

Opis raziskovalnega dela (*Research work description*)

1. Članica UL (*UL member*):

Fakulteta za upravo

2. Ime, priimek in elektronski naslov mentorja/ice (*Mentor's name, surname and email*):

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3. Raziskovalno področje (*Research field*):

Pravo, delovno pravo in pravo socialne varnosti

4. Opis raziskovalnega dela (*Research work description*):

Vključuje morebitne dodatne pogoje, ki jih mora izpolnjevati kandidat/ka za mladega raziskovalca/ko, ki niso navedeni v razpisu za mlade raziskovalce (*It includes any additional conditions that the candidate for a young researcher must meet, which are not listed in the call to tender for young researchers.*).

Slov.:

Uvodoma je izpostavljena ugotovitev, da s sodobnim tehnološkim napredkom ni prinesena pričakovana razbremenitev delavca, temveč je prepletanje med njegovim delovnim in zasebnim življenjem pogosto poglobljeno. Pri tem je način opravljanja dela spremenjen zaradi novih tehnologij, hkrati pa so odprta temeljna vprašanja o varstvu pravic delavca, ohranjanju njegove zasebnosti ter zagotavljanju ravnovesja v razmerju med delavcem in delodajalcem. Raziskovalno delo bo tako usmerjeno predvsem v analizo razvoja obstoječih in oblikovanja novih delovnopравниh institutov v kontekstu tehnološkega napredka in pomanjkanja delavcev. Poseben poudarek bo pri tem namenjen vprašanju razmejitve med delom in zasebnim življenjem, ki sega onkraj same pravice do odklopa, ter vplivu, ki ga ima vključevanje algoritmov umetne inteligence v postopek sklepanja pogodb in kasneje v sam delovni proces. Ob tem sta odprti vprašanji o vplivu vključevanja novih tehnologij na področje varstva osebnih podatkov ter o tem, ali se z uporabo tovrstnih algoritmov resnično prispeva k odpravi diskriminacije, na primer v postopku zaposlovanja, ali pa je ta v nekaterih okoliščinah celo poglobljena. Hkrati bo obravnavano tudi vprašanje, kako je v luči teh sprememb in ob upoštevanju vidika pomanjkanja delavcev mogoče na novo določiti ravnovesje med delavcem in delodajalcem. V raziskovalno delo bo vključenih več različnih raziskovalnih metod, pri čemer bo nadgrajeno dosedanje delo, ki je temeljilo predvsem na preučevanju pravnih virov, primerjalno-pravni metodi ter sistemski analizi. Med drugim bo raziskano, kateri izmed institutov delovnega prava ima v praksi največji pomen pri temu, da se Slovenija danes uvršča med države z najmanjšo razliko v plačilu med spoloma. Zaradi kompleksnosti sodobnih razmerij, kjer je vedno bolj zahtevan interdisciplinarni pristop, bo delovno pravo povezano tudi z drugimi pravnimi področji, v prvi vrsti s pravom socialne varnosti, ki mu je vsebinsko precej sorodno. Pri tem bo posebna pozornost posvečena vprašanju prelaganja socialnih tveganj na delodajalca ter razmejitvi med sistemoma prava socialne varnosti in delovnega prava, ki se najvidneje odraža v institutu minimalne plače. Naslovljeno bo tudi vprašanje, kako je v okviru filozofije prava socialne varnosti mogoče slediti ideji aktivacijske države ter vanjo optimalno vključiti delovno pravo, pri čemer bodo obravnavana predvsem vprašanja, kako so v delo lahko vključeni invalidi in kako je naslovljen absentizem. Prav tako bo preučena povezava delovnega prava s področji, ki na prvi pogled z njim niso očitno združljiva, kot je na primer kazensko pravo. V okviru slednjega bo podrobneje analizirano razmerje med zaposlovanjem tujih delavcev in zagotavljanjem njihovih delovnopравниh pravic ter kaznivim dejanjem trgovine z ljudmi, v katero je pridobivanje tujih delavcev pogosto sprevrženo.

Eng.: Initially, it is observed that the expected relief for the worker has not been brought about by contemporary technological advancement; rather, the intertwining of their professional and private lives is frequently deepened. In this context, the method of performing work has been altered by new technologies, while fundamental questions are simultaneously raised regarding the protection of workers' rights, the preservation of their privacy, and the ensuring of a balance in the relationship between the worker and the employer. The research work will thus be directed primarily towards the analysis of the development of existing, and the formulation of new, labour law institutes within the context of technological progress and labour shortages. Special emphasis will be placed on the issue of delineating between work and private life, extending beyond the mere right to disconnect, as well as on the impact exerted by the integration of artificial intelligence algorithms into the contract negotiation process and, subsequently, into the work process itself. Alongside this, questions are raised concerning the influence of integrating new technologies on the field of personal data protection, and whether the elimination of discrimination—for example, in the recruitment process—is truly contributed to by the use of such algorithms, or whether it is even exacerbated by them in certain circumstances. Simultaneously, the question of how the balance between the worker and the employer can be redefined, in light of these changes and taking into account the

aspect of labour shortages, will also be addressed. Several different research methods will be incorporated into the research work, whereby previous work, which was based primarily on the study of legal sources, the comparative legal method, and systemic analysis, will be built upon. Among other things, it will be investigated which of the labour law institutes has practically contributed the most to Slovenia being ranked today among the countries with the smallest gender pay gap. Due to the complexity of contemporary relationships, where an interdisciplinary approach is increasingly required, labour law will also relate to other legal fields, primarily with social security law, to which it is substantively quite closely related. In this regard, special attention will be devoted to the issue of shifting social risks onto the employer and to the delineation between the systems of social security law and labour law, which is most visibly reflected in the institute of the minimum wage. The question of how the idea of an activation state can be pursued within the philosophy of social security law, and how labour law can be optimally integrated into it, will also be addressed; in doing so, questions of how persons with disabilities can be integrated into work and how absenteeism is addressed will primarily be discussed. Furthermore, the connection of labour law with fields that are not obviously compatible with it at first glance, such as criminal law, will be examined. Within the framework of the latter, the relationship between the employment of foreign workers and the ensuring of their labour law rights, as well as the criminal offense of human trafficking, into which the recruitment of foreign workers is frequently perverted, will be analysed in greater detail.

5. Priloge, ki jih je treba priložiti ob prijavi (*Documents required to be submitted with the application*):

potrdilo o doseženi izobrazbi (*proof of completed education*)

- kandidat z zaključenim magistrskim študijskim programom (2. bolonjska stopnja) (*candidate who has completed a Master's degree (2nd Bologna level)*):
 - o diplomska listina / potrdilo o zaključku študijskega programa (*diploma certificate / certificate of completion of the study programme*)
 - o priloga k diplomi / potrdilo o opravljenih obveznostih (*diploma supplement / official transcript of records containing all grades obtained in the study programme*)
- kandidat, ki še ni zaključil študija na 2. stopnji (*candidate who has not yet completed a Master's degree*):
 - o potrdilo o do sedaj opravljenih obveznostih z ocenami magistrskega študijskega programa, s katerim se bo kandidat prijavil na doktorski študij (*official transcript of records listing all courses and grades obtained so far in the Master's degree programme on the basis of which the candidate will apply for enrollment in a doctoral degree programme.*)

nagrade – univerzitetna Prešernova nagrada ali Prešernova nagrada članice Univerze v Ljubljani oz. druga enakovredna nagrada (*awards, e.g. Prešeren Prize of the University of Ljubljana, Prešeren Prize of a University of Ljubljana member and/or another equivalent award*)

bibliografija (*bibliography*)

življenjepis (*CV*)

motivacijsko pismo (*motivation letter*)

opis dosedanjega sodelovanja pri raziskovalnem delu (*description of the candidate's research work*)

osnutek idejne zasnove raziskovalnega dela (*preliminary research proposal*)

priporočilno pismo (*letter of recommendation*)

druge priloge (*other attachments*):