človeka – porovnaj (Vaňková 2012). Realita nás núti byť aktuálnym ja. Zúfalstvo spočíva v tom, že človek je prinútený byť tým ja, ktoré neprijíma, ktorým byť nechce. Večnosť človeka a nesmrteľná duša je to, čo Kierkegaard vidí ako jeden z kardinálnych dôvodov zúfalstva. Trýzeň spočíva najmä v tom, že človek nemôže umrieť.

Kierkegaard sa domnieva, že nie je medzi ľuďmi jediný človek, ktorý by nebol aspoň trochu zúfalý. Zúfalstvo pokladá za chorobu ducha. Ak človek zistí, že je zúfalý, je to aj poznanie, že zúfalý bol počas celého predchádzajúceho života, nie je to teda ako s chorobou, kde bol pred časom choroby zdravým človekom. „Zúfalstvo je však práve nevedomosť o vlastnom určení ako duch“ (Kierkegaard 1993, s. 134). Zúfalstvo nepokladá vôbec za zriedkavý, ale bežný jav. Dokonca nie je pravda, že zúfalý nie je ten, kto sa za zúfaleho nepovažuje. Ten, kto si zúfalstvo prizná a nepretvaruje sa, toho pokladá za zúfaleho iba v malej miere. Avšak väčšina ľudí si nevedomuje svoje určenie, že ich vlastné ja je duchom, a v tom spočíva to zúfalstvo. Hlbavejší ľudia si zasa uvedomujú svoje duchovné určenie, ale uvedomujú si aj svoje zúfalstvo. Je ťažké nájsť človeka, ktorý nie je zúfalý, uzatvára Kierkegaard.

Zúfalstvo pri všetkých aspektoch, ktoré sme popísali, pokladá za skryté. Človek je duch a jeho ja je pre Boha. Túto skutočnosť si mnohí ľudia nevedomujú a premárnia život rôznou činnosťou, ktorá je v konečnom dôsledku prázdna. „Kierkegaard vyčíta svetskej múdrosti, že opúšťa Boha ako významný komponent lásky v pomere človeka k človeku, čím participuje na kreácii „sveta bez Boha““ (Tomovčík 2008, s. 102). Večnosť sa bude pýtať každého človeka bez ohľadu na pôvod, majetok a okolnosti, či žil v zúfalstve, alebo nie? Situácia je pre človeka stratená, ak žil život ako zúfalec.

Kierkegaard sa vyjadruje k formám zúfalstva. Vníma ich ako dialektiku a rozpornosť vzťahu konečna a nekonečna. Zároveň si uvedomuje aj úlohu fantázie človeka. Odvoláva sa pri tom na Fichteho, ktorý hovorieval, že človek si volí takú filozofiu, aký je sám. Tie povahy, ktoré sú pasívne volia skôr dogmatizmus, tie ktoré sú samostatné zvolia radšej idealizmus. Sám sa preň rozhodol. Fichte pokladal fantáziu za pôvodcu kategórií. Kierkegaard sa domnieva, že pokiaľ sú cit, vôľa a poznanie u človeka fantastické, vtedy sa takým stáva celé ja jedinca. Vracia sa k otázke, nekonečnosti. Domnieva sa, že nemať nekonečnosť je zúfalstvo určitého druhu, je to manifestácia ľudskej hlúposti. Pokiaľ sa človek príliš zapodieva záujmami tohto sveta, zabúda na seba. „Kierkegaard je pre nás krásnym príkladom skutočnosti, že z dôvodu svojho bohatstva a pohodlia (odvodeného od technológie) človek prestal prežívať radosť zo života a pokoj v duši“ (Králík a Tinley 2017, s. 27). Nemať svoju vlastnú pôvodnosť pokladá Kierkegaard za zúfalú obmedzenosť. Je to napodobňovanie a pridanie sa k davu, podobne ako neskôr Heidegger hovorí o *man* a o autentickom bytí. Vo svetskom živote to môže priniesť dokonalosť a šťastie, avšak je to za cenu straty samého seba. „Zúfalstvo, ktoré prirodzene nie je na obtiaž, ale naopak život uľahčuje a spríjemňuje, nie je prirodzene za zúfalstvo považované“ (Kierkegaard 1993, s. 141). Pokiaľ človek nič neriskuje, zbabelo stráca svoje ja. Nemať žiadne ja pred Bohom v duchovnom zmysle. „A práve o to ide v existenciálnom prístupe k životu: zjednotiť vlastné myslenie s vlastnou existenciou – to je základný imperatív každej existenciálnej etiky, pokiaľ si chce toto meno nárokovať“ (Petkanič 2013, s. 67).

Zúfalstvo možno vnímať aj ako absolútnu posibilitu v zmysle deprivácie nutnosti. Možnosť v takom prípade narastá v zmysle jestvovania rôznych možných situácií, avšak nič sa neuskutočňuje. Na druhej strane možnosť je účinná voči zúfalstvu v tom zmysle, že pre Boha nič nie je nemožné a tak zostáva možnosť pomoci človeku z tejto strany. Možnosť je riešenie, ako uniknúť pred fatalizmom a determinizmom. Zúfalstvo je priamo závislé od vedomia, čím intenzívnejšie je vedomie, tým silnejšie je zúfalstvo. Človek ovládaný zmyslami si môže sám sebe pripadať, že je šťastný,

dokonca by bol plný hnevu voči osobám, ktoré by sa mu to snažili vyhovoriť – porovnaj (Vaňková 2013).

Jedným z druhov zúfalstva je uvedomovanie si seba, ktoré sa chce zmeniť buď na niečo iné, alebo naopak byť samo sebou. Pokiaľ nechceme byť sami sebou, podľa Kierkegaarda je to zúfalstvo zo slabosti. Zaujímavá je analýza ženy, ktorú náš autor ponúka. Žena má špecifickú formu zúfalstva. Podstatou ženy je podľa Kierkegaarda oddanosť. Pokiaľ žena taká nie je, nie je typickou ženou. V oddanosti stráca žena samu seba a iba takto je šťastná, jej zúfalstvo spočíva v tom, že oddanosť je jediné, čo žena vlastní. Mužské zúfalstvo zasa podľa nášho filozofa spočíva v túžbe stať sa sám sebou.

Zúfalstvom nad pozemskosťou myslí kodaňský existencalista to, pokiaľ stratíme niečo pozemské. To však v jeho ponímaní skutočným zúfalstvom nie je. V takomto prípade nemá človek ozajstné poňatie o tom, čo je zúfalstvo. Pokiaľ je človek vo vleku stádovitého správania sa, žije síce formálne nábožensky a nakoniec je pochovaný cirkevným obradom, ale vo svojej podstate nikdy nebol sám sebou. „Táto forma zúfalstva znamená: v zúfalstva nechcieť byť sám sebou, či niečo ešte nižšieho: v zúfalstva svoje ja odmietajť - alebo niečo najnižšieho vôbec: v zúfalstva chcieť byť niekým iným než sám sebou, priať si nové ja“ (Kierkegaard 1993, s. 158). Je to túžba zariadiť sled udalostí tak, aby mohol prijať nejakú inú identitu. Túžba nechcieť byť sám sebou je zúfalstvom zo slabosti, je trpným zúfalstvom. Strašné je to, pokiaľ takýto človek zdanlivo premôže zúfalstvo náhradnou náplňou života, aj keď ide o život, ktorý sa zdá byť z určitej stránky úspešný. Domnieva sa, že zúfalstvo premohol, ale nie je tomu tak. Pod určením ducha žije aspoň sčasti iba veľmi málo ľudí. Starosť o dušu pripadá väčšine ako mrhanie časom. Skutočné zúfalstvo pritom nepatrí iba mladosti, to je lož. Rozdiel medzi zúfalstvom mladého a starého človeka pri tom nie je bytostný. Je nemožné stratiť svoju pozemskosť. Zúfalstvo nad tým je kvalitatívne iné a hlbšie než zúfalstvo nad stratou niečoho pozemského.

Môžeme ho vnímať aj ako vedomie o niečom v zmysle zúfalstva nad sebou samým. Pokiaľ sa človek trápi, zúfa si, že pozemským veciam prikladal taký význam, v takom prípade ide o úplne inú kvalitu zúfalstva. Kierkegaard to pokladá za vzostup. Podľa neho ide aj o taký typ zúfalstva, ktoré sa vyskytuje redšie vo svete. Človek, ktorý sa nachádza v tejto forme zúfalstva, je do seba uzavretý. Jeho čas je vyplnený pozorovaním vlastného pomeru smerom sám k sebe, sebareflexiou. Vtedy je podstatné sa zo zúfalstva nejako dostať k svojmu ja. Zdá sa, akoby pochodoval na jednom mieste, hoci sa vyskytujú nebezpečenstvá ciest, ktoré človeka môžu odvieť od hľadania samotného ja. Nebezpečenstvá tvoria zaujatia vonkajším svetom, zmyselnosťou. „Božia skúška oddanosti, skúška pripravenosti „podriaďiť sa“ vlastnej slabosti, bez ktorej ľudské neexistuje, je podľa Kierkegaarda možná iba v prípade, že nie je ani skúškou úplnej odovzdanosti, oddanosti vo všetkom, ani skúškou poddania sa, rezignácie na základe neludských požiadaviek, ktoré sú nad naše sily“ (Tonkli 2014, s. 419). Ďalším nebezpečenstvom je možnosť samovraždy.

Po spomínaných štádiách, zúfalstvom nad vlastnou slabosťou a zúfalstvom kvôli večnosti nad svojím ja príde vzdor. Cieľom je, aby sa zúfalé ja stalo samo sebou. Táto forma zúfalstva môže byť prechodnou stanicou k viere. Zúfalé ja môže byť činné, alebo trpné. Ak je činné, je človek ku sebe v experimentujúcom vzťahu. Ak je trpné,

potom človek v zúfalstve chce byť sám sebou. Pohorší sa nad celým svojím životom. Toto zúfalstvo môže narásť do démonického zúfalstva až démonického šialenstva. V takejto forme sa človek vyskytuje ako postava u dobrých básnikov, ale môžeme ich nájsť aj v skutočnosti. „Čím je zúfalstvo duchovnejšie, tým viac mu záleží, aby sa schovalo za zovňajškom, za ktorým by ho normálne nikto nehladal“ (Kierkegaard 1993, s. 175).

V konečnom dôsledku je zúfalstvo hriechom. Pohan je zúfalo nevedomý poznaním o Bohu. Hriech je voči Bohu zúfalo nechcieť byť sám sebou, alebo aj voči Bohu zúfalo chcieť byť sám sebou. Hriech sám je pokladaný za zúfalstvo. Podobne ako Abelard tvrdí, že ide už o samotný duchovný súhlas s hriešnymi skutkami. Protiklad ku hriechu nie je podľa Kierkegarda cnosť, ale viera.

Kierkegaard si veľmi ctí Sokrata, tvrdiac, že svet by po mnohých storočiach potreboval nového Sokrata. Je to preto, lebo život väčšiny ľudí je tak vzdialený od viery, a je tak duchoprázdnny, že sa nemôže nazvať zúfalstvom. Je to obyčajné opičenie sa po ostatných, ktoré je tak triviálne, že ho ani nemožno nazvať hriechom. K takému životu akoby nemalo kresťanstvo nijaký vzťah. Kňazov je tiež mnoho, ale ozajstný duchovný je vzácnosťou.

Jedným z druhov zúfalstva je zúfalstvo nad vlastným hriechom. Hriech vo svojej prirodzenosti sa podľa Kierkegarda utesní sám v sebe, nechce mať nič s dobrom, bojí sa deprivácie započatého hriešneho stereotypu, človek si ho udržuje tak, ako si opilec udržuje opicu. Zúfalosť nad vlastným hriechom znamená roztržku. Je veľmi zlé, pokiaľ si človek naruší vzťah k svojej vlastnej ľútosti. Zúfalec v tom zmysle, že si zúfa, že sa ešte zaoberá ľútosťou a úvahou o milosti, klesá omnoho hlbšie. V konečnom dôsledku je to nielen pokus urobiť definitívny koniec nad úvahami o dobre, milosti a pokání, ale zúfalstvo nad úplnosťou vlastnej prázdnoty. Zúfalstvo nad hriechom sa medzi hlupákmi zvykne vydávať za niečo dobré. Ani rozladenie, že človek podľahol pokušeniu, nemusí znamenať ľútosť vo vlastnom zmysle slova. Človeka usvedčujú slová – nikdy si to neodpustím. Keby nám ten čin odpustil Boh, je povinnosťou človeka si to odpustiť, ba mal by Boha prosiť o odpustenie.

Ďalším druhom je zúfalstvo kvôli odpusteniu hriechov. Ja sa stretne s Kristom. Hriešnik si uvedomuje možnosť odpustenia hriechov, ktorú ponúka Boh, ale stále upadá hlboko do hriechu a z toho pramení toto zúfalstvo. Aby si človek vôbec mohol dovoliť takúto drzosť voči Bohu, musí byť od neho ďaleko. Často sa to omylom pokladá za výraz hlbokkej povahy, ale opak je pravdou. Kresťanstvo je drzo zneužívané na množstvo bludov. Hriech z tohto zúfalstva je pohoršením. Pohan by sa maximálne mohol dostať do zúfalstva nad hriechom, predchádzajúceho štádia, no nie do zúfalstva kvôli odpusteniu hriechov. Tam dôjde človek iba zriedkavo. Kresťanstvo v stave pokrivenia pôvodného Kristovho učenia je v stave zúfalstva. V hriechu žijú jednotlivci a nie spoločenstvá, hriech je individuálny. Človek sa nemôže v jednom podobať Bohu, v odpustení hriechov, preto tak pohoršil Kristus tých Židov, ktorí neverili v jeho božstvo.

Najvyššou formou zúfalstva je prehlásiť kresťanstvo za nepravdu. Ja, ktoré toto tvrdí, má o sebe veľmi zúfalú predstavu. Je to hriech proti Duchu svätému. Najhorší ľudský hriech je pohoršenie nad Kristom. Je to najhoršie, čo môže človek Bohu urobiť. Sám Kristus voči tomu varuje. Najnižšou formou tohto veľkého zúfalstva

je úplná ľahostajnosť voči Kristovi. Nie je to správne, lebo kresťanstvo sa zvestuje. Toto zvestovanie je však slabé, nedostatočné. Hlbšou formou je, keď človek nemôže ostať v otázke o Kristovi ľahostajný, ale nemôže uveriť. Najvyššia forma je pozitívna, je to priame popieranie Krista. Buď je to doketizmus, t. j. Kristus bol iba zdanlivo človekom, alebo je to dokonca popieranie jeho božstva. Táto forma popierania je najväčším možným hriechom (Kierkegaard 1993, s. 226). Tu je podľa nášho filozofa aj vrchol zúfalstva človeka.

## ZÁVER

Kierkegaard vo svojej reflexii zúfalstva predstavuje jeho formy. Postupuje od najnižšej formy zúfalstva a vrcholí popieraním Krista a kresťanstva ako najväčším hriechom. Axiologicky je tento postoj úplne antagonistický voči Nietzsche, ktorý tvrdí, že modliť sa je hanebné. Zúfalstvo je na jednej strane v túžbe nebyť sám sebou, na druhej strane v sne stať sa sám sebou. Aspoň za trocha zúfaleho považuje každého človeka. Zúfalstvom je aj nemať nekonečno. Ide teda o zúfalstvo nad vlastnou slabosťou aj o zúfalstvo kvôli večnosti. Zúfalstvo, v ktorom sa zúfale ja chce stať samo sebou, môže narásť až do démonického zúfalstva. Odtiaľto môže nastať posun k viere ako opaku hriechu. Vyššou formou zúfalstva je zúfalstvo kvôli hriechom. Je to narušenie vzťahu k vlastnej ľútosti, žiaľ, že sa ešte zaoberá úvahami o ľútosti a pokání. Ešte hlbším zúfalstvom je zúfalstvo kvôli odpusteniu hriechov, keď si človek na jednej strane pripúšťa možnosť ich odpustenia, no je zúfalý, že nedokáže s hriechom prestať. Najvyššou formou je pohoršenie nad kresťanstvom, ktorého je tiež niekoľko druhov. Najnižšou z najvyššej formy zúfalstva je hriech ignorovania Krista. Vyššou formou zúfalstva je nevier a v neho. Zúfalstvo vrcholí popieraním Krista v doketizme, alebo dokonca v popieraní jeho božskosti.

Kierkegaardov pohľad na zúfalstvo človeka je bytostne spojený s kresťanským vnímaním miesta človeka vo svete. Je to stále aktuálne, na situovanosť človeka upozorňuje autorka Vaňková (Vaňková 2010). Berie ho ako v konečnom dôsledku hriech voči Bohu. Zúfalstvo je vlastne akási forma odporu voči Bohu, nepatričná odpoveď na jeho vykupiteľský akt a poníženie. Kierkegaard existencialistickým vnímaním ľudského zúfalstva pod zorným uhlom kresťanského svetonázoru ďaleko predbehol mnohých teologických i filozofických súčasníkov. Jeho analýza zúfalstva patrí medzi zlatý fond kierkegaardovského dedičstva.

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# Modern management of national road infrastructure

## Summary

A properly prepared and functioning road infrastructure is one of the most crucial elements of the country's economic development. The growing number of vehicles and increased traffic on national roads, mainly related to transit transport, requires the continuous development of the road network, including first of all the implementation of top-class connections, such as the network of motorways and expressways. Good quality of main national road connections creates the possibility of faster and safer movement, both in passenger and freight transport. It also has a positive effect on the travel comfort, at the same time separating local and transit traffic in order to increase travel safety. The article presents, in the short description, that linear road investments, apart from economic benefits, require effective and efficient management. Therefore, regardless of the construction of new roads or the modernization of existing international connections, the use of modern technologies is of significant importance for the comprehensive management of the national road network.

**Keywords:** road network management, innovative technologies, road infrastructure, ITS, BIM.

## INTRODUCTION

It should be noted that the network of existing national roads in Poland has been significantly expanded in the last decade, and according to the assumptions of the National Road Construction Programme 2014–2023 (with an outlook to 2025),<sup>1</sup> the number of Polish international connections will continue to grow gradually. The National Road Construction Programme envisages the construction of

<sup>1</sup> The National Road Construction Programme for 2014 – 2023 (with an outlook to 2025). Annex to the Resolution No. 156/2015 of the Council of Ministers of 8 September 2015, amended by the Resolution No.76/200 of the Council of Ministers of 16 June [online:] <https://www.gov.pl/web/infrastruktura/program-budowy-drog-krajowych-na-lata-2014-2023-z-perspektywa-do-2025-r> (retrieved 31 August 2020)

71.5 km of motorways and 2156.4 km of expressways and ring roads. According to the information provided by the General Directorate for National Roads and Motorways, between 2010 and 2016 alone, the length of national roads in Poland increased by about 30%,<sup>2</sup> while the area of road engineering structures along these roads increased more than 2.5 times. Thus, the central road administration faces a huge challenge in terms of efficient management of the high quality road network.

Innovative solutions for the efficient management of roads using advanced technologies are evolving quite intensively, but road infrastructure managers do not always have adequate financial resources to implement new forms of the management of the road infrastructure. Expectations and needs are enormous, as the road infrastructure is constantly being developed and modernised to improve its quality, but the introduction of advanced technologies requires time and considerable financial expenses. It should be stressed that in the case of the national road network which is still developing, these activities are important for proper monitoring of expensive road infrastructure, because when we talk about national roads, we must take into account all the elements of their equipment which are necessary for the proper functioning of the transport system.

This article focuses primarily on the administration and management of the national road network, but the issue of proper and effective management of the road infrastructure also concerns other roads with lower technical parameters.

## THE DIVISION OF COMPETENCES CONCERNING PUBLIC ROADS IN POLAND

Different types of roads have different parameters and are managed and financed by different levels of public administration. This is reflected in one of the existing classifications of roads in Poland - the roads, according to their functions, are divided into:<sup>3</sup>

- national roads (Polish: *drogi krajowe*), which are significant for from the point of view of the State, and which mainly carry traffic of national and international importance, with the highest standard of speed and the highest technical parameters,
- voivodeship roads (Polish: *drogi wojewódzkie*), which are important from the point of view of the functioning of regions and voivodships, constituting a link between towns, with technical parameters lower than those of national roads,
- district roads (Polish: *drogi powiatowe*), with parameters that do not allow them to be classified as national or voivodeship roads, constituting links between town which are seats of *powiats* and seats of *gminas*, and also links between seats of *gminas*,
- local roads (Polish: *drogi gminne*), which are of local importance and included in other categories, constituting a complementary road network serving mainly local needs, excluding internal roads (which are not public roads).

<sup>2</sup> [www.gddkia.gov.pl](http://www.gddkia.gov.pl) (retrieved 30 August 2020)

<sup>3</sup> The Act on Public Roads of 21 March 1985 (Journal of Laws 2020, item 470), [online:] <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19850140060> (retrieved 20 August 2020)



The roads have different owners and managers – the State Treasury is the owner of national roads, and voivodeship, district and local roads are owned by the relevant local government. The entity managing national roads is the government administration, through the General Director for National Roads and Motorways, except for national roads that are not motorways or expressways in towns with *powiat* rights and transferred to other entities.

The management of motorways may be transferred to another entity - a management body which will manage the section of a motorway which has already been built or which will build and subsequently manage a given section of a motorway under a relevant public-private partnership agreement. National roads may also be managed by a special-purpose road company if such a company is established.

The following entities are road administration authorities: for voivodeship roads – the Boards of the relevant voivodeships; for district roads – the Boards of the relevant *powiat* districts for local roads – the mayor of a *gmina* district, town or city). Within cities with *powiat* rights the mayor is the administrator of all public roads, except for motorways and expressways.<sup>4</sup>

As with road management, the competences of traffic management are divided. Depending on the type of road, the road traffic management bodies are:

- The General Director for National Roads and Motorways in the case of national roads, except for roads located within cities with *powiat* rights. However, this exception does not apply when these roads are expressways or motorways.
- a voivodeship marshal (Polish: *marszałek województwa*) in the case of voivodeship roads, except voivodeship roads within cities with *powiat* rights,
- *starosta* (the administrator of a *powiat* district) in the case of district and local roads, except for cities with *powiat* rights,
- the mayor of a city in the case of public roads located in cities with *powiat* rights, except for motorways and expressways.<sup>5</sup>

According to B. Kos<sup>6</sup>, improving coordination of road and traffic management on networks composed of different categories of roads is also one of the main and urgent tasks of the State indicated in strategic documents. The author attributes fundamental significance for this matter to the issue of the cooperation between the administrative authorities of national and voivodeship and municipal authorities in the field of planning and the implementation of investment tasks.

In this context, the author draws particular attention to the fact that the highest volumes of traffic and, consequently, the needs as regards the development and modernisation of the road network occur in towns, cities and their surroundings. In view of the lack of cohesion of the road network in Poland and the difficulties

4 The Act on Public Roads of 21 March 1985, *op.cit.*

5 The Law on Road Traffic of 20 June 1997 (Journal of Laws 2020, item 110), [online:] <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970980602> (retrieved 20 August 2020)

6 B. Kos, Kierunki poprawy efektywności zarządzania siecią drogową w Polsce, Uniwersytet Ekonomiczny w Katowicach, 2013/no. 136 Transformacja współczesnej gospodarki jako przedmiot badań, p. 157, [online:] <http://bazekon.icm.edu.pl/bazekon/element/bw-metal.element.ekon-element-000171255909> (retrieved 20 August 2020)

resulting from the division of roads into four categories, it is becoming necessary to improve the process of planning and management of the infrastructure by defining the principles of cooperation between national road management authorities and local governments at different levels.<sup>7</sup> The activities which determine the proper development of road transport in the years to come include the improvement of traffic management methods, especially in the case of roads with heavy traffic. It is becoming particularly important to use modern technologies in the design, implementation and management of the growing public road network. The development of ICT systems and modern software for creating spatial design models and the use of innovative wireless data transmission technologies allow the rational management of the road network and ongoing monitoring of planned road investments, from the moment the concept of their course is prepared, through the design, execution and, no less important, their subsequent maintenance with the use of integrated traffic information and control systems on roads.<sup>8</sup>

## BUILDING INFORMATION MODELLING (BIM) – INNOVATIVE DESIGN TECHNOLOGY

BIM, i.e. modelling of information about a structure (building) makes it possible to create the designed, point or linear, structure in a virtual world starting from the conceptual design to putting the investment into use. This innovative technology provides continuous and immediate access to information about the created project, its costs and schedules. It simplifies the design process itself considerably, by allowing various variants and schemes to be tested in a virtual world in order to select the most optimal solution in technical, economical and environmental terms, Digital design data combined with innovative technology for parametric modelling of information provides significant benefits compared to traditional design and construction methods. At present, however, despite its many advantages, Building Information Modelling is not a commonly used instrument in Poland for the design of, spatial or linear, building structures due to quite high costs of its implementation (purchase of a licence), the necessity of staff training and extension of the initial stage of investment implementation, i.e. design preparation.

Currently, the design of linear objects, including roads for motor vehicles, is carried out mainly with the use of various types of computer software. A flat 2D model, which does not give a full picture of the design, is still often used. One of the most important features of BIM during design is the possibility to develop a 3D model, parameterise elements of the design, ensure 3D visualisation, or detect conflicts and coordinate individual components of the design on an ongoing basis. The BIM tool makes it possible to maintain interdisciplinary cooperation of the created design, develop coherent, comprehensive design solutions and minimise inaccuracies resulting from conflicts between disciplines undefined in the flat design model. However, a design is one of the first elements of the investment process and, according to J. Bohatkiewicz,<sup>9</sup> possibly the most important one, in which many mistakes may

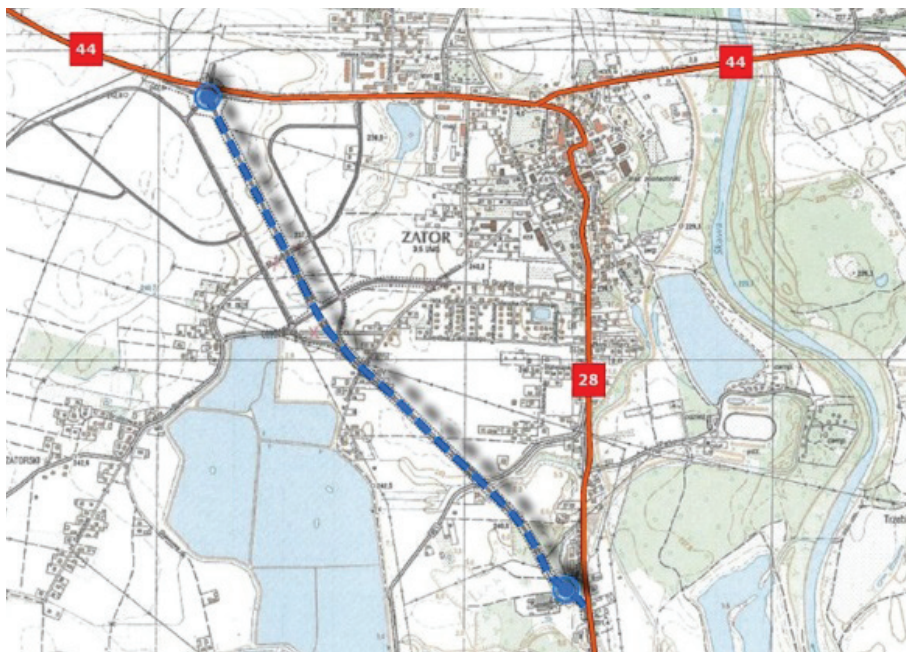
7 Polityka Transportowa Państwa na lata 2006-2025. Ministerstwo Infrastruktury, Warszawa 2005, pp. 18-19, [online:] <https://www.gov.pl/web/infrastruktura> (retrieved 20.08.2020)

8 B. Kos, Kierunki ..., op. cit., p. 157

9 Joanna Bohatkiewicz, Janusz Bohatkiewicz, Rozwój systemów projektowania i zarządzania w budownictwie drogowym – od Euklidesa i systemów CAD do eBIM w terenach

be made, visible only at the construction stage, and in some situations during the operation and further management of the completed road infrastructure. An important element is, therefore, such a project execution and management that the final product is optimal and effective both in terms of technical, economic and environmental conditions

P. Olszynka<sup>10</sup> analysing advantages and disadvantages of the innovative BIM technology, points to its rather reluctant use in the preparation of investment projects in Poland. However, according to the author, the year 2018 brought two important events in terms of accelerating BIM development prospects in the country. The first was the signing in February 2018 of the BIM Standard PL agreement by the largest construction companies in the country, and the second was the tender announced on 13 July 2018 by the General Directorate for National Roads and Motorways for the design and construction of the ring road of the town of Zator within National Road No. 28.



**Fig. 1.** The planned ring road of Zator

**Source:** [www.gddkia.gov.pl](http://www.gddkia.gov.pl) (retrieved 20 August 2020)

In accordance with the description of the subject of the order, the investment will be carried out using the BIM technology and standard. The project has a strong reference and training value for the industry - it is a part of the BIM pilot implementation programme (launched in 2017 by the Ministry of Infrastructure and Construction) and is the first national public tender in the area of infrastructure to implement the

wrażliwych na środowisko i społecznie, *Budownictwo i Architektura* 15 (1) (2016), pp. 269-279 [online:] <https://yadda.icm.edu.pl/baztech/element/bwmeta1.element.baztech-10c4731d-39cc-405e-98ff-9bc5e2d1b18b> (retrieved 20 August 2020)

<sup>10</sup> P. Olszynka, *Raport BIM w Polsce A.D. 2019*, *Builder Polska*, 2019 [online:] <https://builderpolska.pl/2019/03/05/raport-bim-w-polsce-a-d-2019/> (retrieved 20 August 2020)

BIM methodology at the stage of designing and implementing a road investment. It is extremely important that the non-price criteria were more important than the price criteria. The weighting of non-price criteria specified in the Terms of Reference is 60%, of which BIM accounted for 37%.<sup>11</sup> For the reasons mentioned above, in the case of the Zator ring road, a relatively simple investment of a moderate scale was deliberately chosen, as the assumed length of the ring road is about 2.1 km.

It is a success that on 28 January 2020, a Contract was signed with the Contractor to develop design documentation for the Zator ring road with the implementation of BIM methodology and tools in the infrastructure design environment, taking into account the following premises:

- obtaining a design of the best possible quality both in terms of the subject matter of the design and the information content of the documentation,
- streamlining decision-making processes through efficient use of the existing data and the data collected at the design stage,
- effective definition and optimisation of information flow processes,
- effective risk analysis as early as at the preparation and design stages to minimise the effects of risks at the implementation stage,
- locating the sources of problems encountered during design works on the part of the contracting party, contractors or administrative bodies, determining the origin of these problems and indicating possible solutions.<sup>12</sup>

The implementation of this project may possibly open the way to the widespread use of BIM technology in road infrastructure design, all the more so as skilful introduction of data and the use of 3D modelling capabilities can have a comprehensive application, e.g. for the effective management of linear road infrastructure at different stages, starting from its preparation (design) based on the data obtained from the site, available maps acquired in electronic format, implementation (construction) based on the 3D model of the object and the management (maintenance) based on the data obtained during the as-built survey.

In Europe, the UK and the Scandinavian countries have been leaders in implementing BIM for many years. Its dynamic development can be seen in Asian countries, the USA, but also in Australia and Singapore. The long-term strategy for the introduction of BIM in the UK aims at the 33% reduction of construction and maintenance costs by 2025. It is also the case that BIM enters a completely different level at the moment when it is supported in the legal area, when – in one form or another - it is the regulations that impose an obligation on the public ordering party to use BIM. There is an increasing number of such regulations in Europe. In addition to the above-mentioned markets, mandatory BIM was introduced in Spain and Germany imposed such a requirement for all transport projects from 2020. Also in Poland solutions and patterns are gradually developing, both in terms of preparing the public procurement procedure and the appropriate contract structure.<sup>13</sup>

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<sup>11</sup> *Ibidem*

<sup>12</sup> [www.gddkia.gov.pl/pl/a/36450/Podpisano-umowe-na-obwodnice-Zatora-Rusza-projekt-pilotazowy-BIM](http://www.gddkia.gov.pl/pl/a/36450/Podpisano-umowe-na-obwodnice-Zatora-Rusza-projekt-pilotazowy-BIM) (retrieved 20 August 2020)

<sup>13</sup> P. Olszynka, *Raport BIM .....*, op.cit.

## INTELLIGENT TRANSPORTATION SYSTEMS (ITS) IN THE MANAGEMENT OF ROAD INFRASTRUCTURE

Efficient management of road infrastructure is important not only at the stages of the preparation and implementation of the project, but above all at the stage of its operation. A special role in the management of national roads is played by the so-called Intelligent Transport Systems, which are systematically being implemented as new sections of national roads are created as part of the National Traffic Management System and contribute not only to improving road traffic conditions but also to increasing the safety of all users of expressways, which have a high volume of moving vehicles.

ITS include:

- advanced methods of managing road and rail traffic, public transport as well as ship and air transport,
- fleet and cargo transport management,
- automatic toll collection systems,
- automated monitoring of compliance with the regulations – dynamic user information systems.<sup>14</sup>

ITS solutions have been promoted by the European Commission for many years. The creation of conditions for more dynamic development of the ITS technology is to be ensured, *inter alia* by the provisions of Directive 2010/40/EU of the European Parliament and of the Council<sup>15</sup> of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and interfaces with other transport modes and, in Polish regulations, the changes introduced to the Act of 21 March 1985 on Public Roads. The Directive is a legal act which constitutes a framework setting out the so-called priority areas, i.e.:

- optimal use of road, traffic and travel data,
- continuity of traffic and freight management ITS services,
- ITS road safety and security applications,
- Linking the vehicle with the transport infrastructure.<sup>16</sup>

The benefits of the use of ITS:

- an increase in the capacity of the street network by 20–25%,
- improving road safety (the reduction of accidents by 40–80%),
- the reduction of travel times and energy consumption (by 45–70%),
- improving travel comfort and traffic conditions for drivers, users of public transport and pedestrians,

<sup>14</sup> Polityka Transportowa Państwa ..., pp. 18–19, op.cit.

<sup>15</sup> Directive 2010/40/UE of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport [online:] <https://eur-lex.europa.eu/legal-content/PL/TXT/PDF/?uri=CELEX:32010L0040&from=SL> (retrieved on: 20 August 2020)

<sup>16</sup> Strategia rozwoju transportu..., op. cit., pp. 9 and 71–76.

- reducing the costs of road fleet management,
- reduction of costs related to the maintenance and renovation of road surfaces,
- improving the quality of the environment (the reduction of exhaust emissions by 30–50%),
- increasing economic conditions in the region.<sup>17</sup>

For the purposes of managing the national road network, the General Directorate for National Roads and Motorways plans to introduce the Central Implementation Project within the National Traffic Management System for the TEN-T network, which will provide central software and the necessary hardware infrastructure to control the entire system. In addition, the National Traffic Management Centre will be established, and some sections of the core TEN-T network will be equipped with the necessary devices, i.e.: variable content signs equipment for traffic monitoring and event detection, sensors of weather conditions and the condition of road surfaces.<sup>18</sup>

The project of the National Traffic Management System for the TEN-T network - stage I will cover almost one third of the roads in Poland included in the European core TEN-T network, which in total represent over 1 100 km. As a result, an integrated traffic management system will be created, thanks to which driving on national roads will be smooth and much safer.

The main objectives of the project of the National Traffic Management System:

- warning of traffic holdups,
- information on current and forecast traffic conditions and arrival times,
- indication of the diversion route at congestion points,
- information about the occupancy of parking spaces at the nearest service area
- improving the performance of rescue operations

The National Traffic Management System is constructed in such a way so as to cooperate and exchange data with other systems, such the National Toll Collection System or the National Revenue Administration, and therefore as to be widely used for the purposes of efficient and safe management and functioning of the State Administration. Such a combination is obviously a challenge for the whole administration, not just for one institution (the General Directorate for National Roads and Motorways) and requires close mutual cooperation. It is therefore worthwhile to implement all available instruments and components, so that the system can be multifunctional and used at various levels for the economic security of the country and drivers. Undoubtedly, a great success is the signing in May 2020 of a contract for the implementation of the Central Implementation Project of the National Traffic Management System, including the creation of the National Traffic Management Centre together with an

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17 J. Oskarbski, K. Jamroz, M. Litwin: Inteligentne systemy transportu – zaawansowane systemy zarządzania ruchem. [www.pkd.org.pl](http://www.pkd.org.pl), as cited in Proper, T. Allen: Intelligent Transportation System Benefits: 2000 Update. U.S. Department of Transportation Washington D.C., 2001. M. Litwin: The Role of Intelligent Transportation System (ITS) National Architecture and Standards – the Canadian Experience. [In:] IV Konferencja Naukowo-Techniczna „Problemy komunikacyjne miast w warunkach zatłoczenia motoryzacyjnego”. Poznań, Będlewo 2003.

18 <https://www.gddkia.gov.pl/pl/a/31850/Duze-zainteresowanie-przetargiem-na-Krajowy-System-Zarzadzania-Ruchem> (retrieved 31 August 2020)

advanced IT system, which will ultimately enable the management of and real-time monitoring of all motorways and expressways in Poland. Thanks to this it will be possible to send important messages to drivers on an ongoing basis in a clear and uniform manner. The system will enable dynamic management of the network of national roads and traffic on them, and will also ensure fast, safe and smooth road transport on the most important transport corridors along the roads of international importance managed by the General Directorate for National Roads and Motorways.

It is expected that the system as a whole – i.e. both the Central Implementation Project and the Regional Implementation Projects – will reach its full functionality in 2022.<sup>19</sup>

## CONCLUSION

When analysing the methodology of the management of the national road network and traffic the management of traffic on national roads, one should mention the systems supporting information collection, storage and management, including the basic system operated by the General Directorate for National Roads and Motorways, i.e. the Road Databank,<sup>20</sup> which is a perfectly functioning system supporting road network management. It has databases for the register of data, located along the road on the basis of a reference system: *inter alia* administrative data (including data on road management authorities), data on road surfaces or the equipment of roadways (e.g. vertical signs, signalling), etc. The fact that the course of roads is determined by reference points, which in space are described by three geographical coordinates, ensures the stability of the designated course of the road. The reference points and reference sections between them constitute a reference system. Additional information is the chainage of the road. This system is compliant with the requirements of two regulations of the Minister of Infrastructure on the mode of preparing information, collecting and making available data on the public road network<sup>21</sup> and on the numbering and recording of roads and bridges.<sup>22</sup>

Modern methods of data collection and tools such as video recording roadways, photogrammetric images and complex applications using relational databases are used to record information on national roads, which are necessary for the management of the road network. These methods are nowadays a daily reality for the authorities managing higher category roads, as efficient management of the transport infrastructure nowadays requires advanced IT solutions. It should be stressed that more and more often drones (unmanned flying systems) are used for the photographic documentation of national roads and their surroundings, as well

19 Platforma informacyjna .... <http://www.kszr.gddkia.gov.pl/index.php/pl/> (retrieved 31 August 2020), op.cit.

20 The website of the General Directorate for National Roads And Motorways, IT systems [online:] <https://www.gddkia.gov.pl/pl/931/umowa-uzyczenia> (retrieved 31 August 2020)

21 The Regulation of the Minister of Infrastructure of 16 February 2005 on the procedure for drawing up information, collecting and making available data on the public road network, bridges, tunnels and ferries (Journal of Laws 2005 No. 67, item 583), [online:] <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20050670583> (retrieved 31.08.2020)

22 The Regulation of the Minister of Infrastructure of 16 February 2005 on the method of numbering and registering public roads, bridges, tunnels, culverts and ferries and the register of numbers assigned to roads, bridges and tunnels (Journal of Laws 2005 No. 67 item 582), [online:] <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20050670582> (retrieved 31.08.2020)

as for creating field visualisations of the planned road investments. The application of innovative methods for the creation, collection and processing of data concerning the network of high-speed roads for their efficient management underlines the need to approach professionally the management of linear structures at each stage of their life cycle. Modern design, construction and maintenance of national roads require the use of appropriate innovative tools both for design and management. BIM design technology in architecture, which has been developed in the world for many years, is slowly gaining support. The use of modern BIM technology, at least at a central level, to effectively prepare investments of national and international importance might improve the process of road infrastructure management in the design, construction and operation phases. The introduction of modern ITS tools into the management of the transport system will allow more effective use of the road infrastructure, its diagnostics, traffic management and will make road traffic smoother and safer, which is particularly important on national roads, due to the volume of traffic and the speed of vehicles.

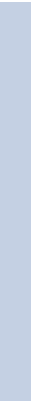
It should be emphasised that despite the development of innovative methods used in the construction of transport infrastructure and their intensive implementation in individual central systems, the human factor, supported by expertise, professional experience and the ability to analyse and interpret the acquired system data, will remain the most important factor in effective road management.

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# Special Protection Against Dismissal Under Collective Agreements for Older Employees in Germany

## Summary

By provisions in collective agreements, the option can be excluded for regular dismissal of older employees. Such so-called non-dismissal clauses are meant to protect older employees, who with growing age often are faced with difficulties in finding a new job after a dismissal. This frequently results in precipitating longer-term unemployment.<sup>1</sup> In response, clauses on special protection against dismissal in collective agreements are devised with the aim and purpose of protecting older employees mainly against dismissal and any follow-up longer unemployment. The paper explores to what extent this may possibly succeed and what pertinent issues may arise.

**Keywords:** special protection against dismissal under collective agreements, protection against dismissal under collective agreements, worthiness of protection of older employees in dismissals, protection of older employees against dismissal.

## 1. INTRODUCTION

Particularly in times such as those we are currently going through with many forced job cuts due to the coronavirus crisis, it is important for older employees and some businesses as well to know to what extent an employment relationship, should it come to that, is subject to special protection against dismissal under a collective agreement. The topic of “special protection against dismissal under

<sup>1</sup> VOLZ, Die Kündigung tariflich unkündbarer Arbeitnehmer, p. 14.

collective agreements for older employees” spans several problems. For introduction, an explanation concerning the basic terms and the significance of special protection against dismissal under collective agreements in general is meant to establish general understanding of the topic and its context. Also proposed solutions are provided to some of the problems.

## 1.1. Definitions of Terms

As a collective agreement, a collective agreement on norms is referred to between parties with the capacity of collective bargaining. Its contractual part defines the rights and obligations of the parties to the collective agreement, while its normative part defines applicable legal norms.<sup>2</sup>

Special protection against dismissal under collective agreements for older employees refers to excluding the possibility of regular dismissal by the employer. In practice, a collective agreement that excludes the possibility of regular dismissal by the employer by all available information does not exist. Such provision also would be invalid for violation of Art. 12 of the German Basic Law.<sup>3</sup>

Physical age is one of the criteria of how to define the scope of a collective agreement with regard to a specific individual. The criterion typically is complemented by the criterion of length of service with the company that is also individual-specific.<sup>4</sup>

To illustrate, Section 34 (2), sentence 1 can be provided of the German Collective Agreement for Public Service Employees (Tarifvertrag für den öffentlichen Dienst; TVÖD) as an example of such provision on special protection against dismissal: “Employment relationships of employees who have reached the age of 40 and to which the provisions apply of the sc. Tariff Zone (Tarifgebiet) West (pay scale for the western part of Germany) may be terminated by the employer after a length of service (...) of more than 15 years only on serious grounds.”

Another example is Section 4.4 of the Framework Collective Agreement of the Metal and Electrical Industries of (the German regions of) North Württemberg/North Baden (Manteltarifvertrag der Metall- und Elektroindustrie Nord-Württemberg/Nordbaden): “An employee who has reached the age of 53 but not yet the age of 65 and who has been in service with the company for at least three years can from then on only be dismissed on serious grounds. This also applies to dismissals with the option of reemployment on altered conditions (orig. German: “Änderungskündigung”).”

The final example is Section 53 (3) of the (German) Collective Agreement for Salaried Federal Employees (Bundesangestelltentarifvertrag; BAT): “After an employment term (...) of 15 years, at the earliest however after reaching the age of 40, the employee is non-dismissible.”

As can be seen, in the last example the word “non-dismissible” (orig. German: “unkündbar”) is used. This though is terminologically vague and is not a proper legal

<sup>2</sup> KOLITZ, Kündigungsfreiheit versus Unkündbarkeit, p. 39.

<sup>3</sup> RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, Section 122, marginal No. 77.

<sup>4</sup> KOLITZ, Kündigungsfreiheit versus Unkündbarkeit, p. 40.

term as under German labour law, there are no employment relationships that cannot be terminated at all.<sup>5</sup> “Non-dismissible” rather is to be understood in the sense that the employer cannot terminate the relationship in a regular manner anymore but now only on serious grounds.<sup>6</sup> This is correctly communicated in the first two examples.

Nevertheless in German labour law judicature and literature, the use of terms such as “non-dismissal clauses” (orig. German: Unkündbarkeitsklauseln) or “non-dismissible” with regard to employees has become commonplace, although to better denote what this actually means, “non-dismissible in a regular manner” or “dismissible with restrictions” would be the better phrases to use for such employees.<sup>7</sup>

In the following parts therefore, “non-dismissability” means non-dismissability in a regular manner, as the employer always retains its inalienable right to extraordinary termination in accordance with Section 626 of the German Civil Code (BGB).<sup>8</sup>

## 1.2. Significance of Special Protection Against Dismissal Under Collective Agreements for Older Employees

The meaning and purpose of such non-dismissal clauses is to protect older employees as with growing age, these are in many cases more challenged to find a new job when losing their current employment, so that typically dismissal for older persons means entering long-term unemployment.<sup>9</sup>

However, it is questionable whether with excessive protection against dismissal clauses, such as is the case with the above Section 4.4 of the Framework Collective Agreement of the Metal and Electrical Industries of North Württemberg/North Baden, older employees are really done that much of a favour. This is because to some employers, it may be quite dissuasive to know that such employees, once they reach the age of 53 and after only as much as 3 years of service with the company, cannot be dismissed anymore.<sup>10</sup> As a result, such clauses may effectively work to the disadvantage of older employees.

Still, for an employee who still keeps their permanent job, it may be preferable not to be dismissible in itself as with growing age, one’s performance and the ability to concentrate may decline. Also due to age-related illnesses, absence may occur on a more frequent basis. Such causes then may justify depending on circumstances a regular dismissal.<sup>11</sup>

This is where the protection triggers against dismissal under collective agreements for older employees.

But from what has been said already, it is apparent that special protection against dismissal under collective agreements may give rise to several problems that are to be discussed in the following parts.

5 POMBERG, Die Kündigung unkündbarer Arbeitnehmer, p. 1.

6 MÜLLER-GLÖGE, Erfurter Kommentar Arbeitsrecht, BGB § 622, marginal No. 45.

7 POMBERG, Die Kündigung unkündbarer Arbeitnehmer, p. 3.

8 LÖWISCH/RIEBLE, Tarifvertragsgesetz, marginal No. 866.

9 VOLZ, Die Kündigung tariflich unkündbarer Arbeitnehmer, p. 14.

10 RIEBLE, Betriebliche versus tarifliche Unkündbarkeit, p. 1243.

11 VOLZ, Die Kündigung tariflich unkündbarer Arbeitnehmer, p. 14.

## 2. DISCUSSION OF PROBLEMS

The problematic areas of special protection against dismissal under collective agreements for older employees concern in particular the question of under which circumstances a dismissal on serious grounds, be it operation-related or relating to the person concerned and their conduct, then would be possible. Firstly for that, the topic is to be examined also from the perspective of the German General Equal Treatment Act (Allgemeiner Gleichbehandlungsgesetz; AGG).

### 2.1. The Principle of Equal Treatment

In the wake of the European Anti-Discrimination Directive 2000/78/EC<sup>12</sup>, doubts arose about whether non-dismissal clauses under collective agreements for older employees are actually allowable at all due to discrimination of younger age groups, with the argument that the directive would protect not just from discrimination due to higher physical age but because of any age.<sup>13</sup>

But indirect discrimination because of age may be justified under Section 10 of the General Equal Treatment Act if such discrimination is objective and adequate and where the means to achieve this end in themselves are proportionate and necessary.<sup>14</sup> At any rate, non-dismissal clauses for older employees are justified by a legitimate objective for as long as this for dismissals for operational reasons does not result in grossly erroneous social selection.<sup>15</sup>

### 2.2. Type of Dismissal

Also difficult is the question under which circumstances a dismissal on serious grounds should be allowable.

#### 2.2.1. "Extraordinary" Dismissal Under Section 626 of the German Civil Code

The prevailing opinion is that a dismissal, irrespective of its type and form, of a protected employee under a collective agreement should still definitely be possible.<sup>16</sup> Based on the freedom to enter into employment contracts that is constitutionally enshrined in the German Basic Law, the employer has the right not remain permanently committed to an employment relationship that has become untenable to it.<sup>17</sup>

Even where the possibility of regular dismissal has been excluded, the right of dismissal on serious grounds under Section 626 of the German Civil Code as cogent law must principally remain unaffected at all times.<sup>18</sup>

12 Directive 2000/78/EC of 27/11/2000, Official Journal EC No. L 303.

13 ROLFS, Begründung und Beendigung des Arbeitsverhältnisses mit älteren Arbeitnehmern, *Neue Zeitschrift für Arbeitsrecht-Beilage (NZA-Beil.)* 2008, 15.

14 German Federal Labour Court (BAG), verdict of 29/09/2011, 2 AZR 177/10.

15 German Federal Labour Court (BAG), verdict of 20/06/2013, 2 AZR 295/12.

16 RICHARDI/WLOTZKE, *Münchener Handbuch zum Arbeitsrecht*, § 139, marginal No. 102.

17 LÖWISCH/RIEBLE, *Tarifvertragsgesetz*, marginal No. 866.

18 KÜTTNER, *Personalbuch*, marginal No. 1.

Here though a question arises whether the phrase “on serious grounds” in most protection against dismissal clauses of collective agreements is to be interpreted as that of Section 626 of the Civil Code. It is unclear whether an extraordinary dismissal of someone who is non-dismissible in a regular way only is allowable if the extraordinary dismissal also were allowable for a person that can be dismissed in a regular manner. This implies a question whether this would generally exclude for example a dismissal without notice for operational reasons.<sup>19</sup>

An opinion on this is that an extraordinary dismissal on less serious grounds would be relevant.<sup>20</sup> However, it must be pointed out in this regard that the definition of serious grounds in itself already appears difficult enough as is and the notion of “less serious” grounds only would further exacerbate this emergent legal uncertainty. Moreover, the actual language phrase of “less serious grounds” in itself appears contradictory. And in determining serious grounds in this regard, which was originally introduced to actually improve protection of workers, its use here is to their disadvantage.<sup>21</sup>

In addition, an extraordinary dismissal pursuant to Section 626 of the Civil Code would also result in having more negative consequences for the employee in terms of the period of notice than a regular dismissal<sup>22</sup> - which would go against the rationale of protection against dismissal.<sup>23</sup> An extraordinary dismissal according to Section 626 of the Civil Code thus would not be preferable as this would leave the protected employee under collective agreement in a worse position than with the excluded regular dismissal.<sup>24</sup> Consequently, a dismissal according to Section 626 of the Civil Code is not desirable.

### 2.2.2. Orlando Dismissal

As a result, the Federal Labour Court has concluded in the case of the sc. “Orlando dismissal” that an extraordinary dismissal for operational reasons of an employee protected under a collective agreement only would be allowable on observing a phase-out period.<sup>25</sup> This lowers the requirements for extraordinary dismissals.<sup>26</sup>

The outcome then is a dismissal for operational reasons with a period of notice based on protection against dismissal under collective agreement, which actually would mean that this cannot be treated as extraordinary dismissal anymore.<sup>27</sup> With that, the legal consequences then would be the same as for regular dismissal, which implies

19 STAHLHACHE et al., Kündigung und Kündigungsschutz im Arbeitsverhältnis, marginal No. 793.

20 STAHLHACHE et al., Kündigung und Kündigungsschutz im Arbeitsverhältnis, marginal No. 794.

21 ADAM, Abschied vom „Unkündbaren“?, Neue Zeitschrift für Arbeitsrecht (NZA) 1999, 846, 847.

22 STAHLHACHE et al., Kündigung und Kündigungsschutz im Arbeitsverhältnis, marginal No. 794.

23 STAHLHACHE et al., Kündigung und Kündigungsschutz im Arbeitsverhältnis, marginal No. 790.

24 ADAM, Abschied vom „Unkündbaren“?, Neue Zeitschrift für Arbeitsrecht (NZA) 1999, 846, 846.

25 German Federal Labour Court (BAG), verdict of 05/02/1998, Neue Zeitschrift für Arbeitsrecht (NZA) 1998, 771.

26 LÖWISCH/RIEBLE, Tarifvertragsgesetz, marginal No. 868.

27 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 103.

the question whether in that case this would actually qualify as regular dismissal.<sup>28</sup> That is why this is frequently referred to as “extraordinary regular dismissal”, which again contains in itself an inherent contradiction.<sup>29</sup>

In any case in the wake of this overhaul of the legal regulations on protection against extraordinary dismissal for dismissals for operational reasons of non-dismissible employees under collective agreements, the Federal Labour Court as well in its decision of 5 February 1998<sup>30</sup> ruled regarding extraordinary dismissal of an employee – a woman – who was non-dismissible under collective agreement that social selection is to be applied and also the workers council/staff council be involved. Also according to the ruling, the period of notice is to be observed as with regular dismissal.<sup>31</sup>

This though clearly means that an extraordinary dismissal to which all the regulations are applicable as for regular dismissals consequently is a regular as opposed to an extraordinary dismissal.<sup>32</sup> This confusing problem needs to be resolved.

### 2.2.3. Solution Approaches

One solution approach is to refer to this as regular dismissal on serious grounds given that, as said, standard regular dismissal is to be excluded. However, this might create the impression of something special, that is, an extraordinary instance of regular dismissal.

This solution ultimately would run up to the same problem as the term of extraordinary regular dismissal; the reason is that this would not be an extraordinary form of regular dismissal but an ordinary case of regular dismissal, in the same way as is dismissal for operational reasons.<sup>33</sup>

Such dismissal though should neither be referred to as extraordinary regular dismissal nor regular dismissal on serious grounds, as both leads to confusion.

An alternative to consider could be for instance the term “false extraordinary dismissal”. This form of dismissal neither occurs actually on serious grounds within the proper meaning of Section 626 of the Civil Code nor is to be referred to as ordinary regular dismissal as the latter, as mentioned above, is specifically to be excluded for non-dismissible employees under collective agreements. That would make “false extraordinary dismissal” at least an option for how to refer to such dismissals.

In any case, it must be specifically noted once again for clarity’s sake that even when a dismissal for operational reasons of a non-dismissible worker under a collective agreement is referred to as an extraordinary dismissal, nevertheless the rules should still apply of regular dismissal. This is because otherwise with a “genuine”

28 ADAM, Abschied vom „Unkündbaren“?, Neue Zeitschrift für Arbeitsrecht (NZA) 1999, 846, 846.

29 ADAM, Abschied vom „Unkündbaren“?, Neue Zeitschrift für Arbeitsrecht (NZA) 1999, 846, 849.

30 German Federal Labour Court (BAG), verdict of 05/02/1998, Neue Zeitschrift für Arbeitsrecht (NZA) 1998, 771.

31 ADAM, Abschied vom „Unkündbaren“?, Neue Zeitschrift für Arbeitsrecht (NZA) 1999, 846, 849.

32 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 103.

33 ADAM, Abschied vom „Unkündbaren“?, Neue Zeitschrift für Arbeitsrecht (NZA) 1999, 846, 849.



extraordinary dismissal, the employee would be left in a worse position than with a regular dismissal, which goes against the purpose of protection under a collective agreement.

Whether such dismissal should actually be allowable at all is explored in the following parts.

### 2.3. For Dismissals for Operational Reasons

One of the most frequently disputed problems is whether a non-dismissal clause under a collective agreement results in erroneous social selection.

This is particularly relevant in cases where in the run-up to a dismissal for operational reasons, the need arises for social selection and the non-dismissible employee under collective agreement is not as worthy of protection as an employee who can be dismissed in the regular course of procedure. Although in practice, this problem does emerge all too often as non-dismissible employees under collective agreements in most cases admittedly are protected even in social selection by virtue of their age and length of service with the company, occasionally severe conflicts may emerge.<sup>34</sup>

An example of such case would be a clause in a collective agreement such as Section 4.4 already mentioned above of the Framework Collective Agreement of the Metal and Electrical Industries of North Württemberg/North Baden under which an employee after having reached the age of 53 and on the provision of having been with the company for at least 3 years may from then on only be dismissed on serious grounds. But if then a 52-year-old employee who just barely does not make it into the protected group is to be dismissed despite having been with the company for 30 years and despite having several dependent children rather than an employee of 53 who has been with the company since 3 years and with no support obligations, it would likely mean to miss the targets pursued with the rules on protection against dismissal by a wide margin.<sup>35</sup>

In general, acts of law are a higher-level source of law as compared to collective agreements, as already explained above. Consequently in case of conflict, provisions of the law take precedence over the provisions of a collective agreement.<sup>36</sup>

The Federal Labour Court has already confirmed that social selection may take place between employees who are not dismissible in a regular manner as well as between those who can and those who cannot be dismissed in the regular way, if there are grounds for an extraordinary dismissal for operational reasons.

According to a pertinent opinion, non-dismissible employees under a collective agreement should not be excluded from social selection as otherwise the assessment from Section 1 (3), sentence 1 of the German Protection Against Dismissal Act (Kündigungsschutzgesetz; KSchG) would not be observed.<sup>37</sup> This is because protection against dismissal is a cogent statutory law.<sup>38</sup> Moreover, this would tend

34 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 99.

35 KIEL/KOCH, Die betriebsbedingte Kündigung, marginal No. 317.

36 SÄCKER, Kollektives Arbeitsrecht, p. 76.

37 KOLITZ, Kündigungsfreiheit versus Unkündbarkeit, p. 236.

38 KITTNER et al., Kündigungsschutzrecht, Einleitung (Introduction), marginal No. 365.

to overemphasise physical age at the expense of the amount of time spent with the company, and also support obligations would remain completely unaccounted for.<sup>39</sup> And finally, a provision on special protection against dismissal under a collective agreement only would benefit organised employees caught by the respective collective agreement. Non-organised employees or those having a different arrangement then would more likely be affected by a dismissal for operational reasons than such organised employees, which though would run contrary to the prohibition of discrimination and/or the principle of negative freedom of association pursuant to Article 9 (3) of the German Basic Law.<sup>40</sup> Thus the fact that invariably, non-organised employees or those with other arrangements are more likely to be dismissed for operational reasons, contradicts Section 1 (3) of the Protection Against Dismissal Act.<sup>41</sup>

Another argument that counters such clauses in collective agreements would be that through exclusion from social selection of those subject to protection against dismissal under collective agreements, the pool of persons to consider would be reduced. That would accordingly mean less “comparison material” available for the social selection, which in turn would mean that the probability of dismissal would be higher for a socially better standing employee.<sup>42</sup>

This though can be countered with the argument that Section 1 (3) of the Protection Against Dismissal Act does not impose any obligation under which the employer would be required to maintain the size of the pool of persons to consider in the selection.<sup>43</sup>

Another claim is that the lawmakers, if intent on making the regulations open for designing by means of collective agreements, would have designed the regulations on protection against dismissal with a view to collective agreements.<sup>44</sup> Consequently according to the claim, if the lawmakers intended for employee protection rules to be governed by collective agreements, this would have been expressly stated and clarified by means of a flexibility clause in pertinent legal norm.<sup>45</sup> However, an implied delegation to collective agreements as an option is excluded as for that, the lawmaker would have to expressly authorise parties to collective agreements to define the rules for the social protection in departure from Section 1 (3) of the Protection Against Dismissal Act.<sup>46</sup>

By these views, although the freedom to define the rules through collective agreements would be protected by the principle of freedom of association from Article 9 (3) of the Basic Law, the powers of parties to collective agreements to define rules would end strictly where they would interfere with the rights of other employees from Section 1 (1), sentence 1 of the Protection Against Dismissal Act.<sup>47</sup> This would run contrary to the goal of the social selection where non-dismissible employees under a collective

39 RIEBLE, *Betriebliche versus tarifliche Unkündbarkeit*, p. 1244.

40 LÖWISCH/RIEBLE, *Tarifvertragsgesetz*, marginal No. 877.

41 LÖWISCH/RIEBLE, *Tarifvertragsgesetz*, marginal No. 877.

42 KOLITZ, *Kündigungsfreiheit versus Unkündbarkeit*, p. 236.

43 BÜTEFISCH, *Die Sozialauswahl*, p. 143 f.

44 Labour Court (ArbG) Cottbus, verdict of 17/05/2000, *Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR)* 2000, 580, 580.

45 KOLITZ, *Kündigungsfreiheit versus Unkündbarkeit*, p. 237.

46 LÖWISCH/RIEBLE, *Tarifvertragsgesetz*, marginal No. 878.

47 KOLITZ, *Kündigungsfreiheit versus Unkündbarkeit*, p. 237.

agreement would not be included in the social selection, as the improved protection for the pool of non-dismissible employees under the collective agreement would be at the cost of non-protected employees.<sup>48</sup>

The opposing opinion under which the non-dismissible employees should not be included in the social selection justifies this for instance by arguing that non-dismissible employees under collective agreements are not part of the pool of persons for social selection in the first place<sup>49</sup> as there would be a lack of comparability stipulated by Section 1 (3), sentence 1, half sentence 1 of the Protection Against Dismissal Act given that the non-dismissible employees would not be available for translating operational needs into needed personnel resources. An employer intent on regular dismissal would only be able to choose between employees for which a regular dismissal is possible by law, although otherwise these workers would be comparable with the other staff members.<sup>50 51</sup>

Even more, as already mentioned above, the protection against dismissal clause under collective agreement would have to conflict with statutory regulations, which is here Section 1 (3) of the Protection Against Dismissal Act.<sup>52</sup> On this though it is claimed that protection against dismissal clauses of collective agreements specifically do not conflict with Section 1 (3) of the Protection Against Dismissal Act, as their respective scopes would not be identical given that dismissal prohibitions in collective agreements would not govern the social selection itself but the employer's right of dismissal towards the employee.<sup>53</sup>

Moreover, the other view deems the freedom of parties to collective agreements to create an industry-specific enhanced protection against dismissal not sufficient. Accordingly, protection against dismissal under collective agreements would not make sense for dismissals for operational reasons as far as the employees would in turn lose the special protection in the social selection.<sup>54</sup>

It would make no difference whether the special protection against dismissal would be based in law or in a collective agreement<sup>55</sup> as the employer could not be imposed an obligation to extend the social selection to employees whose regular dismissal is not allowable under collective agreement.<sup>56</sup>

This is added by the fact that also the definition in a collective agreement of the pool of comparable employees for selection does not violate cogent law,<sup>57</sup> as Section 1 (3) of the Protection Against Dismissal Act does not make any statements as to which employees qualify as "comparable".<sup>58</sup>

48 Labour Court (ArbG) Cottbus, verdict of 17/05/2000, *Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2000*, 580, 582.

49 V. HOYNINGEN-HUENE/LINCK, *Kündigungsschutzgesetz*, § 1, marginal No. 924.

50 FIEBIG et al., *Kündigungsschutzrecht*, § 1, marginal No. 773a.

51 Labour Court (ArbG) Cottbus, verdict of 17/05/2000, *Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2000*, 580, 582.

52 Säcker, *Kollektives Arbeitsrecht*, p. 76.

53 BÜTEFISCH, *Die Sozialauswahl*, p. 141.

54 KIEL, *Die betriebsbedingte Kündigung*, § 1 KSchG, marginal No. 695.

55 KITTNER et al., *Kündigungsschutzrecht*, § 1 KSchG, marginal No. 443.

56 Labour Court (ArbG) Cottbus, verdict of 17/05/2000, *Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2000*, 580, 582.

57 KIEL, *Die betriebsbedingte Kündigung*, § 1 KSchG, marginal No. 695.

58 KITTNER et al., *Kündigungsschutzrecht*, Einleitung (introduction), marginal No. 365.

Another argument why non-dismissible employees under collective agreements are not to be included in the social selection is that from the social selection, employees as well have to be excluded that are caught by special statutory protection against dismissal. Hence by the argument, it should also be possible to reduce the number of comparable employees through a collective agreement in the same way as with statutory protection against dismissal.<sup>59</sup>

The argument of the opposing view that the reduction in the number of comparable employees through exclusion from the social selection of non-dismissible employees under collective agreements has negative effects on non-protected employees does not hold up to scrutiny. This is because this reduction ultimately can be seen merely as a flashback of the collective agreement regulations on the Protection Against Dismissal Act and thus does not constitute direct infringement on protection against dismissal<sup>60</sup>, as the fact of physical age and length of service for the company being worthy of protection would be reflected both in the social selection under statutory protection against dismissal as well under the respective protection against dismissal clauses in collective agreements.<sup>61</sup>

Also this renders moot the counterargument that although Section 1 (3), sentence 1, half sentence 1 of the Protection Against Dismissal Act aims to protect socially weak employees from losing their job through dismissal for operational reasons, this regulation would be compromised by the exclusion of non-dismissible employees under collective agreements from the social selection<sup>62</sup>. This is because even rules under collective agreements that exclude regular dismissal are meant to protect employees with socially weaker standing from losing their job through dismissal for operational reasons.<sup>63</sup>

But there are also intermediate opinions on this that attempt to reconcile the above views.

One such opinion for example suggests that employers should not have the right to make regular dismissals at all. It should not be possible to dismiss in a regular manner either the socially less prioritised employees as a result of the social selection pursuant to Section 1 (3) of the Protection Against Dismissal Act or the non-dismissible older employees under collective agreements.<sup>64</sup> Accordingly at first, all employees should be included in the social selection, but should it be subsequently found that an employee who enjoys protection under collective agreement is socially less worthy of protection than a colleague in a comparable position, then it should not be possible to dismiss either given the non-dismissability under the collective agreement and given Section 1 (3), sentence 1 of the Protection Against Dismissal Act.<sup>65</sup>

This view however must be rejected as it would have in some cases the consequence of depriving the employer of any dismissal options. This would be irreconcilable with

59 REBMANN et al., Münchener Kommentar zum BGB, § 1 KSchG, marginal No. 376.

60 REBMANN et al., Münchener Kommentar zum BGB, § 1 KSchG, marginal No. 376.

61 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 99.

62 Labour Court (ArbG) Cottbus, verdict of 17/05/2000, Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2000, 580, 582.

63 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 99.

64 ROLFS, Begründung und Beendigung des Arbeitsverhältnisses mit älteren Arbeitnehmern, Neue Zeitschrift für Arbeitsrecht-Beilage (NZA-Beil.) 2008, 15, 15.

65 KOLITZ, Kündigungsfreiheit versus Unkündbarkeit, p. 238.

the freedom of trade under Article 14 of the German Basic Law and unacceptable for the employer.<sup>66</sup>

Another opinion posits partial invalidity of a collective agreement if a clause in the agreement violates a higher-level cogent statutory law, such as Section 1 (3) of the Protection Against Dismissal Act, and constitutional law, specifically Article 12 of the Basic Law.<sup>67</sup> With partial nullity of the agreement, the rule from Section 139 of the Civil Code then would be inapplicable. The remaining parts of the collective agreement accordingly would remain in effect for the sake of employee protection and in order to avoid legal uncertainty.<sup>68</sup>

A similar view claims that there is a need for constitutional interpretation of the protection against dismissal under collective agreements as it concerns the rights of third parties as well. Under the “principle of system conformity”, norms in collective agreements need to be restricted in their scope so that cogent statutory law is not violated. Should it be subsequently found though that this fails to work as intended, the lower-level regulation should be deemed void.<sup>69</sup>

Under another proposed solution, as far as there would be no constitutional concerns about a clause in a collective agreement, the non-dismissible employees under the collective agreement should be included in the social selection only on an exceptional basis, i.e., if the circumstances apply of an important operational reason, with the social selection in that case taking place also with the inclusion of employees who can be dismissed in a regular manner.<sup>70</sup> But yet again this implies the problem of when an important operational reason should be deemed to exist.

Another proposal suggests that the verification sequence should take place in two steps as follows: firstly social selection without the non-dismissible employees, and then including these as well. Should it be subsequently found that the comparison yields an unacceptable result, then the exclusion of the non-dismissible workers shall be void and the social selection be carried out with the inclusion of the non-dismissible employees of the company as well.<sup>71</sup>

This though might be possible to achieve with less effort. A preventive effect could be achieved in that clauses in collective agreements that might lead to such undesirable results in the social selection would be not allowable in the first place, as the following solution proposals suggest.

Especially worthy of attention in this regard is the opinion to account in the protection of older employees in collective agreements also for support obligations as a factor relevant to the social selection as well. The idea is for example to account for a dependent child with additional two years of age. This would mean to treat a 50-year old employee with two school-age or studying children as if he was 54 already, thus making him eligible for protection against dismissal earlier.<sup>72</sup>

66 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 101.

67 RICHARDI/WLOTZKE, Münchener Handbuch zum Arbeitsrecht, § 139, marginal No. 104.

68 BROX et al., Arbeitsrecht, marginal No. 662.

69 Labour Court (ArbG) Cottbus, verdict of 17/05/2000, Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2000, 580, 584.

70 KIEL/KOCH, Die betriebsbedingte Kündigung, marginal No. 321.

71 REBMANN et al., Münchener Kommentar zum BGB, AGG § 10, marginal No. 44.

72 KOLITZ, Kündigungsfreiheit versus Unkündbarkeit, p. 243.

Also a potentially meaningful solution is contained in the proposal that for a collective agreement that is partially unconstitutional, regular dismissal with social selection should be allowable. In contrast where restrictions on dismissal in a collective agreement would not be objectionable from the constitutional point of view, a dismissal with social selection would be excluded.<sup>73</sup>

As partially invalid in this sense, as already explained above, Section 4.4 of the Framework Collective Agreement of the Metal and Electrical Industries of North Württemberg/North Baden would have to be deemed, which refers for purposes of non-dismissability under the agreement primarily to having reached the age of 53, but sets in relation to that a too low threshold of the length of service with the company of 3 years.

Not objectionable though would be for example Section 23 of the Framework Collective Agreement for employees in the metal industry of Lower Saxony in which protection against dismissal is designed in a tiered manner. Under the provisions, the employee must have reached the age of 55 and have a record of service with the company of at least 10 years, or the age of 54 and having been with the company for at least 11 years, or the age of 53 and with the company for at least 12 years.<sup>74</sup>

But even less complicated would be for parties to collective agreements to include on their own a proviso in the collective agreement in that non-dismissability only remains in effect as far as this would not result in a grossly erroneous social selection.<sup>75</sup>

In author's opinion, combining the last two proposals would be the best solution. Firstly, a tiered approach to physical age and length of service with the company helps avoid a disproportionate view of physical age and length of service respectively. Secondly, the solution that accounts for support obligations is well suited to also protect employees with high support expenses. In that way, the factors of social selection would be accounted for and interest conflicts would be substantially reduced.

Unless both the factors, i.e., the proportion between physical age and length of service with the company and inclusion of support obligations, are not accounted for in protection against dismissal clauses of collective agreements, this should effectively result in partial unconstitutionality and thus invalidity of the collective agreement at hand. In that case regular dismissal with social selection also for non-dismissible employees under the collective agreement should be allowable, by virtue of invalidity of the protection against dismissal clause. In contrast on accounting in the clause for both the factors, dismissal with social selection should be excluded.

## 2.4. For Dismissals on Grounds of Conduct or Personal Grounds

Also a problem is discussed with dismissals on grounds of conduct or personal grounds, as in such cases the employer is required to also fulfil its protection obligations towards third persons pursuant to Section 2 (1) of the German Employee

<sup>73</sup> KIEL/KOCH, Die betriebsbedingte Kündigung, marginal No. 321.

<sup>74</sup> KIEL/KOCH, Die betriebsbedingte Kündigung, marginal No. 320.

<sup>75</sup> REBMANN et al., Münchener Kommentar zum BGB, AGG § 10, marginal No. 45.

Protection Act (BeschäftigtenschutzG(esetz)). Accordingly, the employer must make sure that industrial peace is maintained, and must protect its employees from disruptive persons, or persons who even put others' health at risk.<sup>76</sup>

A dismissal on personal grounds should be based on the personal characteristics and competences of the worker concerned. No fault on the employee's part should be referred to or relevant. The grounds for such dismissal include long-term illness, frequent short illnesses or a decrease in performance due to illness, in which in practice the age will also play a role.<sup>77</sup>

In dismissals on personal grounds, care should be taken to protect employees who are entitled to protection against dismissal by virtue of having reached a certain physical age from age-related discrimination. Problems due to age-related performance limitations should particularly for employees with a longer record of service with the company not be addressed by a dismissal.<sup>78</sup>

A decrease in performance due to age or illness typically cannot qualify as a serious ground for extraordinary dismissal. Under the ultima ratio principle, the employer is required first to verify in particular for older employees whether the limited performance can be counteracted by organisational measures before going on to make an extraordinary dismissal. Such organisational measures may include for example changing the workflow, redesigning the workplace but also redistributing tasks.<sup>79</sup>

Extraordinary dismissal on personal grounds accordingly is not strictly excluded, but is possible only in very restricted exceptional cases.<sup>80</sup> As an exceptional case, circumstances qualify of a regular dismissal being excluded under collective agreement. But even then, an exceptional case only applies as far as the employment relationship has become untenable for the employer, such as if there is a permanent disability.<sup>81</sup>

In any case with dismissals on personal grounds, care should be taken not to dismiss the person concerned under normal circumstances for a fault on their part. The person is to be dismissed tactfully to the extent possible, as far as no other measures are possible to keep them in the workforce.

If though the decrease in performance is due to a fault on the employee's part, as is typically the case with alcohol or drug abuse, there is in the opinion of the German Federal Labour Court definitely a serious ground within the meaning of Section 626 of the German Civil Code.<sup>82</sup>

76 PAPE, Die tarifvertragliche Unkündbarkeit, p. 69.

77 JUNKER, Grundkurs Arbeitsrecht, marginal No. 368.

78 STAUDINGER, Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen, § 626, marginal No. 279.

79 Federal Labour Court (BAG), verdict of 12/07/1995, Neue Zeitschrift für Arbeitsrecht (NZA) 1995, 1100.

80 Regional Labour Court (LAG) Köln, verdict of 04/09/2002, Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2003, 360,360.

81 STAUDINGER, Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen, § 626, marginal No. 279.

82 Federal Labour Court (BAG), verdict of 16/09/1999, Neue Zeitschrift für Arbeitsrecht-Rechtsprechungs-Report (NZA-RR) 2000, 449, 450.

Also in circumstances where other employees are put at risk, for example an infection hazard, the statutory duty of care and regard for the health of persons in accordance with Sections 618 and 619 of the Civil Code takes precedence over the interests of the non-dismissible person under collective agreement.<sup>83</sup>

Except in such extreme cases though, a non-dismissible employee under a collective agreement should not be dismissed on personal grounds, as the scope of the protection against dismissal under collective agreements specifically is to give such employees special protection because of their age.

The grounds for conduct-related dismissals include in particular contract violations on part of the employee in aspects of performance, confidentiality or violations of the company code. What matters here is generally culpable conduct of the employee. Examples of such conduct include repeated unexcused absence, behaviour at odds with reconvalescence of an employee on sick leave, sexual harassment in the workplace or offending the employer. Conduct when not on duty may only justify dismissal if having an impact on the employment relationship.<sup>84</sup>

For dismissals on grounds of conduct, the aspects of extraordinary dismissal are different from dismissals on personal grounds. At the very least, it is not difficult to dismiss on an extraordinary basis on grounds of conduct even an employee who is non-dismissible in a regular manner if they violate a contractual obligation in culpable conduct.<sup>85</sup> The key focus here typically is on controllable behaviour of the employee<sup>86</sup> as with longer service with the company, not every wrongdoing should be automatically treated as a ground for dismissal anyway.<sup>87</sup> At first, generally milder means should be used in accordance with the ultima ratio principle. Prerequisite to this though is that the milder means are actually available and also suitable to meet the purpose otherwise left to the dismissal.<sup>88</sup>

It is doubtful whether for conduct-related grounds, an extraordinary dismissal with a phase-out period is the more appropriate means because obviously, firstly the tool of admonishment should be used before resorting to dismissal.<sup>89</sup>

However with conduct-related dismissals, distinction is due between workplace-related dismissal, such as due to poor performance or tardiness, and employer-related dismissal, for instance due to offending the employer. According to one view in the latter case, it may be depending on the conduct severity untenable to be required to firstly give a mere admonishment.<sup>90</sup>

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83 PAPE, *Die tarifvertragliche Unkündbarkeit*, p. 70.

84 JUNKER, *Grundkurs Arbeitsrecht*, marginal No. 368.

85 STAUDINGER, *Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen*, § 626, marginal No. 280.

86 BACKMEISTER et al., *Kündigungsschutzgesetz mit Nebengesetzen*, § 1 KSchG, marginal No. 90.

87 STAUDINGER, *Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen*, § 626, marginal No. 280.

88 BACKMEISTER et al., *Kündigungsschutzgesetz mit Nebengesetzen*, § 1 KSchG, marginal No. 90.

89 STAUDINGER, *Kommentar zum Bürgerlichen Gesetzbuch mit Einführungsgesetz und Nebengesetzen*, § 626, marginal No. 280.

90 BACKMEISTER et al., *Kündigungsschutzgesetz mit Nebengesetzen*, § 1 KSchG, marginal No. 90.



There is also the aspect that the employer's statutory duty of care pursuant to Section 618, 619 of the Civil Code includes protecting its employees from sexual harassment in the workplace. Here also, in some cases an admonishment with reference to the harassed colleague(s) may be untenable and also insisting that extraordinary dismissal only would be possible in severe cases is out of place here.<sup>91</sup>

On this the Federal Labour Court holds a different view. Ultimately here the same problem arises as with dismissal for operational reasons, with the court providing here as well as follows: in dismissal circumstances which for a comparable employee without special protection against dismissal under a collective agreement would not qualify as grounds for extraordinary dismissal pursuant to Section 626 of the Civil Code, regular dismissal would be allowable. The long retention period due to the non-dismissal clause then might in the court's opinion become a liability for the employee with protection against dismissal under a collective agreement in that a serious ground may be presumed to exist for extraordinary dismissal.<sup>92</sup>

However, in order to avoid an assessment conflict, the Federal Labour Court grants the employee with protection against dismissal under a collective agreement even in these cases a phase-out period that is similar to the ordinary period of notice in regular dismissals.<sup>93</sup>

For dismissals on grounds of conduct, one should keep in mind that the employee is meant to be dismissed here for a fault of their own. In author's opinion, higher age does not justify inappropriate conduct.

Consequently in author's view, dismissals on grounds of conduct specifically should be excluded from the scope of protection against dismissal under collective agreements for older employees. This is because it is not plausible on what grounds older employees should be more worthy of protection with regard to their conduct than employees from younger age groups. Accordingly, dismissals on grounds of conduct of non-dismissible older employees under collective agreements should be dealt with in the same way as such dismissals of normally dismissible employees.

### 3. SUMMARY

Clauses on special protection against dismissal in collective agreements for older employees typically do not violate the principle of equal treatment or the Directive 2000/78/EC, in particular as the goal of preventing unemployment of older workforce generally amounts to a legitimate purpose.

A dismissal despite non-dismissability under a collective agreement should neither be referred to as extraordinary regular dismissal or regular dismissal on serious grounds. An alternative term for instance would be "false extraordinary dismissal".

Clauses on protection against dismissal in collective agreements for older employees should not disproportionately treat age and length of service with the company.

91 BACKMEISTER et al., Kündigungsschutzgesetz mit Nebengesetzen, § 1 KSchG, marginal No. 90.

92 PAPE: Die tarifvertragliche Unkündbarkeit, p. 70.

93 Federal Labour Court (BAG), verdict of 13/04/2000, Neue Zeitschrift für Arbeitsrecht (NZA) 2001, 277–282.

Further also it is advisable to also include in such protection clauses the factor of support obligations.

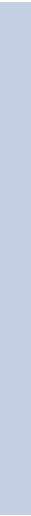
Dismissals on personal grounds of non-dismissible persons under collective agreements should only be made in extreme cases. Such extreme cases typically constitute an extraordinary ground for dismissal anyway in accordance with Section 626 of the German Civil Code.

Dismissals on grounds of conduct should be excluded from the scope of protection against dismissal under collective agreements. Consequently, non-dismissible persons under collective agreements should be treated with regard to dismissals on grounds of conduct as normally dismissible employees.

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# Management considerations to counteract recipe migration in German rural pharmacies

## Summary

The article deals with the current and predictable developments in the German pharmacy landscape and focuses in particular on the investigation of the decline in prescriptions in German rural pharmacies. In this context, the main reasons for this development are analyzed and management measures are evaluated in order to counteract the declining trend. The central aim focuses on the development of a management strategy for rural pharmacies in order to enable change management on the subject at issue which could be carried out in a fast and flexible manner. The intention of this management strategy lies in the sustainable securing of the existence of rural pharmacies in order to achieve the pharmaceutical supply mandate for the rural population in Germany. The research methodology mainly bases on expert interviews. This methodological procedure generates recommendations for the handling of prescriptions in each rural pharmacy and merges these recommendations into an entrepreneurial solution. The contribution of the article is to provide practical implementation recommendations for rural pharmacies.

**Keywords:** rural pharmacy; recipe migration; doctor-pharmacist relationship; pharmaceutical management.

## 1. INTRODUCTION

Cooperation with doctors' practices is one of the most basic principles for every pharmacy, especially in rural areas, as there is usually only one doctor on site in addition to a pharmacy.

In 2018 German pharmacy's total sales result are 80.3% by the prescription drugs, while only 19.7% are from prescription-free drugs and from pharmacy's usual peripheral assortment. This means that if a local pharmacy loses its main prescriber, the remaining 20% or so of sales cannot even help to cover the fixed costs. Forecasts

for the coming 10-15 years show that over 11,000 doctor's office positions will no longer be filled throughout Germany until 2030. This will not only be felt by their patients, but also by the local pharmacies.<sup>1</sup>

## 2. REASONS FOR RECIPE MIGRATION

### 2.1. Opening hours of the local medical offices

As well as the actual number of medical practices in its immediate vicinity, each pharmacy is also dependent on the patient throughput of these doctor's offices. Especially against the background of the already mentioned demographic conditions in doctor's offices, some doctor's office change or shorten their opening hours or have more frequent or longer holiday periods. It can happen that a free afternoon at the nearest doctor's office means the loss of patients for the pharmacy.

### 2.2. Follow-up problems of rural doctor's offices

Traditionally, doctors in rural areas are so-called "lone fighters". Apart from one or two reception assistants, there is usually no other staff available. The individual doctor therefore also lacks deeper, qualified communication, such as that which can take place in group-practices in the city, for example. He must always make an effort to pay attention to his professional education in order to stay up to date. This is of course very time-consuming and therefore only possible on weekends. As a rule, rural doctors represent each other during illness or holidays, whereby distances of 20 km and more are not uncommon for home visits. Even before these circumstances, working hours usually contradict a work-life balance, which is preferred by many people today. In this respect, it is hardly surprising that no successor can be found for age-related closures of doctor's offices despite intensive efforts by the communities. Even offers for sale at no cost are often not motivating.<sup>2</sup>

The statistics provided by the German Medical Association show that the situation will deteriorate considerably in the next 10 to 15 years, as the majority of doctors in private offices in Germany are already over 50 years old. By 2016, of about 7,000 general practitioners in private practice, i.e. typical rural doctors, over 6,500 were already over 50 years old, of whom 1,200 were even over 65 years old.<sup>3</sup> In a nationwide survey of all medical students conducted by the University of Trier, in which 13.5% of all students cast their vote, 46.4% of the surveyed named municipalities with less than 2,000 inhabitants as that place where they would never want to work. With 39.4%, municipalities with less than 5,000 inhabitants ranked second on this elimination list. On the other hand, cities such as Berlin and Hamburg as well as urban regions in general, especially those in Nordrhein-Westfalen were mentioned as desirable places to work.

1 Korf, C. (2018) Apothekenwirtschaftsbericht 2018 für das Jahr 2017. Available at: <https://www.abda.de/fileadmin/assets/Pressetermine/2018/WiFo>

2 Freyhagen, J. (2015) Diagnose Aerztemangel. Wenn der Hausarzt aufgibt, Available at: <https://www.deutschlandfunkkultur.de/diagnose-aerztemangel-wenn-der-hausarzt-aufgibt>.

3 Bundesaerztekammer (2016) Aerzttestatistik zum 31.12.2016. Available at: [http://www.bundesaerztekammer.de/fileadmin/user\\_upload/downloads/pdf-Ordner/Statistik2016/Stat16AbbTab.pdf](http://www.bundesaerztekammer.de/fileadmin/user_upload/downloads/pdf-Ordner/Statistik2016/Stat16AbbTab.pdf)

The study showed likewise with a quote of 95% of the asked ones that future physicians wish themselves a compatibility of family and occupation, 84% would like themselves regulated working times and 63.6% of the study participants would like to work in the team.<sup>4</sup>

All of these preferences are opposed to taking over a rural doctor's practice. With expected working hours of 60-70 hours per week, emergency services and home visits, these wishes cannot be fulfilled. A further problem is that a lot of medicines are more and more women. This in turn is not least due to the fact that the numerus clausus still requires extremely good Abitur grades for admission to medical university, and women usually have the better Abitur grades.

### 2.3. Referrals to specialists in other locations

Specialists are mostly based in the city. If a patient receives a referral to a specialist, it is quite likely that the prescription he or she has issued will no longer be returned to the customer's regular pharmacy.

This is particularly the case in view of the fact that specialists have different prescription habits to the general practitioner on site. The corresponding preparations prescribed by the specialist will therefore most probably not be kept in stock in the patient's regular pharmacy, but will certainly be in stock in the pharmacy closest to the specialist. The patient will therefore usually take his medicines directly in the city.

### 2.4. Care by nursing services

As soon as a pharmacy customer switches permanently to care by a nursing service, the medication he needs is usually also procured by the nursing service. If this customer's existing regular pharmacy has not agreed to cooperate with this nursing service, the prescriptions generated by this customer will be lost. A nursing service usually works together with a single pharmacy in order to keep the time and costs for the provision of medicines to its customers as low as possible.

## 3. MANAGEMENT RECOMMENDATIONS TO PREVENT RECIPE MIGRATION

### 3.1. Situation

The pharmacy manager is the main contact person for pharmaceutical enquiries from the doctors prescribing in his area. For pharmacies, doctors' practices are also customers in the sense that they obtain their office requirements from the pharmacy. However, this customer will demand a certain amount of extra time and wants to be courted.<sup>5</sup> As already explained, rural doctors, like the rural pharmacists, are de facto

4 Lecturio E-Learning Magazin für junge Ärzte (2016) Praxisabgabe: Warum junge Ärzte nicht aufs Land wollen. Available at: <https://www.landarztboerse.de/praxisabgabe-warum-junge-aerzte-nicht-aufs-land-wollen/mag-189>

5 Apotheke adhoc (2018) Sprechstundenbedarf: Was ist zu beachten? Available at: <https://www.apotheke-adhoc.de/nachrichten/detail/apo-tipp/sprechstundenbedarf-was-ist-zu-beachten-apo-tipp/>

on their own. Because of these time-consuming meetings between both are difficult to plan and the pharmacy manager should always be available for this purpose. If he is nevertheless unable to attend, an approver should be available for this purpose. In order to avoid a migration of prescriptions, the pharmacist should plan a visit of his main prescribers at regular intervals, i.e. the doctors from whom he has the most prescription submissions. It is important here to exchange information on drugs that the respective physician frequently prescribes. These should always be available at the nearest pharmacy. This discussion is also initiated by Urbanek (2019). In his research he also considers that it is very important that physicians and rural pharmacists should have a common basis in the interests of business.<sup>6</sup> The discussion of Urbanek's view is interesting in so far as Urbanek as a doctor gives the impulse from the medical side. Urbanek sees mutual benefits in the cooperation between doctor and pharmacy, namely in the retention of common customers as well as in the economic management of doctor's practice and pharmacy. Precisely because Urbanek chooses the approach from a non-pharmaceutical point of view, the author can only too well agree with Urbanek's remarks. In his research on the prevention of a decline in prescriptions, the author has merely chosen the approach of influencing doctors' practices or regular patients so that they do not migrate to another pharmacy. The author has refrained from an acquisition approach, i.e. also from a systematic acquisition of new customers, such as the acquisition of old people's homes as customers. This means a kind of limitation of his recommendations, but the author has accepted this very well, especially with regard to possible coming studies; an acquisition approach could also be the subject of future following research.

### 3.2. Soft measures on site

Regular visits with and without appointments should be the basis for establishing and maintaining contacts.

The regular visits should be coordinated by a qualified communicative co-worker of the rural pharmacy together with the pharmacist; reasons could be, for example, a changed situation with a joint patient or the demand for pharmacy supplies from the doctor's office. Communication and coordination can be carried out by e-mail within the pharmacy to save time.

The contact in the doctor's office should primarily take place with the staff during the office hours.

Grote (2017) also sees offline contacts at eye level with online marketing strategies.<sup>7</sup> Grote, an expert of business administration, is involved in pharmacy marketing for a long time and, because of her education, she chooses her approaches primarily through her business glasses. Grote sees "the personnel as a bridge" in pharmacy marketing and it is precisely this function that the named co-worker of the pharmacy can and should assume in the author's sense. Grote discusses the topic in question with the same content and solution as the author. However, Grote, like most authors,

6 Urbanek, M. (2019) Wenn Arzt und Apotheke Berührungspunkte haben. Available at: [https://www.aerztezeitung.de/praxis\\_wirtschaft/special-arzt-patient/article/990980/besser-team-wenn-arzt-apotheker-beruehrungsaengste.html](https://www.aerztezeitung.de/praxis_wirtschaft/special-arzt-patient/article/990980/besser-team-wenn-arzt-apotheker-beruehrungsaengste.html)

7 Grote, A. (2017) Strategien für ein besseres Profil. Available at: <https://www.pharmazeutische-zeitung.de/ausgabe-252017/strategien-fuer-ein-besseres-profil/>



only remains on the surface with her statements. The author supposes that it is important to examine the interpersonal contacts and possibilities more directly and concretely; not least in view of his experience as a business consultant, the author considers this also as an important contribution of this paper. Like Martinez (2017)<sup>8</sup>, the author recommends the development of innovative practices in business through the rural pharmacist. In addition to the technical topics, greeting cards or small flower gifts for special occasions, such as birthdays, should also be used as media for cultivating contacts. During the discussions with the consulted staff in the doctor's office, it is possible to find out whether, for example, changed opening hours are being considered or whether there are topics that the doctor's office would like to discuss with the rural pharmacy.

The pharmacist must be informed about the contents of the discussions; if necessary, measures must be taken. The co-worker of the rural pharmacist must maintain a follow-up system for his next visit.

### 3.3. Sustainable measures with direct involvement of the doctor on site

Particularly the experiences of the author have proved that it is very advantageous to enmesh the doctor a little and to highlight him as an important institution within the rural area. The cooperation with the rural pharmacy is therefore much more fluent and takes place on a friendly and partnership level.

These experiences and recommendations of the author are supported by the studies done by Holford (2015), an expert at the pharmacy school in Virginia. Holford specifies the marketing measures for physicians. He describes physicians as partners of the pharmacies and thus he is underpinning the findings of the author in this paper.<sup>9</sup> Also the studies of Jokinen (2019)<sup>10</sup> are in the sense of the author; Jokinen also considers an active marketing for pharmacists.

Continuing the discussion towards the current state of knowledge one comes to Niekamp (2019) who prefers in his elaborations on the relationship between doctor and pharmacist, the so-called "local doctor-pharmacist discussion groups".<sup>11</sup> The experience of the author in the course of his consultations has shown that it makes sense to follow these proposals.

The activities of the author haven proven that it is useful that once a quarter, a meeting should take place between the rural pharmacist and the doctor on site.

The meeting should be prepared by the pharmaceutical co-worker for both sides, especially in view of the service provided to the doctor. The co-worker has to collect

8 Sanchez, A. (2017) A Management and Special Pharmacy Services course for pharmacy students. *Indian journal of pharmaceutical education and research*, 2017, 51 3, p365-p372, 8p.

9 Holdford, D. (2015) *Marketing for pharmacists*, Virginia Commonwealth University School of pharmacy, Richmond, Virginia, p. 38 f

10 Jokinen, L. (2019) Influence of strategic planning on product marketing and health service orientation of community pharmacies. *Health policy*. May 2019 123(5):462-467

11 Niekamp, C. (2019) Mein Freund, der Doktor: Kooperation zwischen Apotheker und Arzt. Available at: <https://www.apotheke-und-marketing.de/mein-freund-der-doktor-kooperation-zwischen-apotheke-und-arzt-2274155.html>

topics which could represent important discussions points from the doctor's staff and from the doctor himself. An analogous overview of topics should be done by the rural pharmacist.

The meetings can take place reciprocally in doctor's office as well as in the rural pharmacy in order to give both sides impressions of the two business sites. Hereby a certain solidarity is naturally intended.

In this case it has proven that the co-worker should prepare the topics for both sides in the form of workbooks and make them available to both sides in good time before the appointment. For Berg (2019) it is absolutely necessary to intensify the communication between doctor and pharmacist; especially in the case of medical-pharmaceutical topics, it is a tried and tested approach.<sup>12</sup> The author follows this proposal and suggests that within the framework of the four-eye-talks between doctor and rural pharmacist, patient medications can also be exchanged within the scope of the pharmaceutical as well as medical obligation to secrecy; for example, a patient has to go to a specialist doctor in another city, so that here the pharmacy can react at an early stage in order to establish contact with this doctor or in order to address the patient to the fact that the delivery of prescriptions by this specialist can gladly take place within the framework of the delivery service of the local rural pharmacy.

The co-worker relieves the pharmacist in terms of time and expertise. It is possible to generate a connection between the doctor and the local pharmacy. In addition, timely contact creates an information base that can be used to react in good time, whether with regard to patients or to the doctor's office itself.

### 3.4. Sustainable measures involving patients

#### a) *Without the doctor*

It must not have to be discussed that in terms of sales opportunities, the rural pharmacy of course does not have the excessive possibilities of an internet pharmacy. However, the local pharmacist is a local matador and he should use this opportunity with targeted communication and a wealth of ideas. Kirschbaum (2018)<sup>13</sup> picks up this suggestion once again, also following Jokinen's studies, and evaluates in this context in his analyses that rural pharmacies have to introduce innovative changes due to the given necessity. Madel (2016) inspires the rural pharmacist to "idea management" in his studies. Discussion and comparing Madel's reflections with its own the author concludes that the two recommendations are relatively similar to each other, since a rural pharmacy does not necessarily have to look to the left and right to see what the neighboring competitor is doing, but rather should use its freedom for creativity.<sup>14</sup> From the author's side is to be confirmed that the current

12 Berg, C. (2019) Kommunikation zwischen Arzt und Apotheker stärken. Available at: <https://www.pharmazeutische-zeitung.de/kommunikation-zwischen-arzt-und-apotheker-staerken>

13 Kirschbaum, M. (2018) Rural pharmacy: Trust in pharmacy. *Australian Pharmacist.*, Vol. 35, No. 7, Jul 2016: 28

14 Madel, M. (2016) Kreativität fordern und fördern. *Deutsche Apothekerzeitung.* Edition AZ 2016, Nr. 29, p. 6

knowledge is up to date especially concerning the measure involving patients without the doctor. The feasibility in town pharmacies works even better than in rural pharmacies, but implementation in rural pharmacies is also no problem. The rural pharmacists only need a little more time and practice. A simple but in reality proven example is the fact that patients of the rural pharmacy have to visit a specialist (cardiologist, urologist, etc.) in the city; in this case the rural pharmacist should try to prevent his customers from visiting pharmacies on site in the city. This can be done by offering his customers - who return to their hometown anyway - to inform the hometown-pharmacy about the prescribed preparation of the specialist (phone call, e-mail, app, etc.); in addition the rural pharmacist procures the medication and delivers it to his customer's home and receives the prescription there. In this context, there may still be an opportunity for consultation and cross-selling.

The most important thing in this context, however, is the cementing of customer loyalty. The customers could also proceed in the same way if the family doctor on site should (temporarily) be omitted.

In his study "consumers' evaluation of services", Holford (2015)<sup>15</sup> analyses the need to influence customer behavior. Holford only shows the way, but fails to give any concrete instructions for implementation in pharmacies respectively rural pharmacies. The author takes up Holford's recommendations and, with the use of his experience, he converts them into concrete support for rural pharmacies. In this way, the current knowledge receives a concrete reference to reality.

For continuation and deepening of this topic the author recommends that the named co-worker of the pharmacy is responsible for establishing this special customer service, for example in the form of a customer database. The co-worker should keep an eye on the current trade press in order to provide the correlating patient groups (e.g. diabetics, blood pressure patients, etc.) with the relevant information in an inspiring manner. The aim is to document professional competence and topicality. The information as well as the relevant customer letters are to be submitted to the rural pharmacist for decision.

In addition to using the new media, e-mail, apps, etc., the older rural population must also be kept in the customer boat. Very simple methods can be used here, such as homemade flyers that are displayed at the counter or attached to the delivery service.

It is important that the customer feels that he is receiving the best pharmaceutical and logistical support. In this way it can be possible to generate sustainable customer loyalty, even beyond rural borders. This approach is confirmed by Waldner, expert at the College of Pharmacy in Georgia (2014). Waldner has subsumed such an attitude in her elaborations "Promoting Patient Satisfaction in Pharmacy".<sup>16</sup>

15 Holdford, D. (2015) *Marketing for pharmacists*, Virginia Commonwealth University School of pharmacy, Richmond, Virginia, p. 191 f

16 Waldner, T. (2014) in: Chisholm-Burns, M., Vaillancourt, A., Shepherd, M. (2014) *Pharmacy Management, Leadership, Marketing and Finance*. Jones and Bartlett Learning. Second Edition, Burlington Massachusetts, p.236 f

b) *Including the doctor*

In order to generate a symbiosis of the local pharmacy and the local doctor among the local people, joint events in the form of themed evenings are an option. In this case it is very sensible to discuss the studies of Holford (2015).<sup>17</sup> Holford analyses and describes this type of approach as “Examples of disruptive innovations in pharmacy practice”. In this case it is necessary to follow changed and changing paths in order to be able to satisfy change management. During the author’s consultative activities unfortunately it turned out that the barrier between medical institutions and pharmacy institutions is still too high; there is still a predominance of class thinking. There are de facto still no concrete suggestions for a common physician and pharmacist marketing for the purpose of the common customer connection. This is a lack in the current-literature respectively in the current knowledge. The author therefore dealt with this topic more than ever and found out during the research in different pharmacies that municipalities are happy to provide premises of the community center free of charge, especially as they are also interested in maintaining local health competence. At the location of an advised rural pharmacy a joint lecture from pharmacist and physician was done. The physician held a lecture on a health topic such as diabetes, while the rural pharmacist reported on its healing as well as its prevention afterwards. The joint lecture was a complete success.

It turned out to be very profitable that a co-worker of the rural pharmacist with experience in economics and business coordinates these events; in detail this person can match the topics with the doctor and the pharmacist, compile speech material and design the speeches. She could coordinate the reservation of the premises with the community and publicize the event in the community through appropriate media. The co-worker of the pharmacy may need to identify costs and cover them, for example, by charging an admission fee for the event.

## 4. CONCLUSION

Taking into account the above-mentioned facts and circumstances it can be concluded that rural pharmacies are certainly suitable for setting up change-management in order to handle the external challenges referring to recipe migration.

Flexibility and motivation of the rural pharmacy owners as well as the staff are given. It is necessary to break new and innovative paths in order to reduce the decline in prescriptions and to ensure the existence of rural pharmacies. At the same time the supply of medicines to the rural population is guaranteed sustainably. The author is confident that the recommendations given in his paper will contribute to an innovative change management strategy in German rural pharmacies. In addition, approaches for further research are also offered, especially with regard to the E-Recipe, which is expected to be introduced in Germany in 2020

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<sup>17</sup> Holdford, D. (2015) *Marketing for pharmacists*, Virginia Commonwealth University School of pharmacy, Richmond, Virginia, p. 117 ff

## SUMMARY

The main reason for preparing this paper is an aimed short-analysis of recipe migration which actually especially effects German rural pharmacies. Changes in the German pharmacy landscape led to this situation whereby external challenges in customer behavior and modified competitive conditions are especially to be mentioned here. This paper examines the background of this situation; further on recommendations for action are set out in order to enable rural pharmacies to counter the depicted situation in a targeted manner.

The designed audience are pharmacists who manage the pharmacy as owners or employees. The sample region are mainly rural areas. The given recommendations are built up on expert interviews which are used as methodology.

In the course of the research could be found out that the current state of the German pharmaceutical sector has so far only hesitantly approached the indicated external challenges. Most analyses and discourses remain in a general manner, so that for German rural pharmacies there is a lack of practicable implementation recommendations. This, however, creates a space for discussion and analysis for both science and practice, which ultimately leads to realizable results.

As main outcome respectively application of this paper can be seen the necessity to change management for rural pharmacies in Germany. The traditional behavior towards customers and doctors' practices will lead to the consequence that the number of prescriptions will continue to decline, which may ultimately lead to an existential crisis for the affected rural pharmacies and to gaps in the supply of medication to the local population. For future research is recommendable to deal with further business segments of rural pharmacies because there is a valuable potential that can be raised.

The originality respectively the contribution of the present article are the detailed proposals for action and implementation which are given to the rural pharmacies referring to recipe migration in order to qualify them to act appropriate to the current and coming challenges.

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## Владимир Абушенко: дело всей жизни – возвращение Беларуси в Европу / *Vladimir Abushenko: Belarus, return to Europe is a matter of life*

### Summary

Article-memory of the scientist V. L. Abushenko, our communication in Minsk and in Moscow. The article considers the intellectual community formed in the 2000s around the editor-in-chief of the journal, Professor Y. M. Reznik. I remember the departed colleagues, members of the editorial Board of the magazine era «Golden age» LKO.

**Key words:** V. L. Abushenko, Yu. M. Reznik, V. V. Matskevich, Wojtek Slomski, the magazine “Personality. Culture. Society», Moscow, Minsk, Belarus, Grand Duchy of Lithuania, Think Belarus.

Владимир Леонидович очень любил Беларусь, Минск, европейскую страну и европейский город. Он предчувствовал европейское будущее Беларуси, приближал, притягивал его своими мыслями, учениками, книгами, лекциями, прогулками по Минску, его улицам, паркам, по берегам реки Свислочь, размышлениями, текстами в Институте социологии и в большой, новой тогда, заставленной книгами четырехкомнатной квартире на окраине города. В мои нечастые приезды в Минск это было именно так. Временами ему было душно в Беларуси современной политической конфигурации, в нем жила мечта о европейском настоящем здесь и сейчас. Временами он очень хотел быть в Вильнюсе, работать и жить в Вильнюсе как пространстве свободы сегодня, как в прообразе будущего Минска. Но до нового, свободного Минска он дожить не успел. Он сам был всю жизнь внутренне свободен, своей внутренне свободой компенсируя несвободу внешнюю.

Приезжая в Минск к Абушенко я попадал в иномирье, проваливался в детство. С какой любовью говорил он о чугунке – железной дороге, встречая нас на вокзале Минска. Моя бабушка, урожденная Лидия Васильевна Глинская, в 30-годы работала на Либаво-Роменской железной дороге – чугунке, жила в белорусском местечке Осиповичи, куда мы приезжали каждое лето моего детства. Минск, Гомель, Осиповичи, Свислочь, деревянные домики, запах опилок и гуси, довоенные фотографии, чугунка, замки, костелы, историческая земля ВКЛ - Великого княжества Литовского. С современных поездок в Минск к В.Л. Абушенко у меня на полке стоит двухтомная энциклопедия о ВКЛ, до сих пор читаю и перечитываю, погружаюсь в историческое, культурное пространство ВКЛ, изучаю белорусскую мову. Для Абушенко было очень важно, что ВКЛ не столько мемориальный проект, обращенный в прошлое и только. Ему было очень важно знать, что это проект из будущего, историческая традиция и живая энергия, которые приближают европейское будущее Беларуси. Недаром в статьях энциклопедии представлены не только события и персонажи давно ушедших эпох, но и историки, социологи, философы наших дней, те, кто своими работами и жизнью создает современную Беларусь как продолжение традиции ВКЛ. Конечно, это вольная реконструкция и новодел, аутентичность которого ограничена лишь фантазией авторов, но иначе невозможно актуализировать то, что было актуальным на карте Европы и в сознании современников событий столетия назад. Этот подход к истории и современности в отношении Беларуси хорошо выразил современный белорусский философ В.В. Мацкевич: «Думайте Беларусь!»(1). То есть создавайте современные европейские социокультурные смыслы для белорусов, трансформируйте картину мира современников - вчерашних «колхозников», по отчасти шутливому, отчасти серьезному выражению Абушенко из жизни и одной из его публичных лекций-диспутов, где это несколько провокационное определение было вынесено в заголовок. Иными словами, создание современной актуальной политической мифологии, картины мира, формирование новой – европейской социокультурной традиции и практик для белорусов – это задача для интеллектуалов, ученых, преподавателей, поэтов и художников.

Абушенко напряженно «Думал Беларусь», у него все в той или иной мере подчинено этой думке. Книжки (2; 3; 4; 5), лекции, ученики, статьи в журналах, ролики на Ютубе, частные разговоры о главном. Беларусь была главной в его жизни. Отсюда и его напряженное внимание к влиянию культуры на социологию, к культурологическому обоснованию дисциплины. Ведь интересно не только получить моментальный срез общественных настроений посредством социологических замеров, но и понять, что люди думают о событиях, как меняется их мироощущение, в каком направлении идет вектор этих изменений, а, следовательно, вектор будущих событий. Меняя культуру с некоторым временным лагом можно менять жизнь. Он очень хотел этого изменения жизни, хотел свободной, европейской Беларуси. В.Л. хотел европейской культуры повседневности, вступления страны в Европейский Союз, хотя сам, как и все мы, рожденные в СССР, был европейцем лишь отчасти. За внешним спокойствием и немногословностью бурлили страсти, лицо краснело, переживая внутренние эмоции, как у подростка, признак очень живого, искреннего, не по возрасту молодого человека. Частью его культуры повседневности была бульба, еще одно слово на мове, которое он любил, и горькая настойка Бульбашъ с перцем, которую он уважал.



Он так и не успел защитить докторскую, хотя содержательно это для него и научного сообщества в Беларуси, Украине, России, Литве, Польше было формальностью. Его тексты знали, его уважали в научном сообществе. Он был из тех кандидатов, которые в научном плане стоят больше многих докторов.

Он любил Москву, не как имперский центр, перманентно стремящийся к аншлюсу его страны, его любимой Беларуси, а как вольный город времени его аспиранства в институте социологии РАН. Он любил безбашенную Москву тех лет, открытый, пьяный, полный антисоветскими анекдотами и антисоветскими людьми, веселый весельем молодости город: за нашу и Вашу свободу! Второй раз он плотно соприкоснулся с городом уже в 2000-х. Тогда центром Москвы для него стала творческой среда, сформировавшейся вокруг журнала «Личность. Культура. Общество», люди, собравшиеся вокруг главного редактора и создателя журнала Ю.М. Резника. Журнал приютившийся тогда на Волхонке, в старом здании института Философии, на третьем этаже, в институте человека у Ю.М. Резника и Б.Г. Юдина. Нулевые, десятые года нового века, как живо все, какой творческий порыв, синергия научных усилий многих. Какие люди собирались на заседаниях редколлегии журнала, где первая, научная формальная часть после короткого перекура плавно перетекала в научную неформальную. Блистательная, искромётная Э.А. Орлова, сухопарый, сдержанный русский европеец П.К. Гречко, художник, ученый, мистик А.А. Пелипенко(6), одновременно живущий в земном и трансцендентных мирах... Польский философ – гуманист Войцех Сломский(7)... Это научное, человеческое общение создавало энергетический вихрь, сильнейшим магнитом притягивающий живых из любых уровней пространства и географических измерений. К интеллектуальному пространству журнала в буквальном смысле «примагничивались» ученые из Киева, Минска, Рязани, Нижнего Новгорода, Санкт-Петербурга, Омска, Москвы... Так годами происходила перманентная сепарация ученых по принципу количества и качества внутренней жизни, внутренней энергии: живые притягивались, не очень живые отталкивались.

Абушенко приезжал на заседания редколлегии журнала из Минска, приезжал на конференции, научные сессии в Нижний Новгород, Рязань... Приезжал со своим любимым другом А.А. Грицановым, потом, когда его не стало, приезжал один. Приехал он и на защиту моей докторской в Академию Славянской Культуры к хозяйкам Академии Изольде Константиновне Кучмаевой и Эльне Александровне Орловой, что было по-научному здорово и по-человечески очень радостно и важно. Он приезжал в Москву с открытым сердцем, радовался, вырываясь из рутины повседневности. Заседания редколлегии ЛКО было тогда искромётным действием, почти как у Хемингуэя, в празднике, который всегда с тобой. Странно наше ощущение времени, его быстротечности, калейдоскопичности и отсутствия протяженности. Кажется, еще вчера, на заседании редколлегии, увидев, что здесь А. Пелипенко, опознанный им как автор совместного И.Г. Яковенко фундаментального труда «Культура как система», обрадовался и просил познакомиться с Андреем, а сегодня на этом уровне плотности нет уже ни того, ни другого... Но ведь было, было, закручивался энергетический вихрь в Институте человека, на заседаниях редколлегии, даже сейчас, наверное, посетители музея вздрагивают от непонятного ощущения биения жизни, которой не видно, а она есть.

Когда его не стало не было предела боли и удивлению, это была смерть, которую я никак не мог понять и принять. Минск для меня осиротел. Но Владимир Леонидович и сегодня над нами и с нами. У журнала «Личность. Культура. Общество» уже есть круг небесных соучастников-покровителей, защищающих его и тех, кто остался здесь: Э.А. Орлова, А.А. Пелипенко, Б.Г. Юдин, П.К. Гречко, А.А. Грицанов, В.Л. Абушенко, А.Г. Климов... Такое ощущение, что с их уходом закончилась целая эпоха, «золотой век» журнала «Личность. Культура. Общество». Старое закончилось, начинается новое. Но вот какое оно?

Vladimir Leonidovich loved Belarus, Minsk, the European country and the European city. He foresaw the European future of Belarus, brought it closer, attracted it with his thoughts, students, books, lectures, walks through Minsk, its streets, parks, along the banks of the Svisloch river, reflections, texts at the Institute of sociology and in a large, then new, book-lined four-room apartment on the outskirts of the city. In my infrequent visits to Minsk it was just like that. At times it was stuffy in Belarus of modern political configuration, in it there lived a dream of the European present here and now. At times he really wanted to be in Vilnius, to work and live in Vilnius as a space of freedom today, as a prototype of the future of Minsk. But before the new, free Minsk, he did not have time to live. He himself was all his life internally free, his internal freedom compensating for the lack of external freedom.

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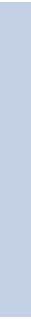
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# The Future Of The UK Car Market

## Summary

Now that the Brexit has been decided and the UK will definitely leave the European Union on 31.12.2020, it is of great interest to examine the effects on the important automotive industry in England. Therefore, the reasons for foreign investors to produce in England in the past and whether these reasons are still relevant after leaving the EU will be investigated. It will also be shown how the uncertainty regarding the withdrawal has affected the industry in recent years. It is questionable whether England will still be an attractive country for foreign companies to invest in in the future.

**Keywords:** brexit; UK; automotive; EU; FDI; labour; productivity; R&D.

## 1. INTRODUCTION

The automotive industry is an important cornerstone of the British manufacturing industry. It accounts for 8% of the manufacturing output and provides 823.000 jobs across the whole automotive sector.<sup>1</sup> In Europe, it ranks fourth in terms of direct employment in automobile production.<sup>2</sup> According to the “Society of Motor Manufacturers and Traders” (SMMT), more than 2,500 automotive suppliers are based in Great Britain. With a mix of premium, luxury and volume vehicles, a total of over 1,519 million vehicles were produced in 2018, representing 9% of total EU production. This puts the UK in 4th place in Europe, behind Germany with 30%, Spain with 13.7% and France with 10.7%. Globally, the UK ranks 12th in the world.<sup>3</sup>

The UK automotive industry is export-oriented, with an export rate of 83.8% of the total cars produced in October 2019. The European Union was the main recipient, accounting for 57%.<sup>4</sup>

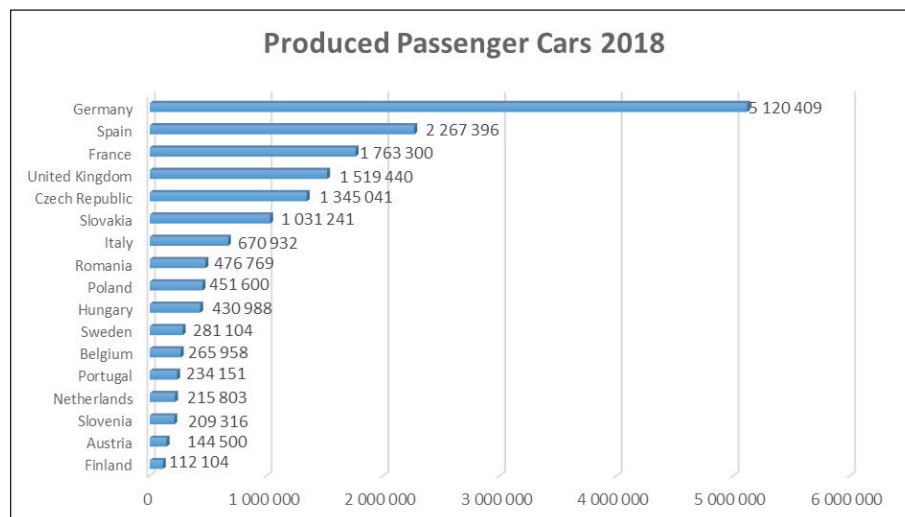
1 Society of Motor Manufacturers 2019.

2 European Automobile Manufacturers Association 2020.

3 International Organization of Motor Vehicle Manufacturers 2018.

4 Society of Motor Manufacturers.

With the decision on Brexit, a long phase of uncertainty is coming to an end. Since the referendum in 2016, companies have been faced with the question of how future cooperation with the EU is regulated and whether further investments in Great Britain are viable in the future. This uncertainty is often used as an argument for not investing in the country. The question arises, however, whether it is only the Brexit that is endangering the industry, or whether the causes are to be found elsewhere. In this context it is first of all relevant to look at the reasons why Great Britain has attracted foreign investors in the past. Then it can be examined how the initial situation has changed in the present time.



**Figure 1.** Own Figure – Based on the numbers from European Automobile Manufacturers Association

## 2. THE UK AUTOMOTIVE INDUSTRY – A BRIEF HISTORY

The United Kingdom has a long automotive history dating back to the late 19th century. In the year 1932 the UK produced more cars than France and Germany and became Europe's largest car producer. In 1949, twice as much was produced as in France and four times as much as in Germany.<sup>5</sup> One of the reasons was the lack of the significant competition in Europe, due to the damages and consequences of the Second World War. Another element that made Britain the dominant car manufacturer in Europe was the American market. The American automobile industry couldn't meet the demand of new cars and opened up the possibility for English cars to enter the American market and cover the demands. In 1956 Germany surpassed the UK and became the European country with the highest car output. One of the reasons for this development is that there were too many manufacturers with too many different models, too many plants and too much capacity. Besides that, the poor quality, bad labor relations, low productivity and too much manpower were identified. Although production output was increased, German output in 1984 was almost 70% higher than that of Great Britain. In the 80s the numbers began to recover with the help of

<sup>5</sup> Singleton and Millward 1995.

Japanese investments. The three Japanese manufacturers Honda, Nissan and Toyota accounted for almost three quarters of the increase in British production between 1991 and 1996.<sup>6</sup>

## Access to the single market

When the United Kingdom joined the European Union in 1973, it gave foreign car manufacturers the opportunity to sell cars on the important European market at lower tariffs and delivery costs. Honda was the first manufacturer to take advantage of this opportunity. They started a venture with British Leyland in the year 1980<sup>7</sup> and after that, opened their first car manufacturing plant in Europe in Swindon (UK) 1985.<sup>8</sup> Nissan decided 1984 to build a plant in Sunderland<sup>9</sup> and Toyota opened his first manufacturing plant in Burnaston 1989<sup>10</sup>. Because of their low prices, running costs and the reputation of having better quality than British cars, Japanese cars were very popular in the UK.

In Western Europe most of the car producing countries protected themselves against Japanese cars with high tariffs or by quotas. In 1977 the French government arranged and informal restriction that the Japanese car sales should not exceed 3% of the car market. The United Kingdom had an agreement with Japan that restricts the sales to roundabout 11 per cent and was therefore more open to the foreign car manufacturers than other European countries.<sup>11</sup>

The high protectionism of European countries, the appreciation of the yen, the sheer size of the Japanese car industry and the growing importance of the European market (with creation of the single market) are reasons for greenfield investments in Europe.<sup>12</sup>

Because of the popularity of Japanese cars and English as native language the United Kingdom was highly attractive for foreign investments.

## Workforce

Labour flexibility is often cited as a major strength, attracting investment from abroad. Employers in the automotive industry in the UK are able to use temporary workers, agency workers, fixed-term contracts, flexible working hours, “down days” and “time banking” to adapt more easily to the environment. “Down Days” and “Time Banking” means that employees can stay at home during periods of low demand when they are not needed. They receive full payment, but the time is recorded and when demand increases, the hours have to be made up.<sup>13</sup> The EU legislation “Working Time Directive (WTD)” was not adapted by the UK. The WTD limits the working hours for most workers to a maximum of 48 hours on average over 17 weeks. The UK negotiated an individual opt out whereby workers can choose to work longer if

6 Noakes et al. 2002.

7 Mito 2012.

8 Honda 2020.

9 Nissan 2019.

10 Toyota.

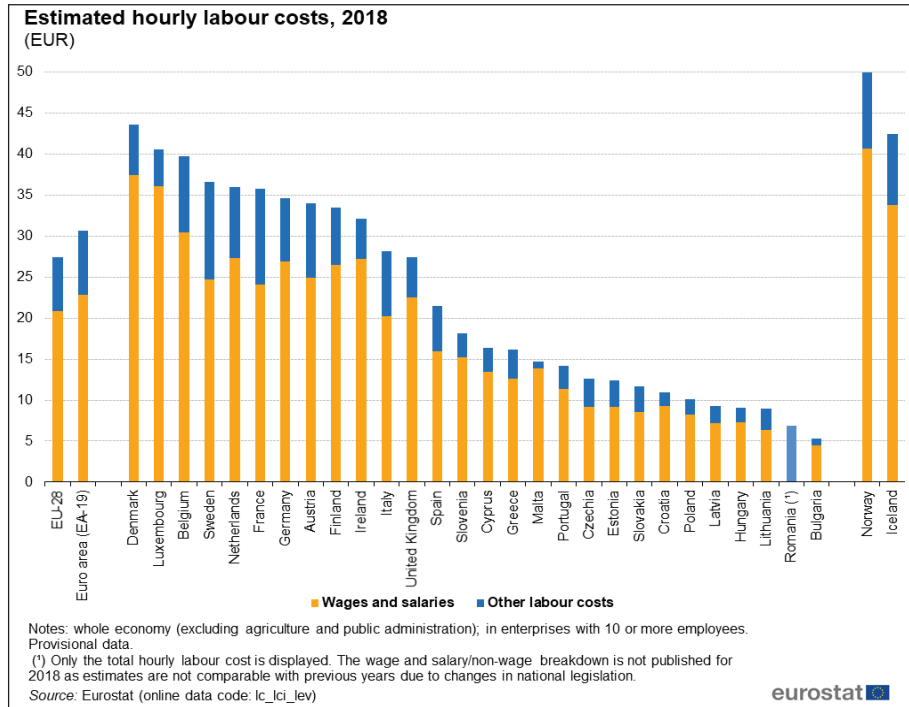
11 Ishikawa 2012.

12 Sachwald 1995.

13 KPMG 2012.

they wish. This derogation is an essential contributor to the flexible labor market and makes it possible to adapt to changing production output.<sup>14</sup>

Besides the flexibility of the workforce, costs also play a major role. Compared to other countries with a large automotive industry, such as Germany, France and Italy, the UK has the lowest labour costs. (Figure 2: Eurostat ).



**Figure 2.** Eurostat 15

Finally, the qualification of employees is an important factor in the development of new, competitive cars and the supply of high-quality products. As part of the European Union with free movement of workers as a fundamental principle the UK benefits from a flexible and mobile skilled workforce.

## Productivity

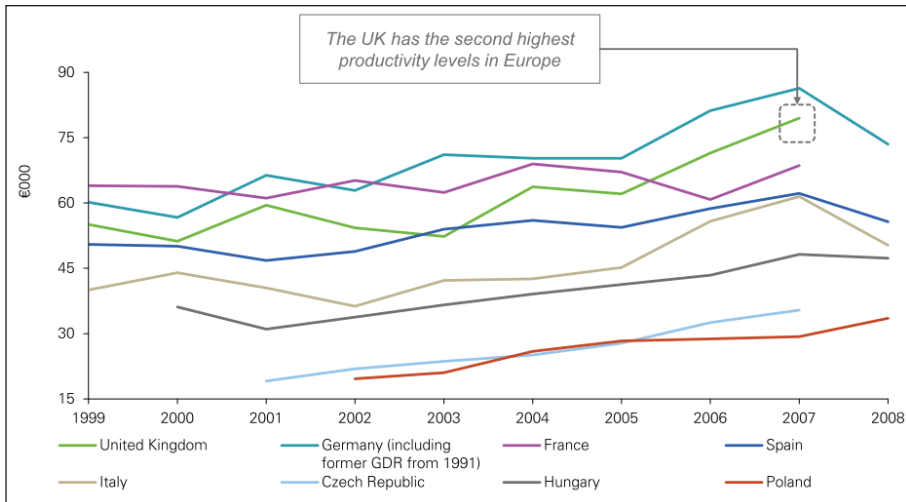
Another success factor for the UK auto industry is the productivity of its assembly plants. While the plant utilization runs at over 70%, Italy for example runs its plants at just over 50%.<sup>16</sup> The British productivity grew from the 1980s to the early 2000s with about 2% per year.<sup>17</sup> Measured by gross value added per employee, the UK had the third highest productivity level in Europe in 2000, with France and Germany in first and second place. In 2005, the UK overtook France and had the second highest productivity level after Germany. (Figure 3: Productivity).

14 KPMG 2014.

15 Eurostat 2020.

16 Bailey and Propris 2017.

17 Menon et al. 2019.



**Figure 3.** Productivity<sup>18</sup>

The flexible and loose working arrangements are only one reason for the success. Another reason is Foreign Direct Investments. On the one hand new plants and machines can be designed to be more flexible to changing environments and demands. On the other hand, it grants access to the technologies of the foreign parent companies. One example to name here is the Toyota Production System. It is regarded as a benchmark for best practice in manufacturing to increase quality, efficiency and profitability with lean strategies. Great Britain was the location of the first Toyota plant in Europe and was therefore able to implement the above-mentioned best practices from scratch.<sup>19</sup> The culture and processes used in this and other Japanese plants have been adopted across the industry and helped to improve efficiency and international competitiveness.

A clear indicator of productivity is the capacity utilisation of the manufacturing plants. The British automotive industry can claim a capacity utilisation rate of over 70%, with several plants operating on a 24/7 basis. This is a good result when compared with other European countries such as Italy. Here the capacity utilization was only 50%. In 2015, the Nissan car plant in Sunderland was the most productive plant in Great Britain, where one third of all new vehicles were built.<sup>20</sup>

## Influencing EU regulations

The regulations for safety and environmental protection in the automotive sector vary from country to country. As a consequence, in order to sell cars in markets with different regulations, they have to be developed, produced and tested differently. This leads to increasing costs and reduces the profitability.

In principle, three regional blocks define the regulatory framework of the sector. The US with its Federal Motor Vehicle Safety Standards (FMVSS), China with a mix

<sup>18</sup> KPMG 2012.

<sup>19</sup> Toyota.

<sup>20</sup> Bailey and Budd 2017.

of national standards (Guobiao) and the EU with the EU regulations and UNECE agreements.<sup>21</sup>

Foreign car manufacturers have the opportunity to influence EU regulations when they produce in the EU. For this reason, it is advantageous to have production facilities in the UK to bring EU standards into line with their existing standards and save costs.

## Business investments (Image and Established Supply Chains)

When the first foreign companies invested in England, the advantages were obvious. As one of the leading car manufacturing countries a well-developed infrastructure with suppliers and supply chains already existed. British sports and premium cars like Jaguar, Rolls Royce, Mini and Bentley were well known in the world and enjoyed a great reputation. Companies like BMW used the chance to enter market segments by the acquisition of British brands. With Land Rover and Rover, BMW was able to cover the small car market and the market for four-wheel drive cars. With Mini they bought an iconic British car, which is popular in most countries all over the world. BMW sold the Rover brand in 2000, but retained the rights to build MINI cars. They also acquired the rights to the Rolls Royce brand and thus gained access to the luxury market. Other companies also used this opportunity, Volkswagen acquired Bentley, Tata owns the Jaguar and Land Rover brands and Vauxhall belongs to the French car manufacturer Groupe PSA. Today, all major car manufacturers in Britain are owned by foreign companies.

## European Research Funding and Networks

As part of the European Union, the United Kingdom receives research funding for the development of new technologies. Horizon 2020 is the EU's largest innovation funding programme, with nearly €80 billion, with the aim of ensuring its competitiveness in the world. UK-based car companies received millions of euros from Horizon 2020, resulting in innovative technologies that can be used not only by UK companies but also by their foreign owners. In addition to EU funding, European research networks with universities and local companies are innovation drivers for new technologies in the automotive industry.

## Current state of the UK automotive industry

Now that the reasons for Britain's growth into a major car manufacturer and recipient of foreign direct investment have been identified, it must be examined whether these competitive advantages still exist or have disappeared.

## Access to the single market

The opportunity to gain access to the single market through the UK was mainly used by Japanese car manufacturers. The Japan-EU Free Trade Agreement (JEFTA) came into force in February 2019. It specifies, among other things, that customs duties on cars are to be reduced from 10% to 0% within seven years. It can therefore be

<sup>21</sup> Society of Motor Manufacturers.

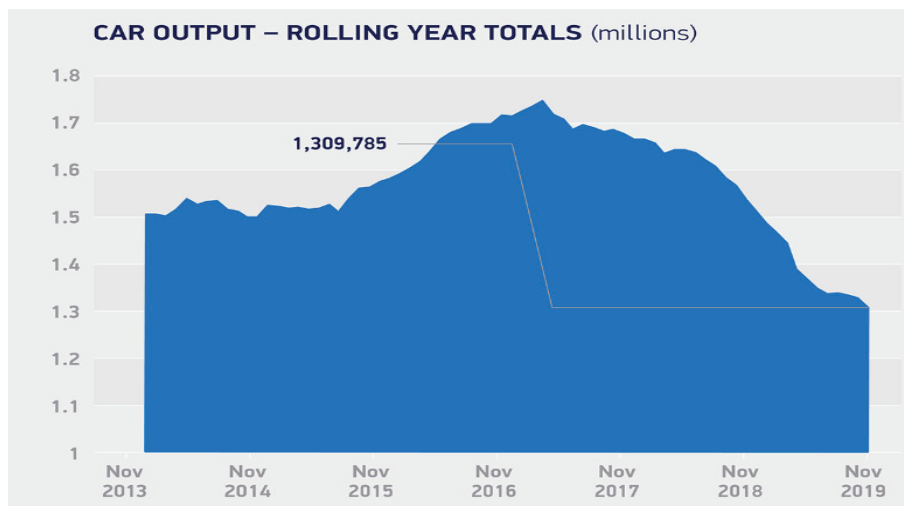
expected that this advantage will no longer be a key factor in the decision to remain and invest in the United Kingdom. Later we will take a look at the development of foreign investment and see if there has been a decline. In addition, the UK has now decided to withdraw from the EU. In the next few months, until December 2020, the negotiations for a free trade agreement with the EU will be carried out. However, it is unrealistic to assume that single market access will remain at the same level as it is today. For this reason, this advantage will disappear in the future.

## Workforce

In its latest quarterly outlook the British Chamber of Commerce reported that 73% of companies had recruitment problems in the 3rd quarter of 2019.<sup>22</sup> The shortage of skilled workers in the automotive industry was already identified by the UK Automotive Council in 2016. In this year 2,500 positions were unfilled due to a shortage of skilled workers.<sup>23</sup> With the Brexit now agreed, employers will have even more trouble attracting workers from other countries. If the free movement of people ceases and with the planned limitation of immigration, the pool of potential skilled workers will shrink even more than in 2016. In addition, it could become more difficult for global companies to send specialists to the UK for troubleshooting or to fill positions where specific skills are required. For this reason, companies will be considering whether to continue to invest in the UK or to switch their production to other countries in the EU.

## Productivity

The production output of the United Kingdom has declined steadily in recent years and reached a new long-term low in November 2019 (Figure 4: Car output in millions).



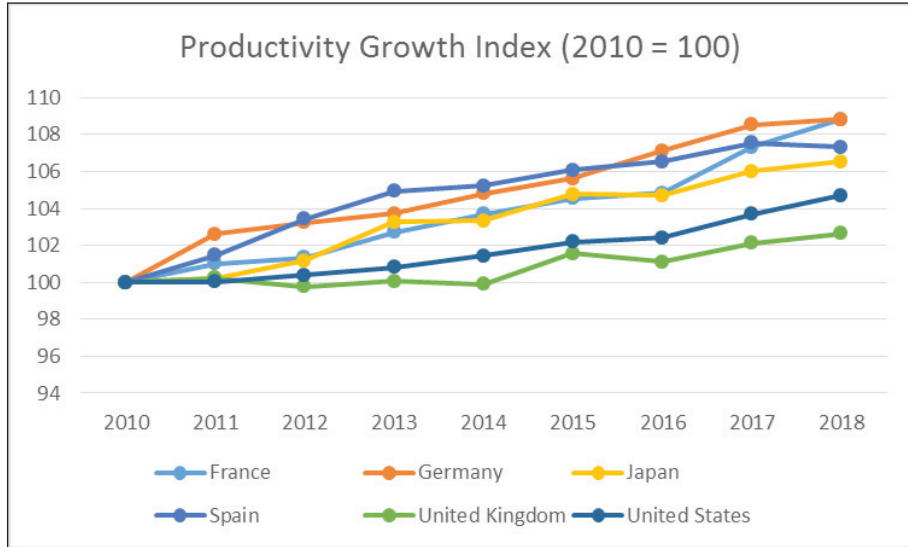
**Figure 4.** Car output in millions<sup>24</sup>

<sup>22</sup> British Chambers of Commerce 2019.

<sup>23</sup> Automotive Council UK 2016.

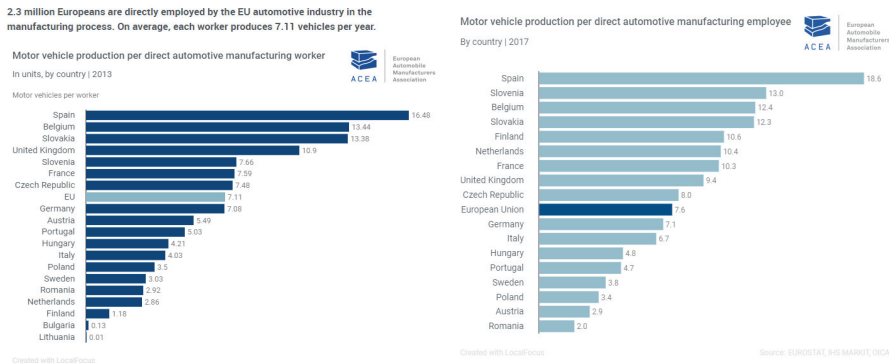
<sup>24</sup> Society of Motor Manufactureurs 2020.

Whereas we previously showed a steady growth of 2% per annum until the early 2000s, the productivity growth index for the UK between 2010 and 2018 was only 2.66% for the whole period. This growth is far below that of other European countries such as Germany and France (8.82%).



**Figure 6.** Own Figure - Based on OECD datas

Based on the data from the European Automotive Manufacturers Association the motor vehicle production per direct automotive manufacturing worker decreased from 10.9 in 2013 to 9.4 in the year 2017. In 2013 the UK was still in 4th place behind Spain, Belgium and Slovakia, but in 2017 it was only in 8th place.



There are many factors that influence productivity, such as the maintenance of existing machines or investment in new technologies. The reasons cannot be outlined in detail in this paper. On the basis of the above trend, it can be concluded that productivity no longer constitutes an advantage for the United Kingdom.



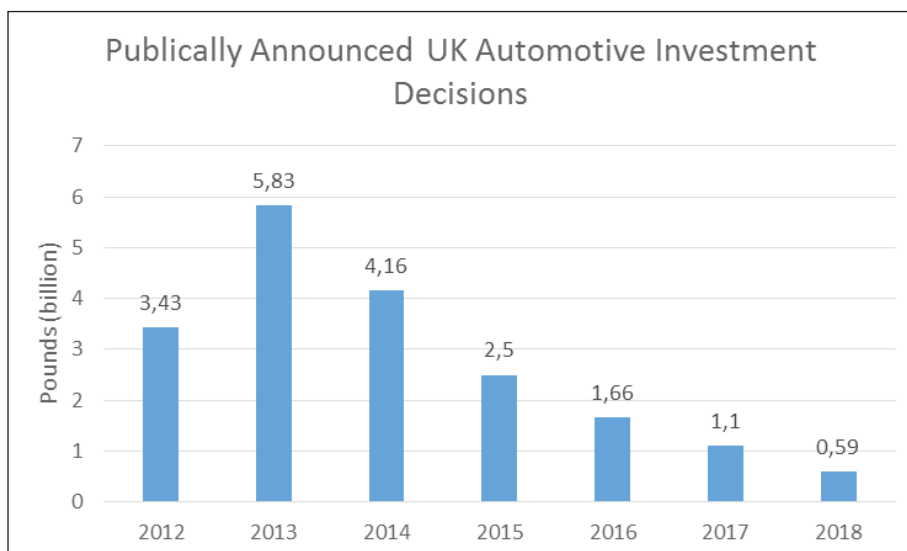
## Influencing EU regulations

Without being a member of the European Union in future, the UK is expected to lose its ability to influence the EU regulatory process and the definition of requirements from one of the major regulations authorities. Furthermore, the United Kingdom should take care to adapt the given rules and not to create its own regulations. This would lead to an increased regulatory burden and thus rising costs. Consequently, the United Kingdom would lose another advantage that has distinguished it as a location for foreign investors.

## FDI

Looking at the British automotive industry, the sector is now highly dependent on foreign companies and their investment. With the acquisition of the Rover Group from BMW in 1994, for the first time in 112 years, was no volume car manufacturer left in the United Kingdom that is owned by a British company.<sup>25</sup>

The SMMT states in his 2019 UK Automotive Trade Report that automotive investments are constantly decreasing.<sup>26</sup> Coming from 5.83 billion pounds in 2013 the UK could only attract 0.59 billion in 2018. That is the lowest level since the global financial crisis.



**Figure 7.** Publically Announced UK Automotive Investment Decisions.<sup>27</sup>

The Brexit referendum and the associated uncertainty is deterring foreign investors from investing. According to data from the Greenfield Investment Monitor fDi Markets, the UK has attracted 42% less new investment in the automotive components and OEM sector in the twelve months to May 2019 than a year earlier.

25 Lewin 2004.

26 Society of Motor Manufactureurs.

27 Society of Motor Manufactureurs.

This makes the UK the worst performing Greenfield investment destination in the automotive sector in Western Europe in this time period. The question is whether the car companies that have production facilities in the United Kingdom are generally no longer investing or are simply moving their investments to other countries. In this context, the companies Jaguar Land Rover, Honda, Toyota, Ford, BMW, Nissan and Vauxhall should be considered. Of the companies mentioned above, Jaguar Land Rover, UK's largest car manufacturer, has planned a major investment in its Castle Bromwich plant for the construction of electric cars. In addition, Nissan has invested £100 million in its Sunderland plant to build the new Juke, but has withdrawn its investment in the construction of the new X-Trail and moved it to Japan. Honda has announced that it will close its Swindon plant in 2021. Additionally, Ford will close its engine plant in Bridgend in September 2020. Toyota is currently investing in its plants in Poland and BMW is building a new plant in Hungary. Both companies have made no significant investments in England in recent years. Vauxhall is investing in its commercial vehicle plant in Luton while the private vehicle plant in Ellsmere Port is at risk of closure in the event of disadvantageous Brexit negotiations.

A further indicator that Great Britain has lost its attractiveness as a location for foreign investment can be seen in the recent investment of the electric car manufacturer Tesla. Elon Musk has announced in 2014 in the media that he plans to open an R&D center in the UK. However, these plans have been discarded and nothing has been said about it for years. Last year Elon Musk announced that he will start building a production plant in Germany in 2020. Among other things, he blames the uncertainty caused by the Brexit for the decision against Great Britain.

## European Research Funding and Networks

With the UK leaving the EU, depending on the outcome of the negotiations, access to research programmes such as Horizon 2020 or Erasmus+, which offer young people and teachers the opportunity to study, work and train abroad, could be refused. The House of Lords Subcommittee on EU Home Affairs examined the impact of Brexit on UK participation in these two programmes. According to the report, the United Kingdom is the second largest recipient of H2020 funds and has received 15.2% of the total EUR 5.7 billion in grants distributed through the programme. It comes to the conclusion: "If the Government is not willing or able to secure association to these programmes, alternative UK funding schemes would be needed. However, it would be a formidable challenge to try to replicate at a national level the substantial benefits of the EU's programmes for research and innovation and international mobility."<sup>28</sup> In the actual EU-UK withdrawal agreement access to the programme will be maintained until its end in 2020. This fits well with the planned withdrawal from the EU at the end of 2020. It seems very unlikely that the UK will have access to the successor programme Horizon Europe, which will run from 2021 to 2027. Erasmus+ and Horizon promote transnational research partnerships, offer access to major research facilities, shared infrastructures and equipment and ease the mobility of the EU's most promising researchers across Europe. Many years would pass before a UK alternative would equal the strength and productivity of the research collaborations built up through this programme.<sup>29</sup> When England leaves the EU, investments from

<sup>28</sup> House of Lords 2019a.

<sup>29</sup> House of Lords 2019a.

the European Investment Bank (EIB) will no longer be available. With its loans, the bank has made an important contribution to the development of new technologies in the automotive industry. The EU Financial Affairs Sub-Committee concludes in its report that there was a decline of 87% in funding from the EIB since the referendum. Losing access to the Bank could lead to a significant funding gap in future.<sup>30</sup>

Looking at the current R&D expenditure in relation to GDP, the UK lies at 1.7% and is therefore below the EU28 average of 2% and also below the OECD average of 2.4%. The value is also lower compared to other countries such as France (2.2%), the USA (2.8%) and Germany (3%).<sup>31</sup> Considering the major changes in the automotive industry due to the electrification it is necessary to invest now in R&D.

The downward trend in R&D expenditure and the high chance to lose access to the European research and funding projects is a significant disadvantage with regard to the selection of future investments.

### 3. SUMMARY

The previous analysis shows that most of the advantages that have attracted investment to the UK in the past have not just been lost since the Brexit. The European competitors who produce vehicles for lower costs are very present. It is therefore important to be a pioneer in the new technology fields of the automotive industry when it comes to R&D. The human capital of a country is crucial. The future of the automotive industry lies in electrification and the associated new technologies. In addition to battery technology and electric motors, however, the digitalization of vehicles is becoming increasingly important. If England does not invest in these fields of research in time and build up a competence it will be difficult to find reasons for further investments. By leaving the EU, the UK loses the important link to the European research network. It also remains to be seen how easy it will be for EU citizens to work in England in the future. Eventual VISA requirements or an insufficient connection to EU standards may prevent highly qualified workers from taking a job in England in the future. The past uncertainty over EU withdrawal has already caused severe cuts in FDI. Companies cannot, for example, postpone the manufacturing location of future vehicles forever. It is reasonable to suspect that the four years of uncertainty have already led to investment decisions that have been taken to the disadvantage of the UK. Due to the free trade agreement with Japan, it can be assumed that the Japanese manufacturers who are important for Great Britain will withdraw from the island in the future and relocate their production either to the home market or to the continent.

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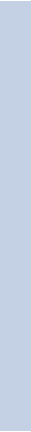
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# Unemployment as a social phenomenon and its impact on young people at regional level in Slovakia

## Summary

Young people are generally recognized and make up a large population of each region. Their active activity is an important element for regional development. This article discusses the development of youth unemployment in the context of selected measures to combat unemployment. The main objective of the contribution is to present the analysis and evaluation of the various youth employment tools by the state in order to reduce the unemployment rate of young people in the regions. Tools are implemented by the state to reduce the proportion of unemployed young people in self-governing regions. The tools are based on the needs of the regions and provide strategic solutions to long-term unemployment in the individual regions of Slovakia in order to support the creation of new jobs, the provision of labour mobility or the possibility of recruiting young people after graduation. In the contribution, we will focus on identifying and evaluating these tools.

**Key words:** young people, employment, regional level, self-government region.

## INTRODUCTION

In general, young people are recognized as generally recognized as an important part of every society and constitute a substantial population group not only of the society but also of the region. Their necessity is also manifested through programs and institutions of global, national, regional and local character. The fact that youth is important to society is also August 12, declared by the United Nations as an International Youth Day.

According to Macháček (2011), youth can be characterized as a specific social group that has specific needs with respect to their needs in the context of socio-

economic interests. A very protracted and debated topic in relation to young people is unemployment, which every government and the government of the Slovak Republic are trying to reduce by means of tools to support the employment of young people. Unemployment among young people represents a major socio-economic problem affecting society. According to the United Nations, unemployment among young people is defined as unemployment aged 15–24. The legislation of the Slovak Republic extends it to 29 years. At the same time, the unemployed person is characterized as a person who is unemployed while actively participating in her looking for. When looking at the unemployment rate of young people, we can say that it may tend to be higher for various reasons, the highest achieved education, the socio-economic background or experience, etc. At the same time, the competent authorities are registered as unemployed mainly for official and statistical measurement.

According to the International Labor Organization (ILO), unemployment is a state where no one worked for one hour for wages, retaliation, or any other form of reward for the previous week. At the same time, however, in the last 4 weeks, the job was actively sought and able to get to work within 2 weeks. An unemployed person is an individual without a job. To make the unemployed young person an economically active resident, he must qualify if he is willing, willing and able to work, actively looking for jobs. Looking at the definition of the International Labor Organization (ILO), we find that unemployed youth define as a proportion of the unemployed youth labor force. The unemployed are all older people who were at the reference point: unemployed, currently available for work and actively looking for work. Workforce is therefore the sum of the number of persons employed and the number of unemployed persons. Recognizing the risk of youth unemployment in the future, there is a need to mobilize international, national, local and regional youth attention and the challenges they face in particular to unemployment.

The issue of unemployment is given a number of national and foreign authors. The unemployment lead several discussions, studies and research (Matoušek, 2005; Kešelová, 2015; Paukovič a Holovčáková, 2008; Kostolná, 2010, Kentoš, 2010). A pair of authors Cote and Allaher (2000) highlights the fact that youth unemployment is also a consequence of the increase in adolescence through longer periods of education and labor laws. The work of young people is needed not only in the service sectors but in all areas. Young people have to wait longer to be fully recognized as adults, thus prolonging the waiting period to get a job. For this reason, most young people become inactive in the long run. This is particularly evident in urban areas with small infrastructure or in disadvantaged regions with a small number of job opportunities. The reason for young people's unemployment is often the fact that young people lack the experience of what employers require, or their ambitions are different from vacancies, or employers are not willing to engage young people, as this activity is associated with extra costs (Roberts, 2000).

## METHODOLOGY

The objective of this paper is to analyses the impact of unemployment young people on the selected social tools in regional level in Slovakia during 6 years period 2007–2013. In this paper, we were working with secondary data. In defining the methodology of the article, we proceeded from the following steps. The first step was the identification



of youth unemployment, expressed as a percentage of the young people's labor force in terms of the region. The next step was to identify the tools, respectively measures to reduce youth unemployment at national level. The last step consisted in analyzing and evaluating the impact of using tools supporting the employment of young people on the development of youth unemployment in individual regions of the Slovak Republic. We understand the region as a territory defined according to the current administrative division under the conditions of the SR. This region represents individual self-governing regions. The presented data come from sources of Eurostat, Statistical Office of the Slovak Republic, the Ministry of Social Affairs and Family of the Slovak Republic or other relevant institutions and entities. The secondary data regarding the employment and unemployment rate, number of jobs created in the self-governing region, number of job seekers – youth, regional HDP per inhabitants in Slovakia in 2007–2013 were obtained from Eurostat and Statista websites. The data we used in this paper were quantitative. The article has a descriptive and analytical approach. The information obtained was based on the qualitative and quantitative methods used, which allowed us to look at aspects of long-term and sustained youth unemployment.

The main aim of the contribution is to analyse the relation between the results of the implementation tools of the OP EaSI and OP HR through the results achieved by drawing the individual priority axes as well as selected measurable indicators (such as the number of jobs created in self-governing region, number of job seekers in region – youth,) and selected socioeconomic indicators (development of employment and regional HDP per inhabitants).

For research, we were analyzing the impact of implementation on the trend in employment rates in self-governing region in Slovakia. We focused on the relation of the unemployment and employment development in individual years to the number of jobs created and the number of job seekers - youth. We were also interested in the rate of regional HDP per inhabitants in individual years in relation to the pre-invested funds of the operational program during the reference period. To achieve the objective, the methods of analysis, synthesis, deduction and induction have been used. Another key method that has been used was the descriptive statistics, and for better visualization, we used a graphical representation of the identified values.

## UNEMPLOYMENT RATE OF YOUNG PEOPLE

According to Eurostat, the number of young people in Slovakia aged 15–29 was more than 1 million. When we think about it, we make up almost 1/5 inhabitants of Slovakia. This is a group of 1 million opportunities, ideas, opinions, and experiences. It is therefore more than necessary to address the needs of young people, especially integration and creation of the conditions to get their thoughts to work and become active and full-fledged citizens of the state, region or city.

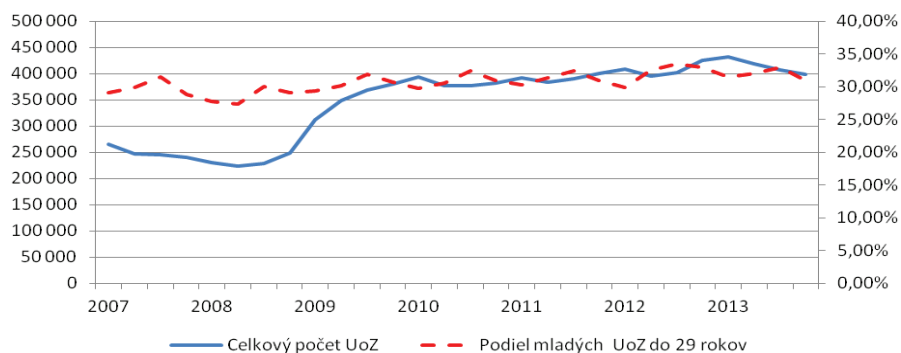
**Tab. 1.** Number of young people in Slovakia and the EU aged 15–29

Year	2012	2014	2016
Slovakia	1 163 163	1 102 840	1 039 651
EÚ	91 318 397	89 604 267	88 719 520

**Source:** Eurostat

It is natural and evolution shows us that there are problems that need to be solved. One of them is the above mentioned socio-economic problem. The youth unemployment rate has become not only a key issue and one of the top priorities of the European Union but also of Slovakia. Youth unemployment is seen by many as the most serious and most pressing problem that Europe is currently tackling in the labor market. A common effort is to increase the employment rates of young people through the measures that we will devote to the next part of the contribution. The youth unemployment rate is expressed by the number of unemployed people aged 15–29, expressed as a percentage of the labor force of young people. Unemployed are therefore young people who report to work without being available for work. At the same time, they took active steps to get a job. According to the OECD (2018), the unemployment rate for young people is 18.90% compared to OECD countries. Looking at the unemployment rate of the Slovak Republic young people of men and women find that men represent 18.10% and women 20.20% share compared to OECD countries.

As mentioned above, one of the priorities of the EU is to improve the lives of young people, as was the Committee of Ministers for Youth (CYM) with the adoption of the EU's 2010–2018 Strategy, setting out its key objectives in areas of youth participation in education, social inclusion and solidarity, the labor market and active citizenship. The EU strategy for individual Member States creates the conditions for the creation and implementation of policies aimed at supporting the raising of the living standards of young people.



**Graph 1.** Development of unemployed young people 2007–2013.

**Source:** Central Office of Labour, Social Affairs and Family.

As the diagram above demonstrates, the situation of the registered unemployment rate of young people in the monitored period, i.e. from 2007 to 2013, accounted for up to one third of all unemployed, making it a stable level of around 30%. The absolute numbers of unemployed young people are unfortunately alarmingly high.

According to the Office of Labor of Social Affairs and Family (2013) in 2007, the number of unemployed young people under 25 was nearly 50,000 and under the age of 29 nearly 80,000. In 2013, the number increased to as many as 29,000, 120,000 and 70,000 to 25 years. However, we can now state that, in view of the positive trend of the economy and the measures taken, it has meant that the number of young people as job seekers has been on the downward trend. The share of young people aged under 29 in the total job seekers needs to be reduced in the long term. It should also be noted that the share of young people aged 15–24 in Slovakia who are unemployed does not continue in the education or training process we call NEET is higher than in the EU27 average.

The fact that unemployment the problem of young people is also declared by the fact that the Prognostic Institute of the Slovak Republic in 2015 predicts that in the year 2035 the population will grow in the postproductive age from 11% to 16%. In this, it is 250 thousand people to 850 thousand people.

According to the data of the Center for Labor, Social Affairs and the Family, almost a quarter of the registered unemployed in Slovakia at the end of January 2018 formed young people under 29 years of age. There were 46.9 thousand of the total number of 197.3 thousand unemployed. Within 20 years, there were 6.3 thousand people without work, between the ages of 20 and 24, 18.3 thousand unemployed and over 22.2 thousand job seekers aged 24–29.

According to the conclusions of the forecasting institute of the Slovak Republic, there will be a doubling of the population in the segment over 80 years. In this context, it should be stressed that the current retirement pension system is dependent on working-age people, of course including a category of young people and, in particular, young unemployed. In the longer term, it is therefore important to effectively address the problem of youth unemployment, not only because of the current labor market equilibrium but also in terms of the future of the system for future pension recipients.

## SUPPORT TOOLS (MEASURES) TO INCREASE THE EMPLOYMENT OF YOUNG PEOPLE

Unemployment among young people in Slovakia is an acute problem that the government is seeking primarily to address through available measures. Measures to reduce unemployment or unemployment to increase employment is another part of our article.

The measures we have analyzed are linked to the Human Resources Operational Program, which was launched in late 2012 and was subsequently adopted and approved by the European Commission in 2014. The proposed measures are considered to be of the utmost importance and play a key role in the further socio-economic development of Slovakia. The Operational Program focuses on strategic long-term unemployment

solutions in individual regions of Slovakia in order to create new jobs, ensure labor mobility, employ young people after graduating from school.

As part of the Human Resources Operational Program, as support measures to increase the employment of young people, the measures are defined primarily in the priority axis entitled “Youth Employment Initiative”. Key activities are to increase young people’s participation in the labor market for all young people, including NEETs aged under 29. Such measures include the offer of employment, further education, vocational training and training or internship within four months of registration in the job seekers, job creation, especially in small and medium-sized enterprises, to stimulate the recruitment of young people.

The measures are also based on the needs of regions where attention is focused on the sustainable integration of young people into the labor market for all young people. Such measures include a high-quality job offer, support for increasing the skills of young people, adapting to the needs of the labor market, improving access to employment for young people. Another area of support is social inclusion for a specific group of young people aged 15–29. This is a group that defines inactivity and is not registered as a job seeker. Social inclusion measures include search, counseling, companionship, various social skills acquisition programs, qualification acquisition, community centers, social work.

**Tab. 2.** Measures to support youth employment

Measures	Operational Program Human Resources	Operational Program Employment and Social Inclusion
Youth Employment Initiative	x	
Supporting employment growth		x
Supporting social inclusion		x

**Source:** Central Office of Labour, Social Affairs and Family

In the following part of the paper we present data on the employment rate of young people in men and women. For men, between years 2012 and 2016 (Table 3 and 4), the employment rate of young people has increased, while women have a similarly increasing character. We can say that the unemployment rate through the measures adopted was well adjusted, but another positive aspect was also the positive economic trend of Slovakia.

**Tab. 3.** Employment rates for young men

Age	15–19		20–24		25–29	
	2012	2016	2012	2016	2012	2016
Slovakia	2,8	4,9	42,1	54,0	78,3	84,7
EÚ	15,6	16,3	51,4	53,5	76,2	78,2

**Source:** Eurostat

**Tab. 4.** Employment rate of young women

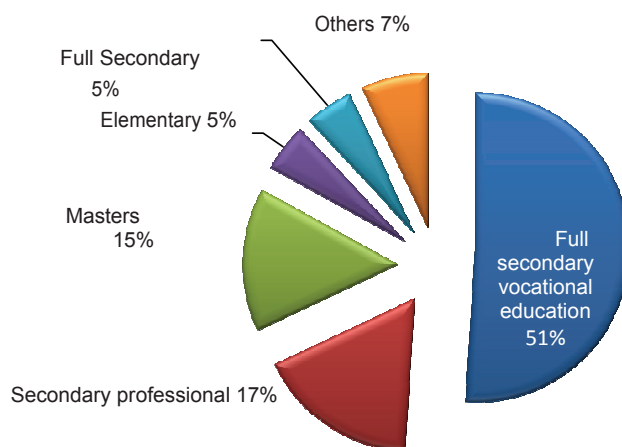
Age	15–19		20–24		25–29	
	2012	2016	2012	2016	2012	2016
Slovakia	2,2	3,0	27,4	30,6	57,2	62,8
EÚ	14,3	15,0	45,0	47,7	66,1	68,0

Source: Eurostat

As indicated above, the active measures are based on the specific needs of each region. National projects have been developed to support employment, through which, thanks to the financial support of the European Social Fund, they are actively fighting the unemployment of young people under the age of 29.

Over the last period, 13,000 new jobs created by employers have been created for young people. In this way, the unfavorable situation of unemployment was reduced by 10% over three years. Active measures to promote youth employment are the right to first employment. This measure is for young people under the age of 29 who have not worked for 6 months in a salary.

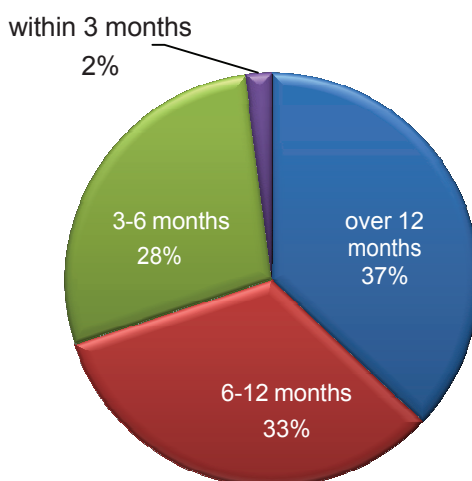
Another important measure is graduate practice. As has already been mentioned, good practice is often necessary to apply to the labor market. For this reason, an important measure is the contribution to graduate practice. According to the Office of Labor of Social Affairs and Family in 2013, 10,205 job-seekers completed their graduation practice, representing 35.14% of the total number of job-seekers who graduated from the post-graduate level. In the long run, graduate practice is effective as it has grown by 3.99%. This measure has been implemented during the previous Operational Program and is supported at the present time. The graduate practice is also followed by a measure concerning the mentoring of young people to work at work.

**Graph 2.** Education job seekres to 29 years.

Source: Central Office of Labour, Social Affairs and Family.

An important measure to support employment for young people under the age of 29 was the creation of more than 12,000 new jobs. As far as the characteristics of young people under the age of 29 are concerned, the employer most often showed an interest in job seekers with full secondary vocational education with a 51% share. They were followed by candidates with secondary professional education with a share of 17%. In a tight hatch, candidates with masters of 15 percent were placed.

As the graph demonstrates the least interest, employers have shown job seekers for young people aged under 29 with elementary and full secondary education, who have oscillated at 5%. The measure, which is linked to newly created jobs for young people under the age of 29, was best placed by the tenderers prior to the placement with a registration period of over 12 months of 37%. Further, candidates with a record of 6–12 months with a share of 33% were followed, followed by candidates with a registration period of 3-6 months in close proportion of 28%. The smallest share was recorded for candidates up to 3 months with a 2% share.



**Graph 3.** Applicant registration period before placement

**Source:** Central Office of Labour, Social Affairs and Family

In terms of the age category, job applicants of young people under the age of 29 were placed as follows. The largest proportion of job applicants with a share of up to 60% were aged 15–24. A 40% share was followed by candidates aged 24–29. If we look at employers according to their economic activities. Young people under the age of 29 occupied positions with a share of 30.5% in wholesale and retail trade, in industrial production with a share of 12.5%, professional, scientific and technical activities accounted for 10.5%, accommodation and catering services were 10, 4% and the lowest jobs were in construction with a share of 8.6%. Regarding the structure of employers by type of business, a micro-enterprise with a 77% share jumped, followed by a small enterprise with a 15% shareholding, a medium-sized enterprise with a 4% shareholding, other enterprises with a 3% share, and the smallest 1%

From the point of view of further development of support or measures to increase the employment of young people for the future, it is also appropriate to focus on the

division of jobs in individual self-governing regions. As shown in Table 5. The most jobs were in the Prešov self-governing region with a 24% share and the 1st highest unemployment rate. Followed by the Košice self-governing region with 19% and 2 highest unemployment. Third in rank with the third highest unemployment rate and 16% of jobs created is the Banská Bystrica self-governing region. Fourth is the Žilina self-governing region with 13% of the number of jobs created and the fifth highest unemployment rate. It is followed by Trenčín self-governing region with a share of 11% and the sixth highest unemployment rate. The Nitra self-governing region has created 11% of the total number of jobs and the fourth highest unemployment rate. The last one was Trnava self-governing region with a share of 6% and the seventh highest unemployment rate. From the overall viewpoint of the self-governing regions we can see that the unemployment rate is copying the unemployment rate of the entire Slovak Republic.

**Tab. 4.** Employment rate and number of jobs created in the self-governing region

Self-governing region	Number of jobs created	Unemployment rate
Prešov	24%	1. Highest unemployment
Košice	19%	2. Highest unemployment
Banská Bystrica	16%	3. Highest unemployment
Žilina	13%	5. Highest unemployment
Trenčín	11%	6. Highest unemployment
Nitra	11%	4. Highest unemployment
Trnava	6%	7. Highest unemployment

Source: Central Office of Labour, Social Affairs and Family.

**Tab. 5.** Indicator: Number of job seekers – youth

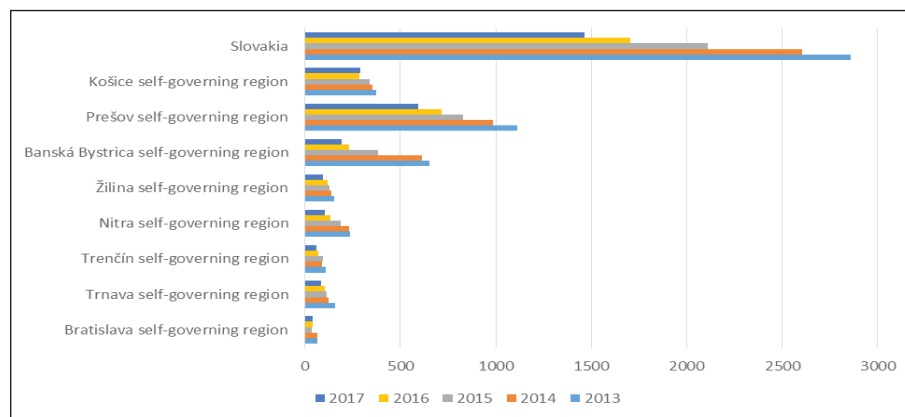
Self-governing region / Indicator	2013	2014	2015	2016	2017
	Number of job seekers - youth				
Bratislava	65	65	37	43	42
Trnava	156	126	112	103	87
Trenčín	108	90	93	72	60
Nitra	239	231	186	134	103
Žilina	154	137	130	120	94
Banská Bystrica	653	614	384	231	192
Prešov	1 110	983	829	717	595
Košice	372	356	341	285	291
Slovakia	2 857	2 602	2 112	1 705	1 464

Source: Statdat.statistics.

Based on national projects, we can say that 80% of the participants in the labor market remained. National projects aimed at increasing the employment rate of young people.

All national projects were aimed at reducing youth unemployment. On the basis of statistical office data, we declare that the unemployment rate for young people has decreased, as shown in the Table 5. The Table 5 shows the number of job seekers and we clearly see the decreasing trend in every self-governing regions. A drop in the number of job seekers is also available across the country. The indicator of the number of job seekers is important because it indicates the evaluation of measures to combat the unemployment rate of young people. The reason why the number of young jobseekers is decreasing is a well-set policy and tools that increase the employment of young people.

The indicator of the number of job-seekers for young people is an important indicator for demonstrating the implemented tools to reduce youth unemployment and the positive trend of an active youth employment policy at regional level. How can we see in the Graph 4, in the period 2013–2017 that we see a drop in employment for young people. The largest drop in job applicants for young people was registered in the Prešov self-governing region, with a total of 515 people, which represents 53.60% decrease. The smallest decrease was in the Bratislava self-governing region with a total of 23 people, which represents 35.38% decrease. The overall decrease for Slovakia is 51.24%.



**Graph 4.** Indicator: Number of job seekers - youth

**Source:** Statdat.statistics

Another significant indicator is the regional GDP, which responds to unemployment. As we can see in the Table 5, in the period 2013-2016 there has been a tendency in regional self-government regions to increase regional GDP per inhabitant.



**Tab. 6.** Indicator: Regional GDP per inhabitant (in EURO)

Self-governing region / Indicator / Year			2013	2014	2015	2016
Bratislava	Regional GDP per inhabitant	In EURO	33 802,774	33 957,360	35 367,147	35 790,102
Trnava			15 072,227	15 744,376	15 540,501	16 297,766
Trenčín			11 901,008	12 195,592	12 587,607	12 802,907
Nitra			12 012,204	12 248,522	12 345,291	12 923,847
Žilina			11 671,244	12 124,967	12 630,220	12 888,898
Banská Bystrica			9 925,362	10 027,581	10 591,063	10 917,468
Prešov			8 042,105	8 332,037	8 698,210	9 069,694
Košice			10 693,907	11 056,982	11 699,834	11 754,070

Source: Statdat.statistics

The Table 6 shows a tendency of increase of the regional GDP per inhabitant in self-governing regions. The highest increase in regional GDP is in Bratislava self-governing region with a value of 1,987.328 EUR. The lowest increase in regional GDP is in Trenčín self-governing region with a value of 901.899 EUR.

## SUMMARY

The high unemployment rate of young people points to the labor force problems in this age group with employment in the labor market. It is essential to support, in particular, those who are not in employment or in the process of education or training, by supporting programs, tools and projects that offer them employment, further education, training or internship, respectively practice. Slovakia has a higher share of young people who would like to work, compared to the EU27 average, for young people looking for work but also for those who do not actively look for work. High unemployment rates for young people require a personalized approach, including training and activation tools for young people who do not work or do not attend, the higher participation of unqualified young people in vocational education and training in companies and the introduction of youth protection systems.

Based on empirical data, we can conclude that the measures analyzed have contributed to reducing youth unemployment in self-governing regions. The results showed that 80% of the project participants remained in the labor market through national projects aimed at supporting the employment of young people. In the long run, graduate practice is effective as it has grown by 3.99%. The current system of instruments appears to be well-suited to increase the support of young people in the labor market, thus reducing the unemployment of young people. It has a positive impact on the development of self-governing regions.

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# Challenge for the banking industry in the context of cyber security

## Summary

Ever new laws, changes in standards and new requirements for the basic conditions for comprehensive IT protection, coupled with ever new technical innovations and thus also new techniques and possibilities for attacks from the network, are causing problems for banks in complying with all these regulations. This article is intended to present how these problems and challenges present themselves, and a concrete procedural model must be presented to the banks during the planning stage of IT management, which ultimately turns the current challenges into a management task. In order for banks to be able to offer a better state of their own knowledge of IT and IT security again and to put them in a stronger position than the specialists who previously had a certain knowledge advantage and were able to use this to the disadvantage of the banks.

**Keywords:** Banks – IT – IT security – compliance – external service providers – balanced scorecard – as-is analysis.

## INTRODUCTION

Where to get it, if not steal it? This is an old German proverb and banks are often faced with exactly this problem when it comes to IT security. Where do I get the best opportunities for maximum security in my IT? How do I set up a suitable and functioning IT security management system that offers a solution that covers all the necessary technical parameters? And how can all this still be managed in terms of the required compliance?

Many financial institutions are still smoking their heads when it comes to this topic, even though this problem has been known for a long time and IT specialists are

already offering supposed complete solutions and research has opened up the equally supposed best way. However, it is not quite as simple for the banking and finance industry, as in recent years a change management process has been initiated that has not yet been completed and the topic of IT security is therefore not yet dry.

## WHAT TASKS DO BANKS AND FINANCIAL INSTITUTIONS FACE IF THEY WANT TO PROVIDE THEIR IT SECURITY AT THE LATEST AND BEST POSSIBLE LEVEL?

First of all, it can be said that the field of IT is becoming more and more complex, and with the development trend towards Industry 4.0 it is becoming even more complex. Banks are already going part of the way towards offering a new technical standard in service to customers, and all large and medium-sized banks are streamlining their branch coverage. These closures are a change for the first time, especially for customers, since the path to personal advice and the completion of local banking transactions is no longer necessary for many regions. The customer expects an equivalent alternative in terms of advice and services in the network if the head offices take the branches away from him. To achieve this, however, the banks must expand their IT services and offer them to customers at a high level of usage and security. This is a process that is still ongoing and has not yet been completed. At the same time, it presents the banks with the challenge of dealing more closely with the IT currently in place in the company and determining whether the hardware and software solutions are sufficient to cope with an expansion.

At the same time, almost all banks, especially in the area of IT security, are positioned in such a way that they have already outsourced these important factors to external specialized service providers with the required high level of specialization or will do so in the near future. IT security is thus somewhat out of the banks' field of vision IT administrators and gaps are threatening to appear between the know-how of the specialist and the system administrator, which is manifested in too much dependency. Banks must therefore be very well informed about who they are leaving the task to and how much responsibility they are transferring to this specialist alone. This is because if these tasks are outsourced, the service provider is also assigned the task of fulfilling compliance as defined by the legislator. However, such areas quickly escape the attention of the client, who is at the same time fully responsible if there are problems or if compliance is not fully met. (Saluja/Idris, 2014) The TÜV-Rheinland clearly puts this in a statement: "In Germany, in particular the publications of the BaFin as well as the increasing audit requirements of the EU (for example SREP from 01.2016) mean that regulations such as MaRisk BA/VA, KWG, Basel II/III, Solvency II and BDSG are constantly making new demands in the area of information security. (TÜV-Rheinland, 2016)

And with the changeover to more IT-based services, banks will probably also be exposed to more attacks by cybercrime, because when money transactions are carried out over the net, access to really all relevant information is possible, which initially harms the customer, but like a boomerang, it hits the banks even harder when such cases occur. In Internet banking, it is common for passwords and PINs to be tapped in addition to the comprehensive private customer data and his transactions and money

holdings. Should such a case occur, this is definitely one of the worst-case scenarios that can happen to banks and therefore even more investment is needed to protect data and networks. This will be particularly important in the case of spy ware attacks, as direct access to accounts with 'IT power' does not take place here, but the captured data is used later and the operations appear to be normal actions of the customer. The situation appears even more tricky when banks use a cloud solution via an external service provider – in the worst case even as a subcontractor of the actual service provider – and attacks and intrusions are very difficult to detect. "Organizations are faced with the challenge of determining asset ownership in IT environments that deploy cloud technologies or virtualization where organizations do not always own or manage the information assets. Information assets are dynamic and change hands within the organization as well as with third parties which are part of the extended enterprise today. (Saluja/Idris, 2014) Ergo, the risk situation in IT security is increasing and banks are actually for the most part still at the beginning of the road, because according to a study by IDG Business Media GmbH 2019 in cooperation with several well-known IT security service providers, it was found that 47% of cloud users from the economy have already been victims of a cloud attack. (Schonscheck et al., 2019) Half of these attacks were so-called DDoS attacks (Distributed Denial of Service), which overload and render the system unusable due to numerous accesses by a distributed botnet. The structure of such attacks is very difficult to detect, as the perpetrator(s) with their malware nest in private systems or IoT (Internet of Things) and thus become a network of IP addresses.

The client systems can be remotely controlled by the perpetrators and block the cloud. In addition to the economic damage to the bank, the main consequence is damage to its reputation, which can be much greater than the actual costs of recovery. (Rohmann/Wirnsperger, 2018 and as an example <https://finanz-szene.de/digital-banking/wie-der-angriff-auf-die-dkb-ablief-und-was-die-folgen-sind>).

And it is not only the technically interested hackers who should know if something works, but much more dangerous groups are interested in such scenarios, such as white-collar criminals, terrorists, other states and criminally active speculators. (Cattle Man, 2017)

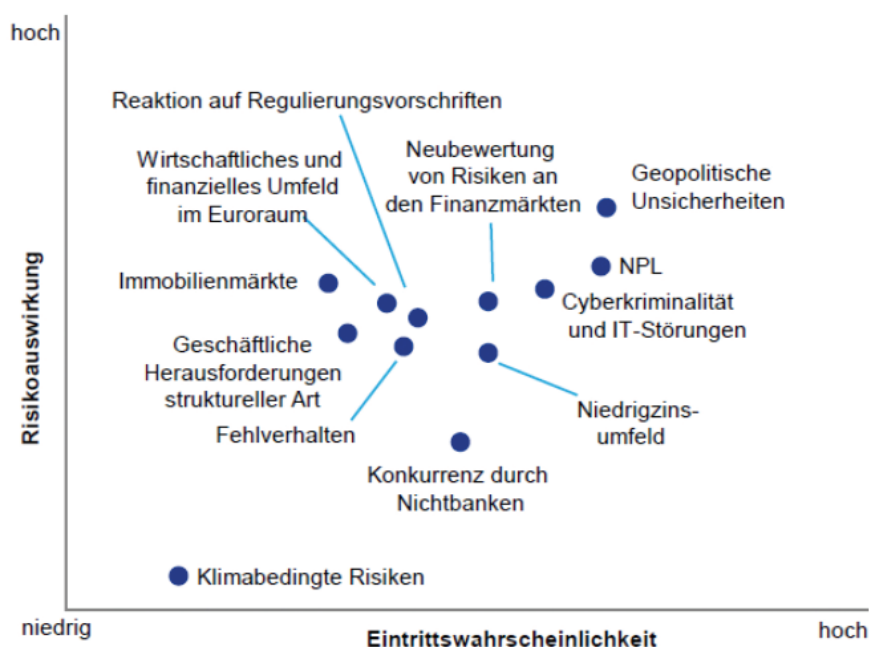
## AND THEN PLEASE A COMPLETE COMPLIANCE

In addition to the day-to-day threats to banking networks, the topic of compliance is also high on the agenda. The legal requirements imposed by the legislator have increased considerably and are also currently expanding, so that a high degree of adaptability is required of the banks. The most recent example is the Data Protection Ordinance from May 2018, which all companies must incorporate into the existing system, which may also involve adapting the existing architecture. They must see this both produced in-house and secured by the possible external service provider. For this reason, the technical and organizational requirements go hand in hand with the legal requirements that must be fulfilled in order to reject possible lawsuits. (Beham, 2017)

The requirements go beyond the actual direct IT security in the network and all connected parties, since other threat scenarios must also be integrated here. These

also include the failure and collapse of infrastructures that make bank services impossible, which can lead to a disaster for the population, because this would make payment transactions and thus the acquisition of essential goods impossible. The same applies to the restoration of the as-is state after such cases, as they can otherwise lead to considerable losses for customers.

The following chart illustrates the factors that are seen as risks and the extent to which they are considered to be real factors in the ECB's risk assessment for 2019. It can be seen that all types of risks for banks are listed, which do not only revolve around IT security, but more or less always have tangents. Above all, these are the points that deal with economic fields and activities of banks and are regulated within the framework of BASEL I, II and now also III. They are a government reaction to the banking crisis and are intended to prevent excessive risks in lending.



**Figure 1.** List of identified risk areas for banks for 2019, presented by impact and probability of occurrence (ECB, 2018)

*“The Single Supervisory Mechanism (SSM) places major major participating country banks under the direct supervision of the European Central Banks (ECB). The SSM is composed of the ECB and the national supervisory authorities of the euro area countries. Member states outside the EU may participate in the SSM on a voluntary basis. (https://www.bafin.de/DE/Aufsicht/BankenFinanzdienstleister/EUBankenaufsicht/SSM/ssm\_node.html) In order to clearly illustrate the requirements placed on banks by the legislator, the most important necessary regulations, legal bases and binding internationally applicable standards are listed below.*

- ISO 27001 based on BSI Standard 100-2 (Standard) (see BSI, 2008 and 2014 for details)

- DSGVO (EU law/legal standard)
- Cybersecurity Act (EU law/legal standard)
- ISO 37001 (standard) (see Wintzer, 2018 for details)
- BAIT (statutory standard) (see BaFin, 2018, for details)
- MaRisk (subject to the supervision of state auditors and financial supervision)
- KRITIS (legal standard) (for details see Riedel/Lechner, 2018)
- BaFin (subject to banking and financial supervision) (for details see BaFin, 2018)

This means that the standards must be complied with in any case, which includes ISO 27001 + X for IT security, as well as ISO 37001 + X for comprehensive risk management in finance, which also affects parts of IT security. Thus, the 27001 + X standard combines with all relevant regulations of IT security and the 37001 + X standard with the minimum requirements for risk management (MaRisk). Standards already demand a high level of security, but they can always be expanded and improved for systems that really do seem very secure, but they are particularly essential for basic compliance with the requirements and also as reputation management vis-à-vis customers.

In addition, all guidelines of the legal basis according to KRITIS (protection for critical infrastructures including IT) must be fulfilled, which represents an enormous effort for the entire company with regard to all interfaces, data protection and security as well as the general conditions for disaster situations, as here too, adjustments are constantly being made by the legislator. It is astonishing that despite all these requirements, the daily business of banks and financial institutions still runs smoothly. This is guaranteed by a high effort in PoC (Proof of Concept), PoV (Proof of Value) in test environments to enable a simulation of the production environment and to avoid the risk of data loss and system failures.

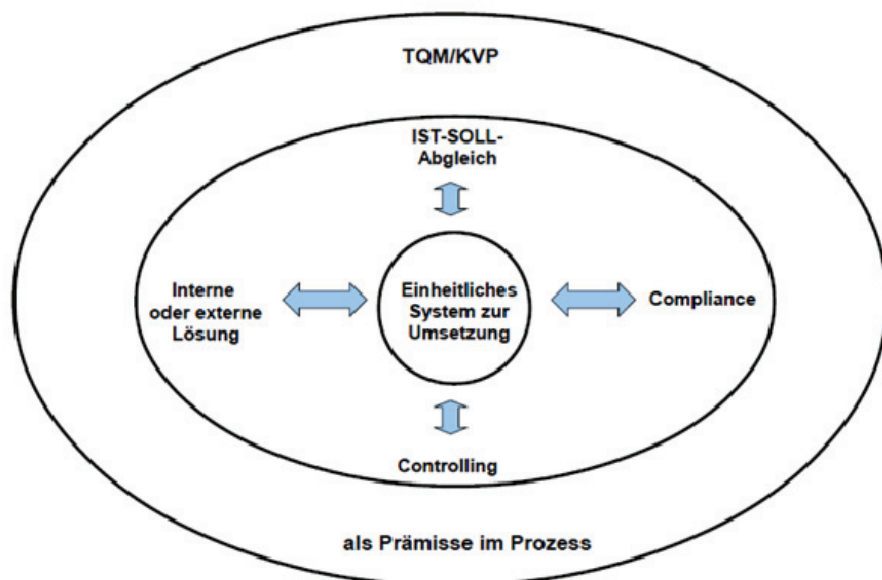
## HOW SHOULD BANKS AND FINANCIAL INSTITUTIONS POSITION THEMSELVES WITH SUCH AN ABUNDANCE OF REQUIREMENTS FOR IT SECURITY IN MANAGEMENT?

There are numerous companies in the field of IT security that claim to be able to fully meet all areas of requirements as external service providers. Whether this actually corresponds to reality can clearly not yet be clearly stated, as the state of research is not yet sufficiently available and quality tests have not yet been carried out by independent bodies. Ergo, the only absolute solution is still in the balance.

But in order to build up a holistic approach for the banks and financial institutions, it is necessary for research and specialists to have planning instruments that can be implemented and are useful and applicable for this sector. This is particularly important if in the near future even more banks are going to part with many stationary branches and expand the IT offering for banking transactions even further.

It is essential that the entire management planning is based on a fixed structure that takes into account all areas and at the same time the mutual influence of changes on the other areas. The basis for banks should always be clear project planning as

a method, as projects here have a clear advantage over ad hoc implementation or a slow and gradual changeover step by step. Ad-hoc introductions are not possible in such complex processes without the bank or financial institution suspending its day-to-day business or deploying a large number of employees to carry out the project. Both fail because of the cost factor, which is always a leitmotif for change. Creeping step-by-step implementations are possible, but due to the high time investment, financial institutions are not able to implement them quickly. In addition, step-by-step implementations often fail due to the fact that rapid changes in laws or environmental conditions have an impact on existing steps and at the same time require constant changes in planning. Therefore, a comprehensive planning system of all areas remains. The first step here should be a clearly defined target which is most efficient in the form of a balanced scorecard (BSC). Only a few core areas are selected, which are necessary as superordinate areas of change for the overall goal. Such a BSC has been created here and, unlike the standard BSC, covers four areas that are fundamental to IT security. Standard BSCs work with the four target categories finance, internal processes, knowledge management and customer perspective. The BSC developed here works with four target categories, which can be seen in the figure below. The core is IT security, which is to be achieved in and with all four areas.



**Figure 2.** BSC especially for IT security in financial institutions (own presentation)

The requirement for an ACTUAL state analysis, as set out here, forms the central area of the project, since a complete overview of components such as hardware, uniform software and type of software, external interfaces and currently existing components of IT security are not always completely on the screen of the institutions. It is important to be able to identify one's own level of knowledge about the ACTUAL state as completely as possible, as most financial institutions have already switched to an external solution.



In the case of external solutions, large gaps in knowledge arise after some time, as the institutions have withdrawn very far from the complex. This leads to dependencies that can deepen in the further course of the cooperation, or, if the external provider is changed, a reduced level of knowledge about the problem can result, which can have a negative effect, especially during negotiations and contract drafting.

And the problem of outsourcing in particular is another important factor here, since with the outsourcing of IT tasks, problems of compliance can also arise again in the opposite direction if the legal basis of a foreign provider differs from the national or European one. In this case, when initiating cooperation as a bank, it is important to ensure in advance that the contractual arrangements make full compliance based on the legal basis of the bank's location binding for the external service provider. Likewise, the clients should stipulate in the contract that penalties are to be imposed in the event of violations of agreed Service Level Agreements (SLAs) that are clearly demonstrably caused by the service provider. If this clause is omitted, the client is fully liable for the damages and consequences. The same applies to the involvement of third parties for certain fields of activity, which are added by the external service provider. This should be minimized to the minimum necessary from the outset. Es gilt also für die Finanzinstitute genau zu schauen, wer als Externer welche Aufgaben im Bereich der IT und IT-Sicherheit übernimmt und am besten alles aus einer Hand als Dienstleistung erhalten, damit Konflikte oder Doppelbearbeitungen vermieden werden. With regard to compliance, banks must deal completely with the required adjustments and implementations and, even in the case of existing certificates, get a picture of whether one meets the requirements, can improve or can even gain a competitive advantage with further innovative adjustments. To this end, catalogues of laws should be drawn up that are applicable to all relevant areas and, by comparing them with the actual status as shown in the catalogues, identify the gaps and close them appropriately. To this end, it is also necessary to examine one's own infrastructure to determine whether it is necessary to renew systems and applications. At the same time, the financial institution has to look at the processes that are connected to the Internet or are externally equipped with data (CDs, USB sticks, Bluetooth interfaces, etc.). Here are moments of danger that can endanger IT security and form clear points of attack. Here it is also necessary to include humans as a risk factor in order to minimize human error as a risk factor. For this purpose, it is necessary to build up an awareness in the company that attaches great importance to IT security. It must be made clear to every employee that the indiscriminate opening of messages or the unauthorized downloading of data is a potential danger that can endanger the entire IT infrastructure. Mails turn out to be the biggest attack vector for IT infrastructures and therefore awareness training of employees is an important point in the overall context of the security strategy.

In addition, it must be examined in the processes at which points the customer connects to the system and which types of data are passed on to the financial institution from this side. Even with the highest level of security in the company, this is still a critical point of IT risk, since it is very easy to become infected this way. One example is the new option of sending photos via mobile phone, where the customer takes a photo of an invoice and sends it to the bank for payment. Since there are many such data transmissions and there will be more in the future, banks have to pay more attention to security, especially in private exchanges.

## RESULT

With a detailed and comprehensive ACTUAL analysis of all these areas, any financial institution is able to bring all areas of IT into compliance with the required standards and legal requirements. In addition, it is also easier to decide on this basis which areas should remain 'make' or be converted into a 'buy'. The challenge, which banks have so far been facing somewhat disoriented and powerless, can only be mastered through an intensive ACTUAL analysis and ultimately only the challenge of also tackling this analysis can be met, because this will make it possible to estimate costs in further investments and avoid costs due to damages and non-compliance.

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Industry 4.0 definitely needs Service 4.0!  
The transformation of services provided  
by tax firms to create added value  
for clients.

What is necessary for the development  
of a changed and digital process structure  
and which benefit factors can arise?

### **Summary**

Tax firms must prepare for the future if they are to survive in the market. The decisive key to this seems to lie in the digitalization of processes in order to be able to automate standard work. With new time and capital resources, law firms can open up new business areas and specialize in certain core competencies. How such a planning structure looks like will be explained here at a glance and made usable as a planning guide.

**Keywords:** Tax consultancy / tax office / digitalisation / project set-up and planning structure.

## **INTRODUCTION**

Accounting and taxes. Nothing seems so traditional in its design as these two essential areas for the economy. But the idea of accountants and tax consultants as column of figures jugglers in dusty offices is far removed from the existing reality. In the meantime, new technologies have also become an integral part of the

work processes in these traditional economic areas and more and more fields are being sought that help to automate work with finances and taxes more, in order to be able to make new core competencies available to clients.<sup>1</sup> In the discussion and research on this field, an extension of the core competences is often mentioned, which also extends to business management consulting. However, in order to achieve this, tax firms must be able to access the economic figures and data more quickly and more intensively in order to provide efficient advice. These areas include, for example, advice on setting up a business, investment advice, questions of cost-performance accounting, national and international tax law advice and much more.<sup>2</sup> In order to guarantee this, companies and private individuals must be prepared to provide this permanent access, which must not only be permitted under data protection law, but also places new technical demands on intensive networking. Here, the tax consultant changes into a new role, which he has to design in a sensible way for his clients. He is now also a consultant for technical solutions, which he needs as a prerequisite for better support. In this case, the law firm can act with the corresponding know-how itself or, with the help of a trustworthy IT company, take it on board.<sup>3</sup>

The fact that such changes towards digital-automated bookkeeping are possible is shown by the software innovations available on the market, which can now take over approx. 90% of all bookkeeping processes in a self-learning manner, which, however, presupposes that the documents are also digitalised.<sup>4</sup> This was the result of the Datev eG feasibility study from 2017, which, using the latest, algorithm-based software, found such a high accuracy rate in the allocation of documents to G/L accounts. However, it was also found that the 10% error rate was only caused by the fact that the documents contained too little information and did not allow for a correct allocation.<sup>5</sup> It is therefore important to create and maintain a sufficient database to achieve the highest possible hit rate. Although this does not spare a repeated examination by experts, the actual preparatory work, which is the main part, is done on the computer, which considerably reduces time resources and costs for both the law firm and the clients. But only if media breaks are avoided and the client is informed that digitalisation of his documents saves this time and costs.

However, it is precisely the smaller law firms that have not been able/would not want to adapt yet and continue to tend towards a traditional way of working. Still, vast amounts of paper are carried into the law firms and sorted, entered and evaluated there. This ties up a major part of the working time and prevents the use of freed-up resources when turning to the digital possibilities. Especially the acquisition of new clients is omitted, so that no client expansion is possible, since the traditional way of working does not allow this. If one remains with the traditional system, expansion can only take the form of more hiring of new employees, but this entails a considerable additional burden due to rising personnel costs. The Federal Chamber of Tax Consultants has been countering this existing situation in most of the law firms in its recommendations and consultations since 2014 by stating that most processes of pure accounting are carried out on the basis of new technology, and emphasises that disregarding this development can lead to the traditional-based

1 Vgl. Pestke, 2017, S. VII.

2 Vgl. Bundessteuerberaterkammer, 2012, S. 6.

3 Vgl. Pestke, 2017, S. VIIf.

4 Vgl. Wenzel, 2017, S. IX.

5 Vgl. Datev eG, 2017, o.S.

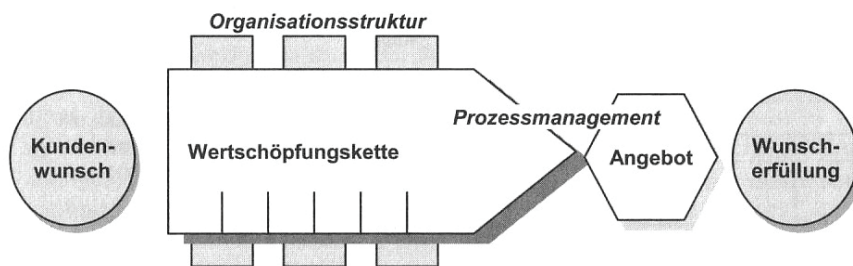
law firms becoming dependent.<sup>6</sup> But what does it actually look like when a tax firm embarks on the adventure of ‚digitalisation‘, both internally and with its clients? What preparations regarding structure, organization and processes are necessary to efficiently embark on the new path?

## MEASURES FOR PREPARATION IN THE OFFICE

In order to turn to digitization within one’s own law firm, it is necessary that the management and also the employees are aware of which tasks they are solving and mastering at what moment. For this purpose, a business process plan must be drawn up with all employees, which graphically represents the individual fields of work and adheres to the logical sequence. Parallel tasks must also be included, since they also correspond to the logical process chain. However, such plans and process models should only be created for frequently recurring work tasks, since they are to be subject to automation later on.

The greatest care must also be taken here, since not only a rough plan should be created, but the entire internal supply chain of these selected processes and the directly connected process stations should be captured in a model. This means that the transition from the rough supply chain to the individual departments and from there to the individual tasks must be made in order to create a complete and meticulous picture. The core objective of all these work steps, processes and law firm tasks as a whole is to fulfil the order and wish of the client, who is the determining input provider and whose satisfaction determines the value of the output. Hirzel has developed a very vivid model for this purpose, which is shown in the illustration below.

**Prozessmanagement schließt den Regelkreis vom Kundenwunsch zur Wunscherfüllung**



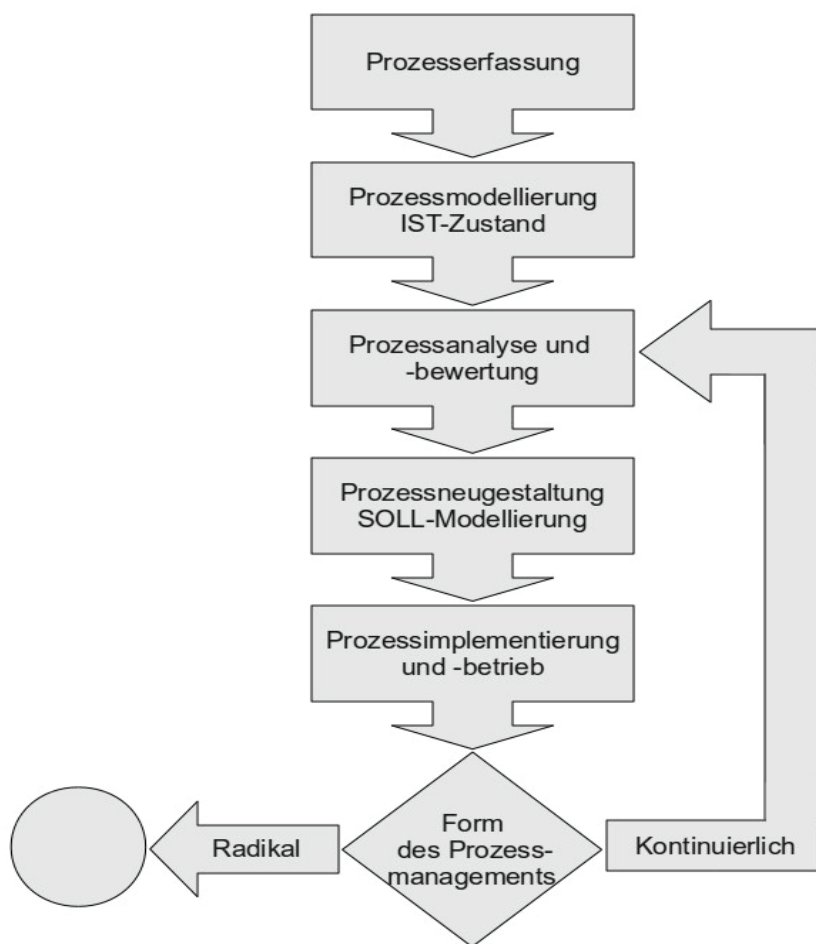
**Illustration 1.** From input to customer-oriented output in the value chain according to Hirzel<sup>7</sup>

Here it is important to identify those task and work areas that are characterized by a high repetition rate, because then the chance is very high that such processes can also be automated. Such work steps and processes can be found very often in

<sup>6</sup> Vgl. Bundessteuerberaterkammer, 2014, S. 22.

<sup>7</sup> Quelle: Hirzel, 2008, S. 16.

accounting, so that there is also a high potential for digitalisation here. In order to be able to carry out this process analysis in a structured form, the following procedure, as offered by Gruber as a model, is recommended. All the steps mentioned above for carrying out a comprehensive preliminary analysis of the actual state are shown here. At the same time, the objectives and determination of objectives are also listed and finally the implementation and review are included. It is important to note that after a one-time introduction of the new instruments and work processes, it is not a question of an eternal status quo, but always a continuous improvement process that requires adapting to new circumstances and always offering the customer the best possible quality of their own performance. The radical variant, as shown on the bottom left, stands for a one-time, complete change of the existing processes, which in our case is the introduction of digitalization and automation. Nevertheless, it is not important to stand still, but to keep looking for new, better possibilities, which can be done, for example, in the form of more effective software.



**Illustration 2.** Procedure model of process management according to Gruber based on Gaitinides (2006)<sup>8</sup>

<sup>8</sup> Quelle: Gruber, 2010, S. 18.

Only when this task has been completed can a market analysis be carried out in a further step to determine which products the market has to offer in order to carry out the digitisation of task areas. It is also important here to analyze what hardware is currently available, because the best software is of no use if compatibility problems occur or the hardware performance is reduced.

In addition, there is also an analysis of the skills of employees in the area of software usage, since new programs can lead to the emergence of as yet unknown ways of working, which must be eliminated through training and/or further education. Therefore, when working with a software vendor, care should be taken to ensure that the area of training and continuing education is offered as a package in a contractual agreement and that no surprises arise in terms of price if the training measures ultimately affect or even exceed the budget.

The employees should be trained to the extent that they not only master their own application, but are also put in a position to train the clients in the further work process.<sup>9</sup> If the reorganisation should take place within an intensified cooperation with an IT specialist, it must be ensured that the clients are also adjusted to the new way of working so that errors are minimised in advance.

## IMPLEMENTATION IN THE OFFICE AND TRANSFER TO THE CLIENT

The client as push factor is the driving force in the transformation from traditional to digital processes. The client must be involved as a determining factor in the process by explaining to him in detail which changes, but also positive effects, such as faster processing, cost savings and personal time savings, will open up for him with the changeover. Therefore, it is important for the law firm that the majority – preferably all – are in favour of digitalisation. This should be done during the planning phase and within information on all communication channels.

It is essential that the most important forms for standard advice are first made available digitally and are available to the client electronically. This will avoid delays in the nationwide standard business and prevent failures. Many clients of the younger generation and also most companies welcome digitalisation, as they have already taken or will take this path personally. This in turn is also in line with the generally advancing e-government initiative of the state, which also benefits from digitization, since the processes in the offices can be more automated and lead to faster processing.<sup>10</sup>

The tracking of individual processes is also easier and the assignment of error-free processes is more accurate. This factor has always been regarded as important for the reputation in the tax consulting industry and is experiencing a further decisive positive boost with the participation in digitalisation.<sup>11</sup>

9 Vgl. Bundessteuerberaterkammer, 2014, S. 37.

10 Vgl. Bundessteuerberaterkammer, 2014, S. 31 und 35.

11 Vgl. Bundessteuerberaterkammer, 2014, S. 39.

The core areas of digitisation within the tax consultancy firm are as follows:

- Digitization of business processes (digitization roadmap)
- Strengthening of the tax advisor through systems and digitalized business processes
- Document management
- Paperless, digitalized processing
- Pre-completed tax return and power of attorney database<sup>12</sup>

In addition to the digitalization of standard processes and tasks, digital and intelligent consulting systems will increasingly take over the tasks of the employees, so that a large number of services are automated, but still provided at a high level.<sup>13</sup> These must be integrated into the firm's internal network accordingly and be made available to the client easily and without any problems. This allows even more resources to be used elsewhere, especially in the area of individual support and for special requests that cannot (yet) be automated.

The law firm must always be aware, in all areas that are subject to change, that all tasks together constitute a great deal of effort in implementation, which can also lead to failure, as the workload cannot be completed in the shortest possible time. It is therefore absolutely necessary to assign priority factors to the individual changes. According to the Federal Chamber of Tax Consultants, a distinction can be made between the factors ‚must‘, ‚should‘ and ‚could‘, always in direct connection with maintaining competitiveness.<sup>14</sup>

This results in three rough factors that can be processed in different time windows. In addition, each law firm can individually assess whether a change is necessary for a minor factor. This reduces overstraining and allows tasks to be performed by all employees in the decisive time windows without losing sight of standard business.

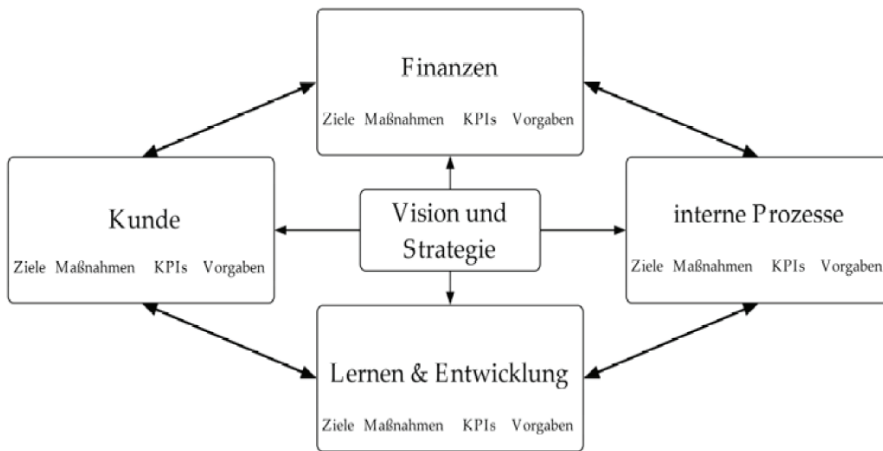
On the basis of the above, the strategy orientation and its implementation should always be approached and implemented in the form of a project, so that set goals are actually achieved. Therefore, the instrument of the Balanced Scorecard, which is provided with four main parameters, is suitable for the alignment of the goals. The four directions of the main objectives are thus based on the factors ‚finance‘, ‚customer‘, ‚internal processes‘ and ‚knowledge management‘. Finances are the budgeting for the implementation of the project, the customer is the main factor that determines how alignments and changes are made in his interest. With the internal processes, a target alignment is aimed at the actual state as a basis, which thus corresponds to the customer's wishes, but can also be achieved by the employees at the same time. If there is still a backlog demand among the employees, this must be covered by further training and education. Here it is important for the firm to find out within an internal audit what the level of knowledge is at the beginning of the project.

<sup>12</sup> Bundessteuerberaterkammer, 2014, S. 43.

<sup>13</sup> Vgl. Bundessteuerberaterkammer, 2014, S. 61.

<sup>14</sup> Vgl. Bundessteuerberaterkammer, 2014, S. 73.





**Illustration 3.** Standard Scorecard<sup>15</sup>

In the case of the law firm, three types of organization are derived from this scorecard with the objectives, which must be used for implementation. The most important is the line organization, since it clarifies who is responsible for which areas and strictly defines the distribution of tasks. In addition, the accountability for the assigned tasks is also clearly defined.<sup>16</sup>

This personnel distribution of tasks thus logically flows into the areas of project and process organisation, which complement each other. The project level determines which tasks must be created by the line organization in which time window. Milestone schedules are used to assist in this process. These schedules provide information about the progress of all tasks at certain intervals and also show deadlines for when a particular task is to be completed. This is particularly important for preliminary tasks, which serve as a basis for further steps.

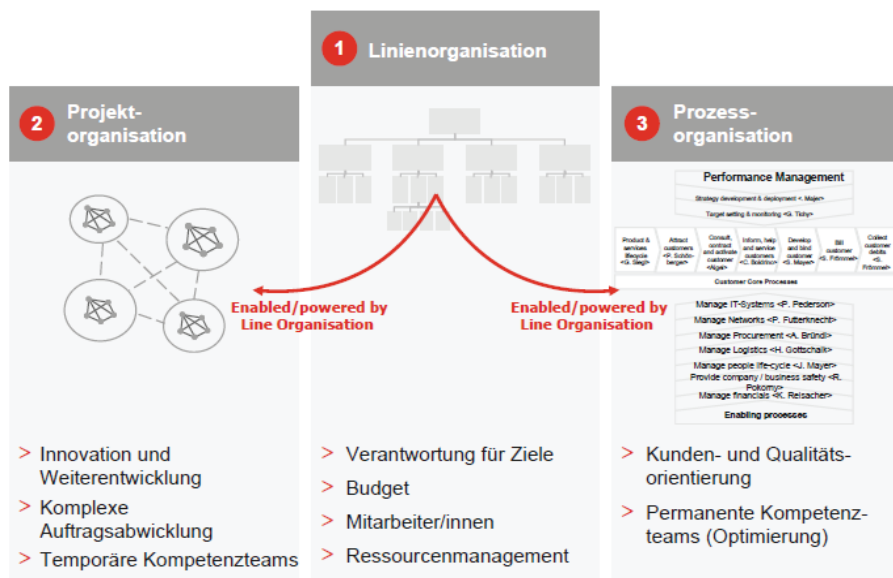
Since the project in our case changes the processes, each project step is also a change in the work processes at the same time. Therefore, after each successfully completed project step, the implementation must be checked and, if necessary, changes must be made in the sense of TQM and the continuous improvement process that meet these standards.

For this purpose, audits must also be carried out again and again, which should also be anchored in the milestone plan in order to prevent delays or even massive errors. The following model according to Sterrer, shows the connection and which areas are addressed in the organizational levels.

Especially at the beginning of such a massive transformation process, external advice and information are certainly needed to initiate the process. It is particularly important to use existing networks and to obtain help from your own environment and, if necessary, from professionals. One should not shy away from this, as projects often turn out to be even easier to implement through such external impulses.

<sup>15</sup> Hufnagel, 2008, S. 11.

<sup>16</sup> Vgl. Sterrer, 2014, S. 1ff.



**Illustration 4.** Project and process organisation form according to Sterrer 17

## WHERE TO PUT THE RELEASED RESOURCES?

It is definitely certain that digitisation in accounting will lead to the development of resources among employees, as, for example, the time-consuming manual document work will be eliminated. In this case, it is necessary for the office management to redefine the areas of responsibility and to assign other tasks to the employees. These will become more responsible and demanding, which will increase the value and self-esteem of the employees and create more motivation. This is what Rennebarth and Wolf emphasize:

„The significance of these developments is all the more important because it is already apparent today that tax consultants will be available to their clients as advisors in the future more than ever before – especially in business management issues. The digital processes that are dictated by the tax authorities and technical developments must be implemented at the client’s premises and the resulting knowledge must be used profitably.“<sup>18</sup>

However, it is also apparent that this reorganisation of tasks will also increase the demand for skilled workers even more if there is a generational change of employees. The current shortage of such specialists – also in the field of tax consultancy – will make it necessary for law firms to prepare for this today and to react with targeted personnel management methods.<sup>19</sup> This requires, on the one hand, that an appealing employer branding is established and, on the other hand, that Talent Relationship Management and Candidate Experience Management are established and regularly expanded.<sup>20</sup> After all, digitisation and the automation that goes with it will not be

17 Quelle: Sterrer, 2014, S. 2.

18 Rennebarth/Wolf, 2019, S. 6.

19 Vgl. Rennebarth/Wolf, 2019, S. 7.

20 Vgl. Bundessteuerberaterkammer, 2014, S. 11.

able to solve this problem completely. Therefore, a combined solution of traditional, classic and new instruments and communication channels for employee search must be worked out, which must also be part of the digitalization of law firms.

But also in the area of compliance, the law firms are forced by constant changes and innovations in the legal situation in tax law to pay even more attention to this essential area for the sake of their own reputation and for the interests of their clients, and consequently to always remain up to date. However, this can only be achieved by gaining time and saving costs through the automation and digitalisation of standard processes. Therefore, digitalization is especially beneficial here and is recommended to all law firms, regardless of size.

The German Federal Chamber of Tax Consultants has already worked out in 2012 how the future tax consultancy office can look like within a project „Tax consultancy 2020“ and summarised the results in the following diagram.

The most important basis for the orientation of a tax firm that wants to remain competitive in ten years time is the digitalisation of business processes. All other business areas are based on it and the success of the reorientation depends on it, because with digital communication and data transfer the work processes in the office itself will become easier, but also the preliminary work of the clients will no longer depend on the sending of paper data and also no longer depend on lengthy visits to the office, which can now also be done via electronic communication channels. Consequently, clearly evident win-win situations will arise.



**Illustration 5.** Options for the design of business areas for a sustainable tax firm with corresponding time frames.<sup>21</sup>

<sup>21</sup> Bundessteuerberaterkammer, 2014, S. 12.

So if tax firms want to prepare for the future, then this can only be achieved in the first step with digitalisation. This is the only way to free up resources that can be used for core competencies that are not just in the standard work area. A new specialization will be decisive here, whether tax firms will be able to survive with new clients.

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# How can soft skills be integrated into the process in a helpful way when deciding on an investment request? Intangible asset management and conversation analysis as possible tools for investors

## Summary

According to the latest reports, obtaining a loan as a company seems to be becoming increasingly easy, but it is still noticeable that a good quarter of small and young companies in the start-up phase in particular are still being turned down for financing. In order not to make the failure rate dependent on mathematical-scalable values alone and to give the really good companies and business ideas a realistic chance, more soft skills must be included in the decision-making process in addition to the pure hard facts. Solutions could be found here in Intangible Asset Management and a more in-depth credit discussion analysis with the help of Big Data possibilities.

**Keywords:** Investment/Investors/Business Start-up/Intangible Asset Management/Big Data/Communication Analysis.

ending procedures are more and more restricted and can slow down the potential of a company or a business idea “When no more numbers and figures are the keys of all creatures...” With this verse begins the poem of the same name by the romantic poet Novalis<sup>1</sup> This verse can also be applied to the present day, if we look at the situation of lending, which is common practice. Especially small and young

<sup>1</sup> Novalis ist das Pseudonym für Georg Friederich Philipp Freiherr von Hardenberg (1772–1801)

enterprises are still affected by a more difficult credit situation.<sup>2</sup> This verse can also be applied to the present day, if we look at the situation of lending, which is common practice. Especially small and young enterprises are still affected by a more difficult credit situation.<sup>3</sup> Proportionally, these are still ¼ of all companies in this group.<sup>4</sup> The 'key of all creatures' seems to be largely based on rating or scoring and the banking crisis has further intensified this system.

But do financiers, whether banks, private investors or public institutions, miss many great opportunities by focusing solely on rating? The question here is extended: Does a business idea and a company only make up what is available as collateral? This can certainly be denied when looking at the economic development, because great inventions and business ideas were born with a different, high risk and have meanwhile shown that they have been a success even in the face of uncertainty and have moved the world to a positive direction. And behind each of these ideas there was a person who was absolutely convinced of what he had developed. The only thing that was missing was the much-vaunted seed capital, which favoured the success of the idea. Here – in addition to the idea – it was also these people who helped to influence an award in their favour and who, through pure conviction, helped shape the process.

## STATUS QUO

In 2018 it was still confirmed that most of the difficulties were that credit negotiations were the most problematic and that the requirements for loan collateral were proving to be increasingly difficult to meet as conditions became even more stringent after the crisis.<sup>5</sup> In addition to lower profitability, these include the general conditions of the Federal Financial Supervisory Authority, the minimum requirements introduced for the lending business of credit institutions and the capital requirements of banks under the Basel II.<sup>6</sup>

It is therefore questionable whether, with all due caution, in addition to the pure hard facts, the so-called 'soft skills' also deserve greater consideration when granting financial support for business ideas. Up to now, these have only been integrated to a small extent in the decision-making process and are usually not even taken into account, which means that the decision to grant financial support is based only on absolutely measurable values. Changes in the rating system have been initiated and will continue to be developed, but the greater integration of 'soft' factors is still marginal.

## SOFT-SKILLS SICHTBAR MACHEN MIT INTANGIBLE ASSET MANAGEMENT

Welche Soft-Skills sind denn für eine positive Entscheidung überhaupt nutzbar und wie sollen sie innerhalb einer Bewertung einfließen, wenn sie nur schwer in Kennzahlen und somit in ein Rating eingebunden werden können? Dieser Leitfrage

<sup>2</sup> Vgl. Zimmermann, 2018, S. 1.

<sup>3</sup> Zimmermann, 2018, S. 1.

<sup>4</sup> Vgl. Zimmermann, 2018, S. 1.

<sup>5</sup> Vgl. Zimmermann, 2018, S. 3.

<sup>6</sup> Vgl. Herzinger, 2010, o. S.

will der vorliegende Artikel nachgehen und einen Überblick verschaffen welche Skills nutzbar wären und wie sie sich eventuell eher problemlos in ein Rating einbeziehen lassen.

Intangible Asset Management is an important approach in the identification of noteworthy factors that can induce an institution to provide financial support. In this approach, the knowledge base of a company is looked at in parallel to the existing number-based systems of valuation in the form of available equity and other safeguards. This can be in the entrepreneur's own person, but also in the accumulation of all partners involved or potential and existing employees. In addition, the existing business partners and relationships with other companies are also included, which are valued as relationship capital. In addition, the planned and existing process, development and innovation potentials also flow into such an evaluation system.<sup>7</sup>

*Daum, a renowned management adviser, finance and corporate governance expert, emphasizes: "Today, intangible assets are essentially responsible for a company's innovative strength and its ability to create added value in a highly dynamic and highly competitive global environment and to "make a difference", i.e. to differentiate itself from the competition and to be and remain attractive to customers, investors and other stakeholders".*<sup>8</sup>

The list shows which factors arise in the soft skills of a company within Intangible Asset Management that should/must be considered by both sides:

- ◆ Location Capital Where I am/want to be located and what are the strengths of the location
- ◆ Human Capital What do I expect from my employees / What skills must be available
- ◆ Process Capital How should the organizational and process structure in the company be designed?
- ◆ Customer Capital Which circle of customers do I address and why is this circle also promising for my product/service?
- ◆ Supplier Capital Which networks for the creation of services and products do I have and which ones do I strive for additionally?
- ◆ Innovation Capital Where is the innovative core of the product(s)/service(s) I want to create or market?
- ◆ Investor Capital Which financial sources have I already tapped and which are still available to me?<sup>9</sup>

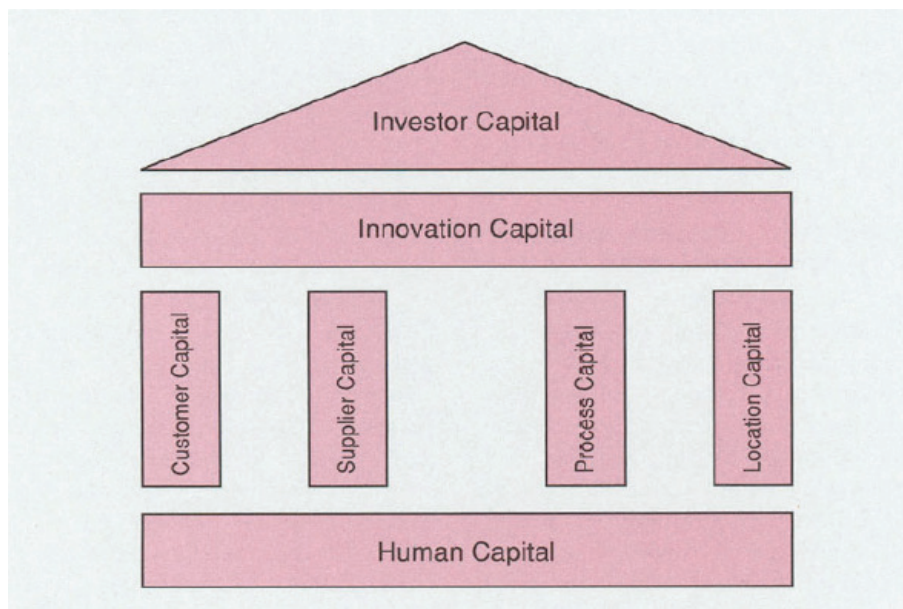
However, a simple parallel set-up is by far not enough here, as companies have increasingly interlocked and will continue to interlock in their individual areas. Everything flows and results in an overall picture in the corporate supply chain, which is fundamental for investment decisions from outside. Becker and Steiner, two economists at KPMG, illustrate this relationship very clearly in the following model. The presentation of the individual capital building blocks as a house that is created as a whole and here very clearly shows the close connection between the individual soft

<sup>7</sup> Vgl. Daum, 2005, S. 4.

<sup>8</sup> Daum, 2005, S. 4.

<sup>9</sup> Vgl. Becker/Steiner, 2005, S. 21.

factors from which a company ultimately derives its value and makes itself attractive to investors and lenders, who may come from different sectors. If the 'house' or the close connection is clearly emphasized and the efficiency of the individual building blocks is documented, it can be said with a high degree of certainty that both banks and private or public investors will be convinced of the functioning process logic and the vision of a company and will be prepared to support it.



**Illustration 1.** Categorization and dovetailing of a company's soft skills to underpin its existing efficiency and its ability to be sustainable in the future.<sup>10</sup>

As a result, there are definitely other factors for evaluation besides the pure hard facts of a creditworthiness, but both the companies are required to make these clear in their presentation and presentation. On the other hand, investors must also give these factors a higher value in order to distinguish a very good company from the more average companies and to grant loans or support even if material securities, loans or support do not exist in absolute terms.<sup>11</sup> Otherwise, many more innovative companies would very quickly be driven abroad as start-ups in Germany, which would ultimately be very expensive for the German economy.<sup>12</sup> This is a particularly real problem when banks are unwilling to support young companies that could be expected to have a high degree of innovative potential and sustainability.<sup>13</sup> Admittedly, this may only apply to some of these companies, as there are enough examples of how young companies do not get beyond an idea and ultimately fail due to unthought-out business practices.<sup>14</sup> This also against the background that the importance of collateral has increased even more.<sup>15</sup> However, it is slowing down

<sup>10</sup> Quelle, Becker/Steiner, 2005, S. 23.

<sup>11</sup> Vgl. Daum, 2005, S. 6f.

<sup>12</sup> Vgl. Becker/Steiner, 2005, S. 20.

<sup>13</sup> Vgl. Zimmermann, 2018, S. 3.

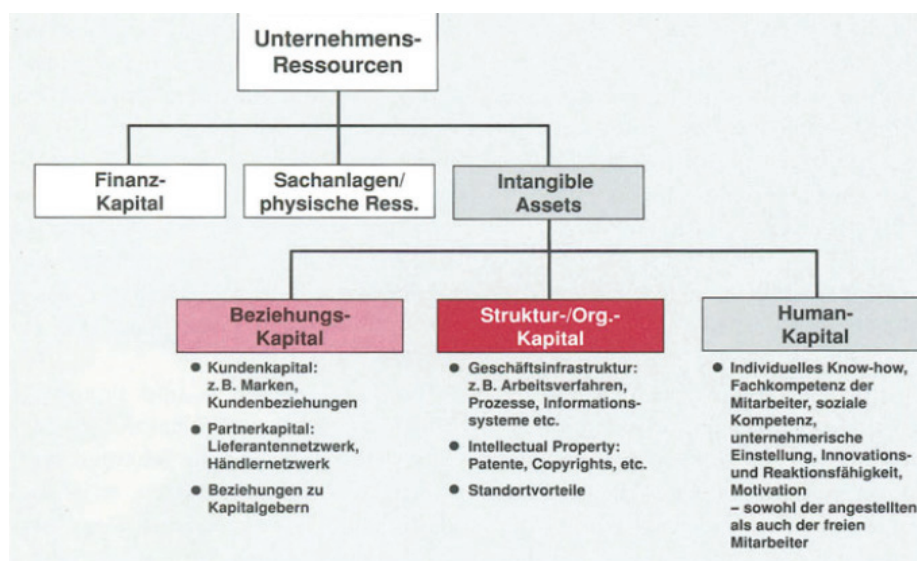
<sup>14</sup> Vgl. Eglen et al., 2010, S. 1.

<sup>15</sup> Vgl. Zimmermann, 2018, S. 8.



the use of soft factors, which, in addition to the hard facts, now also require more significance, as otherwise the innovation rate in Germany will stagnate or possibly even fall. It is significant here that very often the non-traditional sectors of the economy are affected by loan cancellations more than the traditional sectors, such as construction companies or industrial enterprises. Similarly, most loan applications from small companies, which also include young companies, fail.<sup>16</sup>

Companies are therefore almost obliged to present themselves to potential investors in their own presentation in such a way that they can demonstrate in an absolutely credible and sustainable manner that they are able to pursue a business model that is able to demonstrate a considerable potential in intangible assets over and above the pure book value, which flows back within the management in the form of sales and generated profits and significantly increases the pure book value. The following diagram shows which factors are necessary here. It is clear that, in addition to financial capital from own holdings and tangible assets, intangible assets are an important factor that can be added to the rating determination.



**Illustration 2.** Allocation of resources and value stocks in the company 17

The documentation and the depth of explanation with the corresponding know-how create a basis that allows softer factors to be included and used in the rating determination. „Only when the capital market and investors understand how a company uses existing intangible assets or generates new ones, can this be taken into account in a rating of the company.“<sup>18</sup> In the USA, this valuation criterion has long been applied to intangible asset management, and over the years it has become increasingly important in comparison to purely tangible assets. This value now accounts for more than 80% of the value assessment and is particularly evident in companies in the computer industry or other technically based innovations. In

<sup>16</sup> Vgl. Zimmermann, 2018, S. 13.

<sup>17</sup> Quelle: Daum, 2005, S. 10.

<sup>18</sup> Daum, 2005, S. 18.

Germany, on the other hand, intangible assets are assigned little or no value, which makes it difficult to establish particularly innovative start-ups.<sup>19</sup>

However, companies must also put up with banks and other capital providers focusing on certain factors when it comes to including soft factors in the rating. It can be said, for example, that companies are measured in terms of their chances of success by the fact that they have a certain amount of experience in management, which also generates success. This is how ‚positive‘ and ‚negative company experience‘ is spoken of, which is used as an important criterion.<sup>20</sup> Investors complain that ‚[...] many of those who failed [...] could not even explain their own products‘ and understand simple business analyses of their own company’s activities.<sup>21</sup>

On the other hand, investors, especially the banks, have to put up with the accusation that they simply often only offset the collateral as a basis and thus also allow promising companies to enter the market only with underfinancing, which makes failure very likely.<sup>22</sup> With a better analysis of the soft factors, including existing strengths, such failures could be reduced from the outset and the proportion of active, young and innovative companies would increase.

## RESTRICTION OF FLEXIBILITY BY THE LEGISLATOR TO SECURE BANKS AND CONSUMERS – BUT ALSO THE FUTURE?

However, banks are often in the position of invoking the basics of the Basel II regulations, which clearly state that loans can only be issued within the framework that corresponds to the banks’ equity capital for the purpose of risk reduction. This is intended to ensure that, in the event of a default on loan repayments, banks do not get into a predicament in which they are no longer able to cover the loan income with their equity capital. Here, the legislator has clearly steered against the willingness of some banks and financial institutions, which continued until the banking crisis, to take higher risks when granting loans. The consequence of such high-risk transactions was the high ‚risk of contagion‘ among the banks, as the institutions borrowed money from each other for their business.<sup>23</sup> Ergo, there is a ‚domino effect‘ when one of the partners fails. The main victims of bank insolvencies are private customers, whom the legislator wants to protect by tightening the rules. For this reason, many banks are also resisting the increased consideration of soft factors in creditworthiness, as they make the risk more unpredictable. The mandatory disclosure obligation of banks by law also ensures that there is very little willingness to lend money to a start-up or small business, as the prospects of default are very high. As a result, the rating of such companies automatically deteriorates for subsequent negotiations as well.<sup>24</sup>

19 Vgl. Müller, 2004, S. 396.

20 Vgl. Eglen et. al., 2010, S. Vf.

21 Eglen et al.; 2010, S. VI.

22 Vgl. Eglen et al., 2010, S. Vf.

23 Vgl. Behr/Fischer, 2005, S. 37.

24 Vgl. Behr/Fischer, 2005, S. 41.

## WHAT DO FOUNDERS AND COMPANIES HAVE TO ACHIEVE IN ORDER TO BE SUCCESSFUL IN LENDING?

So how can company founders in particular persuade the banks to join their vision and secure financing? Start-ups always have a certain ‚alarm factor‘ for the banks, since an assessment according to the principles of the key figure systems, as with existing companies, cannot be carried out because there are no fixed figures from current business processes.

First and foremost, it is important to fully meet the standards of a credit or financing request, as this determines the first impression. This includes the completeness of the documentation required by the institution, which allows a preliminary picture of the intentions and objectives. This usually includes the complete business plan and a financial plan with opportunities and risks. The business plan includes a detailed description of the founder with regard to his business idea, a description of the market and competitive situation, a marketing and sales concept and an overview of the organisational planning.<sup>25</sup> Capital requirements, the liquidity plan and a sales and earnings forecast are incorporated into the financial planning.<sup>26</sup> Up to this point, everything is a standard procedure that allows donors to get a picture of the overall concept and its implementation. However, this alone should not be enough to determine.

The expansion of the information basis is mainly due to the soft factors that have to be passed on to the financial backers by the founder. The key to this part is above all the credit discussion, which, in addition to the hard facts, now provides the opportunity to convey further strengths. Within the discussion it is above all the own appearance, which co-determines as first impression.

Clothing, appearance and appearance are decisive factors in how you are perceived by your conversation partners. Of course, it must also be noted that such conversations also correspond to a kind of ‚exhibition run‘, so that clothing and appearance are not the determining factors, but can also be an influence. Appearance is a much more decisive factor here, as the way one behaves in such stressful situations and conversations can already allow statements to be made about how the founder will behave towards his employees and partners within his own company. Insecurity and passivity are absolutely inappropriate here and will prevent a commitment.

In addition, it is important that the preparations for such a meeting are carried out in detail, which also takes into account a high degree of professionalism of the contents to be conveyed.

Knowledge and an honest professionalism with what one plans and wants to do for the future are an important indicator for investors whether a person has just a good idea or whether this person succeeds in reselling this idea to customers within the marketing department. This applies both to the knowledge of the product, the market and the economic situation, as well as to commercial connections and business management basics. Also successful in the past were those people who, in addition to their idea, also had an absolute conviction for it.

<sup>25</sup> Vgl. Makowski, 2010, S. 6.

<sup>26</sup> Vgl. Makowski, 2010, S. 7f.

## COMMUNICATION AND COMMUNICATION ANALYSIS AS A FACTOR FOR THE EXTENDED INTEGRATION OF SOFT SKILLS

How can investors now gain an expanded picture of the situation and the people behind it from the data obtained from the talks, so that they do not just use the pure data material from the documents? This is especially important in cases that are not rated so highly in the rating, but nevertheless show a potential that the business idea can succeed with the existing facts.

To do this, the financial participants in such a conversation would not only have to rely on what they heard at the moment, but also take a precise form of recording. This can be done either by means of an intensive flow protocol or, for a more precise follow-up, a technically supported recording form of the conversation. The facts of the case are particularly determined by the factor of attention and sustainability in the memory, which, especially in the case of argumentation, is based on the last argument presented in a conversation. The memory processes a large amount of information and data initially in short-term memory and it can happen that other previously mentioned points fall through the memory grid. But in order to make a decision for such an important process, it is necessary that all information is complete and taken into account. This includes not only the pure facts, but also the presentation and argumentation logic that a support seeker brings forward. It is therefore urgently necessary that investors also take a deeper look at the communication in the discussion(s). Often it is only a conversation that takes place in such cases, but in this case the potential investor may miss a great existing opportunity, which, if the argumentation is examined more closely and the possibility of deepening the facts from the initial conversation can lead to a commitment to invest or to grant a loan. Some people may speak of a 'gut feeling', which should not be followed in depth in such important questions, but through the appropriate use of analytical methods of communication and the deepening of the contents of the conversation and the targeted possibilities of asking questions, an investor can also gain a lot of data from these soft skills, which can be determined as meaningful in addition to the hard facts.

## SO WHAT NEEDS TO BE DONE ON THE PART OF POTENTIAL INVESTORS?

The first step is to collect data and examine them from the interview transcripts or recordings for relevant and meaningful statements. This will enable investors to create a data portfolio that can be used for further interviews to check whether the existing 'gut feeling' can be confirmed by the statements made. For this purpose, clusters of statements can be created in advance, which investors expect and consider to be good. If such statements emerge, then points will result which can be included in a soft skill scoring. Further collected statements, which are then entered into the cluster, result in an analysis tool that can be used again and again and thus represents a realistic measure for the integration of soft skills into a credit application. It is important that statements are not expected literally, but that it must be possible to include statements with a high similarity value (for example over 70%) in the evaluation.

The evaluation of such conversations is surely at the beginning still very strongly incumbent on the integration and care through an employee, however, possibilities of the automatic evaluation arise through software uses within the framework of Big-Data if the information pool for the software is regarded as sufficient. To this end, an institution that lends money to companies should ask itself four core questions concerning data collection, collection, archiving and use:

1. How does data generate business value? Data types and scope of data to be used.
2. What are our critical data assets? Data is generated in the institution and is directly related to the assessment of the investment opportunity.
3. What is our data ecosystem? Data is enriched with more and more discussions and facilitates the automation process of the evaluation by the software, since self-learning systems can learn and make decisions themselves from a critical mass of data.
4. How do we govern data? Since the data is acquired and used in such a specific way, it can be left as a work support for the credit department of banks or the main responsible persons in investment decisions.<sup>27</sup>

Banks and large institutions in the financial sector should definitely be able to collect, process and effectively use such call data, either with their own IT department or with specialised partners, as the effort is reduced to lending talks and requires comparatively little advance input of basic data. At the same time, the employees who are generally responsible for these talks and investment issues also have a greater knowledge of the elements that need to be considered in a conversation in order to be able to use them as a decision-making criterion. Consequently, data becomes new knowledge assets.<sup>28</sup> At the same time, this means that years of experience no longer play a role in the decision making process, but that with the support of Big Data functions, knowledge remains an integral part of the company, regardless of whether there are fluctuations in the workforce.

By using self-learning systems based on algorithms, it may even be possible to turn machine support into an automatic work process that only requires data input. And here it can be particularly helpful that especially large companies, which also include banks and investor institutions, operate a human capital management, which also aims at the evaluability of people - here the employees.<sup>29</sup> In a similar way, clusters can be created for those seeking financing, which one would like to see fulfilled in order to make a positive investment. In this case, however, data on e.g. commercial talent, argumentation logic, business management knowledge, etc. are required in a modified form. The evaluated data can then be used by the investor to carry out a final scoring, which allows statements to be made as to whether the applicant's existing soft skills offer security for success, even if the risk of a loan repayment is somewhat higher to date due to material securities than the institution would otherwise use as a reason for rejection. The basis should also be the intangible asset, which derives good statements and also data that determine the significance of the soft skills of the applicant. On the one hand, this makes it possible for investors to have more values available for evaluation and to use them realistically like key figures. On the

27 Barth, 2013, S. 2ff.

28 Early, 2013, S. 6.

29 Vgl. hierzu ausführlich Gardner/McGranahan/Wolf, 2011.

other hand, it is possible for the enquirer to get his idea accepted, even with slightly lower collateral, as it may turn out to be a market success. The rating would thus be determined not only by mathematically scalable data, but also by other qualifications, which in one case or another would raise the credit rating by one notch.

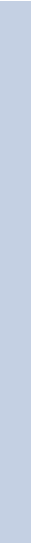
## RÉSUMÉ

In order to give innovative companies, which are founded very frequently, a chance to provide the necessary capital even under more difficult investment conditions due to the legal framework, it is urgently necessary to approve more soft factors, which must be included in the commitment procedure, in addition to the pure hard facts of the rating. This is because young companies are faced with the problem that they can rarely manage their start-up options completely or to a large extent with equity capital. They need financial support to be able to realize their ideas. If only the mathematically scalable verification instruments are used again and again, then companies that appear successful will never be able to participate in the market. Therefore, more attention should be paid to the soft factors, which, however, appear too ‚spongy‘ to potential investors, as they cannot be assigned a fixed key figure. The approach here is to focus more on the intangible assets and the analysis of a lending discussion and to include these soft skills in the rating with an analysis. In this way, the really good ideas and the capable minds behind them would also show up on the market as business start-ups. And innovation in particular is a dwindling commodity on the German market that must not be allowed to fail because of black-and-white thinking.

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## Health aspects of homeless people in the context of public policy

### Summary

The health of homeless people is a serious public health and social problem, which is enhanced by the lack of interest of homeless people to care about their own health. Homeless people are more likely to succumb to various diseases. It is a consequence of their lifestyle, lack of hygiene, diet, drinking too much alcohol, not attending regular medical preventive examinations, mandatory vaccinations, and so on. Homeless people seek medical help late when their illness is unbearable, or when they become victims of an accident or a violent crime. The submitted paper in the theoretical and practical part explains the issue of the health status of homeless people. The aim of the paper is to identify the presence of diseases among homeless people and the mutual relationship between their health status and reintegration into the mainstream society. The research part of the paper presents the results of a survey conducted within the Streetwork project in Trnava through qualitative research. The research file consists of 10 homeless people aged 22 to 52 living in the city of Trnava. The group of participants includes 6 women and 4 men. The results of the survey showed the unfavorable health status of homeless people. The conclusion of the paper classifies the recommendations for practice directed to streamline health care of homeless people.

**Keywords:** social policy, health policy, health, homeless people.

### INTRODUCTION

Before we will address the most common health problems of homeless people from the point of view of several experts, we would like to disgress a little in the form of a short excursus to clarify the issue of homelessness as a socio-political problem of the Slovak Republic. In general, a social problem can be seen as an area of excessive disproportion between a desirable and really existing, when social conditions change under the influence of some factors, and existing social institutions, created in past conditions and functioning by the power of social inertia,

are trying to solve new problems by the old way. In other words, it is a contradiction between what things are and what we want them to be (Potůček, 2016; Veselý et al., 2007).

Homelessness is the social decline of a person who is on the edge of society without the conditions essential to satisfy basic needs. However, it may not be a sudden change caused by a single social adverse event, it is often the result of the accumulation of various negative factors (Vágnerová et al., 2013). Homeless people are often described as a homogeneous group and differences in factors including age, gender, and social background are overlooked (Norman and Pauly, 2013; Anderberg and Dahlberg, 2019).

When we look at the addressing of the issue of homelessness through the Act of the National Council of the Slovak Republic No. 448/2008 Coll. on Social Services, which we consider to be targeted for homeless people, we are witnessing the fact that the term “homeless person” is absent in Slovak legislation. The term is absent despite several amendments to the Act. In this Act, which defines the provision of social services to those who cannot secure the basic living conditions to satisfy basic living needs, prevention of social exclusion of individual and family, the competence of the self-governing region and municipality in the operation of social services for an individual located in an unfavorable situation, it is inaccurate or insufficient in our view. A similar problem is in defining the term “field social work”, which is important in terms of searching for people who do not seek institutional services. This Act defines forms of social services, it refers to outpatient, residential and field form, the field form is understood as an activity carried out in the natural environment of the client through field programs aimed at preventing social exclusion, but a more detailed characteristics of streetwork as a method of field social work is absent again. It is social work - field social work (as one of the tools of social services) which represents a professional activity allowing an individual, group, or community to identify and address personal or group (community) social problems or environmental impacts that affect them negatively (Kadlečík, 2013) in order to eliminate or mitigate any adverse events.

## The health of homeless people

Health care for homeless people is directly determined by the social policy of the society. Horváth et al. (2017) in this context draws attention particularly to the importance of the social dimension of the state, which he considers to be one of the primary and key pillars of a functioning society. Developed countries recognize the importance of social policy through which they seek to respond effectively to persistent problems within society. In the framework of the state’s social policy, specifically in the health policy, are being created tools aimed at improving living conditions not only for our entire society, but also for vulnerable groups of people - homeless people (Bočáková, 2016). The approach of health policy or care itself is one of the key determinants influencing the health status of homeless people with the possibility of effective reintegration into the mainstream society. According to the WHO definition, health is defined as a state of complete physical, mental and social well-being, not only as the absence of disease or disorder. This health characteristics suggests that health is an ideal which can be approached, rarely also fulfilled. The

health is a prerequisite for the participation of an individual in social activities, enables him/her to fulfil primary and secondary needs, to develop both human and social potential. The health is therefore not only a biological characteristic, but also an important individual and social value (Barták, 2009).

*The World Health Organization* (WHO) claims that the health of homeless people is much worse than the health of the rest of the population. In terms of health status, the homeless population is characterized by addictions (alcohol, illegal drugs - substance, non-substance) accompanied with mental illnesses, physical problems, as well as premature mortality. It can be said that homeless people are more likely to succumb to various diseases. It is a consequence of their lifestyle, lack of hygiene and diet, long standing, sleeping in the cold, or not attending regular preventive examinations. It is common knowledge that homeless people only seek medical help if it is too late and the pain is unbearable for them. For this reason, many homeless people suffer from serious untreated problems, which many others are gradually added to and they accumulate (Barták, 2009).

## Mortality of homeless people

European Union statistics show that homeless people have more health problems related to mortality than the ordinary mainstream population. For example, a survey conducted among homeless people in London has shown that the average age of death among homeless people is 47 years compared to ordinary mainstream society, which is 73–79 years. Similarly, in Germany, homeless people have a shorter life compared to the mainstream society by ten years.

The survey showed much greater mortality in homeless population than in the mainstream population, caused by:

- violent death – 150 times more,
- suicide – 34 times more,
- an accident – 8 times more,
- pneumonia and hypothermia – 3 times more.

Furthermore, the survey in the UK showed that the life expectancy of homeless people is 42 years, while a national average age is 74 years. The research further states that this target group commits suicide 35 times more often compared to the mainstream society and dies 4 times more frequently from unnatural causes such as attack, accidents or drug overdose, etc. (Mandys, 2007).

## Addictions of homeless people related to mental disorders

Pavelková (2014) considers homeless people to be comprehensively handicapped, i.e. socially, somatically and mentally. At the same time, she states that they were exposed to family disinterest in childhood, underestimated or even subjected to violence or abuse. Similarly, the authors Shelton and Taylor (2009) reported that homeless people show the presence of emotional deprivation in childhood, in adolescence – together with the experience of physical or sexual abuse. Non-fulfilling and disturbed family

functions can be the reason why a young person leaves the family prematurely, which increases his/her chances of becoming a homeless person.

Marek et al. (2012) in this context express the view that a large part of homeless people had some psychological problems already in the time when they had their own accommodation or employment. As authors report, untreated psychological problems often lead to problems in social functioning, social isolation, or to the homelessness itself. A summary report by the authors Sovinová, Csémy says that 40-90% of young homeless people use mostly drugs, 15-80% of homeless people suffer from depression and 20-80% of homeless people show personality disorders. The authors also say that 70% of homeless people with mental health problems experienced problems before they became homeless, and then their problems became more and more intense. Drug addiction can be considered as the most common mental disorder on the streets. Šupková (2007) argues that homeless people (sleeping rough) are 11 times more frequently affected by mental illness compared to the general population. The author further states that people sleeping in hostels suffer from mental problems 8 times more often than the mainstream society.

The most common psychological problems of homeless people include addictions, psychotic diseases, depressive behavioral disorders, post-traumatic stress disorders, suicide attempts, behavioral disorders, personality disorders. Comorbidity is typical for homeless people, it is a combination of mental disorders. Among men, combinations of personality disorder with addiction are more common, among women it is a combination of anxiety-depressive diseases and addictions. Šupková et al. (2007) further show statistical data from a general practitioner's office in Prague, related to mental illness, namely: addictions (23%), depressions (19%), sleep disorders (17%), stress responses, adaptation problems (16%), schizophrenia (8%), personality disorders (4%), anxiety disorders (2%), others (11%).

It can be said that alcohol dependence (for homeless young people - illegal drugs) is constantly determined and renewed and prevent reintegration into the mainstream society. For example, in the Czech Republic, younger homeless people use more drugs than alcohol. M. Vágnerová et al. (2013) conducted research among 90 young homeless people living in Prague, aged 19–26 (60 men, 30 women). 17% of the homeless young people said that they did not consume alcohol, 59% consumed alcohol without major problems, and 24% of homeless young people said they were consuming alcohol in overdoses. In the case of drug use, 61% of young people have experience with illegal drugs, namely pervitin 39%, cannabis 21%, heroin 2%, cocaine 1%. When a person gets to the streets, young or older, contact with the homeless population increases automatically, and the opportunity to acquire and use the illegal drug increases as well.

## Physical health of homeless people

Šupková (2007) states that regarding physical health, homeless people mostly suffer from health problems, related to:

- lung diseases (including TBC)
- headache,

- skin diseases (including ulcers),
- infectious diseases, scabies,
- frostbite (subsequent amputations),
- musculoskeletal system.

Based on statistics from a general practitioner's office in Prague, the author further summarized the following most common health problems: upper respiratory tract inflammation, leg ulcers, intestinal diseases, head and neck injuries, hypertension, hepatitis C. Homelessness is also associated with HIV/AIDS, and a frequent topic is also dental health showing significant health problems (Barták, 2009). In the period between 2002 and 2006 was conducted a research in Prague to look for homeless people suffering from tuberculosis. Research has confirmed on average 10 times higher incidence of tuberculosis in homeless population than in the general population (Šupková, 2007).

The cause of all defined health problems is mainly neglected health care. Medical care is neglected by homeless people but also by doctors who are unwilling to provide health care to homeless people. The social-health policy of the state should oversee and respond to these problems, since ensuring health care has a positive effect not only on the possible effective reintegration into society, but also on preventing the spread of infectious diseases throughout our society (Mandys, 2007).

In the Slovak Republic, we register health care barriers towards people in:

- Unclear relationship homeless person – health insurance company – health care providers
- Healthcare continuity deficit
- After-treatment of homeless people
- Higher mortality of homeless people (Gogoláková, 2010).

## MATERIALS AND METHODS

The aim of the paper is to identify the presence of diseases among homeless people and the relationship between their health status and reintegration into the mainstream society. The research section presents the results of a survey carried out within the Streetwork project among homeless people in Trnava, in which the author of the submitted paper worked as a volunteer for over one year. The research group consists of 10 homeless people aged 22 to 52. In the group of participants, there are 7 women and 3 men. The higher representation of women in the survey was caused by the fact, that women showed a greater interest in participating in the survey, as we have established a relationship with them during the systematic field social work.

In the research section we have set the following methods/techniques: *a) entry to the field*. The qualitative research puts emphasis on the way in which the researcher enters the field. Community acceptance of the examiner is an indispensable condition for research. An important role in entering the field and getting familiar with the studied individuals and the environment plays the so-called “doorman”. It is a person who understands the need and the goal of the research and at the same time “opens

up” the way to the participants (Gavora, 2006). In our case, entry to the field was enabled by the coordinator of the project Streetwork. Through the coordinator we got to know the field, we learned to move around in the field, and, most important, we got to know the potential participants. From the beginning of the field performance, we have focused on gaining trust and a friendly relationship with the client. During the field social work, we were constantly making contact, analyzing the unfavorable social situation of the client in the context of his health, housing, employment, debts, executions, socio-pathological phenomena and so on. At the same time, we were monitoring various factors (client’s psychological maturity, innate mental predisposition, client openness, ability and willingness to communicate) based on which we chose the most suitable participants for our survey. The primary source of data acquisition were field records, the data were archived and later processed as needed.

Another technique used to get the data was **b) a semi-structured interview**. This technique seemed to be the most effective because it was about:

1. active and direct social interaction between participant and researcher,
2. the researcher’s alternative to respond to the participant’s behaviour while drawing conclusions from the behaviour as well as the content of what he/she is talking about, the deeper understanding of the participant, or his/her opinions and thoughts,
3. the possibility of adjusting the terminology in asking questions in favour of the participant, explanation of questions, simplifying questions in case of ambiguity (Hendl, 2005).

For research purposes, we have prepared a scheme with framework questions, which we have adapted to the individual survey participants and updated depending on the situation and need. In the technique of semi-structured interview, we used the alternative of sound recording - dictaphone. Throughout the survey, we have consistently followed the research ethics which all participants have been informed about. Individual interviews ranged from 12 to 25 minutes, depending on the depth and openness of the responses of the surveyed individuals. The interviews were conducted in the client’s natural environment during the field social work. Data collection (interviewing) took place between December 2018 and February 2019. As researchers we remained as neutral as possible, we did not encourage participants to respond, and we did not agree or disagree with their individual statements. The individual dimensions we examined by homeless people were classified into areas: the causes of homelessness, the length of homelessness, the health of homeless people, the current state of treatment of homeless people, the integration of homeless people into the mainstream society.

The analysis of qualitative materials had a gradual and systematic sequence. In the processing of the acquired data, we preferred an analytical process which was directly related to the stated goal of the submitted paper. In the interpretation of the data we tried to rely on induction – spontaneously authentic statements were indicated, searched for all the details, differentiated. First of all, took place the arrangement of the acquired data, since talking of several participants was not chronological, the individual responses did not follow each other and they overlapped at the same

time. A systematic arrangement was also needed because a large amount of acquired information and data was not necessary for the processing of the research part. In processing the research part, in addition to the data obtained from the interview, we used also individual field records, archived during the Streetwork project.

## MAIN FINDINGS OF THE SURVEY RESULTS – DISCUSSION

### Causes of homelessness

Homelessness can be described as an undesirable social problem involving many factors. We generally classify these factors as objective and subjective. Objective factors are related to the country's policy setting, and a homeless person is their victim; the subjective causes point to the unfavorable characteristics of the person, as a result of which he/she cannot adequately evaluate and subsequently solve the crisis situation (Walsh T., 2006). The participants' authentic statements suggest that there is no single, generally accepted, valid or universal pattern of homelessness. In this context, it is important to recall that by the loss of a home are accumulating many factors, and there is a link between objective and subjective factors. The results of the survey revealed the following factors of homelessness, which we have classified into the following areas: individual factors (prison, pathological gambling, alcohol addiction), family and relationship factors (absence of family background, domestic violence, key relationship loss - death in the family) and poverty factor.

### The length of homelessness

The survey results show that the time horizon of the surveyed people is very diverse – ranging from half a year to twenty years. In this case, the length of homelessness plays an important role. The longer people live on the streets, the more resignation and apathy they show, they do not look for other (more appropriate) alternatives available to them (Marek et al., 2012). They are mostly satisfied with the lowest standard of living, makeshift dwelling, open-air living without using social services (except Streetwork), they identify themselves with homeless status. This is confirmed by several authentic testimonies from participants: (P6) *“O, dear, I don't know anymore. I also had psychological problems... I don't trust anyone anymore I don't count it, but long ago.”* (P9) *“I've been on the streets for 20 years, 20 years. It is a long time, but I have everything I need, I've gotten used to it after such a long time.”* Two participants who have been homeless for less than one year are trying very hard to integrate into society, they do not have significant psychological problems, at first glance they do not show the signs of “homeless person”. There is a dominant effort to overcome existential social problems. (P7) *“I've only been here for half a year, but I'm looking for accommodation, sometimes I stay over night with my friends.”* (P8) *“I've been homeless for a few months since I was thrown out from home. But I am looking for cheap housing, social workers at charity are helping me search... I can not stay like this, sometimes I stay over night with my friend, but I know I can't always be there. I hope they will help me to find some place to live, so I can stand on my own feet.”*

The mental predisposition of individual participants, their mental condition, and the handling of stressful situations also affect the length of homelessness (Baggett, TP, O

Connell, 2010). Untreated psychological problems are becoming a serious health risk and are a common cause of long-term homelessness. Among these, we find mutual relationships, which are constantly cycling and deepening.

## Health condition and current state of treatment of homeless people

The observation during the field social work, the way of social communication during interview suggest psychological problems which significantly influence the quality of life and the health condition of the examined persons. It can be said that depressions, emotional deprivations, frustration, anxiety (crying), suicidal tendencies or associated socio-pathological phenomena (alcohol and drug addiction) have occurred. In most of the subjects, long-term untreated psychiatric problems occur and persist. It should be noted that examined persons are unaware of the severity of the health problem and they suppress anxiety or depressions by consumption of illegal drugs. Most of the examined persons currently do not seek medical assistance, and if it would have been offered to them, it would have been refused. (P1) *“I’m not receiving treatment, I don’t go to the doctor, I also refused surgery.”*

The health condition of the vast majority of participants is very unfavorable and the health problems, including those mentioned above, can be identified as: drug addiction, cancer, stomach and skin problems, varicose veins resulting from the lifestyle of individuals associating (standing, sleeping) constantly in public and often cold spaces. We declare this with the participants’ statements: (P1) *“I have cancer. Two times I had surgery on my head. I feel like it is not functioning sometimes. I’ll tell you the truth now, I started using drugs. Only pervitin, no heroin or anything like that. I often wanted to commit suicide, I cut my veins, neck, my artery.”* (P2) *„I have stomach problems and so on... with skin also. But I’m not treating it. I have debts and I have no money for paying, and I don’t even have my doctor anymore.”* (P3) *“I can’t handle the situation, I drink to make myself feel better, I don’t go to the doctor, I don’t have insurance card anymore and I have debts...lot of debts.”* (P4) *“I was in psychiatry, I stopped treatment, and I have problems with my skin, but I don’t have any papers I don’t go anywhere. And I have debts in health insurance company, because I’m a gambler.”* (P5) *“Good, I’m not sick... I just need drugs and cigarettes.”* (P6) *“I have psychological problems. I used to take pills from my psychiatrist, prescribed regularly. Now, when I have pain, in charity they give me something, my bones healed incorrectly, I had my hands broken when I was tortured by my partner.”* (P7) *“I am healthy.”* (person homeless for half a year). (P8) *“at the moment good, fortunately. I have no serious health problems. I have a district doctor who prescribes the drugs I need. But these drugs are expensive, I often have a dilemma whether to buy bread or medicines and I don’t even talk about clothes. I go to the doctor regularly, I have problems, but not serious.”* (P9) *“I used to have big problem with my skin. Otherwise well, it’s better. When something hurts me, when I get cold, they give me drugs at charity, I don’t have a doctor here.”* (P10) *“My legs hurt, I have wounds, I have varicose veins, which burst. I go to the doctor, but not as often as I should go. My health condition is getting worse. It’s hard to go from the streets.”*

As it is evident in most participants, many health problems persist, they do not seek health care and their vulnerability to various diseases increases. As a result, they become more seriously ill, are longer ill, and die earlier than citizens with home. Bad



thing is, that none of our participants is in the process of treating drug addiction. It is worth mentioning that one of the addressed participants uses the services of Harmreduction, which is confirmed by her authentic statement: (P5) *“we change those needles on the street.”* The survey also suggests that treatment of health problems, the effort to be treated is evidenced in people with a shorter stay on the streets, people who occasionally live with their friends (Šupková, 2007). The main barriers to health integration based on the results of the survey are: homeless people’s attitude to their own health, unsystematic health care, lack of social beds and the absence of a doctor for the homeless population, either outpatient or social service facilities.

## Integration of homeless people into society

In connection with this topic we were interested in what the homeless people see as the biggest barriers to reintegration into the mainstream society. It can be stated that between the participants’ answers mainly dominated the answers regarding the unavailability of affordable housing, social housing, such as participant No.2 *“where could I live for little money”*, similarly, participant No. 5 said *“normal accomodation”*, participant No.6 authentically stated *“cheap housing”* P7 sees the successful integration into society in the alternative *“I’ll have a living and also, I am trying”*. A similar problem declared P8 by statement *“If the state would provide cheap accommodation for us, where we could live. Then I would somehow stand on my feet.”* Negative attitude was presented by participant No.3 by the words *“we need hostels that we could afford... but no one will give us those. The state should care much better. When I paid taxes, it was good for them.”* In the case of participant No.9, there is ambivalence, on the one hand he states that he is looking for accommodation all the time, on the other hand he said during the interview *“I got used to it, all I need is to increase the hours in the hostel, so I could stay there during the day.”* According to surveyed participants the main barrier to reintegration into society are low retirement pensions, which they receive. This is confirmed by the authentic statement P10 *“I have a low pension, rental prices are high, even though I’m receiving pension, I’m unable to pay for everything”*. At the same time, participant No. 7 stated *“finances, insufficient pensions and these social services. They should help us, but they don’t. They just keep us alive; I am still young, I can earn... but I see the elders here and the state doesn’t even think about them.”* An interesting view was presented by the participant No.1 *“I see a problem in me, I made a mistake when I started using drugs, I say to you openly: I would like to stress once again that I want to change my life, so that I won’t revert. From jail, to jail, it’s no longer for me, I’m almost 50 years old, I want to integrate.”* And P6 *“in me. I had good house, job... I couldn’t handle it. I have those psychological problems.”*

According to the participants’ answers, the barriers to integration are found on the side of society (lack of social housing) but also on the side of the individual. Most participants’ answers were in the context of providing affordable housing. Many did not realize the solution of other negative phenomena such as: debts, execution, health status, addictions - substance/non-substance, socio-pathological phenomena - long-term unemployment, loss of work habits, the use of a multidisciplinary team of workers as well as strategic solutions to the social policy of the state. The survey results confirm the interdependence of the social inclusion process. Social exclusion from one area also causes exclusion from another area. By author Barták (2009) for example, social inclusion in terms of, according to participants, “acesability of

affordable housing”, does not immediately ensure reintegration, until individuals will not get the optimal place in the labor market, solve their health problems, associated socio-pathological phenomena or establish positive social relations with their surroundings.

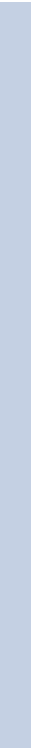
## CONCLUSION

If a person gets on the streets, it is obvious that after some time will appear serious health problems which prevent reintegration into society. In connection with the results of performed field social work, in the context of health, we recommend providing health care already in the Streetwork project in the city of Trnava. We consider it important to extend a team of streetworkers by adding a volunteer with a medical course, so the healthcare could be provided to the client directly and systematically, in his/her natural environment. The second very important recommendation is the provision of an outpatient physician for homeless people, as homeless people migrate within the territory of the Slovak Republic and lose active contact and the possibility of using health care in an outpatient form. The third recommendation includes active cooperation between an outpatient physician and a psychiatrist, psychologist and psychotherapist, who would provide emotional support to the homeless people, or motivate them to treat addictions (substance and non-substance). Last but not least, it is extremely important to streamline the aftercare process. Homeless people often end up on the street after being released from health care facilities, and their health problems continue to deepen. It is therefore absolutely necessary for the state to address the issue of homeless people responsibly. It is possible only when the public policy-making process, from the identification of the social problem, through the decision on how and using what tools should it be addressed and subsequent consistent applying of implementation principles to the practical life, will be based on real experiences and never-ending field research. Only this vision can guarantee that we can effectively mitigate this social phenomenon, typical for today’s modern society.

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## Les maladies infectieuses donnent naissance à la philosophie

### Summary

In January 2020, the corona virus (SARS-CoV-2) spread around the world. More than 14.95 million people have been infected and about 610,000 have died on July 23, 2020 (Mainichi Japan Journal). In Japan, a state of emergency has been declared, refraining from going out and demands for store closings have been implemented. In Japan, more than 27,881 people have been affected and 1,003 have died. These numbers represent more than 3.90 million people infected and around 140,000 deaths in the United States, but with the likelihood that this will increase by tens of thousands in no time, we must be vigilant. I wrote this document with caution and for future consideration.

In terms of infectious diseases and philosophy, the 'Athens disease' (circa BC430) in Thucydides's "History of the Peloponnesian War" is famous when Socrates was 40 years old. There are several theories about this infection, but I guess it is Ebola hemorrhagic fever. The tragedy is said to have killed 1,000 of the 4,000 soldiers. The infectious disease and the war lasted for about 30 years. As a result, all of Greece was burned, pillaged, murder became routine, and people experienced despair, darkness and nothingness. At this background, the Greeks sought justice, peace, love and human ideals. Then the philosophy was established. In front of the wonders of nature, humans are powerless and nothing like Pascal also said. Socrates experienced and learned the nothingness of this situation in military service, so he grasped and explained the ignorance. His theory led to Plato, Aristotle and the height of Greek philosophy. This continues in modern times. The tribulation of an infectious disease gave birth to philosophy. The corona virus is also a crisis of the human race in the world, but it is a sign of the emergence of a new philosophy, where it has started.

**Keywords:** corona virus (SARS-CoV-2), pandemic, Athens disease, Thucydides, Ebola, Socrates, nothingness, benevolence of Confucius and philia of Aristotle, principle of nothingness and love, Biocosmological Association.

L'épidémie du virus corona survenue en décembre 2019 s'est propagée dans le monde en un instant. L'origine probable est Wuhan, l'une des villes les plus peuplées du centre de la Chine. La population est de 10,89 millions d'habitants. Environ 30 millions de personnes vivent dans cette zone métropolitaine. Elle est trois fois plus grande que Tokio au Japon. Un virus est apparu dans le marché des fruits

de mer (Huan Seafood Wholesale Market). Dans le passé, dans le cas du SRAS (le syndrome respiratoire aigu sévère), des chercheurs ont été envoyés des États-Unis à l'Institut de Virologie de Wuhan et une réponse rapide a été apportée. La France a également soutenu cet institut. Cependant, cette fois, les États-Unis et la Chine étaient en conflit. Les communications manquaient entre les États-Unis, la France et la Chine. Les États-Unis n'ont envoyé de chercheurs qu'à la mi-février. Jusque-là, la Chine les a rejetés. Les informations étaient limitées à la Chine.

## 1. CONSIDÉRATION MÉTAPHYSIQUE DU VIRUS CORONA

Un virus corona n'est pas un être vivant. Cependant, il contient de l'ARN ou de l'ADN et est entouré de protéines. C'est donc une masse d'acides nucléiques et de protéines. Cependant, lorsqu'il pénètre dans un organisme vivant, il prolifère comme un organisme vivant et provoque divers effets néfastes sur l'être humain. En d'autres termes, cela devient généralement une question, mais quand il prend vie, il devient comme une forme de vie. Si l'on dit que c'est de la matière, c'est de la matière. Si on dit que c'est la vie, c'est la vie. C'est quelque chose qui va au-delà des deux. Cela ne s'explique pas par la dichotomie conventionnelle de la matière ou de la vie. Ce qui suit est une considération métaphysique. Cela peut être expliqué en utilisant la logique du néant absolu. Si on dit qu'il est, il existe. Si on dit qu'il n'est pas, il n'existe pas. On ne dit rien. Comme c'est au-delà de l'expression des mots, on l'appelle le néant. Il nécessite le développement de la cosmologie. J'ai déjà prêché la Création de l'univers à partir du néant<sup>1</sup>. Avant la Création, il n'y a rien. L'univers est né de la fluctuation du néant (secouant le néant). Le Big Bang a eu lieu et l'expansion de l'univers a commencé. L'énergie qui génère le Big Bang et propulse l'univers en expansion est le flux de la vie, une voie de la Chine ancienne et du néant au-delà des expressions que je dis. C'est le flux de vie et d'énergie qui coule vers le monde et l'univers. Il est compatible avec le concept énergétique de la vision du monde organique revendiqué par la Biocosmological Association<sup>2</sup>. À partir de ce concept, l'énergie du vide, la matière noire et l'énergie noire sont expliquées par la physique. Cette énergie remplit dans le monde et l'univers. La physique a confirmé qu'il y a des atomes, des quarks, des neutrinos, etc. Depuis le Big Bang, il y a environ 13,8 milliards d'années, des corps astronomiques, des galaxies, des systèmes solaires, la terre et la vie se sont formés. Un virus est généré par cette énergie et le flux de la vie. Il est apparu il y a environ 500 millions d'années, il est donc beaucoup plus ancien que l'humanité. Une matière est générée par la résistance de l'énergie mais on peut dire qu'un virus est un état intermédiaire ou une existence entre ce flux de vie et la matière. Inversement, la matière ou la vie est une expression clairement limitée. Il existe divers virus de ce type. Il ne peut pas s'éteindre car il est dans le flux d'énergie. C'est facile à comprendre si vous pensez de cette façon. Il existe partout et est latent. En termes de physique, la particule virtuelle<sup>3</sup> correspond. Bien que ce ne soit pas le cas, il existe soudainement. Il apparaît à un moment donné, puis disparaît soudainement. Il ressemble à un fantôme. Le coronavirus est également de ce type. Dans certaines situations, il se développe comme un organisme vivant. Cependant, bien qu'il disparaisse dans certaines circonstances, il se reproduira en réponse aux changements de température et d'écosystème.

Il infecte et affecte divers êtres vivants et humains. C'est mortel. Diverses maladies infectieuses ont existé dans l'histoire et les races humaines ont réussi à survivre. Heureusement, ce sont les bénédictions du ciel qui ont été pacifiques sans maladies infectieuses. C'est une menace depuis la grippe espagnole: pandémie de grippe de 1918 (1918-1920), il y a 100 ans.

## 2. LE VIRUS CORONA RAVAGE

Le Dr. Li Wenliang (李文亮), qui a découvert le virus corona pour la première fois, a contacté ses collègues, mais juste avant la convention du Parti Communiste Chinois, la police chinoise l'a puni, lui et ses collègues pour causer des troubles. Il a été contraint de signer un document de réflexion selon lequel il était détenu avec ses collègues et a envoyé un canular. Pendant ce temps, le virus s'est propagé. On peut dire que le virus a fui du fossé du conflit entre les États-Unis et la Chine. Le virus n'a présenté aucun symptôme lors de l'infection et d'une période d'incubation durant deux semaines. Après cela, une fièvre de 37,5 degrés a continué pendant 5 jours et soudainement, une forte fièvre est apparue, ce qui a rendu la respiration difficile et dans de nombreux cas a entraîné la mort. La période d'incubation de deux semaines peut être difficile à distinguer. Les autorités chinoises l'ont officiellement reconnue le 20 janvier et la ville de Wuhan a fermé le 23 janvier. Mais il était trop tard. Wuhan est une ville centrale du sud de la Chine avec de nombreux habitants dispersés dans les zones rurales et également voyageurs dans le monde. La Chine est maintenant une nation mondialisée et a progressé dans le monde entier. Au Japon, la Diamond Princess s'est soudainement arrêtée au port de Yokohama. Le capitaine de la Diamond Princess a demandé de l'aide mais le Japon n'a pas pu débarquer les passagers immédiatement en raison de la période de quarantaine de deux semaines. Environ 3,700 personnes ont été piégées à bord du navire. Un bateau de croisière de luxe super-dimensionné s'est retourné contre lui. D'un autre côté, la Chine a bloqué la ville avec son pouvoir national. Elle a interdit le départ et l'entrée du pays et environ 7,000 morts se sont produites. Xi Jinping (习近平) a déclaré "la victoire du Parti communiste chinois". Après cela, des fournitures de secours ont été envoyées dans de nombreux pays.

D'un autre côté, ce sont les États-Unis qui ont subi le conflit. Les États-Unis ont proposé de fournir des échantillons du virus, mais la Chine l'a refusé. C'est mortel lorsque l'on se bat en ce moment. Aux États-Unis, Atlanta possède l'institut de recherche en infectiologie le plus puissant au monde, les Centres pour le Contrôle et la Prévention des Maladies (CDC). Cependant, si l'on ne peut pas analyser le virus, on ne peut pas prendre de mesures. Des chercheurs américains sont entrés en Chine à la mi-février au nom de l'OMS. Président Donald Trump n'a pas compris ce que cette situation signifiait. Il s'est appuyé sur le CDC le plus fort et le plus rassuré et a résisté aux conseils d'experts. Le Parti démocrate a exigé des mesures anti-virus mais Donald Trump les a rejetées comme "complot démocratique". C'est jusqu'au 13 mars que les mesures ont été retardées et l'urgence a commencé.

La progression de ce virus a doublé de vitesse en quelques jours. En augmentation exponentielle, les infections ont atteint des dizaines de milliers en une semaine. Ainsi, dans la ville surpeuplée de New York, 20,000 personnes sont mortes le 19 avril. Avec

L'Italie et la France, les funérailles sont trop tardives. L'Europe est également misérable. Comme il y a une habitude de contact dense et étroit et une habitude de ne pas porter de masque, l'infection se propage de manière explosive car les personnes infectées ne peuvent pas être identifiées. Surtout en Italie où il y a beaucoup de personnes âgées, le total des décès était élevé et les suivants sont la France et l'Espagne. La présence des gens s'est raréfiée et les principales villes sont devenues des villes fantômes comme les Champs-Élysées en France et Main Street à New York. Seuls la Corée du Sud, Taïwan et le Vietnam ont réussi à contenir le virus.

Le Japon compte également 910 décès, mais les hôpitaux sont pleins dans la région métropolitaine de Tokio et les traitements médicaux sont sur le point de s'effondrer. L'administration de Abe avait ordonné la consolidation du secteur hospitalier en raison de difficultés financières. De nombreux hôpitaux ont disparu en raison de faibles bénéfices. C'est la même chose pour les écoles et l'éducation. C'est le résultat de la poursuite des profits. Les infirmières ne sont pas bien traitées et ne peuvent pas continuer leur activité longtemps. Il y a des cas où les gens cessent de travailler lorsqu'ils ont des enfants. Cela vaut également pour les pépinières et les soignants. Actuellement, le Japon manque de médecins et d'infirmières mais si les conditions d'emploi s'améliorent, cela sera un peu résolu. En bref, puisque le Japon essaie de le faire à moindre coût, le Japon commence à souffrir. Il en va de même pour la Russie qui a connu une forte augmentation des cas d'infections en avril. Selon de récentes informations télévisées au Japon, le nombre de médecins et d'infirmières a été réduit à environ 130,000 en quelques années. Au Japon, le nombre de tests PCR (amplification en chaîne par polymérase) préparés est trop restreint pour être conduits comme prévu. Pourquoi l'inspection au volant peut-elle être effectuée en Corée du Sud et non au Japon? Le fait est que le gouvernement japonais ne peut pas faire les choses sans équipement. Le nombre de respirateurs artificiels est la moitié de celui de l'Italie. L'unité de soins intensifs est à peine présente dans un hôpital général. Il semble que les respirateurs artificiels et les unités de soins intensifs soient généralement maintenus à la fréquence minimale d'utilisation. À l'heure actuelle, le Premier ministre a passé à la hâte une commande auprès d'une entreprise privée. Afin de pallier ce manque de moyens de traitement, deux masques devaient être distribués à chaque famille. Jusqu'à présent, le budget des soins médicaux et de l'éducation a été réduit pour couvrir la pénurie de masque. À première vue, cela protège la santé de la population, mais ne couvre que l'échec des politiques de réduction budgétaire. Les dépenses se sont élevées à 3,8 cent millions d'euros. Bien qu'il ait salué l'effet économique comme Abenomics, il a ironisé sur Abenomask comme masque de couverture. Aujourd'hui, prudentes ménagères japonaises fabriquent leurs propres masques familiaux (lavables et réutilisables). Avant le masque jetable, nous avions l'habitude de laver un masque de gaze et de l'utiliser plusieurs fois. L'expression symbolique traditionnelle est "MOTTAINAI (gaspillage)" que le professeur Wangari Muta Maathai, qui a reçu le prix Nobel de la paix, a crié au monde pour modération. Il vaut mieux donner la priorité au domaine médical et distribuer des vêtements de protection et des masques au personnel médical plutôt que de les donner à chaque famille. Des produits mortels et défectueux se trouvent dans les masques distribués. De la moisissure et des poils sont présents sur ces masques! Un tel masque ne peut pas être utilisé en toute confiance. 70% des gens ne sont pas contents. Les écoles japonaises sont fermées du 2 mars au 31 mai. Les élèves qui ne peuvent pas aller à l'école courent à la maison et ont des conflits avec leurs parents.



### 3. RAISON DE L'EXPANSION DANS LE MONDE

Lors de la précédente épidémie de SRAS, la coopération entre les États-Unis et la Chine a fourni une première réponse initiale. Elle ne s'est donc pas propagée au monde. Mais cette fois, cela ne s'est pas produit. Il y a un conflit américano-chinois. "L'Amérique d'abord" du président Trump était le slogan de l'administration. Il s'agit de reconstruire une économie et des forces armées américaines fortes. C'était la Chine qui était là. La Chine a dépassé le Japon et est devenue la deuxième puissance du monde. Il existe différents groupes ethniques dans le pays. Pour les contrôler, le leader a toujours besoin d'un ennemi à l'extérieur. Il transforme les contradictions nationales à l'étranger, au Japon et en Amérique. Naturellement, la Chine déclare également "la Chine d'abord" contre l'Amérique d'abord. Naturellement, il y aura un conflit. La confrontation est apparue dans la confrontation économique et commerciale et des contrôles explicites de fixation des tarifs et d'exportation / importation ont été effectués. Parmi eux, Trump était hostile à la Chine et a mis en œuvre une réduction budgétaire pour les soins de santé. La fameuse assurance maladie universelle Obama Care<sup>4</sup> a été supprimée. Ce slam a suspendu le personnel temporaire à l'Institut national des infections d'Atlanta et de Chine. À un moment donné, des chercheurs des États-Unis étaient stationnés à l'Institut de Virologie de Wuhan et se livraient à des recherches conjointes. Cependant, Trump a cessé d'envoyer des chercheurs. Seuls les Chinois étaient dans le laboratoire mais ils ont commencé à étudier de nouveaux virus de chauve-souris pour montrer leur niveau de recherche (éventuellement convertis en armes militaires). C'est soupçonné d'être le corona virus de cette époque. Le coronavirus s'est échappé du laboratoire, s'est propagé au marché animal et le virus s'est propagé. Le rapport est 'Les origines possibles du virus corona 2019-n-CoV' par le professeur Xiao Botao (肖波 涛)<sup>5</sup>. À cette époque, les chauves-souris n'étaient pas vendues sur le marché des fruits de mer. Il existe un autre institut du virus (le Wuhan Center for Disease Control Prevention) près du marché des fruits de mer. Le Centre est situé à 280m du marché. Dans ce centre, il y avait environ 600 chauves-souris. Parfois, des chercheurs ont été dardés par des chauves-souris lors de l'expérience du virus de la chauve-souris. Ensuite, les chercheurs ont été infectés et se sont rendus sur le marché des fruits de mer. Le corona virus se propage simultanément. Tel est le contenu de l'article du professeur Xiao Botao. Il a été publié sur le site de Research Gate le 6 février 2020. Mais ce document a rapidement été effacé sur le site et le professeur Xiao Botao est actuellement porté disparu. Le gouvernement chinois et l'Oxford Academy ont nié ce fait. Jusqu'à présent, il est toujours sous enquête mais il y a un échec décisif.

C'était le cas de la punition de plusieurs médecins qui ont découvert des personnes infectées à la mi-décembre 2019. Ils ont détecté que le virus était anormal et dangereux comme le SRAS. Le Dr. Ai Fen (艾芬, directeur du service des urgences de l'hôpital central de Wuhan), le Dr Li Wenliang (même hôpital, ophtalmologie) et 6 autres personnes ont été licenciées. Le Dr Li a ensuite été infecté et est décédé en février. La scène avec le ventilateur a été diffusée à l'étranger à la télévision. Le Dr Ai Fen a ensuite écrit une note sur la situation mais a disparu et sa note est restée inconnue. Bien que sa note ait été effacée soudainement, certains éditeurs d'autres pays l'ont republiée.

Le 2 janvier: de la section d'inspection de l'hôpital (section du comité administratif du comité de discipline du parti communiste), elle a reçu un appel. Ce qui fut dit:

"Pourquoi jetez-vous un canular et causez-vous des problèmes?" L'exécutif a poursuivi.

"Lorsque vous revenez, ne dites pas de canular à plus de 200 membres du personnel des services d'urgence. Ne le faites pas sur Weibo (appli de chat populaire chinoise) ou par court courrier électronique. Parlez directement ou appelez. Mais ne parlez à personne de pneumonie. Ne dites même pas à votre mari ... "

"J'étais stupéfaite. On ne m'a pas simplement blâmé pour ma négligence dans mon travail. C'était comme si le brillant développement de la ville de Wuhan avait été vaincu par moi-même. J'étais désespérée. "

'Wuhan Chinese Female Doctor's Note' Bungeishunjū Mai numéro 2020 et Bunshun  
<https://news.yahoo.co.jp/articles/439a6418a1ace5d82c375c87575d6e639ce1de03>

Sur ce que l'auteur voudrait insister ici, c'est la grosse erreur des autorités qui ont déguisé le fait révélé par les médecins et les ont punis. Bien que les médecins aient signalé l'apparition du virus corona, les autorités l'ont considéré comme un canular. La responsabilité est bien sûr celle de la constitution nationale. C'est un système qui donne la priorité à la sécurité du communisme plutôt qu'à la vérité. L'injustice de la dissimulation a provoqué une pandémie et une tragédie scandaleuses dans le monde. La direction suprême chinoise devrait présenter ses excuses au monde.

À l'origine, la Chine a produit et respecte les Sages Saints comme Confucius dans le monde philosophique. Personnellement, j'ai beaucoup d'excellents amis chinois et je ne peux pas imaginer cela à partir d'une telle relation. En 2018, le Congrès Mondial de Philosophie s'est tenu à l'Université de Pékin. La Chine est devenue un pays leader dans le monde des cercles philosophiques. Le président de l'Association Biocosmologique est le Dr. Xiaoting Liu, professeur à l'Université Normale de Pékin. J'y suis allé deux fois et de nombreux chercheurs m'ont accueilli avec respect. Il y a une prestigieuse Académie Confucius sur ce campus et c'était vraiment une hospitalité avec les noyaux Confucéens. Le fait que la Chine nous ait donné une bonne impression ne nous amène pas à penser à la dissimulation de la vérité. Pour les dirigeants chinois, cela peut être une petite tache ou une erreur.

Cependant, l'adversaire était un ennemi du micro-monde appelé virus corona. Les tremblements de terre et les tsunamis sont des macro-menaces. Les dirigeants chinois n'étaient pas disposés à menacer le micro-monde. De notre point de vue, même un petit trou est un énorme trou provenant d'un virus microscopique. La méthode d'analyse micro / macro vient d'Aristote. Il a ouvert des champs académiques en exerçant son pouvoir en biologie pour la micro-analyse et en astronomie pour la macro-analyse. Une grande quantité de virus a été libérée dans le monde par le trou. La ville de Wuhan a été verrouillée le 23 janvier. Mais le virus s'était déjà propagé dans le monde en un mois environ. Au Japon, le festival de la neige de Sapporo qui rassemble 2,5 millions de personnes chaque année a été organisé. En prévision de cet événement, les touristes internationaux chinois inclus venaient au Japon avant le 23 janvier. Ainsi au Japon, à part un paquebot de luxe, le virus s'était répandu à Hokkaido. Le gouverneur de Hokkaido a annoncé l'état d'urgence début février.

Les gens n'étaient pas autorisés à sortir. La première vague s'est terminée mais la deuxième vague a frappé en avril. Tokio était au bord de l'effondrement médical à la mi-avril. Les États-Unis sont plus touchés. Le président Trump a déclaré qu'il demanderait des dommages-intérêts à la Chine. La Chine a montré qu'elle a réussi à contenir le virus, «Victoire du Parti communiste chinois» et fournit des masques, des vêtements de protection et du matériel médical à de nombreux pays. Cependant, c'est le masque d'ombre réel. Cette dissimulation doit être honnêtement reconnue comme malhonnête et des excuses doivent être faites au monde. Après la Seconde Guerre mondiale, la Chine et la Corée du Sud n'ont-elles pas exhorté le Japon à s'excuser pour ses responsabilités de la guerre? Et le médecin disparu, Ai Fen et le professeur Li Xiao Botao devraient être rendus publics. Bien que Ai Fen ait publié une vidéo sur son Weibo autorisée à la mi-avril, cela suggérerait qu'elle avait un certain degré de liberté et son visage était caché d'un masque. Les disparus renforcent encore les soupçons qu'ils sont cachés parce que leurs écrits ne sont pas pratiques. De cette façon, la cause du virus corona cette fois est l'injustice de la dissimulation et la sortie du virus du fossé du conflit américano-chinois. J'ai écrit ce papier pour garder ce fait. L'injustice devrait être la plus détestée par les humanistes de Confucius. Il convient de noter que la confrontation entre nations puissantes provoque la guerre et la maladie. Cela s'est répété au fil du temps. Elle est reprise dans mon livre «*Philosophie du néant et de l'amour*»<sup>6</sup>. Un quart des citoyens d'Athènes ont été tués.

#### 4. MALADIES INFECTIEUSES D'ATHÈNES ET DE SOCRATE

Les conflits entre nations puissantes ont produit la guerre. À l'époque de Socrate, les nations puissantes étaient Athènes et Sparte. Athènes était un régime politique démocratique et Sparte était une puissance militaire. Le conflit opposa la Ligue Délienne d'Athènes à la Ligue du Péloponnèse de Sparte. Ce conflit nous rappelle la confrontation américano-chinoise moderne. Ce conflit a commencé par un conflit économique. La guerre du Péloponnèse entre Athènes et Sparte a duré 27 ans. Athènes était une nation commerçante avec une bonne marine et avait un avantage sur le contrôle maritime. Les Spartiates étaient supérieurs à l'armée. Cependant, la prédominance de ce contrôle maritime est devenue un inconvénient inattendu. C'est que le contrôle de divers pays était bon, mais à partir de là, une maladie infectieuse a été contractée. À partir de l'Éthiopie, la maladie infectieuse est entrée à Athènes via l'Égypte et la Libye. Elle aurait également envahi des parties du territoire perse. Afin de contrer les Spartans, qui étaient forts dans les batailles terrestres, Périclès avait un fort mur de défense de la ville, alors il a décidé de combattre dans le château. Mais cela s'est retourné contre lui<sup>7</sup>. Les personnes infectées avaient une forte fièvre, des vomissements, des convulsions sévères et des hémorragies. Un quart de la population d'Athènes est décédée. Il existe différentes théories sur cette maladie infectieuse, la peste, la fièvre rouge, la rougeole, etc. Selon l'article de Hiroshi Saito<sup>8</sup>, chercheur à l'Université Médicale de Saitama 'La maladie d'Athènes est-elle la maladie de Marburg ou la fièvre Ebola?', il semble que la maladie soit le virus de Marburg ou la fièvre hémorragique Ebola. Le facteur décisif est un taux de mortalité élevé de 25%, une forte fièvre, des hémorragies et la zone épidémique en Afrique. Selon Thucydide, la maladie à Athènes est d'origine éthiopienne, l'Ebola au 20<sup>e</sup> siècle est du Congo. Les deux sont d'Afrique. Les maladies infectieuses sont intemporelles. Les maladies infectieuses étaient répandues pendant la guerre du Péloponnèse. Athènes

était en danger de mort. Dans une armée, plus de 1,000 sur 4,000 sont morts. En conséquence, un quart des citoyens d'Athènes est décédé, de sorte que le système médical s'est effondré, les funérailles n'ont pas pu être faites à temps et les cadavres sont tombés dans les rues et se sont entassés comme des ordures. Les oiseaux et les animaux qui ont mangé de la chair humaine ne se sont pas approchés des cadavres qui n'ont pas encore été enterrés, sinon ils les ont mangés et sont morts<sup>9</sup>, et les rapaces ont disparu. L'ordre public s'est détérioré, l'ordre a été perturbé. La morale a été perdue, les Athéniens ont connu l'obscurité et le néant.

Socrate a vécu à une telle époque. Afin de rétablir l'ordre, la moralité et le mode de vie dans un pays dévasté, il a prêché la sagesse de l'ignorance (conscience du néant), la correspondance entre la connaissance et l'action et l'unité du bonheur et de la vertu. Cet esprit est remplacé par Platon et fleurit avec Aristote. C'est l'établissement de la philosophie grecque. La philosophie est née non seulement de la curiosité intellectuelle mais aussi de l'esprit et de la passion de reconstruire la nation. La leçon de Socrate est d'ailleurs le courage qui ne craint pas la mort et la passion de l'amitié qui aide un jeune ami disparu sur le champ de bataille. L'attitude de Socrate est héritée par Platon et Aristote. Surtout, c'est la justice d'Aristote et de *Philia* (amitié). À ce stade, j'avais l'habitude de discuter de la 'Bienveillance de Confucius et de *Philia* d'Aristote' (incluse dans mon prochain livre)<sup>10</sup>. Seul le problème actuel du virus originaire de Chine chevauche la justice et l'amitié. Les maladies infectieuses relient les philosophies chinoise et grecque. Confucius et Aristote étaient honnêtes en vérité.

## 5. BIENVEILLANCE DE CONFUCIUS ET PHILIA D'ARISTOTE

Un énorme tsunami, provoqué par le grand tremblement de terre du Japon oriental, s'est produit en 2011, engloutissant de nombreuses villes et tuant 22,000 personnes. En outre, le tsunami a provoqué une panne de courant à la centrale nucléaire de Fukushima et a arrêté le système de refroidissement du réacteur. Un réacteur nucléaire surchauffé a subi une explosion de vapeur. La reprise est toujours en attente. Voici le papier que j'ai écrit pour cette crise. Je l'ai cité lorsque le Japon a été un jour gravement endommagé par le grand tremblement de terre du Japon oriental, mais à ce moment-là, des gens de 130 pays ont aidé. Là où les routes et les chemins de fer ont été coupés par le tsunami, des porte-avions et des destroyers américains sont venus au large de la région de Sanriku où se trouvaient les villes endommagées et transporté les fournitures nécessaires par hélicoptères. Cela s'appelait Opération Tomodachi (ami) et a été envisagée par le président Obama à l'époque. Ce type d'aide d'amitié a frappé le cœur japonais. Là, la *Philia* d'Aristote (友愛, *yūai*), qui souhaite le meilleur pour l'autre et les frères humains de Confucius (仁, *jin*) se réalise. Maintenant, c'est la crise mondiale. Chaque pays est dans une situation difficile. Le Japon, les États-Unis et l'Europe souffrent. Cependant, nous, les Japonais, ne voulons pas nous plonger dans nos douleurs, mais nous rappeler de l'aide et les avantages que nous avons reçus du monde. En outre, nous espérons encourager et coopérer avec les peuples du monde. J'ai donc repris ce rapport. Le résumé de ce rapport est présenté in Fra.

**Bienveillance de Confucius et Philia d'Aristote****À travers les difficultés de l'énorme tremblement de terre et tsunami au Japon***Abstrait*

*L'énorme tremblement de terre et le tsunami ont attaqué le Japon le 11 mars 2011. Le grand tremblement de terre du Japon oriental, comme on le sait aujourd'hui, a immédiatement détruit plusieurs villes et dévasté un quart des terres japonaises. Les dommages au Japon sont similaires au grand tremblement de terre de Kantō (1923) et à la destruction de la Seconde Guerre mondiale. De plus, les centrales nucléaires ont perdu leurs systèmes de refroidissement et, par conséquent, des explosions d'hydrogène se sont produites. Ce sont les triples catastrophes. Nous, les Japonais, sommes confrontés à une crise désespérée. Mais de nombreux pays nous soutiennent, le Japon. Les équipes de secours et l'assistance de plus de 130 pays nous ont donné beaucoup d'encouragement et d'espoir. À quel point la civilisation et les sciences se développent, elles sont l'impuissance contre la puissance de la nature. Certains des remblais les plus solides du monde, qui mesuraient 10 mètres de haut, ont été immédiatement anéantis par un raz de marée de tsunami pouvant atteindre 40 mètres de haut. Nous avons l'émotion de la peur de la nature et nous reconnaissons l'impuissance et le néant des êtres humains. Mais nous nous sommes aidés et soutenus les uns les autres en ces temps difficiles. Le sauvetage et l'encouragement sont l'espoir et la lumière dans l'obscurité. Nous apprenons que bien que les sciences se développent fortement, nous avons besoin de bienveillance et de philia (amitié). Infra, je souhaite exposer ces difficultés.*

*«Nouvel horizon des sciences selon le principe du néant et de l'amour» (Lambert Academic Publishing, 2012, p.188)*

**CONCLUSION**

Les dégâts du virus corona se poursuivent encore aujourd'hui. À l'exception de la Chine, de la Corée du Sud et de Taïwan, tous les pays sont sous l'état d'urgence. Les magasins sont fermés au centre-ville et les écoles sont fermées. Même pendant des vacances consécutives, on est dans une situation d'attente à la maison. Les êtres humains risquent d'être menacés par le virus corona invisible. On ne peut pas commencer par s'inquiéter de cette crise. En regardant en arrière sur l'histoire, une nouvelle philosophie est née en crise. Socrate a vécu les épreuves de la guerre et de la fièvre épidémique. Les citoyens d'Athènes ont également rencontré l'obscurité et le néant. Cependant, dans cette rencontre, Socrate a prêché la philosophie avec une passion sans fin pour la sagesse (infinie), un courage qui ne craint pas la mort, le respect pour le daimonion (la voix de l'esprit divin) et l'amour pour le peuple d'Athènes. Il est conforme au principe du néant et de l'amour qui continue au néant → infini → éternité → dieu (être transcendant) → amour. Cela a été hérité par Platon et d'Aristote. Aristote a également connu le néant comme le manque de ses parents en tant qu'orphelin. Puis il a remis en question la nature infinie et éternelle et le monde. Il a expérimenté la continuité organique de lui-même et de l'univers, et il a intuitionné le dieu (être transcendant). C'est theōria comme bonheur. Cependant, ce bonheur continue à la paix mondiale non seulement par l'individu mais aussi par Philia qui souhaite le meilleur pour l'autre personne. Confucius qui a prêché la bienveillance (Jin) a également connu le manque de parents en tant qu'orphelin et a recherché un apprentissage et une vérité infinis et éternels. C'est le Ciel (être transcendant) qu'il

a rencontré par la suite. L'enseignement de Confucius est la pratique de la bienveillance et de l'amour dans le ciel. Socrate, Aristote et Confucius sont également synthétisés par mon principe du néant et de l'amour. C'est le nouvel horizon de la philosophie. À partir de là, ce qui peut être fait pour surmonter ces difficultés modernes est de prier humblement pour l'être transcendant et pour un rétablissement rapide et la paix. Et c'est la transmission de la philosophie qui surmonte la prochaine confrontation américano-chinoise par la coopération mondiale.

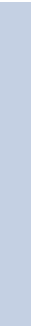
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## Effective Controlling of CRM Measures

### Summary

The thesis deals with the topic, which has the increasing importance of CRM measures in modern sales systems. The difficult attribution of investments to the resulting improvements of the sales processes and the desired achievement of objectives is highlighted in the thesis and controlling instruments for determining the values are shown. On the basis of the Du-Pont key figure hierarchy, ways are shown with which effective controlling can be established in a simplified way. With the help of a scorecard, totals can be formed from which an approach to ROI determination can be presented.

**Keywords:** crm-measures, controlling of crm, roi of crm.

Since the 1990s, the importance of customer relationship management has established itself as a fixed factor in the marketing mix.

The necessity to address this issue arises from the increasing saturation of the markets in connection with a decreasing loyalty of customers.<sup>1</sup>

The result of this process is an increasing focus of companies on the customer and the search for customer-centric sales strategies.<sup>2</sup>

However, the problem for companies that deal with this topic is the fact that many companies are now opening up to this strategy and are therefore achieving the desired USP<sup>3</sup> results is not - or not necessarily visible. Only when it is possible to achieve a long-term relationship with the customer can the desired success be achieved.<sup>4</sup>

1 Cf. Bliemel/Kottler (2006), p. 55

2 Cf. Bruhn (2003), S. V.; Sexauer (2002), p. 218

3 Cf. <https://wirtschaftslexikon.gabler.de/definition/unique-selling-proposition-usp-50075>

4 Cf. Raab/Werner (2005), p. 13

This desired success manifests itself in the expectation of the company to generate lasting growth for the company with the success of customer loyalty. In this context, we try to provide consistent support for customer processes. This includes solutions such as contact centers, Internet communities, customer profiling, and multi-channel management.<sup>5</sup>

At the beginning of the 2000s, however, the efficiency and cost-effectiveness of CRM measures were critically questioned, and Duffner/Henn even regarded them as largely ineffective and failed.<sup>6</sup>

In the meantime, however, the proven view that CRM projects have a considerable influence on the economic success of companies has also established itself in science.<sup>7</sup>

To guarantee the success of CRM measures and to detect possible undesirable developments at an early stage and to initiate countermeasures, it is necessary to develop suitable controlling measures.

Controlling is generally understood to mean the process of monitoring and controlling processes within a company.

In science, no final, all-encompassing term definition for controlling has yet been established, as there is a high degree of diversification in the focal points due to the different views and approaches.<sup>8</sup>

A possible definition of controlling that is relatively comprehensive comes from Horváth: „From a functional point of view, controlling is the subsystem of management that coordinates planning and control as well as the supply of information in a system-creating and system-coupling manner intending to achieve results and thus supports the adaptation and coordination of the overall system. Controlling is thus support for management: it enables it to adapt the overall system to environmental changes in a result-oriented manner and to perform the coordination tasks concerning the operative system.“<sup>9</sup>

The controlling process comprises the result-oriented coordination of the various components: Information; Planning; Controlling; Feedback;

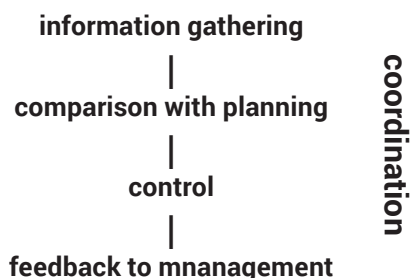


Fig. 1. self-created

5 Cf. Bach/Österle (2000), p. V.

6 Cf. Duffner/Henn (2001), p. 206.

7 Cf. Kammerer (2005), p. 1.

8 Cf. Preißner (2005), p. 15., Horváth (2006), p. 112.

9 Cf. Horváth (2006), p. 134.

The planned measures to achieve the objectives are thus subjected to detailed analysis and compared with the stored planning data. The achievement of objectives is then broken down into the individual business areas and individual objectives defined for the different areas. The achievement of objectives is verified by an ex-ante or ex-post analysis.<sup>10</sup>

After this verification, the measures taken are confirmed or, after appropriate analysis, amended and improved.

The planning and control of the measures always influence the orientation and organization of the enterprise and form a compelling real alliance, since neither of the two elements can develop meaningfully without the other effect.

A further premise is a division of controlling into a strategic part and an operative part.

Inoperative controlling, a possibility is created for a company or divisional management to recognize developments relatively promptly and to react accordingly.

In the strategic approach of controlling, permanent feedback on the goals defined in corporate planning is made possible. Besides, a forecast is made regarding the achievement of objectives and resource consumption as well as structural environmental influences, which are taken into account.<sup>11</sup>

The basic possibility of information-based planning and control of a CRM project is only possible with the help of purpose-oriented knowledge about internal and external conditions (feedback) as well as about possibilities for action and effect (feedforward)<sup>12</sup>.

As a result, the entire project must be continuously evaluated in terms of both feedback and feedforward.<sup>13</sup>

Profitability analysis can be presented in four steps (Fig. 2)

In the first step, the investments in the CRM measure must be precisely defined concerning the time and material components.

In the second step, the individual functionalities are defined, and the resulting cost categories are determined or planned with the extent of the costs. The costs, which developed by the process result from the individual costs of the activities, which are necessary, to win customers back, to acquire customers again or to bind existing customers again more firmly to the enterprise. The costs incurred to optimize ongoing business processes also belong to these cost categories.

In the third step, the benefit categories animated by the CRM process are defined and also quantified. CRM leads to increased benefits for a company if, compared to the previous situation, it makes a higher contribution to the achievement of overarching corporate goals.<sup>14</sup>

10 Cf. Hippner et al. (2004), p. 139

11 Cf. Kammerer (2005), p. 30.

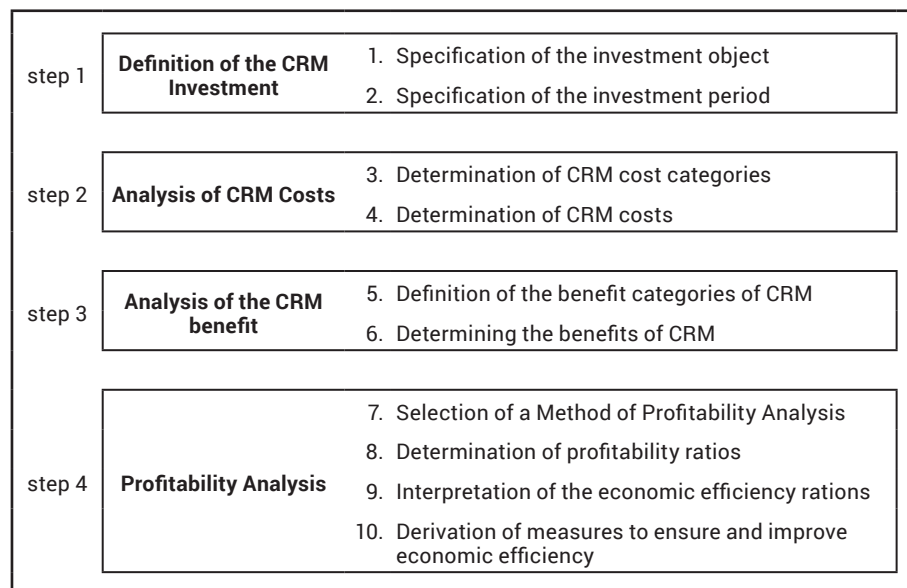
12 Cf. Horvath (2006), p. 351.

13 Cf. Hippner et al. (2004), p. 139.

14 Cf. Hippner et al. (2004), p. 139.

According to the target approach of success research, the benefit of CRM thus represents the evaluated measure of target achievement through CRM activities.<sup>15</sup>

In the fourth step, the costs determined and the associated benefits are compared in a profitability analysis to determine data from the results, which then enable the optimization processes as mean values.



**Fig. 2.** Elements of the profitability analysis of CRM.

**Source:** based on Bruhn/Georgi 2000, p. 533)

CRM can be interpreted as a corporate strategy, the introduction of which should lead to continuous improvement through a learning process. It is, therefore of paramount importance to achieve the set goals and milestones through agreed measures. However, these measures are subject to a profitability analysis in which it is determined whether the measures and the expectations they set are in an economically meaningful correlation to the planned effort.

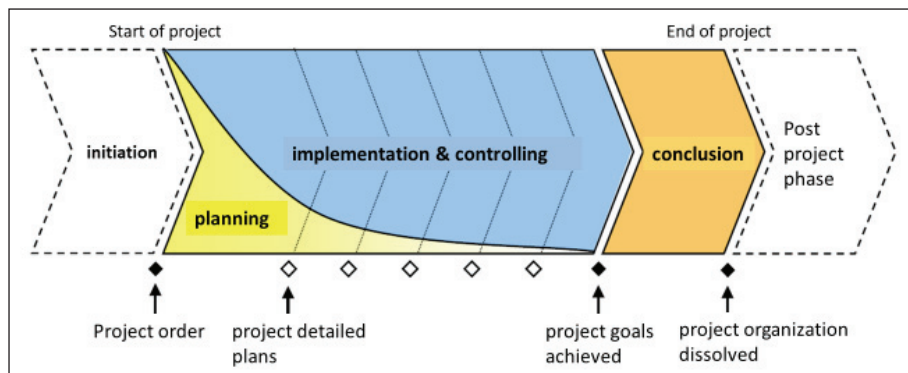
The difficulties and weak points identified in the process are analyzed and implemented in the continuous organic learning process of realizing the strategic goals. “The prerequisite for this learning process, in addition to further competencies in the areas of business process optimization and change management, is intensive IT support through powerful CRM systems (“technological enablers”). The basis for the evaluation and control of the company-specific CRM project is, therefore, first of all, a clear idea of the competencies required in the course of the project and the associated KPIs (Key Performance Indicators).<sup>16</sup>

Hippner et al. mean that it makes little sense to start a CRM process if it has not been clarified in advance which premises there are and which resources are available in the company.

<sup>15</sup> Cf. Fritz (1995), p. 219

<sup>16</sup> Cf. Vgl. Hippner et al. (2004), p. 140.

The entire process of introducing the CRM process can be displayed using a project graphic:



**Fig. 3.** Weycor project definition 2019.

The initiation usually starts with the management (or external consultants), whereby in the initiation phase, the previously described analysis of the resources must take place.

At the project start, when the resources are defined and available, the planning portion of the process is at its highest. With increasing process duration, the share of the operational implementation and the associated controlling measures increases. Once the project goals have been achieved and the CRM system implemented, the implementation process is completed as a project and the project organization is dissolved for the implementation phase. The post-project phase is defined by the then phased in the standard workflow of the CRM process.

The entire CRM process is defined by the objectives defined at the beginning. The achievement of these goals forms the basis for a possible quantification of the benefits of the CRM implementation.

The overall corporate goals – such as increasing sales figures or, more abstractly, improving the return on sales – must be broken down into the individual relationship between the customer and the company.

It must be determined, within which period the planned measures with an exactly defined customer should bring which result. It is not possible related to a heterogeneous customer structure that all measures can unfold the same effect.

There will certainly always be measures that can provide general support, such as attending supraregional trade fairs. Still, the greatest effect will be shown by individualized measures, which then also enable an exact assessment of the achievement of objectives.

The outstanding point here is the challenge of transferring the overriding strategic corporate goals in the individual operative business processes with the customer.

Since the “C” for the customer is in the foreground in the entire CRM process, it is a logical consequence to align the entire process to the needs and wishes of the customer. A “guideline” can be either the product life cycle concerning the customer’s needs or a direct orientation towards the customer life cycle.

One can then differentiate between the individual design areas: Management of interested parties, customer loyalty management (with the sub-areas of new customer management, satisfaction management, complaint management, and cancellation prevention management) and recovery management (with the sub-areas of cancellation management and revitalization management). This must be filled in with concrete contents and measures.<sup>17</sup>

Since companies are organizational units that are determined by people, they are only as good as their employees. Therefore the achievement of company goals is directly dependent on the behavior, motivation and skills of the employees.<sup>18</sup>

These are, therefore the most important prerequisites for the successful introduction of CRM measures and the resulting increase in company value.

Once the management has identified the introduction of the CRM process as a strategic goal, a clear commitment of the company management to the further course of the measure must stand in the further course of the measure. Management must demand active cooperative action from each person in the company.

Only if the prerequisite is fulfilled that the employees are motivated within the framework of change management<sup>19</sup>, and any resistance is reduced, the success of the measure is achievable.

The restructuring of the business processes with the associated improvement and reorientation of IT and communication in connection with the change, as mentioned above management should lead to the fact that the effectiveness and the alignment of the marketing measures can be carried out more purposefully. Especially in the area of prospective customer management, the enlarged information base leads to lower scattering losses. Fewer non-customers are addressed by preselection, which would not have been a direct target group of the company anyway due to data verification.

An automatic generation of direct mails – as it used to be possible – is unfortunately no longer possible in Germany due to the data protection regulation that has come into force. This means that a proven key asset in the acquisition of new customers has been lost.

However, the lack of the possibility of addressing the mail can be counteracted by motivated employees, since it is precisely the development of individual customer relationships that can ensure intensive differentiation from the competition – especially in the case of substitutable products.

Also, in the area of customer recovery, the individual approach with the existing customer relationship is a proven possibility to achieve the effectiveness and above all the associated economic efficiency of the measure.

17 Cf. Stauss, (2000) in. Hippner et al. (2004), p. 141.

18 Cf. Bruhn, (1995) p. 16; George/Grönroos (1995) p. 65 f.; Berry/Parasuraman 1995, p. 107.

19 Cf. Doppler/Lauterburg, (2002); Helmke et al. (2002), p. 307 ff.

The knowledge of the customer's special features, which takes place within the framework of data collection and data maintenance in CRM systems, also makes it possible to define the value of the customer via automated system analysis. The customer's sales potential is assigned to it, and the company's ability to sell further products via cross-selling is stored to further increase the customer value. These customer recovery management measures are described in detail at Stauss (2000), and the selection is focused only on „valuable, migrated, or inactive customers.“<sup>20</sup>

A major change process within change management is the change in the customer's perception of the company. This leads to immensely higher relationship quality, which is achieved through higher trust and purchase satisfaction with customers – the intensity of possible annoyances about poor product quality or organizational failure in services is also assessed less critically. This impact relationship has been empirically proven in a large number of studies and can be regarded as given.<sup>21</sup>

„Particularly in the case of services, the increased employee satisfaction, motivation, and loyalty are, to a large extent, responsible for the increased degree of customer satisfaction and trust.“<sup>22</sup>

A further study which confirms this process was, for example, conducted by Williams/Attaway (1996), who empirically proved a positive effect of the customer orientation of the sales staff on the relationship quality perceived by the customer.<sup>23</sup>

The predominant strategy for the entire process, which is reflected in the corporate goal, lies in the economic success of changing the behavior of customers. Ideally, this change in behavior should be reflected in the increase in customer value. According to Eberling (2002), this overall view can be subdivided into various factors: Revenues, costs, information value, a reference value and security value.<sup>24</sup>

Here, too, various studies show the positive influence of the preceding elements of the CRM results chain<sup>25</sup> on the factors mentioned above can be empirically confirmed several times.

Various studies have shown that cooperative business practices, the flexibility of the provider, and the higher level of employee competence can generate increased customer confidence, which then has a positive effect on the customer's cross-buying intention.<sup>26</sup>

The transactions described in the previous sections will affect the amount of enterprise value. The effects on the increased acceptance of the company by the customer, which manifests itself in increased sales figures, are accompanied by economic success.

The effectiveness is increased (better utilization of the resource sales capacity) accompanied by an increase in efficiency (less wastage and complaints).

20 Cf. Stauss (2000b), p. 464 ff.

21 Cf. Crosby et al. (1990); Boles et al. (2000).

22 Cf. Bruhn (1995); Stauss (2000b), p. 205 f.

23 Cf. Williams/Attaway (1996).

24 Cf. Eberling (2002), p. 130.

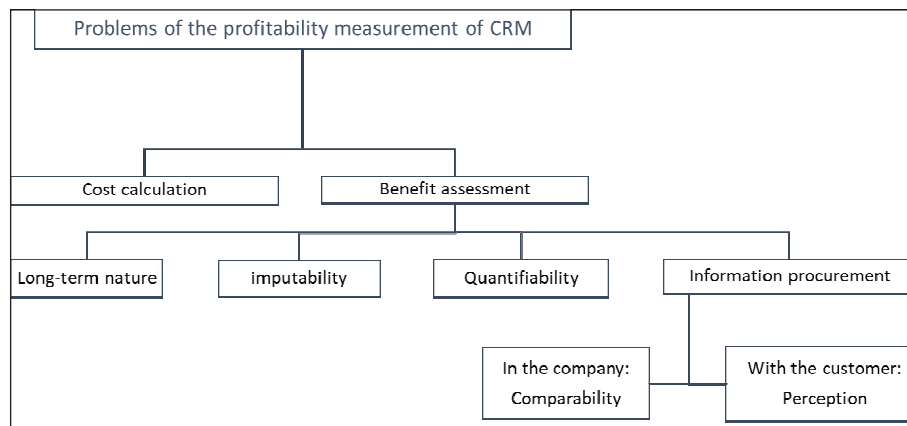
25 Cf. Hippner et al. (2004), p. 141.

26 Cf. Giering (2000), p. 170; Homburg et al. (1999); Crosby et al. (1990); Boles et al. (2000); Evans et al. (1999).

A central question, however, remains the problem of controlling the CRM project.

„A customer relationship management (CRM) practitioner at a large consumer goods company once said many in his company have determined the three-letter acronym CRM stands for ‘Can’t Really Measure.’”<sup>27</sup> This interpretation can be found in many critical articles on the effectiveness of CRM measures and points to a multitude of problems related to the economic evaluation of CRM projects.

The following graphic shows the general problems with the economic efficiency measurement of CRM projects.



**Fig. 4.** Hippner et al. (2004), p. 147

As shown in the previous figure, verifying the benefits of CRM for a company is proving difficult.

It must also always be clear that the RoI of the system can only become visible with a considerable time lag to implementation. First, the business processes have to be reorganized, the employees have to be trained on the new system and the behavior of the employees has to be analyzed and improved if necessary.

The process does not end after the introduction but will be reflected in a permanent organizational update. Permanent, self-learning control functions must be established and the initiated measures must be questioned concerning the development of their effect.

The process must also be distinguished from other accompanying circumstances in the assessment of its effects, such as further strategic measures in the company, as well as changing market and competitive structures.<sup>28</sup>

The problem of the imputability of the CRM system lies not only in the duration of the implementation up to the unfolding of effects but also in the scope of the reorganization measures required for the implementation of the customer relationship strategy. Also, the number of affected departments, as well as the extent of the changed business processes, have considerable influence.<sup>29</sup>

27 Cf. Kellen (2002), p. 2.

28 Cf. Bruhn/Georgi (2000), p. 545; Wehrmeister (2001), p. 41

29 Cf. Hippner et al. (2004), p. 149.



In order to prove the success of a CRM system, the corresponding goals must, therefore, be subdivided into hierarchies. The economic success of the system is broken down into operationally measurable indicators.

The following figure shows the DuPont key figure hierarchy:<sup>30</sup>

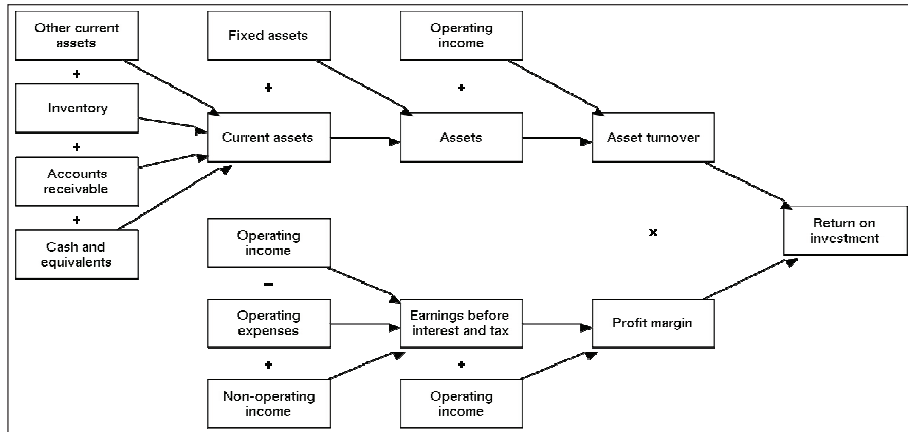


Fig. 5. Du-Pont-Key figure hierarchy

Based on the ROI as a criterion for the success of the investment, the profit and the increase in the value of the company are the decisive parameters. Following the Du-Pont key figure, hierarchy is one way of reducing the theoretical view to an adequate level and integrating it into the process as a controlling tool.

As a result, a modified key performance indicator system can be derived:

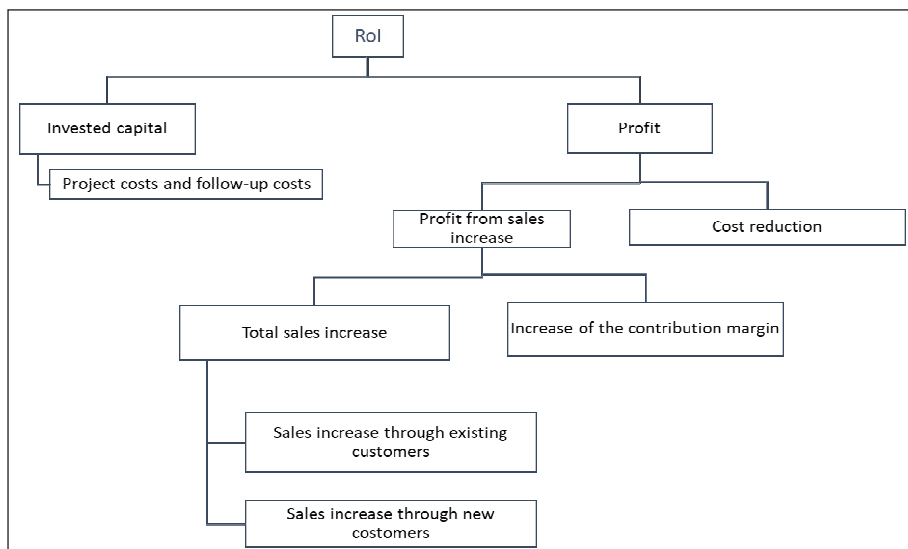


Fig. 6. Simplified DuPont key performance indicator system for determining a CRM RoI

30 Cf. Schierenbeck/Lister (1998), p 36 ff.

To bring this into allocable forms, a list of costs and personnel expenses must first be drawn up. The time expenditure can be recorded by FTE's and the other costs are determined by Controlling.

However, it is more time-consuming to determine the contribution margins that can be generated from the additional revenues. Here it is important to differentiate between the actual expenditure per customer and the total costs of the process for new customers.

Once this has been done, the individual values can be entered in the following table, and the totals can be used to determine the profitability of the measure. It is necessary here that the controlling has access to the real data and not costs, which concern the project in the general expenditure to go down.

The following figure shows a highly simplified scorecard for determining RoI.

CRM-Scorecard						
Expense determined in FTE or directly	FTE	Direct Costs:	Profit	Pcs.	Sales growth	Cost saving
Employee training (internal time expenditure):			Contribution margin from new customer sales			
External training:			Contribution margin through sales increase with existing customers			
Purchase of software:			Increase of the contribution margin for existing customers			
Purchase of hardware			Reduction of variable costs			
accompanying measures, e.g. advertising:						
Follow-up care costs:						
Controlling expenses:						
Development expenditure for technology:						
Additional Management Attention:						
<b>Sum:</b>						

**Fig. 7.** CRM-Scorecard self-created.

Once the totals have been determined, and the difference has been calculated, it is possible to present an initial approach to determining the return on investment.

Soon, a clear focus of the corporate strategy will be on the support provided by IT systems. A scorecard based on the linking of the two areas will be suitable for the comprehensive evaluation of CRM projects. It is essential that the simplified representation in Figure 7 is provided with permanent updates and extended.

A weak point of the impact measurement of CRM projects, however, continues to be the problem of attribution and the time horizon for the impact to occur. The responsibility of a CRM measure for the individual business success cannot be fully determined in the final analysis - especially if there are parallel marketing measures in the company.

However, the first steps of the process, especially in the acquisition of new customers, can be assigned to the process and can form a basis for the evaluation.

In science, various success analyses evaluate CRM projects, such as the Accenture analysis, but which only refer to a part of the impact chain or carry out cross-sectional analyses.

For an evaluation of the process, it is, therefore, advisable to collect empirical data along the progressing impact chain and, with an IT-supported scorecard, to make consolidated statements about the impact of CRM on customers and company development.

As a result, cross-company indicators can then be linked with company-specific analyses to approach the desired goal - an objective, efficient assessment of CRM projects -.

As described in the previous chapters, Kellen's statement (Cant Really Measure) can thus be put into perspective.

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## Komunikácia v pedagogickej praxi manažéra / *Communication in the pedagogical practice of the manager*

### **Summary**

The thesis deals with the issue of communication in the pedagogical practice of the manager. The communication between the primary school headmaster and the school staff is important in building relationships and directing the primary school itself. In the theoretical part of the thesis we define communication, look at the forms of communication, while discussing verbal and non-verbal communication. Later, the theoretical part of the thesis analyzes the position of the manager and the director and his communication towards the employees. The practical part analyzes and characterizes the opinions of pedagogical and non-pedagogical employees of selected primary schools on the issue of mutual communication with headmasters of primary schools.

**Keywords:** communication; nonverbal communication; verbal communication.

### **ÚVOD**

Komunikácia je podstatou človeka a ľudského života. Má veľké využitie pri medziľudských vzťahoch. Téma práce Manažérska komunikácia bola zvolená s aktuálnou potrebou zaoberať sa problematikou čoraz komplikovanejšej a zložitejšej komunikácie na pracovisku, ktorá má veľké opodstatnenie. Táto problematika je veľmi široká a preto dúfam, že sa nám podarí dostatočne objasniť a poukázať aj na úskalia v komunikácii. Komunikácia, resp. komunikačný proces na základných školách prebieha nepretržite, jej kvalita a úroveň významne ovplyvňuje

výsledok úsilia nielen základnej školy, ale aj jednotlivcov, ktorí v ňom pracujú. Je veľmi podstatné nepodceňovať silu komunikácie či už v osobnom, pracovnom, ale i spoločenskom živote. K životu aj k práci patria aj konflikty a preto musia byť riešené. Táto úloha prináleží práve riaditeľom základných škôl, teda ľuďom, ktorí riadia iných ľudí. Nedostatky a problémy v komunikácii, ich riešenie a prevencia posúvajú túto prácu do roviny praktického návodu aplikovateľného v praxi.

Cieľom práce je v teoretickej a praktickej časti identifikovať a determinovať základné problémy komunikácie medzi riaditeľmi a pedagogickými a nepedagogickými zamestnancami základných škôl.

Práca pozostáva z troch kapitol. V prvej kapitole sa budeme zaoberať vymedzením pojmov, ktoré súvisia s komunikáciou, teda samotný pojem komunikácia a dotkneme sa aj analýzy verbálnej a neverbálnej komunikácie.

V druhej kapitole sa budeme venovať manažérskej komunikácii, ktorá je zameraná na osobnosť manažéra (riaditeľa základnej školy) - ako by mal vyzeráť manažér v procese komunikácie a aké formy komunikácie môže v rámci svojho pracoviska aplikovať. Tretia a zároveň posledná kapitola bude nadväzovať na informácie obsiahnuté v teoretickej časti. Pre skúmanie zvolenej problematiky sme zvolili výskumnú metódu - prieskum, ktorý bol realizovaný za pomoci sprostredkovania dotazníkov vybraným respondentom.

Cieľom prieskumu bolo zistenie postojov zamestnancov k problémom komunikácie medzi nimi a riaditeľmi vybraných základných škôl. Rovnako sme identifikovali, ako sú zamestnanci spokojní s komunikáciou na svojom pracovisku a či majú dostatočný priestor na komunikáciu so svojimi nadriadenými.

## 1. KOMUNIKÁCIA

Medzi základné schopnosti ľudí je nevyhnutné zaradiť schopnosť komunikovať. Určitá forma komunikácie je pre každého človeka žijúceho v spoločnosti nevyhnutná a môžeme tvrdiť, že je kľúčovým prostriedkom sociálnej interakcie (Lepilová, 2009).

### 1.1. Charakteristika pojmu komunikácia

Pod pojmom komunikácia väčšinou rozumieme slovné aj mimoslovné podávanie, odovzdávanie či výmenu informácií. Je to spôsob, ktorým poznávame svet okolo seba. Vyjadrujeme svoje pocity, získavame vedomosti a poznatky o názoroch či postojoch iných. Komunikácia tvorí každodennú súčasť nášho života i celej spoločnosti (Horáková, 2008).

Ako uvádzajú Gurhová (2005, s. 18) „vo všeobecnosti komunikáciu chápeme ako rozhovor a slovo komunikovať ako dorozumievať sa, rozprávať sa.“

Toto užšie vymedzenie komunikácie zvädza čitateľa domnievať sa, že pod pojmom komunikácia rozumieme iba ústnu komunikáciu, resp. ústny rozhovor medzi účastníkmi komunikácie. Tento názor a teda aj takéto chápanie daného pojmu je nepostačujúce, keďže pod pojmom komunikácia musíme rozumieť omnoho

rozsiahlejšie a bohatšie možnosti odovzdávania informácií medzi účastníkmi. Z tohto dôvodu v ďalšom texte priblížime definície pojmu komunikácia, ktoré výstižnejšie charakterizujú tento výraz (Dale, 2010).

Pojem komunikácia výstižne vysvetľuje Szarková (2002), pričom vychádza z latinského pôvodu slova komunikácia. Uvádza, že keď ľudia komunikujú, delia sa o svoje myšlienky. Ďalej vysvetľujú, že komunikácia sa uskutočňuje neustále, či už daný účastník číta, píše, rozpráva, gestikuluje. Všetky tieto prejavy môžeme považovať za formu komunikácie. Komunikácia teda prebieha rôznymi prostriedkami, či si to daný účastník momentálne uvedomuje alebo neuvedomuje.

Pri definovaní pojmu komunikácia považujeme za nevyhnutné venovať pozornosť aj jednotlivým aspektom, ktorých prítomnosť je nevyhnutná v komunikácii:

- prijímateľ informácií,
- odosielateľ informácií,
- samotná informácia,
- komunikačný kanál (Dale, 2010).

Samozrejme je nesprávne sa domnievať, že v komunikácii je každá z týchto zložiek zastúpená vždy iba jedným reprezentantom. V bežnej komunikácii sa často stretávame s väčším počtom prijímateľov informácie súčasne. Takisto adresovaných informácií môže byť väčšie množstvo v rovnakom čase, dokonca pri využití viacerých komunikačných kanálov.

V tejto súvislosti, po uvedení pojmu „komunikačný kanál“ je na mieste priblížiť názor Mikulaščíka, ktorý sa venuje komunikačným prostriedkom a uvádza, že medzi komunikačné prostriedky môžeme zaradiť napríklad jazyk, rozhlas, televíziu, poštu, telefóny ale tiež dopravné prostriedky (Suchý, 2007).

## 1.2. Formy komunikácie

Medziludská komunikácia môže mať formu verbálnu (slovnú), sprostredkovanú hovorenou rečou, jazykovým znakom či významom k nemu viazaným, alebo neverbálnu (neslovnú), pri ktorej sa informácie prenášajú inými prostriedkami ako je slovo (Dale, 2010).

### 1.2.1. Verbálna komunikácia

Verbálna komunikácia je sprostredkovaná hovorenou rečou, slovom, teda jazykovým znakom a významom, ktorý je k nemu viazaný. Ide o typ sociálnej komunikácie reprezentovaný predovšetkým rečou. Reč je hlavným nástrojom odovzdávania informácií, transferu myšlienok, ale tiež postojov, názorov, prianí, požiadaviek, atď. Reč je komunikáciou, ktorá využíva hlasovo-sluchový kanál (Černý, 2009).

Verbálna komunikácia je špecificky ľudský spôsob komunikácie, spočíva v používaní slov, ktoré sú symbolmi objektov, ich tried, vlastností a vzťahov medzi nimi. Slová ako jazykové znaky vytvárajú znakový systém, ktorý symbolizuje (opisuje, vyjadruje) reálny a pomyselný svet ľudí. Slová umožňujú opis, vysvetľovanie konkrétnych aj

abstraktných javov, umožňujú inštruovanie, objasňovanie, ale nie sú všemocné. Aby bolo možné dorozumieť sa verbálne, je nutné, aby komunikujúci používali zhodný systém znakov (Adair, 2004).

Tento druh komunikácie prebieha v dvoch významových líniách. Je to línia tematická – obsahová, to, o čom sa hovorí, a línia interpretačná, aký výklad, aký zmysel téme, hovorenému slovu komunikujúci prikladajú. Vo verbálnej komunikácii sa významne uplatňuje situačný kontext, ktorý dotvára, či utvára obsah významu. Verbálna komunikácia vo forme písomného prejavu je založená na používaní písomných znakov symbolov, ktoré sa v každom jazyku zaužívali na označenie predmetov a javov. Základom je tu písmo, ktoré má obrovský význam, lebo zabezpečuje komunikáciu v rôznych formách a časových úsekoch (v dennej tlači, v týždenníkoch a pod., ďalej sú to knihy, plagáty, internet a pod.) (Černý, 2009).

Vo výchovno-vzdelávacom procese má verbálna komunikácia navodiť optimálnu, emocionálnu atmosféru, optimalizovať vzťahy medzi sebou a žiakmi ako aj medzi žiakmi navzájom a pôsobiť nielen na osvojovanie si vedomostí, ale aj na rozvoj myslenia, tvorivosti, motivácie a celej osobnosti žiakov vôbec (Adair, 2004).

### 1.2.2. Neverbálna komunikácia

Neverbálna komunikácia predstavuje prenos informácií inými prostriedkami ako je slovo. V ľudskej spoločnosti má nezastupiteľné miesto v procese interakcie, či už ako primárny, alebo sekundárny spôsob komunikácie. Neverbálna komunikácia sa niekedy označuje tiež ako reč tela. Neverbálna komunikácia má tieto funkcie: slúži predovšetkým na vyjadrenie prežívania, emocionálneho stavu komunikujúcich, vrátane emocionálnych kvalít vzájomného vzťahu k sebe. Ide o komunikovanie názorných, zmyslovo vnímateľných významov. Neverbálne prejavy slúžia na ovplyvňovanie iných a vyvolávajú emocionálne prežívanie u príjemcu. Neverbálna komunikácia plní svoje funkcie často vo väzbe na komunikáciu verbálnu, dopĺňa a podporuje ju, môže byť však aj samostatným komunikačným prostriedkom (Lepilová, 2009).

Neverbálne prejavy pri komunikácii sú prirodzené, veľmi často celkom spontánne, majú veľkú silu pôsobenia na iných ľudí aj vtedy, keď si ich vplyv neuvedomujeme. Pôsobenie prvkov neverbálnej komunikácie je osobitne silné vtedy, ak nie je súlad medzi verbálnymi a neverbálnymi prejavmi (Pružinská, 2009).

Mimika patrí medzi najvýraznejšie prejavy neverbálnej komunikácie. Rozumieme ňou výrazy tváre, ktorými vyjadrujeme predovšetkým emócie: zlosť, strach, radosť, prekvapenie, vzrušenie, napätie, rozpaky, odpor, atď. Mimické prejavy sú sčasti vrodené, v mnohých prípadoch spontánne, ale môžu byť tiež zámerné, hrané. Mimikou si navzájom odovzdávame kultúrne tradované a tzv. inštrumentálne pohyby. Významnú úlohu zohráva pohľad (Lepilová, 2009).

Oči sú z hľadiska neverbálnej komunikácie tým najdôležitejším, čo je možné na tvári pozorovať. V sociálnej interakcii zisťujeme, kde sa ten druhý pozerá a či sa pozerá na mňa. Pohľady z očí do očí nám pri neverbálnej komunikácii povedia najviac. V interakcii komunikujúcich sa oči môžu stretnúť alebo sa môže pozeráť len jeden na druhého alebo ani jeden. Reč pohľadov je často prvou rečou. Obidve strany ňou hovoria ešte skôr, než sa vysloví prvé slovo (Suchý, 2007).



Kinezikou rozumieme komunikáciu pohybom. Ide jednak o pohyby častí alebo celého tela, ktorými jednotlivec doprevádza verbálny prejav. Ide o pohyb ako je chôdza, tanec, balet, gymnastika. Patria tu nielen pohyby, ale aj neprirodzenosti pohybov: strnulosť, chvenie, krčovitosť (Šuler, 2009).

Gestikuláciou rozumieme pohyby častí tela, predovšetkým rúk a hlavy. Sú sprievodným znakom hovorenej reči, ale môžu verbálny prejav nahrádzať, často vystupujú ako samostatný komunikačný prostriedok. Gesto môže aj predchádzať reč, najmä vtedy, ak hovoriaci nenachádza slovné pomenovanie, alebo sa jeho myšlienka dá jednoduchšie vyjadriť gestom. Najaktívnejšou časťou tela, ktorú používame pri gestikulácii sú ruky od lakťov ku končekom prstov. Gestá vyjadrujú veľa z prežívania človeka, odrážajú jeho emócie, záujem o ochotu komunikovať a tiež osobnostné vlastnosti. Gestá používame veľmi často mimovoľne (Suchý, 2007).

Haptika je neverbálna komunikácia pomocou dotykov. Dotyk môžeme zdefinovať ako akýkoľvek telesný kontakt od pohladkania až po úder. U nás sa dotyk používa vo formálnej aj neformálnej komunikácii. V dotykovej komunikácii ide najmä o dotýkanie sa tela iného človeka pomocou rúk, v niektorých situáciách môže byť najefektívnejším komunikačným prostriedkom. Najčastejšou formou dotyku je podanie ruky. Ďalej sem zaraďujeme pohladenie, potľapkanie, poklopkanie po pleci, objatie, bozk, dotyky ako súčasť sexuálneho aktu. Dotyk však môže byť tak priateľský, ako aj nepriateľský; haptikou je preto aj zaucho, kopnutie, uštipnutie, odstrčenie a pod. (Horáková, 2008).

Proxemika je neverbálna komunikácia prostredníctvom vzdialenosti medzi komunikujúcimi. Je založená na pocitoch týkajúcich sa sociálnej blízkosti a vzdialenosti. Všíma si vplyv vzdialenosti ľudí na obsah ich reči. Rozoznávame štyri základné zóny okolo človeka: verejná (vzdialenosť od človeka nad 1,5 m), sociálna (vzdialenosť do 1,5 m), osobná (do 60 cm), intímna (20 – 30 cm od človeka). V dorozumievacej praxi sa vyskytujú pravdaže, aj oveľa väčšie vzdialenosti. Ako však súvisí vzdialenosť s obsahom reči? Keď sú hovoriaci v tesnej blízkosti, hovoria šeptom alebo polohlasne. Čím sú od seba ďalej, tým je ich reč hlasnejšia a prechádza až do kriku (Šuler, 2009).

## 2. MANAŽÉRSKA KOMUNIKÁCIA V ŠKOLSTVE

Termín komunikácia je aj v manažérskej komunikácii odvodený z latinského slova *communicare* a podľa encyklopedického slovníka vyjadruje styk, kontakt, dohodu, spojenie a prenos informácii (Jirincová, 2010).

Úlohou manažérskej komunikácie na školách je informovať, zadeľovať úlohy, motivovať, hodnotiť, chváliť a takto spoločnými silami dosahovať stanovené ciele. Manažérska komunikácia je základom vytvárania a udržiavania vzťahov s podriadenými pracovníkmi alebo členmi organizačného tímu. Ovplyvňuje život všetkých zamestnancov, ale aj všetci zamestnanci ovplyvňujú podnikovú komunikáciu. Ľudia strávia viac ako tretinu svojho života dospelých v práci a zdokonalenie ich komunikačných zručností sa prejaví aj na zvýšení kvality ich osobného života. Keď nekomunikujeme, ťažko dochádza k takým výsledkom, aké by sme chceli. Každý podnik či organizácia potrebuje dobrú komunikáciu. Pracovníci

potrebujú vedieť čo sa deje na ich pracovisku, aké zmeny či pozitívne alebo negatívne ich čakajú. Aktívne počúvanie je dnes absolútnou nevyhnutnosťou pre riadiacich pracovníkov a kľúčom ku správnym rozhodnutiam a to docielime jedine manažérskou komunikáciou, na ktorú potrebujeme dobrého manažéra (Gurgová, 2005).

## 2.1. Osobnosť manažéra (riaditeľa školy)

Dobry manažér musí spĺňať niekoľko vlastností. V prvom rade dlhodobo dosahuje stanovené výsledky. Je vysoko výkonný, dobrý odborník a jeho morálka je skvelá. Je čestný, ochotný, pracovitý, lojálny. Je to človek, ktorý dodrží slovo, je čitateľný a spraví to, čo povie. Má zásady, ktoré sú známe a dodržiava ich. Jeho zásady sú v súlade s firemnou kultúrou. Má vysokú autoritu a je prirodzeným vodcom tímu. Prístupuje k ľuďom so snahou im porozumieť, akceptuje ich názory a spolu s nimi hľadá riešenie na ich uplatnenie. Správa sa ku každému rovnako. Jeho správanie nie je neosobné. Dokáže chápať problémy svojich zamestnancov a nájde si čas na rozhovor s nim (Jiřincová, 2010).

V manažérskej práci zohrávajú dôležitú úlohu faktory, ktoré napomáhajú a sú podstatné pri komunikačnom procese a to sú empatia, asertivita, persuázia (Vetráková, 2002).

Empatia – dôležitý predpoklad pri riešení konfliktov. V komunikačnom procese to znamená, že manažér je schopný vnímať informácie a posudzovať komunikovaný obsah cez prizmu potrieb, motívov záujmov, hodnôt aspirácií a ambícií zamestnanca, čo mu umožňuje preniknúť do podstaty správania a predvídať vývoj komunikácie vo vzťahu k riešenému pracovnému problému. Napr. manažér sa prevtelí do kože zamestnanca a jeho očami sa pozrie na danú situáciu a na základe toho môže predvídať konanie zamestnanca (Gurgová, 2005).

Asertivita – ide o otvorenú komunikáciu na pracovisku. Manažér, ktorý ovláda asertívne správanie vie sprostredkovať jasne a presvedčivo svoje požiadavky, potreby a pocity svojim zamestnancom bez toho, aby sa dotýkal ich ľudských práv. Asertívny manažér je kľudný a sebaistý, nebojí sa podstupovať riziko trvať na svojom stanovisku. Vie, že aj on môže urobiť chybu, ale neobáva sa toho, lebo má na vedomí, že chyby sú príležitosťou sa poučiť a nabudúce konať lepšie (Khelerová, 2010).

Persuázia – ide o ovplyvňovanie ľudí, presvedčiť ich a prikloniť na svoju stranu. V manažérskej praxi je veľa komunikačných situácií, v ktorých manažér z hľadiska dosiahnutia svojich alebo podnikových cieľov používa persuáziu. Napr. zamestnancov presvedčiť, aby si zvykli na nové technologické alebo organizačné podmienky a postupne sa s nimi stotožnili, čo je v dnešnej dobe dosť zložitá hlavne u staršej generácie. Výsledkom persuazívnej komunikácie je dosiahnutie presvedčenia, čo znamená, že zamestnanci počas komunikačného procesu nielen pochopili, ale sa aj stotožnili s podmienkami, ktoré manažér sprostredkúval (Vetráková, 2002).

Každý manažér v školstve má neohraničený rad zodpovedností a úloh, ale len ohraničené množstvo pracovného času. Práca manažéra v školstve predstavuje druh práce alebo zloženie aktivít, ktoré vedúci zamestnanci vykonávajú, resp. musia

vykonávať na dosiahnutie cieľa. Základom každého riadenia je rozhodovanie či prijímanie rozhodnutí. To znamená, že manažér pomocou rozhodovacieho procesu rozhoduje o ďalšom vývoji podniku, čiže ovplyvňuje riadený systém, a tým aj efektívnosť jeho fungovania (Khelerová, 2010).

## 2.2. Riaditeľ školy v procese komunikácie so zamestnancami

V škole by mala prebiehať len profesionálna komunikácia. Jej nositeľom a protagonistom je manažér, účastníkom zamestnanec. Komunikačné zručnosti patria medzi základné vlastnosti, ktoré by mal mať manažér. Empirické údaje potvrdzujú, že manažér fungujúcej a dobre prosperujúcej organizácie venuje 70 až 80% svojho času práve komunikácii (Gurgová, 2005).

Dôležitým faktorom komunikácie je možnosť jednotlivých zamestnancov vstúpiť do procesu komunikácie, mať na to šancu, pozíciu, oprávnenie, jednoducho status, možnosť byť v pozícii komunikátora a komunikanta. Komunikácia medzi manažérom a zamestnancom v organizácii je vo vysokej miere dotváraná pracovnými rolami jej účastníkov a atmosférou prostredia, v ktorom sa uskutočňuje. Manažér, ktorý vedie skupinu ľudí, by mal skupinu riadiť, informovať, presvedčovať, motivovať spolupracovníkov, kontrolovať a monitorovať prácu spolupracovníkov, kritizovať, organizovať, koordinovať a robiť rozhodnutia (Khelerová, 2010).

Riaditeľ školy je predovšetkým profesia - jej nositeľom pomocou manažérskej funkcie usmerňuje aktivity organizačnej jednotky na dosahovanie stanovených cieľov. Pri manažérskej práci by mala dominovať tvorivá činnosť (Tegze, 2003).

Riaditeľ školy by mal čo najčastejšie komunikovať so svojimi podriadenými a informovať ich o zmenách, ktoré plánuje alebo ktoré by rád uskutočnil. Mal by sa informovať a pýtať sa na ich názory a pripomienky, ktoré by mu pomohli zrealizovať jeho nápady a myšlienky (Gurgová, 2005).

Častou súčasťou riadiacej práce manažéra je skupinová komunikácia. Rozhovor, komunikácia s nadriadeným, s kolegami, s podriadeným, komunikácia pri riešení konfliktov, vedenie porád, prijímací pohovor, hodnotiaci pohovor, efektívne telefonovanie (Gurgová, 2005).

V školskom prostredí plní podstatnú úlohu porada. Porada je dôležitým nástrojom riadenia a komunikácie: slúži k vzájomnej informovanosti účastníkov, k vyjadreniu stanovísk a názorov na určitý problém, k výmene skúsenosti, k tvorivému hľadaniu optimálneho riešenia, k plánovaniu a koordinácii práce, či ku kontrole plnenia úloh (Tegze, 2003).

Porada musí mať dopredu stanovenú štruktúru a musíme dopredu vedieť, aký typ porady chceme zvoliť:

Informačná porada – nemusí rešpektovať určitú štruktúru a jej riadenie je v podstate jednoduché. Ide o odovzdávanie informácii o stave určitej záležitosti širšiemu okruhu účastníkov porady.

Riešiteľná porada – ide o poradu, kde chceme vyriešiť daný problém, ktorý nastal alebo len z časti ho prediskutovať. Ak problém nedoriešime, treba stanoviť ďalší termín porady, čo sa väčšinou aj stáva lebo nie vždy sa dá problém vyriešiť na prvej porade.

Rozhodovacia porada – práve na tejto porade sa môže rozhodnúť, stanoviť určité stanovisko, ako budeme ďalej postupovať, rozhodneme a daný problém doriešime. Súvisí s uplatňovaným štýlom práce manažéra (Suchý, 2007).

### 3. PRIESKUMNÁ ČASŤ PRÁCE

V tejto časti práce budeme realizovať prieskum, pričom v rámci neho sa budeme zaoberať problematikou komunikácie medzi riaditeľom základnej školy a jeho zamestnancami.

#### 3.1. Základné informácie o prieskume

V teoretickej časti práce sme sa zaoberali problematikou komunikácie v školskom prostredí, pričom na túto tému nadviažeme aj v tejto časti práce.

#### 3.2. Ciele prieskumu

Cieľom prieskumu je identifikovať komunikáciu pedagogických aj nepedagogických zamestnancov s riaditeľmi vybraných základných škôl.

#### 3.3. Úlohy prieskumu

Prieskumné otázky (PO) sme si určili na podstate cieľov a snažili sme sa v našom prieskume nájsť na ne náležité odpovede.

**PO 1:** Ako by ste ohodnotili komunikáciu na Vašom pracovisku?

**PO 2:** Čo by ste navrhli zlepšiť - zmeniť, aby sa rozšírila informovanosť a zlepšila komunikácia na Vašom pracovisku?

#### 3.4. Metóda prieskumu

V rámci prieskumu sme aplikovali kvantitatívny dizajn výskumu, pričom sme použili dotazník, ktorý obsahoval 11 otázok. Dotazníky boli rozdane pre pedagogických aj nepedagogických zamestnancov dvoch základných škôl v SR.

#### 3.5. Prieskumná vzorka

Prieskum sme realizovali v dvoch vybraných základných školách v meste Prešov (SR). Prieskumu sa zúčastnilo 40 respondentov. Z toho boli 20 respondenti z jednej školy (A) a ďalší 20 respondenti z druhej základnej školy (B).

### 3.6. Výsledky prieskumu

**Tabuľka 1.** Štruktúra zoskupenia respondentov podľa veku

Vek	do 30 rokov	31 – 40 rokov	41 – 50 rokov	Nad 50 rokov
Respondenti	5	19	10	6

**Tabuľka 2.** Štruktúra zoskupenia podľa dosiahnutého vzdelania

Dosiahnuté vzdelanie	Vysokoškolské II. stupeň	Vysokoškolské I. stupeň	Stredoškolské s maturitou	Stredoškolské bez maturity	Základné
Respondenti	32	0	5	2	1

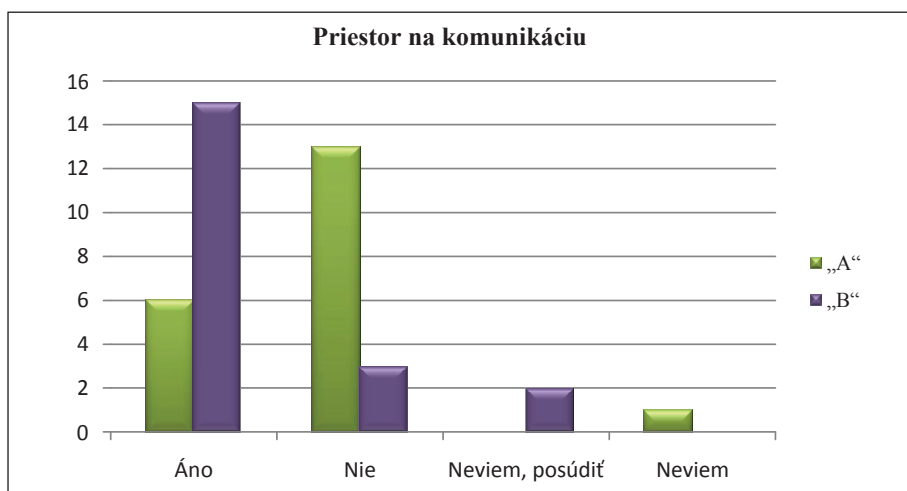
Vyhodnotenie otázky č. 3:

**Myslíte si, že máte dostatok priestoru na komunikáciu so svojim nadriadeným?**

**Tabuľka 3.** Štruktúra hodnotenia dostatočného priestoru na komunikáciu s nadriadeným

Priestor na komunikáciu		Áno	Nie	Neviem, posúdiť	Neviem
Respondenti	„A“	6	13	0	1
	„B“	15	3	2	0

Údaje uvedené v tabuľke ilustruje aj graf 1.



**Graf 1.** Štruktúra hodnotenia dostatočného priestoru na komunikáciu s nadriadeným

Z grafického zobrazenia, ktoré nám znázorňuje dostatočný priestor na komunikáciu so svojim nadriadeným môžeme vyhodnotiť nasledovne, že v základnej škole „A“ odpovedali respondenti tak, že nemajú dostatočný priestor na komunikáciu so svojim nadriadeným (65%). Pričom v základnej škole „B“ odpovedali respondenti na otázku, že priestor na komunikáciu majú dostatočný (75%).

Z výsledkov nám vyplýva, že priestor na komunikáciu so svojim nadriadeným je v rámci týchto dvoch základných škôl úplne na inej úrovni.

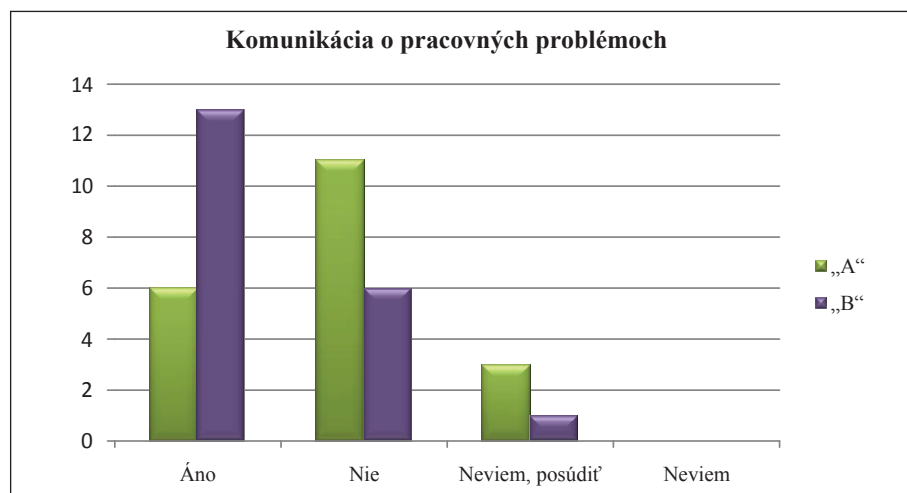
Vyhodnotenie otázky č. 4:

**Myslíte si, že máte dost' priestoru na komunikáciu so svojim nadriadeným o svojich pracovných problémoch?**

**Tabuľka 4.** Štruktúra dostatočného priestoru na komunikáciu o problémoch

Komunikácia o pracovných problémoch		Áno	Nie	Neviem, posúdiť	Neviem
Respondenti	„A“	6	11	3	0
	„B“	13	6	1	0

Údaje uvedené v tabuľke ilustruje aj graf 2.



**Graf 2.** Štruktúra dostatočného priestoru na komunikáciu o problémoch

Z grafu, ktorý nám znázorňuje, či majú zamestnanci dostatočný priestor na komunikáciu o pracovných problémoch so svojim nariadeným môžeme vyhodnotiť, že v rámci základnej školy „A“ prevažne odpovedalo 11 respondentov, že nemajú dostatočný priestor (55%). Pričom v základnej škole „B“ 13 respondentov odpovedalo, že majú priestor na komunikáciu o pracovných problémoch (65%).

Z výsledkov jednoznačne vyplýva, že základná škola typu „B“ je na lepšej úrovni čo sa týka komunikácie o pracovných problémoch.

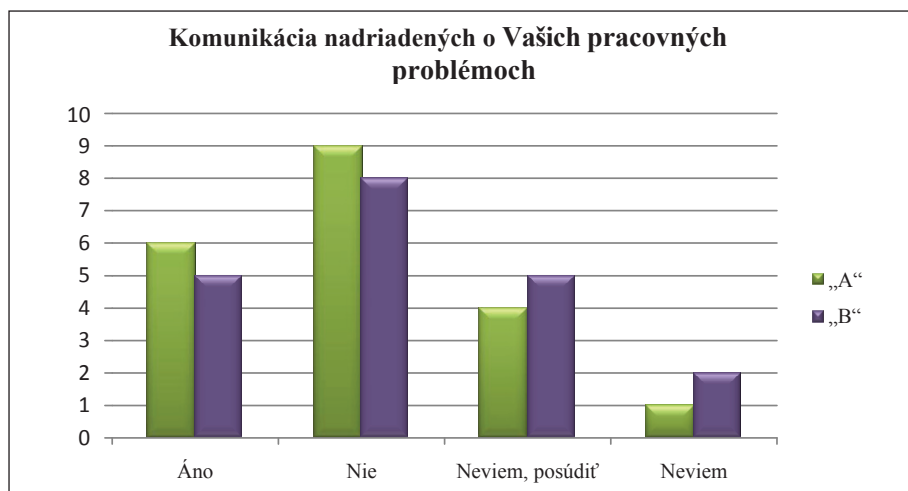
Vyhodnotenie otázky č. 5:

**Máte pocit, že nadriadení komunikujú o Vašich pracovných problémoch, podnetoch a názoroch?**

**Tabuľka 5.** Štruktúra komunikácie nadriadených o Vašich pracovných problémoch, podnetov a názorov

Komunikácia nadriadených o Vašich pracovných problémoch		Áno	Nie	Neviem, posúdiť	Neviem
Respondenti	„A“	6	9	4	1
	„B“	5	8	5	2

Údaje uvedené v tabuľke ilustruje aj graf 3.



**Graf 3.** Štruktúra komunikácie nadriadených o Vašich pracovných problémoch, podnetov a názorov

Graf 3, ktorý nám znázorňuje, či nadriadení komunikujú o pracovných problémoch zamestnancov, môžeme vyhodnotiť, že jednoznačne vyplýva, že respondenti v rámci oboch základných škôl nemajú pocit, že nadriadení komunikujú o ich pracovných problémoch (45%; 40%).

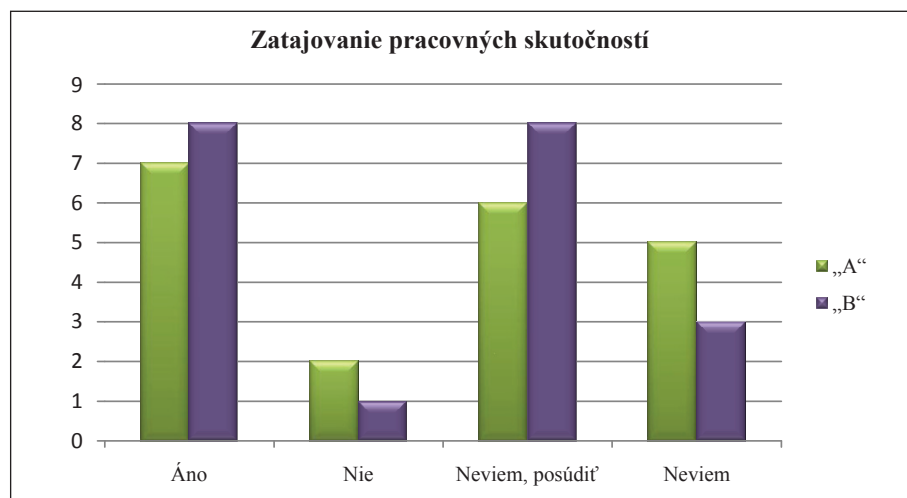
Vyhodnotenie otázky č.6:

**Myslíte si, že Váš nadriadený zatajuje dôležité pracovné skutočnosti?**

**Tabuľka 6.** Štruktúra zatajovania dôležitých pracovných skutočností

Zatajovanie pracovných skutočností		Áno	Nie	Neviem, posúdiť	Neviem
Respondenti	„A“	7	2	6	5
	„B“	8	1	8	3

Údaje uvedené v tabuľke ilustruje aj graf 4.



**Graf 4.** Štruktúra zatajovania dôležitých pracovných skutočností

Z grafu 4, ktorý nám znázorňuje, či nadriadený zatajuje zamestnancom pracovné skutočnosti, môžeme vyhodnotiť, že respondenti jednoznačne odpovedali v oboch inštitúciách, že majú pocit, že ich nadriadený zatajuje pracovné skutočnosti (35%; 40%), ale ostatná väčšina túto situáciu nevedela posúdiť (30%; 40%).

Vyhodnotenie otázky č.7:

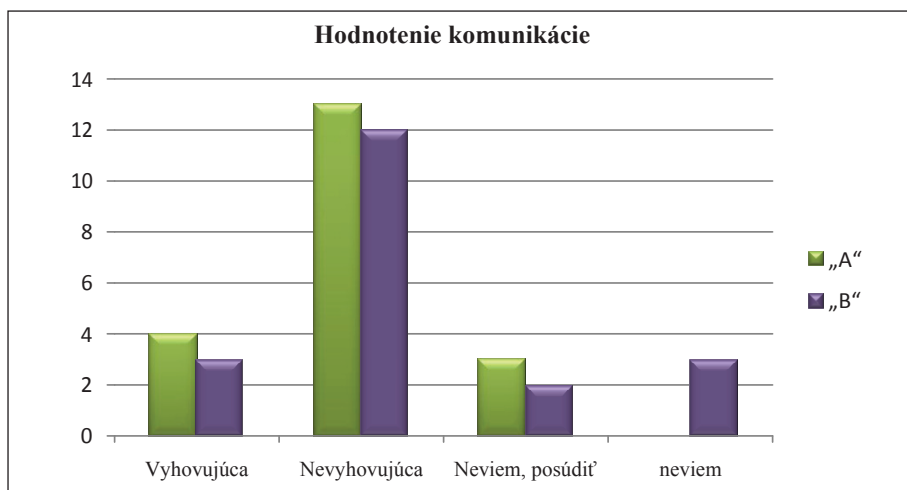
**Ako by ste hodnotili komunikáciu s riaditeľom na Vašom pracovisku?**

**Tabuľka 7.** Štruktúra hodnotenia komunikácie na pracovisku

Hodnotenie komunikácie		Vyhovujúca	Nevyhovujúca	Neviem, posúdiť	Neviem
Respondenti	„A“	4	13	3	0
	„B“	3	12	2	3



Údaje uvedené v tabuľke ilustruje aj graf 5.



**Graf 5.** Štruktúra hodnotenia komunikácie na pracovisku

Z uvedeného zobrazenia v grafe 5 si môžeme všimnúť, že na otázku, ktorá hovorí ako by ohodnotili komunikáciu s riaditeľom na svojom pracovisku, rozhodujúca väčšina respondentov odpovedalo v oboch základných školách, že komunikácia na ich pracovisku s riaditeľom je nevyhovujúca (65%; 60%). Z výsledkov môžeme konštatovať, že komunikácia v oboch základných školách je na zlej, teda nie dobrej úrovni.

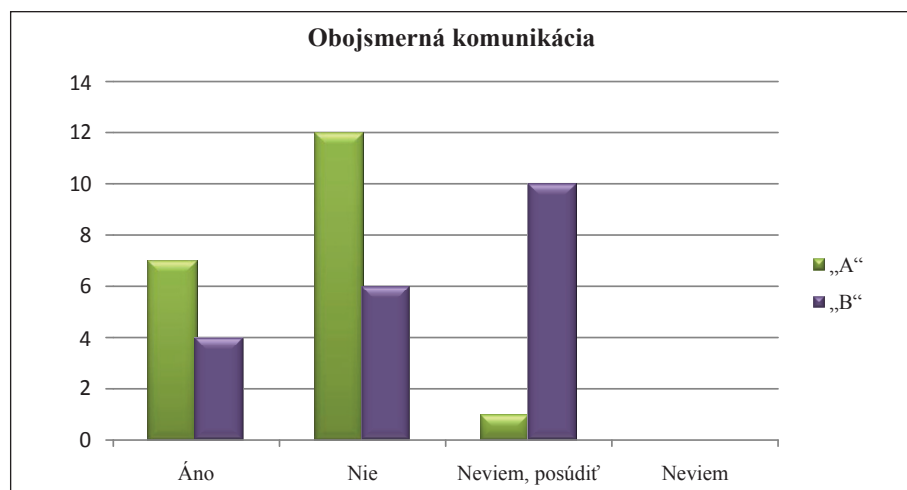
Vyhodnotenie otázky č.8:

**Myslíte si, že komunikácia na Vašom pracovisku je obojsmerná?**

**Tabuľka 8.** Štruktúra hodnotenia obojsmernej komunikácie

Obojsmerná komunikácia		Áno	Nie	Neviem, posúdiť	Neviem
Respondenti	„A“	7	12	1	0
	„B“	4	6	10	0

Údaje uvedené v tabuľke ilustruje aj graf 6.



**Graf 6.** Štruktúra hodnotenia obojsmernej komunikácie

Z grafu vyplýva, že oslovení respondenti na otázku, či komunikácia na ich pracovisku je obojsmerná, v rámci základnej školy typu „A“ jednoznačne odpovedali, že na ich pracovisku nefunguje obojsmerná komunikácia (60%). Pričom v základnej škole typu „B“ prevažne odpovedali na otázku, že danú situáciu nevedia posúdiť (50%).

Z grafu teda vyplýva, že obojsmerná komunikácia ani v jednej zo skúmaných základných škôl nefunguje na dostatočnej úrovni.

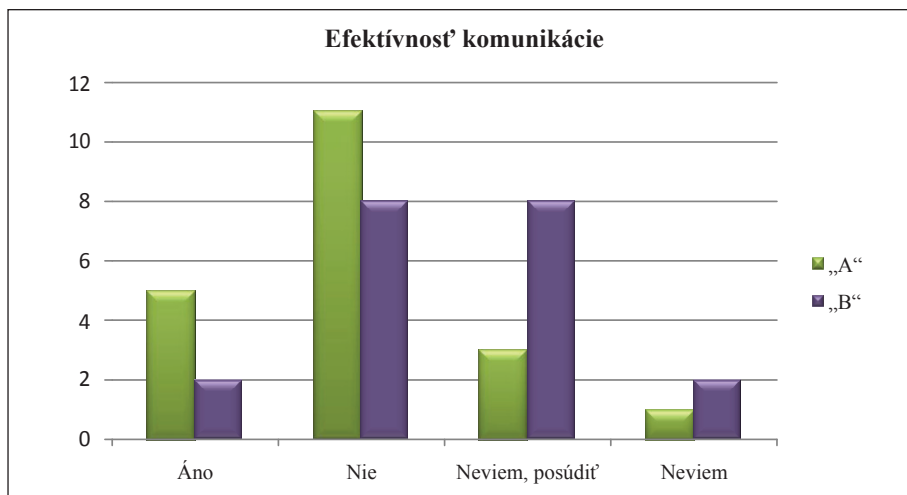
Vyhodnotenie otázky č. 9:

**Je medzi Vami a riaditeľom efektívna komunikácia?**

**Tabuľka 9.** Efektívnosť komunikácie

Efektívnosť komunikácie		Áno	Nie	Neviem, posúdiť	Neviem
Respondenti	„A“	5	11	3	1
	„B“	2	8	8	2

Údaje uvedené v tabuľke ilustruje aj graf 7.



**Graf 7.** Efektivnosť komunikácie

Z grafu je evidentne jasné, že efektivnosť komunikácie medzi riaditeľom a zamestnancami nefunguje ani v jednej zo skúmaných základných škôl (55% ; 40%). Pričom okrem toho, v základnej škole typu „B“ niektorí opýtaní túto situáciu nevedeli posúdiť (40%).

Vyhodnotenie otázky č.10:

**Aký druh informácií v rámci komunikácie s riaditeľom Vám najviac chýba? Napište.**

Respondenti uvádzali svoje osobné názory a myšlienky. Mali dostatočný priestor na vyjadrenie sa k tejto otázke.

**Zoskupenie odpovedí respondentov v základnej škole „A“ citujeme nasledovne:**

- Informácie, ako sa narába s peniazmi v rámci školy.
- Informácie, čo sa týka plánovania a organizovania práce.
- Nie sme vždy včas informovaní o zmenách. Je to na poslednú chvíľu.
- Osobný kontakt s nadriadenými.
- Pracovné informácie.
- Aktuálne nové zmeny v rámci vedenia školy.
- Presnejšie informácie o pripravovaných akciách na základnej škole.

Z uvedených odpovedí môžeme konštatovať, že odpovede od respondentov sú rôznorodé. Z oslovených 20 respondentov sa k danej otázke vyjadrilo len 8 (40%), pričom 5 respondentov (25%) na danú otázku neodpovedalo vôbec. Ostatným nič nechýba (35%).

**Zoskupenie odpovedí respondentov v základnej škole „B“ citujeme nasledovne:**

- Pravdivé informácie.

- Odovzdávanie informácií neoficiálnou cestou.
- Aby sa zlepšila komunikácia.
- Zlepšenie vzťahov v rámci školského prostredia.
- Ohováranie.
- Zlé medziľudské vzťahy.
- Spoločné teambuildingy.

Z oslovených 20 respondentov sa k danej otázke vyjadrili len 10 respondenti (50%), pričom 8 respondentov (40%) na danú otázku neodpovedalo vôbec a 2 respondenti (10%) odpovedali nasledovne: „žiadny druh informácií v pracovnom procese mi nechýba“ - „neviem“.

**Vyhodnotenie otázky č.11: Čo by ste navrhli zlepšiť – zmeniť, aby sa rozšírila informovanosť a zlepšila komunikácia na Vašom pracovisku? Napíšte.**

Respondenti uvádzali svoje osobné názory a myšlienky. Mali dostatočný priestor na vyjadrenie sa k tejto otázke.

**Zoskupenie odpovedí respondentov v organizácii „A“ citujeme nasledovne:**

- Riaditeľ by mal viac riešiť medziľudské vzťahy.
- Vypočuť si názory podriadených a realizovať častejšie stretnutia s nadriadenými.
- Navrhujem, aby požiadavky boli vypočuté a aspoň z časti splnené.
- Dodržať prísluby a viac sa snažiť vyhovieť zamestnancom v ich právach.
- Častejšie porady a otvorenosť k novým návrhom na riešenie zo strany zamestnancov.
- Častejšie stretnutia, porady.
- Aby sa porady mohli zúčastňovať všetci zamestnanci.

Z oslovených 20 respondentov na otázku odpovedalo 8 (40%), 6 respondentov (30%) na otázku vôbec nedalo odpoveď a ostatných 6 respondentov (30%) sa vyjadrilo: „nevedia čo by navrhli, ani zlepšili“ - „momentálna situácia v organizácii im vyhovuje“.

**Zoskupenie odpovedí respondentov v inštitúcii „B“ citujeme nasledovne:**

- Nechodiť okolo horúcej kaše, ale s pravdou von.
- Otvorenosť voči podriadeným, viac informácií.
- Otvorenosť a pravdivosť.
- Komunikácia na pracovisku.
- Lepšia snaha komunikovať a riešiť problémy zo strany riaditeľa.

Z oslovených 20 respondentov na otázku odpovedalo 5 (25%), 8 respondentov na otázku vôbec nedalo odpoveď (40%) a ostatných 7 respondentov (35%) sa vyjadrilo, že „nevedia čo by navrhli, ani zlepšili“ - „že momentálne im všetko vyhovuje“.

### 3.7. Zhrnutie výsledkov prieskumu

V prvej časti dotazníka sme kládli dôraz na triediace znaky podľa veku, dosiahnutého vzdelania v rámci pracovného prostredia respondentov, resp. opýtaných.

V druhej a tretej časti dotazníka bolo našim úmyslom zistiť, na akej úrovni je komunikácia v týchto organizáciách. Zamerali sme sa na zistenie, ako sú zamestnanci spokojní s komunikáciou na svojom pracovisku, či majú na komunikáciu so svojim nadriadeným dostatok priestoru na riešenie pracovných problémov.

V závere dotazníka mali respondenti prostredníctvom otvorených otázok priestor na vyjadrenie sa k danej téme - aký druh informácií v pracovnom procese im najviac chýba, čo by navrhli, zmenili, aby sa rozšírila informovanosť a zlepšila komunikácia na svojom pracovisku.

Otázkou č. 4 sme zisťovali, či majú zamestnanci dostatočný priestor na komunikáciu so svojim nadriadeným, ktorú môžeme vyhodnotiť nasledovne, že v základnej škole typu „A“ odpovedali respondenti, že nemajú dostatočný priestor na komunikáciu so svojim nadriadeným. V základnej škole typu „B“ odpovedali respondenti na otázku, že priestor na komunikáciu majú dostatočný. Z toho vyplýva, že komunikácia v podniku „B“ je na lepšej úrovni a zamestnanci vnímajú, že nadriadený im venuje dostatočný priestor.

Ďalej sme sa pýtali, či majú zamestnanci dostatočný priestor na komunikáciu o pracovných problémoch so svojim nadriadeným. Vyhodnotili sme, že v základnej škole typu „A“ prevažne odpovedalo 11 respondentov, že nemajú dostatočný priestor. Pričom v základnej škole typu „B“ 13 respondentov odpovedalo, že majú priestor na komunikáciu o pracovných problémoch. Z výsledkov jednoznačne vyplýva, že v základnej škole typu „B“ riešia pracovné problémy.

Otázkou č.10, sme zisťovali, či nadriadení komunikujú o pracovných problémoch zamestnancov. Vyhodnotili sme, že respondenti v oboch základných školách nemajú pocit, že nadriadení komunikujú o ich pracovných problémoch.

Zatajuje nadriadený zamestnancom pracovné skutočnosti? Respondenti v oboch základných školách odpovedali, že majú pocit, že ich nadriadení zatajujú pracovné skutočnosti, ale ostatná väčšina túto situáciu nevedela posúdiť.

V ďalšej otázke bolo našim úmyslom zistiť, na akej úrovni je komunikácia s riaditeľom danej základnej školy. Rozhodujúca väčšina respondentov odpovedala v oboch základných školách, že komunikácia s riaditeľom na ich pracovisku je nevyhovujúca. Z výsledkov konštatujeme nevyhovujúcu komunikáciu zamestnancov s riaditeľmi základných škôl.

Respondentov sme sa pýtali ďalej, aký druh informácií s riaditeľom im najviac chýba, čo by navrhli, zlepšili – zmenili, aby sa rozšírila informovanosť a zlepšila komunikácia na ich pracovisku. Respondenti mali príležitosť napísať a k daným otázkam sa vyjadriť prostredníctvom otvorených otázok. V oboch organizáciách uvádzajú najdôležitejšie témy, o ktorých by chceli byť informovaní. Týkajú sa predovšetkým osobných vzťahov medzi riaditeľmi a zamestnancami, absentuje osobný kontakt,

bolo prítomné aj ohováranie, respektíve relevantnosť podávaných informácií zo strany riaditeľa ku pracovníkom, rovnako absentujú informácie ohľadom plánovania organizácie práce a podobne.

Výsledky prieskumu nepriniesli lichotivé závery. Komunikácia v oboch základných školách medzi riaditeľom a jeho zamestnancami má podpriemernú úroveň. Podľa väčšiny oslovených respondentov ide o nedostatočnú komunikáciu medzi nadriadenými a podriadenými, sotva badateľné rozvíjanie verbálnej komunikácie, ktorej úspešné rozvíjanie je dôležité pre každého pracovníka.

Tento výsledok však nemožno zovšeobecniť a v globálnej rovine považovať za celoplošne platný. Môžeme vyvodzovať závery, ktoré sa pohybujú v rozpätí prieskumnej vzorky 40 respondentov, ktorí sa do prieskumu zapojili.

### 3.8. Odporúčania pre prax

V prípade rozhodnutia jednoznačne treba bojovať s problémami komunikácie v rámci základných škôl. Nestačí len teoretizovať, ale je nutné preto aj niečo urobiť. V podporujúcej komunikačnej atmosfére majú zamestnanci pocit svojho významu, sú ochotní voľne hovoriť, chcú poskytnúť svoje názory i napomôcť činnosťou k spoločnému cieľu.

Na základe výsledkov z prieskumu, považujeme za potrebné prízvukovať nasledovné skutočnosti:

- stálo by za zváženie, aby vedenie základnej školy aplikovalo krátke pracovné porady, na ktorých by sa zamestnanci oboznámili so situáciou z predchádzajúceho týždňa. Zamestnancom takto dávať priestor na otázky. Potrebujú vedieť, čo sa deje na ich pracovisku, či sa chystajú zmeny, aký je napríklad plán výroby, atď. Zamestnanci by chceli byť súčasťou pri výbere cieľov, pri hľadaní najvhodnejších spôsobov ich naplnenia, pri riešení problémov a konfliktov.
- bolo by vhodné, aby riaditelia základných škôl pravidelne chodili medzi zamestnancov, aby nemali pocit, že nedostávajú dostatočný priestor na komunikáciu. Pravidelne s nimi komunikovať. Pýtať sa, či je všetko v poriadku, či sa nevyskytol nejaký problém.
- riaditelia základných škôl by sa mali častejšie zaujímať o pracovné problémy vlastných zamestnancov. Následne o nich komunikovať v rámci porád. Vyvodzovať závery a snažiť sa ich odstraňovať.
- ďalej by riaditelia základných škôl mali do určitej miery dávať priestor zamestnancom rozhodovať a prijímať zodpovednosť za pracovné úlohy, čo by prinieslo efektívnosť a výkonnosť odvedenej práce.

Existuje ešte veľa spôsobov, ako by sa dali odstraňovať bariéry a príčiny v komunikácii v rámci základných škôl medzi riaditeľom a zamestnancami. V našej práci uvádzame iba niektoré námety a odporúčania, o ktorých sa domnievame, že patria medzi rozhodujúce a je na riaditeľovi základnej školy, ktoré si vyberie a podľa možnosti bude aplikovať v praxi.

## ZÁVER

Komunikácia je rozhodujúca pre riaditeľa základnej školy a rovnako pre podriadených, pretože oni majú pocit dôležitosti, očakávajú záujem svojho nadriadeného, že sa s nimi počíta a záleží na ich názoroch. Takýto zamestnanec lepšie odvedie svoju prácu a celá základná škola sa potom lepšie riadi. Keď riaditeľ základnej školy nekomunikuje so svojimi podriadenými, vedie to k nespokojnosti zamestnancov a tým aj k horšie odvedenej práci.

Cieľom práce bolo identifikovať komunikáciu pedagogických aj nepedagogických zamestnancov s riaditeľmi vybraných základných škôl.

V prvej kapitole sme sa zaoberali vymedzením pojmov, ktoré súvisia s komunikáciou, pričom sme sa zamerali aj na druhy komunikácie.

V druhej kapitole sme sa venovali manažérskej komunikácii, ktorú sme zamerali na osobnosť manažéra – riaditeľa v procese komunikácie a aké podoby komunikácie môže so svojimi zamestnancami využiť.

V poslednej praktickej časti, ktorá nadväzuje na teoretickú časť, sme sa venovali zvolenejškúmanej problematike a to komunikácii riaditeľov so svojimi zamestnancami na pracovisku. Súčasnú problematiku, ktorú sme si zvolili preskúmať, sme realizovali v dvoch základných školách v meste Prešov (SR). Prieskum sme vykonali za pomoci sprostredkovania dotazníkov vybraným respondentom. Naším cieľom bolo zistiť, na akej úrovni je komunikácia v oboch základných školách medzi riaditeľom a zamestnancami a či majú zamestnanci dostatočný priestor na komunikáciu so svojim nadriadenými.

Na základe uvedených poznatkov z prieskumu sme dospeli k presvedčeniu, že téma riešená v práci je vysoko aktuálna, veľmi zložitá a zároveň zaujímavá. Je to téma, ktorá si vyžaduje rozsiahly výskum. S ohľadom na uvedené skutočnosti a praktickú využiteľnosť riešenej témy, je potrebné cielene a permanentne sa zaoberať otázkami manažérskej (riaditeľskej) komunikácie v teórii i praxi na pracovisku, ako aj v ďalších oblastiach života spoločnosti.

Záverom možno konštatovať, že jednotlivé východiská plynúce z rozpracovanej problematiky by mohli poskytnúť odbornej i laickej verejnosti ucelenejší pohľad na otázku komunikácie v pracovnom prostredí, a zároveň napomôcť im prispieť k skvalitňovaniu života.

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# Analysis of Aviation Accidents in a Selected Area Aiming to Identify the Basic Parameters of Their Impact on the Environment

## Summary

The impact of the economy and transport is currently a closely watched trend. Air transport has many advantages that favor it over other modes of transport. However, the environmental impact of aviation on the environment is not negligible, despite the fact that many important aviation organizations are constantly assessing the level of this impact and taking appropriate action on that basis. Despite the adoption of measures to increase air safety, accidents continue to occur. Among other things, they have a negative impact on the environment. The negative impact of an aviation emergency results from the leakage of liquids into the soil and water, and the leakage of flue gases and combustion products of aircraft construction materials in the event of a fire into the air. This article deals with the analysis of aviation accidents in a selected area aiming to identify the parameters affecting the environment in these emergencies.

**Keywords:** Ecology, aviation accidents, environment, aircraft category.

## INTRODUCTION

The question of the extent and identification of the environmental impact factors of aviation is a subject of many studies. The air is most affected by the combustion of hydrocarbon fuels in internal combustion engines of vehicles, where toxic and carcinogenic substances and substances that contribute to global warming of the Earth's atmosphere ( $\text{CO}_2$ ,  $\text{N}_2\text{O}$ ,  $\text{CH}_4$ ) are produced. As the use of air transport continues to increase, addressing its environmental impact is becoming increasingly intensive [1–2]. Zhu et al. deal with the impact of aviation on air quality, specifically during the take-off and landing phases of an aircraft, when the most exhaust emissions are produced. The authors address the optimization of fuel loss and greenhouse gas emissions. The study's conclusions offer answers to the questions of the relationship between aircraft descent and fuel consumption by finding fuel-efficient aircraft descent, designing a new descent algorithm and proposing a more efficient aircraft descent for pilots in addition to the Flight Crew Operating Manual (FCOM) [4].

The analysis of  $\text{CO}_2$  emissions by the bottom-up method for the period from 2006 to 2016 and the analysis of the factors of the impact of  $\text{CO}_2$  emissions in the Pearl River Delta were dealt with by the authors Cao, et al. [5]. On the other hand, a study by Liu et al. used top-down analysis and offers a comprehensive overview of aviation emissions in China for the period from 1980 to 2015. The research results indicate that emissions in central and eastern China are much higher than in northeastern and western China. Based on the results, the authors offer a forecast until 2050. Although they predict a reduction in emissions through the use of new technologies, it will be offset by an increase in traffic volumes [6]. The authors Matveev et al. presented an algorithm for simulating CO and  $\text{CO}_2$  emissions in a model combustion chamber under different initial conditions, which they compared with the results verified by experimental data. Research has verified the impact of aviation gas turbine engines (GTE) on the atmosphere [7].

However, air transport does not have only a direct impact on the environment through the provision of the service but also an indirect one, for example through substances released into the air, soil and water during air emergencies. Although safety is one of the key priorities of air transport, aviation emergencies are an integral part of it [8]. Aviation safety is addressed in annual safety reports from international organizations operating in the aviation sector, such as ICAO, IATA, FAA and the like [8]. Despite the increasing efforts of these organizations, aviation emergencies occur and their impact on the environment is not negligible. An analysis of aviation emergencies is discussed, for example, in a study [10] in which the author studied the trend in variability of long-term historical data on aviation accidents and their victims through time series analysis, predicting possible changes in future aviation accidents and providing data on aviation safety research.

Air transport, and therefore also aviation technology, is constantly evolving and new available materials and liquids are being used, which are characterized by suitable properties for application in aviation for various reasons [10]. In connection with aviation emergencies and the aircraft construction materials used, as well as aircraft fluids (coolant, engine oil, fuel, etc.), the properties of these materials under the effect of heat in an aircraft fire during an aviation emergency are an important issue.

## METHODOLOGY

For the purposes of research into the negative impact of aircraft accidents on the environment, we focused primarily on identifying the categories of aircraft that have the largest share of aviation emergencies in the monitored area. As part of the analysis, an investigation was carried out in the field of aircraft accidents involving aircraft up to and over 2000 kg MTOW, which occurred in the Czech Republic.

To identify the focus, the numbers of aircraft accidents and incidents in the Czech Republic from 1960 to 2018 for the category of aircrafts with MTOW over 2000 kg and from 2006 to 2017 for the category of aircraft with MTOW up to 2000 kg were monitored. The international database Aviation Safety Network (ASN) [12] was used for the analysis of accidents and incidents of aircraft with MTOW over 2000 kg. The database draws information mainly from official sources of individual aviation authorities or other organizations in aviation. The ASN data were supplemented with information from the “Institute for Expert Investigation of the Causes of Air Accidents” [13]. For the analysis of accidents and incidents of aircraft with MTOM up to 2000 kg, the data provided by the Ministry of Transport of the Czech Republic were monitored [14].

After identifying the weight category of aircraft most frequently represented in aviation emergencies in the area, other factors of these emergency events associated with their impact on the environment were analyzed.

## RESULTS

Based on the analysis of data from these sources, a total of 67 aviation emergencies classified as aviation accidents or serious incidents were detected, which occurred in the Czech Republic from 1960 to 2018. In the category of aircraft with MTOM up to 2000 kg, 233 aviation emergencies in the Czech Republic were recorded in 2006 - 2017.

The focus on general aviation aircraft, meaning aircraft with MTOW up to 2000 kg, is defined on the basis of a higher percentage of air accidents of the given weight category of aircraft in the monitored area.

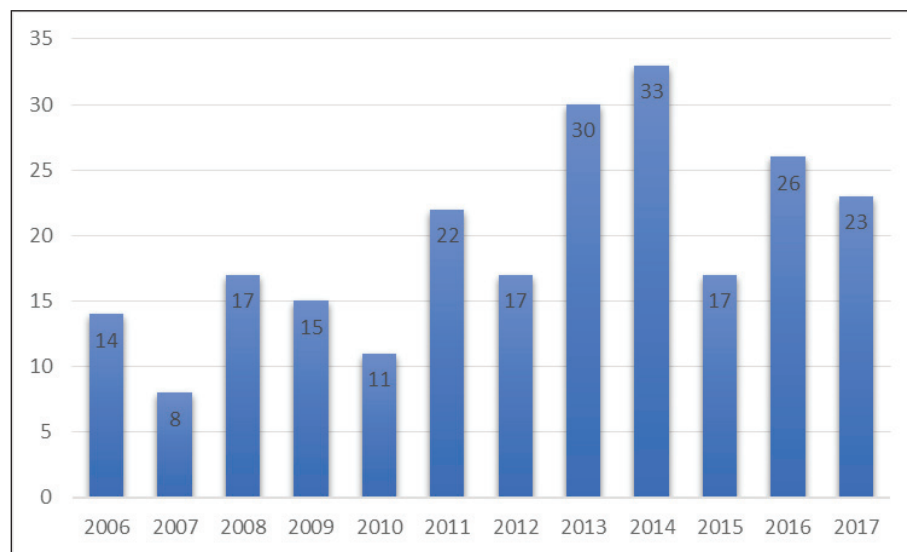
An overview of the number of individual air accidents and incidents for the category up to 2000 kg MTOW by year is offered in Figure 1.

Among other monitored parameters, we observed a specific category of the crashed aircraft, the flight phase and the frequency of fire in the event of an emergency. The following data are relevant for the identification of the impact of the emergency on the environment.

Based on the analysis, the research is focused on aircraft with MTOW up to 2000 kg. This weight category of aircraft is registered in the Czech Republic in the following categories:

- ELA1 (European Light Aircraft 1),
- ELA2 (European Light Aircraft 2),

- LSA (Light Sport Aircraft),
- Helicopters,
- Motor less gliders,
- Motor gliders and
- ULL (Ultralight aircraft).



**Figure 1.** The number of emergencies of aircraft with MTOW up to 2000kg from 2006 to 2017 (Source: authors)

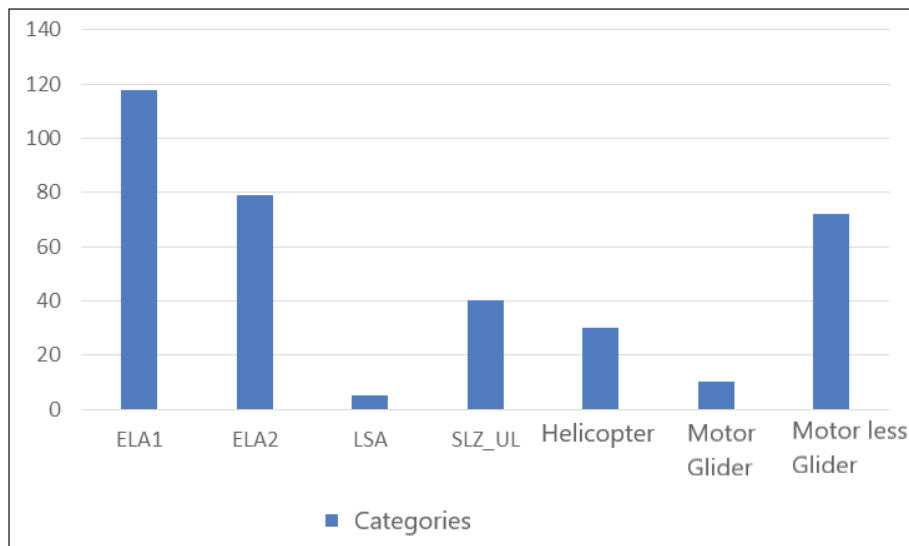
Motor less gliders were excluded from the group due to the minimal risk of fire in the event of an air emergency. A total of 103 types of aircraft were examined, where, among other things, the main construction material of the aircraft, the volume of the fuel and oil tank or the type of fuel used were monitored.

The following figure provides information on the number of aircraft emergencies according to the register. Most air accidents and incidents were recorded in ELA1 and ELA2 categories. In this case, it is the motor aircraft that are most critical in terms of environmental impact.

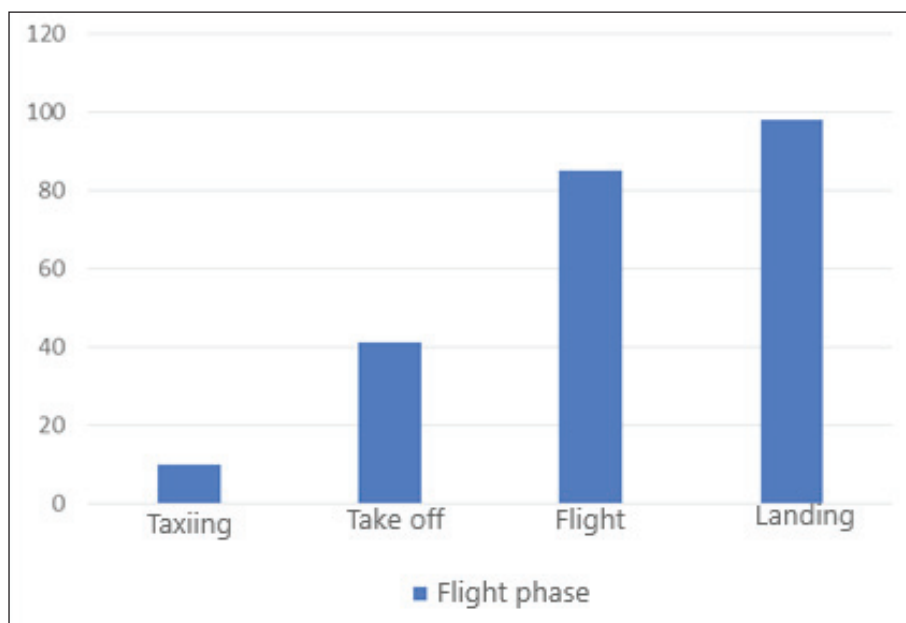
An important factor in an air emergency is the risk of fire, which fundamentally affects the amount of toxic substances escaping into the air from the point of view of burning construction materials and operating fluids. Although in the analysis of air accidents of aircraft with MTOW up to 2000 kg light motor aircraft with a fuel system turned out to be the riskiest category, fires occur in a minimum number in the investigated air accidents and incidents. The risk of fire must be taken into account even if the fire did not occur immediately after the accident/incident.

Knowing the phase of the flight in which the accident/incident occurred is essential, inter alia, due to the residual amount of fuel and other flammable fluids such as lubricants, oils, hydraulic fluid and the like. It is obvious that in the initial stages of the flight the amount of said fluids is at a maximum and continuously decreases with

the mileage. The research has found that most accidents of aircraft with MTOW up to 2000 kg occurred during flight and landing (see Fig. 3).

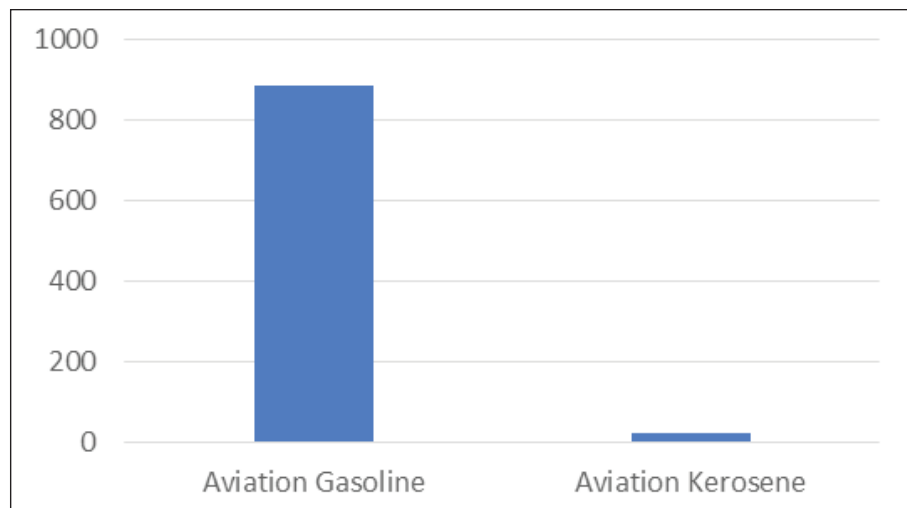


**Figure 2.** The number of aviation emergencies by category (Source: authors)



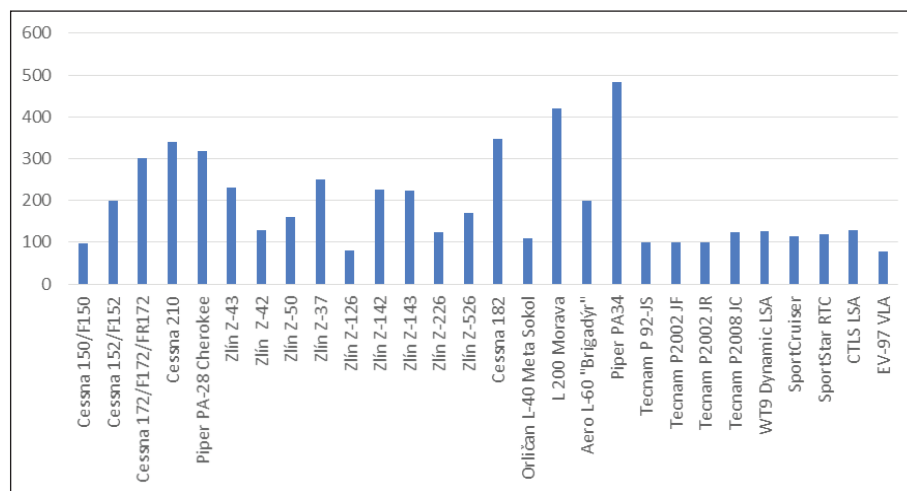
**Figure 3.** Aviation emergencies according to flight phase (Source: authors)

From the point of view of the fuel used, the most common type is aviation gasoline, especially AVGASS 100 and 100LL, which can be replaced by various types of other aviation gasolines or motor gasolines (Fig. 4). Aviation Kerosene is used only in some types of helicopters.



**Figure 4.** Type of fuel used (Source: authors)

Figure 5 provides information on the volume of fuel tanks of the most critical aircraft types in terms of the given parameter.



**Figure 5.** Volume of fuel tanks of selected aircraft categories (Source: authors)

Based on the results of the analysis, we identified the most critical weight category of aircraft for the selected area. The risk of an aviation emergency for the category of aircraft with MTOW up to 2000 kg is several times higher than for aircraft with MTOW over 2000 kg for the monitored area. The analysis and identification of other parameters is important for further research due to specific calculations of the impact of individual types of aircraft on the environment. This is an introductory and fundamental study for the identification of input parameters for further evaluation.

## CONCLUSION

The impact of aviation emergencies on the environment is a rarely addressed topic. Despite constant measures to prevent the occurrence of these events in air transport, they constantly occur due to various factors, be it technical failure or human error. The assessment of the impact of aviation emergencies on the environment is not negligible, despite their relatively low incidence. It is clear from the global perspective that air accidents of transport aircraft are more significant in terms of negative environmental impact, but their numbers are sometimes negligible compared to aviation emergencies of lower weight categories. The study dealt with the identification of input parameters for further assessment of the impact of aviation emergencies in a specific area for a specific weight category of aircraft. The next study will assess the specific impact of these aircraft on air, water and soil pollution.

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## O preklade ako O nejasnom rozhraní medzi zdrojovou a cieľovou lingvokultúrou / *On translation as an unclear interface between source and target language*

### Summary

The study falls into the field of translation studies and deals with the issue of translation activity as a process in which the translator works with the concepts of equivalence as well as the concept of culturally appropriate translation, taking into account the quality translation product. Philosophical concepts are incorporated into the discussion of the appropriateness of the different translational approaches, thereby redirecting the issue into an interdisciplinary space, thus enabling a new approach using the concept of hermeneutic understanding.

**Keywords:** Translation, Translation Activity, Culturally Appropriate Translation, Hermeneutic Understanding.

Koncept človeka ako „živočícha disponujúceho logom“ (Taylor, 1985, s. 21) je v rámci humanitných a spoločenských vied v súčasnosti už pomerne úspešne etablovaný. Mnohé z týchto disciplín sa pri skúmaní pre človeka a spoločnosť významných problematik opierajú o filozofické vymedzenie človeka ako bytia, ktoré je v jazyku schopné utvárať a vyjadrovať zmysel, artikulovať svoju skúsenosť a pristupovať k realite svojej existencie ako k celku. Práve toto zadefinovanie človeka ako bytia konštruujúceho svoju realitu prostredníctvom jazyka otriaslo základmi väčšiny humanitných a spoločenských disciplín. Jazyk zaujal legitímnu pozíciu vo výklade osobnej identity človeka a ľudská schopnosť konceptualizácie zmyslu v ňom sa počnúc lingvistickým obratom v humanitných a spoločenských vedách z okraja pozornosti stala ich ústrednou problematikou. Na priesečníku všetkých disciplín o človeku a spoločnosti stojí práve bytie, ktoré interiorizuje celú internú a externú

realitu svojej existencie prostredníctvom najvýznamnejšieho kultúrneho artefaktu – jazyka.

S jazykom má človek najintímnejší vzťah. V ňom konceptualizuje zmysel, artikuluje a verbalizuje koncepty prítomné v jemu vlastnej axiosfére príznačnej pre jeho lingvokultúru a zhmotňuje nevypovedané vo forme slova. O to intímnejší sa tento vzťah stáva vtedy, keď je potrebné ustúpiť od jedného jazyka a konceptualizovať konkrétny význam v druhom jazyku. Takéto „intímne“ ponorenie sa do jazyka a následné vynorenie sa z neho ako z jazyka zdrojového v prospech jazyka cieľového je skúsenosť, ktorou disponuje prekladateľ vo svojej prekladateľskej aktivite.

Práve prekladateľ je ťažiskom, v ktorom sa stretávajú všetky konkordancie i diskordancie medzi zdrojovým a cieľovým jazykom prekladu a ktoré sa premietajú do problematik preložiteľnosti a nepreložiteľnosti zdrojového textu, otázky ekvivalencie, funkčnosti cieľového textu, transferu obsahu i formu, či lokalizácie. Prekladateľská aktivita ako taká siaha na najhlbšiu úroveň jazykovej aktivity človeka a jeho rečovosti, ktorú vymedzil Gadamer ako základný modus bytia človeka (Gadamer, 1999). Podľa Gadamera je reč neoddeliteľná od človeka, lebo „vo všetkom našom myslení a poznávaní sme vždy predpojatí rečovým výkladom sveta... a preto človek nemôže nikdy vystúpiť z rečovej skúsenosti o svete“ (Gadamer, 1999, 26). Prekladateľ tak disponuje rečovosťou hneď dvakrát. Je členom dvoch odlišných lingvokultúr, do ktorých vstupuje a zároveň z nich vystupuje preto, aby ich vo svojej prekladateľskej činnosti aspoň na krátky moment prepojil. Prekladateľská činnosť tak ďaleko presahuje hranice komunikačného a interkultúrneho prenosu významov zo zdrojového jazyka do jazyka cieľového, ale ako poznamenáva Tymoczko (2006), v súčasnosti už v kontexte problematiky prekladu možno hovoriť o skúmaní interkultúrnych funkcií prekladateľských procesov a produktov. Pozornosť sa tak sústreďuje skôr na otázku, ako možno nájsť rovnováhu medzi tradičným prekladom presadzujúcim koncept ekvivalencie a funkcionalistickými prístupmi (Nordová, 2005) sústreďujúcimi sa na otázky účelu cieľového textu a jeho funkcie v cieľovej lingvokultúre. Teória *Skopos* presadzujúca funkcionalistický prístup je založená na koncepte odlišnosti funkcie translátu od zdrojového textu vzhľadom na to, že je určený pre nové publikum a novú kultúrnu situáciu. K problematike translačného procesu tak nemožno pristupovať len z hľadiska preložiteľnosti a jeho výsledku berúc do úvahy predovšetkým kritéria „primeranosti“ a „správnosti“.

Pri takomto sproblematizovaní prekladateľského procesu vystupuje do popredia problematika prekladateľskej etiky. Goodwin (2010), Baker a Maier (2011) označujú prekladateľskú činnosť prívlastkom etickej činnosti, keďže, ako poznamenáva Tymoczko (2006) a Alwazna Rafat (2014), na preklad možno nahliadať aj ako na aktivitu združujúcu elementy etiky, politiky a ideológie, ktoré zohrávajú dôležitú úlohu pri presadzovaní a realizovaní zmien v globalizovanom svete. Ak teda v súlade s takýmto vymedzením označíme prekladateľskú činnosť za etickú činnosť v zmysle scocietotransformujúcej činnosti (ako ju vymedzuje Polačko 2019) a hovoríme o prekladateľskej etike, nemáme tým na mysli jej najprísnejšie vymedzenie ako činnosť, ktorej cieľom je udržanie významu zdrojového textu bez akéhokoľvek sémantického posunu (Robinson, 2003, 25). V súlade s takýmto vymedzením totiž preklad predstavuje proces, v rámci ktorého prekladateľ nutne dodržiava prekladateľskú etiku len tým, že dodržiava formu a obsah zdrojového textu a snaží sa ich čo najvernejšie reprodukovať v cieľovom jazyku bez ohľadu na to, či cieľový

text znie pre cieľového čitateľa cudzo. Ako problematické sa javí aj to vymedzenie prekladateľskej etiky, v súlade s ktorou by sa prekladatelia mali usilovať o vytvorenie cieľového textu, ktorý zodpovedá očakávaniam cieľového čitateľa a je v súlade s kultúrnymi normami cieľového jazyka.

Ideálnou situáciou by bolo také zvládnutie prekladu, ktorého produktom by bol cieľový text rešpektujúci formu a obsah zdrojového textu a ktorý by zároveň plnil svoju funkciu a bol zrozumiteľný pre čitateľa v cieľovom jazyku. Problematika dosiahnutia stavu rovnováhy medzi vernosťou translátu vo vzťahu k zdrojovému textu a jeho funkčnosťou a primeranosťou v cieľovom jazyku bola vždy jednou z nosných tém translatológie. O to aktuálnejšou sa stáva pre súčasného prekladateľa v situácii kultúrne relativizovaného a globalizovaného sveta s narastajúcim trendom glocalizácie. Účastníci komunikácie, tvorca textu a čitateľ síce môžu mať zdanlivo pocit blízkosti vďaka prostriedkom zabezpečujúcim priam rapidnú globalizáciu, táto zdanlivá globalizačná blízkosť však môže razom pomínúť pri nezvládnutí samotnej interkultúrnej komunikácie a následnom prehĺbení lokalizačnej vzdialenosti v zmysle odlišnosti zainteresovaných lingvokultúr. Mediátorom tejto komunikácie sa stáva prekladateľ, ktorý síce má na výber z možností, ako prístupí k samotnému prekladu, ale práve táto variabilita je prekladateľským bremenom. Ako sme už spomínali, buď sa vyberie cestou ekvivalencie, alebo si zvolí funkčný prístup v rámci ktorého je preklad zadaný ako interkultúrna komunikácia.

Okrem týchto dvoch smerov sú tu samozrejme aj ďalšie početné prístupy, z ktorých je vyslovene signifikantným prístup presadzujúci lokalizáciu ako techniku transferu významu zo zdrojovej lingvokultúry do cieľovej lingvokultúry, pričom obsah a forma sú komplexne prispôsobené cieľovej lingvokultúre plne zohľadňujú špecifickú kultúrnu situáciu cieľového jazyka (Pym, 2004). Koncept lokalizácie, ktorý je využívaný predovšetkým v marketingu ako plné prispôbenie produktu lokálnej kultúre má svoje miesto aj v translatológii. Translát taktiež predstavuje produkt konkrétnej ekonomickej činnosti, a tak je na mieste v situácii globalizovanej spoločnosti s akcentom na lokalizáciu v sociologickom a kulturologickom zmysle na mieste uvažovať a presadzovať aj koncept lokalizácie. Pojem lokalizácie sa však v istom zmysle v rámci translatológie stáva problematickým. Súhlasíme s tým, že absolútne ideálnou situáciou je, keď produktom prekladateľskej činnosti je translát, pri tvorbe ktorého prekladateľ aspoň čiastočne dodržal formu a obsah zdrojového textu, ale zároveň translát prispôbil očakávaniam cieľového čitateľa a je v súlade s kultúrnymi normami cieľového jazyka. V takomto prípade by preklad nepredstavoval len jednosmerný proces zdrojový text → cieľový text so zárukou prenosu významu vo forme zrozumiteľnej pre cieľového prijímateľa translátu. Tento vzťah by fungoval aj opačným smerom zdrojový text ← cieľový text, čo znamená, že pomocou rôznych prekladateľských techník by prekladateľ zabezpečil, že v cieľovom jazyku a aj za predpokladu výrazne odlišnej lingvokultúry boli primerane konceptualizované obsah a forma tak, aby sa dosiahlo ich obojsmerné porozumenie jednak čitateľom translátu, ale aj tvorcom zdrojového textu. V prípade lokalizácie je tento obojstranný vzťah medzi zdrojovým textom a cieľovým textom, autorom zdrojového textu a čitateľom translátu znemožnený. Úplná lokalizácia ako prispôbenie obsahu a formy znemožňuje retrográdny vzťah medzi týmito jednotkami a v prípade najmä odborného prekladu sa javí ako voľba, ktorá nedokáže zaručiť ani parciálne ekvivalenciu, funkčnosť a primeranosť translátu.

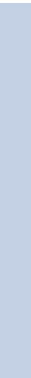
Zaujať tak prístup prikláňajúci sa len k jednej z menovaných perspektív sa javí ako nesprávne a ako poznamenaná Simonová (1996), preklad sa tak stáva nejasne zadefinovaným rozhraním medzi zdrojovým a cieľovým textom. Podľa Simonovej preklad predstavuje priestor, ktorý nemôže uchopiť žiaden autor, keďže ide o hybridné miesto vytvorené medzi realitami odlišných národných kultúr (Simonová, 1996, 153). Na druhej strane je však nutné poznamenať, že práve toto hybridné miesto stojí v centre akéhokoľvek procesu porozumenia a komunikácie medzi odlišnými jazykmi a ich lingvokultúrami. Porozumenie, ako tvrdí Gadamer (2004) je bezprostredne späté s rečovosťou človeka a nepredstavuje iba nejakú konkrétnu ľudskú zručnosť, ale spôsob bytia človeka.

Ak do konceptu prekladu inkorporujeme pojem porozumenia, z výlučne lingvistickej aktivity sa stáva súčasne aj hermeneutická aktivita, ktorej cieľom je porozumieť nielen obom jazykom ako štruktúrovaným systémom jazykových znakov, ale aj prvkom sociálnej konštrukcie konkrétnych kultúrnych realít, ich inštitucionalizovaným konceptosféram a explicitným i implicitným axiosféram vrátane platnej morálky. Prekladateľ ako profesionálny používateľ zdrojového a cieľového jazyka tak disponuje multilingválnou identitou, prostredníctvom ktorej je schopný nielen jazykovej aktivity, ale aj translačnej hermeneutickej aktivity nevyhnutnej pre dosiahnutie optimálneho translátu. Ak teda má translačná hermeneutika svoje miesto v preklade, potom sa preklad stáva „najintímnejším aktom čítania“ (Spivak, 2005, 94), v ktorom sa v porozumení realizuje intímnosť vzťahu medzi človekom a jazykom. Hermeneutická aktivita sa totiž nesústreďuje iba na kognitívne uvedomené procesy osvojovania si už konceptualizovanej reality a explicitnej konceptosféry a axiosféry, ale taktiež na uchopenie netematickej implicitnej, ešte nekonceptualizovanej axiosféry. Ovládanie hermeneutickej metódy znamená porozumieť napr. diskrepanciám medzi zdrojovou a cieľovou lingvokultúrou v otázkach morálky, slušnosti; problematike tabuizácie konkrétnych konceptov a tém prítomných v lingvokultúrach a spôsobov ich konceptualizácie v jazyku.

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# The role of non-profit and for-profit organizations in the sustainable social environment

## Summary

In a corporate and social context sustainability has different dimensions and levels of importance, nevertheless it is used very often in our modern world. This implies its importance but at the same time the need for a very clear understanding and distinction. Fundamental body of this article is the comparison between non-profit and for-profit organizations, the meaning of sustainability in both forms of businesses and based on that the goal to raise a need for a planned research project in this field.

**About the author:** Jens Weber has several years of work experience in leadership positions and is passionate about the interaction between societies, people and businesses. His research project specializes in civil society, especially non-profit organizations, and socio-economic theories.

**Keywords:** sustainability, non-profit organizations, for-profit organizations, socio-economy.

## 1. INTRODUCTORY OVERVIEW

Sustainability itself is a term which is used very often these days and at the same time represents a very broad character. Our modern society is engaged with sustainability in many different contexts and defines it as a long-term maintenance of systems that is following environmental, economic, and social aspects (Crane, Matten, Glozer, & Spencer, 2019). This implies and at the same time demonstrates that sustainability as a multi-disciplinary construct is a topic which influences almost every area of human's activities and has a very complex profile (Clayton & Radcliffe, 2018).

Based on the significant relevance of sustainability today and for the future, the focus of this article lies on two of the disciplines that build sustainability's fundament:

economy and society. Main target of a wider future research project is to determine and evaluate specific correlations between both sciences by putting non-profit (NPO) and for-profit organizations (FPO) in the centre of the economic research part and investigating on human's (employee's) degree of satisfaction and consumption behaviour on the social sciences side. Both disciplines, economy and sociology, have various intersections and define daily life for the majority of populations worldwide. The entire scope of a potential future research project is defined as a socio-economic one which deduces strategies for both forms of organizations from its results and findings. It will be based on the interdependencies between economic and social aspects of life leading to a symbiotically characterized relationship: changes in economy impact society and vice versa.

This remarkable relationship has not been recognized over a long period of time but since around three decades a new thinking evolved and modern economic and social sciences started to grow closely together (Granovetter & Swedberg, 2011) respectively scientists on both sides realized that paying attention to each other is reasonable and leads to a combined approach in answering fundamental academic questions. It is more than obvious that sustainability and socio-economic questions are modern streams with huge potential to impact future trends in organisations and society. Focusing on niches and significant correlations might be the underlying intention of further investigations which in turn leads to new conclusions and recommendations for businesses and societies.

One of the biggest differentiators between non-profit (NPO) and for-profit (FPO) organizations is their fundamental business orientation and target. While non-profit organizations have primarily intangible goals, mainly but not solely charity driven, for-profit businesses focus on material objectives that are basically trying to maximize profits. When comparing both forms of organisations it is essential to have a closer look on the definition since the term non-profit does not automatically mean not-for-profit. It is more than reasonable that NPOs have to generate certain profit streams as well to pay different kind of costs (fixed and variable ones). Another formal definition respectively distinguishing feature for both organizational forms is putting a legal perspective in scope. Whilst FPOs have at least one owner (or several ones) who controls the business and wants to generate profits which go into his/her own account, NPOs are not allowed to share profits with the ones who control it (Hopkins, 2017).

Knowing the real characters and involving background information about the mentioned business models is essential in this context as organizational culture, strategies, leadership style, orientation and other attributes are different. All aspects that potentially impact employees' behaviour and lifestyle and therefore society play a important role in this scenario. Working life defines a significant part of most people's life and influences a various number of private life's parts. There is no doubt about the strong correlation between both areas of life: if someone is happy and motivated at work, enjoys his or her job and is satisfied with the majority of circumstances at the workplace it is a clear implication that such a person tends to be happier in private life as well. On the other side, if someone has no motivation to go to work, has specific dissatisfying problems with his or her manager or cannot find any reasonable justification for being employed it is obvious that those negative



aspects will influence at least some of private life's areas in a disadvantageous way. This relationship between work and private life results in a significant correlation between organizations and society as well since human beings and their interactions define daily social life. This socio-economic aspect is fundamental, especially when it comes to the question how this affects and interacts with sustainability related development and streams in modern societies.

Getting a clear understanding and definition of social sustainability, NPOs, FPOs and one of the most important modern resources, namely the resource of human beings, is key when doing research in this area. An elementary task will be to show which form of organization really creates happy, satisfied, well-balanced and therefore healthy people and how this in turn leads to a sustainable way of thinking. It might be the case that people working for FPOs, but that is my own hypothesis, tend to work under a higher level of pressure as maximizing profits is one of the main targets in such organisations. Higher pressure on employees, more stress but at the same time a significant better salary by trend, that is one of the double-edged swords in this research project. On the basis of existing research status quo, it needs to be evaluated if people with more money in their pocket are really the happier ones or if employees working for a company with a specific non-material goal and value creates satisfaction on another level that results in healthy and sustainable workforce.

When asking people about their opinion regarding the mentioned comparison between employees working for FPOs and NPOs, a very common statement is that "solely money makes not happy". This opinion is very popular and almost everyone knows it but is that really the case and, above all, how is this related to sustainability? Explaining this relation is reasonably based on facts since sustainability is not only limited to environment. As previously demonstrated sustainability might affect a various factors and circumstances of life. In the planned research project, human beings will play a central role, mainly described as human capital. Human capital as a variable in the context of sustainability is fundamental in modern societies as people are the factors that generate continuous social development and economic growth (Šlaus & Jacobs, 2011). Human capital should be one of the main contents when doing further research, also in combination with associated topics like health or work-life-balance. A positive work-life-balance supports a healthier life, makes people happier and therefore is an important variable in the context of sustainable human capital and also sustainable society. Only if organizations learn to create effective measurements and instruments, they will be able to support human capital's and society's sustainable ecosystem. In our modern world, and obviously this primarily refers to industrialized countries, topics like burnout-syndrome, bad work-life-balance, pressure and stress unfortunately play an increasing role. All of these factors jeopardize sustainable societies and that is exactly the reason why root causes, systemic risks and specific correlations needs to be determined. If employees working for FPOs or employees working for NPOs have significantly different levels of risk to suffer from sustainability jeopardizing factors or if there is no measurable discrepancy, that is objective of research that needs to be done to find valid answers to fundamental questions arising out of the content of this article's main focus.

Another aspect directly related to a socially based sustainability, next to the described human capital factor, completes this subject area: the potential correlation between

working conditions and consumer behaviour. Without any doubt work, which defines a tremendous part of life, obviously needs to have an impact on human behaviour like the influence on consumption. Consumption is something natural and represents one of human's basic need. If it is consumption for nutrition, consumption for clothing or consumption for personal entertainment, in all cases it demonstrates an interaction with our environment. Consumption itself is something that can happen in different ways but related to the aspired dissertation it is for sure something that might have two opposed characteristics: long-term oriented sustainable consumption or short-term oriented non-sustainable consumption. Specific life circumstances cause certain human behaviours. Several studies examined this correlation, for example how people react to stress. One outcome could be an increased behaviour in saving money (Durante & Laran, 2016) when consuming goods. A behaviour like does not automatically imply non-sustainable motivation but there are many examples that cheap products in meat industry for instance come from industrial livestock farming that in turn represents a modality not conformable with sustainable ideas and motivation. On the other hand, people spending more money because of a less stressful working life would support sustainability by trend in this scenario.

In summary it needs to be investigated and evaluated if there are significant correlations between organisational forms (non-profit and for-profit ones) and sustainable effects on society (human capital and consumer behaviour). If this is the case the outcomes might be useful for businesses to adapt and/or optimize internal processes or organizational culture in order to support a sustainable society. If organizations intensify their focus on those potential relations between working life, private life, behaviour and developments within societies, they are able to have a tremendous influence on sustainable effects in our modern world. This is a great example for the importance of socio-economic research which clearly represents the tight relation between economics, society and policy.

## 2. CURRENT STATE OF RESEARCH

An impressive number of research projects have been done regarding topics like sustainability, different forms of organization, employee satisfaction and consumer behaviour but there is no particular academic work focusing on the correlation between these factors. Demonstrating the current status quo of research regarding the mentioned aspects, which doubtlessly represent a major part of the underlying scientific question, will be the goal of this paragraph. Combining existing knowledge to create hypotheses and proofing them will be the ultimate goal of future investigations. Focusing on this niche, the correlation between different organizational forms and their potential impacts on sustainability within societies, is a new area of socio-economic research.

Presenting current state of the art needs to start with the existing status quo in the context of organizations. Understanding how FPOs and NPOs work and identifying similarities and differences is one of the key elements. There are a lot of similarities when having a look at non-profit and for-profit organizations like the abilities of growing, merging, transforming or the facts that both forms of organizations have no guarantee for success, require hard work, have cash as a defining variable and both of them need to plan, budget and perform. Additionally, NPOs and FPOs need

to motivate employees, implement managements and above all both of them add certain values to society. Nevertheless there is also a fundamental distinctive feature between companies focusing on profit and companies with a non-profit objective: societal mission and the responsibility that wants to be fulfilled (Epstein & McFarlan, 2011). This implies, at least sometimes, different underlying motivations, supported by the fact that FPOs basically perform to increase the owner's account and satisfy financial interests through profits whereas NPOs are not allowed to do so (Hopkins, 2017). A study from Nowy, Wicker, Feiler and Breuer (2015) supports these findings by proofing that FPOs significantly overrun NPOs regarding financial performance. As a result of that it is more than popular to think that employees working for FPO have a higher wage level than the ones employed at NPOs. Several studies have been executed to examine on that topic with different findings, but latest empirical research projects came to similar conclusions. There is no mentionable wage level difference between FPO and NPO employees in low job levels but this significantly changes the higher you step within existing hierarchies (DeVaro, Maxwell, & Morita, 2015). This fact demonstrates how important it is to compare similar FPOs and NPOs with each other. They need to operate in the same industry, same geographical region and employees at same levels needs to be used as the basis for scientific data collection.

Next to the level of salary, the motivational factor itself and its relation to private and social life represents one of the variables important to explore. Two different kinds of motivation need to be distinguished: extrinsic and intrinsic. A lot of research has been done on those two different forms of motivation. Intrinsic incentives represent values which come from the job itself like power, reputation or autonomy, extrinsic incentives are more tangible values like salary, gifts, bonuses or promotions. Latest studies see advantages on the side of intrinsic elements when it comes to employee motivation and engagement (Coccia, 2019), which implies that NPO workers are more satisfied as they pull their intrinsic motivation out of the underlying social mission of their organization. On the other hand there are researchers who found out that exactly the opposite is the case and that employees working for non-profit businesses need financial rewards and compensations as well, in order to reach a certain level of motivation and satisfaction (Park, Park, & Lim, 2018). It can be said that there is not one truth about real motivating factors. Studying different literature regarding this topic shows that a clear differentiation is not possible and that extrinsic and intrinsic motivations most probably coexist and interact with each other as well (Salinas-Jimenez, Salinas-Jimenez, & Artes, 2010). It needs to be evaluated if FPO employees on a certain hierarchy level are more satisfied since they have a higher wage level or if NPO workers are the more motivated ones as a result of a better intrinsic constellation.

On top of that, correlations between working conditions and its impact on private life, consumer behaviour and sustainability need to be taken into consideration. As mentioned before, the elementary scientific question is if there is a measurable difference between FPOs and NPOs in supporting sustainable mechanisms. First indicators maybe the findings of Brummelhuis, Hoeven, Bakker & Peper (2011): they determined a strongly correlating character between intrinsic motivation and burnout prevention. Combined with the results from Coccia (2019), namely the fact that employees working for NPOs get their intrinsic motivation from the underlying societal mission, the hypothesis arises that NPOs might provide healthier

and therefore more sustainability oriented conditions than for-profit businesses. These assumptions are supported from the phenomenon that employees move away from for-profit organizations to non-profit ones although there are negative wage differentials in order to get higher job satisfaction (Becchetti, Castriota, & Depedri, 2013) This hypothesis needs to be proved.

Picking up another aspect mentioned above, namely the correlation between income and consumer behaviour, leads to another hypothesis that needs to be considered. Without any doubt there are correlating factors between stress, household budgets and consumption styles as proven by Durante & Laran (2016) and Pechey & Monsivais (2016). Literature clearly states that people living under bad socioeconomic circumstances, people faced with stress and people with smaller household budgets try to save money when consuming goods and services. Based on previous findings regarding wage differences between FPOs and NPOs it needs to be investigated if there is a significant positive correlation between NPOs, lower wages by trend and non-sustainable consumer behaviour or between FPOs, higher wages by trend and sustainable consumer behaviour.

When summarizing this article's section, it can be stated that there is a huge number of literature and scientific work existing that deals with described individual topics. Research that has been done so far focuses on sub-aspects but in different contexts. No literature analysing the role of non-profit and for-profit organizations in the context of sustainable streams within societies could be found so far and there is no clear scientific perception about it. This article and future research should focus exactly on this niche area in order to answer questions that are present in our modern time. Societies and businesses all over the world are engaged in developing sustainable strategies since humankind realized the dramatic importance of this topic all around the globe. If there is a measurable relation between forms of organizations and sustainable effects for society, the goal is to find and determine them. This will be a contribution to the scientific world with appropriate conclusions and recommendations for organizations. If businesses have a chance to contribute to sustainable societies in order to save our planet, it is more than obligation to detect them by understanding socio-economic correlations and interactions.

### 3. PLANNED METHODOLOGY

After reviewing several different publications from various authors with partially great scientific background, it is necessary to describe the methodological approach which will be followed in the aimed research project. Kumar and Phrommathed (2005) present a clear process when planning and executing an academic work like this, by saying that the initial step in creating a body of knowledge is to start searching previous research that has been done in order to understand how intensively people did their work in this field or how deep they dug in terms of a scientific approach. That is what has been done in the previous section of this article and needs to be intensified during the next research stage. This means to collect existing findings, perspectives and knowledge about non-profit and for-profit organisations in the context of social sustainability. As demonstrated before, there is plenty of literature, scientific articles and journals dealing with this underlying research question which

represents a great breeding ground where to start from when executing next research efforts.

According to Creswell and Poth (2017), there are three ways to use literature in a research project:

- ◆ To generate and refine the underlying research ideas and prepare a research proposal
- ◆ To critically review which provides the theoretical framework for the research process
- ◆ To place the findings of the research within a wider context

It is more than recommendable to use a combination of all of them. This will help to get a clear picture of the entire approach in the context of this topic and confirm the niche character of it. Searching, collecting and understanding existing literature is a fundamental factor as it helps to get a better overview, opens up new ways of thinking and supports in defining granular questions or in creating hypotheses. It is the initial point of a methodological approach and needs to be used target oriented.

When formulating the research design, the research onion by Saunders, Lewis & Thornhill (2016) guarantees a structured approach. For this research project, the pragmatism philosophy (Saunders, Lewis, & Thornhill, 2016) will be used to create a well-founded scientific basis. This is the correct philosophical approach since it combines objectivism and subjectivism, facts and values, accurate and rigorous knowledge and different contextualised experiences (Saunders, Lewis, & Thornhill, 2016). All these attributes guarantee a result of high quality including many different scientific aspects.

Shusterman (2016) defines pragmatism as the return to a practical perspective and this is also the aim of a research project like the described one. It will be used in order to provide a helpful scientific groundwork for science, organisations and people who are trying to create sustainable effects in societies.

An academic task like this one always involves the use of theory (Saunders, Lewis, & Thornhill, 2016) regarding the research design. The decision that has to be made when thinking about an appropriate research design needs to be made thoroughly as it impacts the entire structure of an academic work. In this case it is, next to the underlying pragmatism philosophical approach, a deductive research design. The hypothesis that there are correlations between forms of organizations and the level of sustainability in societies needs to be verified or falsified based on existing scientific findings and above all new research that will be executed. As Saunders et al. (2016) declare, the deductive approach uses data collection to evaluate propositions or hypotheses related to an existing theory and that is exactly what will be done as well. In the past, deductive approaches delivered fruitful results in evaluating processes (Fu, Wu, & Tan, 2015) and therefore it seems to be one of the right instruments in this case.

After determining the underlying philosophy and approach, the strategy had to be chosen as this is the action plan that helps to achieve the overall goal (Saunders, Lewis, & Thornhill, 2016). Current research state represents an excellent basement

from where to start and will be completed through own research activities and hopefully new findings. The most efficient way to do so is a mixed methods research design according to (Saunders, Lewis, & Thornhill, 2016). This is a combination of quantitative and qualitative research which means to work with numeric data and non-numeric data. Based on the current status quo of research it was possible to create some hypotheses (please see above) which need to be verified or falsified. One of the best ways to do so and to gain data is working with surveys on the one hand and with interviews on the other hand. Employees from both, non-profit and for-profit organizations, need to be interviewed and asked about their personal evaluation of specific parameters (e.g. workload, pressure, motivation, satisfaction, health status, consumer behaviour). All of these parameters have to be clearly defined before starting any survey or interview. It is important to gain data from valid target groups under same conditions. This means people from both organisational forms, on same wage levels, with similar social status and age needs to be compared besides a lot of other variables. Additionally, size of data source, survey or interview method needs to be properly selected.

After that, collected data needs to be analysed, evaluated and interpreted. Interpretation in this context means to compare the outcome of executed new research with the status quo in order to come to a final scientific statement and contribution.

The superficially described methodology for the strived academic work has been well chosen and combines existing knowledge with new findings. Especially researching in socially related areas requires new projects on an ongoing basis since people and societies evolve and change. Society and economy are nonconstant variables in changing environments and this is exactly the reason why there are new niches arising on a continuous basis which in turn provides great scientific opportunities.

#### 4. CONCLUSION

Organisations and their interaction with societies is a key element in modern discussions since humanity is well aware about the impact of working conditions on behaviour and health. In times of a certain need for sustainability, an issue which engages societies all over the world, it is an obligation to find out how different forms of organisations like non-profit and for-profit organizations are able to support sustainable thoughts, developments and effects.

The described socio-economic research project will analyse existing knowledge and findings, execute intensive research and combine both outcomes with each other. It represents a contribution to the scientific world that is new and may lead to new strategies in our modern business world and therefore new developments and trends in societies.

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### Miła Kwapiszewska, Łukasz Moniuszko, Jacek Raniszewski, Aborcja w polskich sporach społeczno-prawnych lat 1919–1997, Wydawnictwo Avalon, Kraków 2018, stron 160, ISBN 978-83-7730-270-5

Aborcja jest problemem szeroko dyskutowanym w kręgach filozofów, teologów, prawników, psychologów a także poza obszarem akademickim. Stąd też zapewne powstają coraz to nowsze publikacje z tego zakresu. Bez wątpienia jest to temat budzący spore kontrowersje moralne, niezależnie od prezentowanego przez dane środowisko stanowiska. Zasadniczym wydaje się pytanie- co stanowi o fakcie bycia człowiekiem? Pytanie to jest na tyle istotne, że nawet gotowa odpowiedź znajdująca się w przepisach prawa budzi wiele kontrowersji. Próba rozwiązania tego problemu ma być prezentowana książka autorstwa trojga nauczycieli akademickich.

Miła Kwapiszewska jest genetykiem i filozofem skupiającym się w pracy naukowej na historii zagadnień bioetycznych. Prowadzi zajęcia na Państwowej Wyższej Szkole Zawodowej w Pile.

Łukasz Moniuszko jest związany naukowo z Wyższą Szkołą Gospodarki w Bydgoszczy, gdzie prowadzi zajęcia z zakresu nauk społecznych, prawnych i humanistycznych. Jego zainteresowania naukowe skupiają się wokół teorii i filozofii prawa oraz analizie społecznie doniosłych pojęć prawnych takich, jak sprawiedliwość i wolność.

Jacek Raniszewski jest lekarzem, absolwentem Wydziału Wojskowo- Lekarskiego Uniwersytetu Medycznego w Łodzi (dawniej Wojskowej Akademii Medycznej). Jego zainteresowania badawcze to zaburzenia narządów ruchu.

Formalnie publikacja podzielona została na pięć zasadniczych części, poprzedzonych krótkim wstępem. Książka została opracowana w klasycznym ujęciu od ogółu do szczegółu. Jednak już na wstępie należy wykazać, że nie rozpoczyna ona dyskusji od wskazanego w tytule roku 1919. Właściwą polemikę otwiera bowiem rys filozoficzny, teologiczny i społeczny w odniesieniu do płodu ludzkiego, który dodatkowo został podzielony na koncepcje niechrześcijańskie oraz chrześcijańskie. Autorzy zaniechali jednak próby wskazania wspólnego kulturowego mianownika tych spuścizn.

Jak wskazuje tytuł prezentowanej książki, głównym problemem naukowym jest ukazanie sporów społecznych i prawnych dotyczących zjawiska aborcji na przestrzeni określonego czasu. Już w słowie wstępnym autorzy zaznaczają, że analizowany okres nie kończy się w 1997 roku. Obecnie obowiązujący kodeks karny jest przepisem z tego właśnie roku lecz obowiązuje on cały czas. Zabieg ten wydaje się być niewłaściwy gdyż może mylić czytelnika i sugerować historyczny charakter publikacji a już na wstępie należy zaznaczyć, że lektura jedynie pośrednio ukazuje historię prawną problemu aborcji.

Na uwagę zasługuje staranna próba ukazania podwójnych standardów przy określaniu pojęcia „człowieczeństwo” tak w naukach humanistycznych, jak i prawnych. Autorzy słusznie zauważają, że człowieczeństwo to atrybut a nie formalne określenie istoty ludzkiej. Postulując swoje stanowisko sięgają również do definicji prawnych, ukazując ich braki a czasem wręcz wzajemne zaprzeczenia poszczególnych norm na tym samym poziomie obowiązywania przepisów prawnych. Ponadto w tej części wywodu można zauważyć odwołania do prawa natury. Jednak nic nie wskazuje czy należy je pojmować jako naukę prawną, czy jako gałąź filozofii, co ma kluczowe znaczenie dla podjętej dyskusji. Wszak prawo natury postrzegane z punktu widzenia jurysprudencki posiada inne cechy niż koncepcje cechujące się tym samym punktem wyjścia ale analizowane przez humanistów.

Właściwa część pracy, deklarowana w tytule rozpoczyna się w trzeciej jej części, która analizuje moralny kształt polskiej polityki aborcyjnej w latach 1919-1993. Autorzy słusznie zauważają, że „brak kraju na mapie świata przyniósł również zaległości w aspekcie prawnym” (s. 71). Ten problem widać przy analizie problemu aborcji. Stąd zapewne obowiązywanie w latach 1919-21 przepisów przejściowych na terenach odrodzonej Polski, które jednak pozostawiały duże pole do nadinterpretacji. Niestety w tym aspekcie autorzy pozostawili wiele urwanych myśli, niedokończonych, jak choćby stwierdzenie, że „(...) Sekcja Prawa Karnego zaproponowała, by aborcja była przestępstwem śmiertelnym” (s. 72). Lektura nie podaje jednoznacznie kiedy i czy propozycja ta została wprowadzona w życie. Na uwagę zasługuje również ukazanie woli społecznej w tworzeniu i nowelizowaniu prawa. Jedną z opisanych propozycji ówczesnych władz miała być aborcja na życzenie, która za przesłankę obrała złą sytuację ekonomiczną kobiety ciężarnej. Jednak pod naciskiem społecznym pomysł ten upadł.

Deklarowany w tytule rozdziału okres uznać należy, że opracowany zadowalająco. Autorzy sięgnęli do wielu przepisów z omawianego okresu, analizując wręcz poszczególne zwroty (pojęcia) poddając je naukowej krytyce i ukazując błędy formalne. Nie umknął im również fakt, że wiele z powszechnie obowiązujących norm prawnych w tamtym okresie tworzony był na kanwie kulturowej Związku Radzieckiego. Nie ma

jednak w książce analizy w jakim stopniu i w jakich obszarach stanowienia kultura miała wpływ na moralne aspekty prawa, w tym problem spędzenia płodu ludzkiego.

Autorzy zwrócili uwagę, że w 1919 roku nie utworzono nowych przepisów z powodu zmian ustrojowo- politycznych a sytuacja ta powtórzyła się po 1989 roku. Pierwszy przepis prawny dotyczący aborcji został wprowadzony dopiero w 1993 r., ustawą o planowaniu rodziny i dopuszczalności przerywania ciąży. Jest to refleksja otwierająca ostatnią, najbardziej szczegółową część opracowania. Autorzy analizują wspomnianą ustawę o dopuszczalności przerywania ciąży starając się ukazać braki w jej zapisach. Dla przykładu przepis ten wskazuje na możliwości usunięcia ciąży ale nie wskazuje na bariery temu towarzyszące wynikające z innych przepisów.

W części tej czytelnik znajdzie szeroki wachlarz dylematów etycznych towarzyszących podejmowanym decyzjom moralnym opartym na prawie. Wskazane zostały również sytuacje krańcowe, oparte na hipotezach- np. co w przypadku, gdy zabieg usunięcia ciąży jest legalny a podmiot wykonujący wydobędzie żywy płód?; czy lekarz może powołać się na klauzulę sumienia i odmówić wykonania aborcji, która jest konieczna dla ratowania życia kobiety ciężarnej? Obraz uzupełnia opinia społeczna na temat prezentowanego zjawiska.

Jako uzupełnienie w książce można znaleźć rozdział ujmujący płód ludzki w prawie międzynarodowym ale wydaje się nie wnosić do dyskusji istotnych informacji. Z powodzeniem mógłby stanowić część innego rozdziału.

Ogólne wrażenie z lektury może być zadowalające. Trudno bowiem doszukać się na liście tytułów analizy zawierającej elementy humanistyczno- społeczne, medyczne i prawne. Interesującym elementem mogą być eksperymenty myślowe, mające zmusić czytelnika do autorefleksji.

Brakuje jednak płynnego przejścia od antyku, do okresów późniejszych. Autorzy rozpoczynają swoją historię w starożytności by niemal nagle przenieść czytelnika do XX wieku. Najwięcej problemów autorom sprawiła współczesność i usystematyzowanie postulatów i oczekiwań społecznych. Inną sprawą jest, że z zaprezentowanych w książce badań wynika, iż większość ludzi nie wie jaka kara grozi obecnie kobiecie za poddanie się aborcji. Wszak nie grozi żadna. W tym przypadku uzupełnieniem braku sankcji karnej mogłyby być konsekwencje społeczne ale nie ujęto w ich w recenzowanym opracowaniu. W trakcie lektury da się odczuć, że autorzy nieco na siłę szukali powiązania problemu z ustawą zasadniczą.

Prezentowanej monografii daleko do opracowania historycznego, filozoficznego, socjologicznego czy prawnego. Najbezpieczniej jest ją nazwać opracowaniem humanistycznym, w które wpisuje się wiele współczesnych nauk ale nie na tyle mocno, by do którejś z tych dziedzin książkę tę przyporządkować. Tytuł, szczególnie w kwestii dat również może być mylący.

