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***Examining the issue of work-life balance in changing social and
economic conditions***

Theses of the PhD dissertation

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I. Subject and objectives of the dissertation

The issue of work-life balance is a complex area that encompasses a network of highly fragile pillars, fundamental rights issues and social policy objectives, giving rise to problems that are always relevant but increasingly challenging.

The main objective of my doctoral dissertation is to examine what work-life balance means in the context of the social and economic challenges of the 21st century. Is this merely a lofty aspiration on the part of the individual performing the work – one that remains confined to everyday discourse – or could it mean more than that? Although the dilemmas arising from the reconciliation of work and family life are not entirely new in the labour market, a number of new aspects and challenges, as well as solutions, may emerge in the course of scientific research.

In my opinion, maintaining a healthy balance between work and private life is a key factor for those involved in the legal relationship, including the person performing the work and the employer's organisational system, contributing to efficient and effective operation. Achieving and maintaining this balance proves to be a serious challenge for many parents and employees with caregiving responsibilities, due to factors such as longer working hours and variable working hours, all of which have a negative impact on women's employment. In this research, I seek answers to the main reasons for the underrepresentation of women in the labour market and the possibilities for overcoming these challenges.

In my research, I seek answers to my questions by examining the dynamics of labour law regulation and current regulatory trends based on classical dogmatic principles, while keeping in mind the labour law situation of individuals performing the work, especially female employees who are raising children and performing caregiving tasks. Keeping in mind the labour law situation of the individual performing the work, especially female employees who are raising children and performing caregiving tasks. In order to establish the research questions that will form the basis of a meaningful investigation, I believe it is necessary to first precisely define the subject of my research. In this context, I define what I mean by the work-life balance referred to in the title using several conceptual principles, outlining the framework defined by dogmatic principles. This allows me to outline a system that highlights the connections and relevance of the

individual issues illuminated in my research focus, in the context of developments in the economic and social environment.

In the following, I will explain what I mean by work, private life and balance in my research. Furthermore, I will define what flexible and sustainable employment means, and outline which aspects of nursing and care will be examined in more detail in my dissertation. To this end, I will use conceptual fundamentals based on the framework of the applicable regulations to define all factors.

What is work?

The dogmatic development of labour law and the process leading to its becoming an independent branch of law play an indispensable role in understanding current labour law regulations and the regulatory trends and milestones that are constantly being shaped by social and economic processes. At this point, relying on dogmatic foundations, I will examine what exactly I mean by the concept of work and from what perspective I will examine it in the following.

Labour law as a discipline is, in terms of its regulatory subject matter, nothing more than the totality of employment relationships and the rules governing them in the traditional sense. Taking a slightly broader interpretation of this concept, labour law provides a normative framework for all existing and functioning institutions in the labour market, including business organisations, trade unions, employer interest groups and the state as employer and legislator. Its development over more than two centuries has been influenced by several factors, but the roots of its regulation can be traced back to ancient traditions. In an effort to continue along the path laid out by my research concept, I will refrain from a detailed presentation of dogmatic developments and will continue my examination by focusing on the concept of work.

Work, i.e. the fundamental human activity performed by humans, has played a prominent role throughout human history, right from the very beginning. Thus, work can only be the focus of my research as a behaviour that creates relationships between people, i.e. the analysis of the work process as an economic concept, among other things, goes beyond the scope of my current research.

Even at a relatively low level of technological development, work performed specifically for another person appeared, which went beyond the satisfaction of individual needs.

In Roman law, dependent work performed on the basis of an employment contract developed dogmatically from the institution of *locatio conductio* at the same time as the legal system corresponding to the conditions of the ancient market, which was based on a self-sufficient economy and the production of goods. As the direct dogmatic precursor of modern labour law, hire had an extremely broad scope of regulation, thus playing a role in the legal settlement of numerous life situations.

As it developed, industrialisation was a fundamental driving force in the formation of today's 'modern' labour law. In this context, it is generally accepted among authors in academic discourse that today's "modern" labour law developed and took shape *as a kind of response* to industrialisation. Regulatory trends focus on greater protection for the party undertaking the work. This was brought about by the changing social and economic environment, which fundamentally altered the structure of production in the 18th and 19th centuries.

In my current research, I examine the concept of work primarily from the specific aspect of my research focus, namely dependent, non-independent work.

In summary, it should be noted that in my research on certain aspects of work-life balance, I focus on typical employment relationships based on employment contracts and atypical employment relationships that offer a greater degree of flexibility. However, I will narrow my focus further within the framework of atypical working conditions.

What is private life?

Work, as a factor contributing to the development of an individual's personality and shaping human relationships, clearly plays a significant role in the life of the person performing the work. However, all this is closely linked and thus inseparable from the sphere of private life, since the interdependence and, in some cases, the close intertwining of the workplace and the private sphere is unquestionable and therefore

inseparable. Based on the above, I will briefly describe below what I mean by privacy in the context of the relevant legislation concerning the protection of privacy rights.

In terms of the concept of privacy, if we look at the dogmatic foundations, it actually covers a multi-layered, complex right that is protected by several different branches of law. With regard to the right to privacy, the basis for legal protection is provided by general clauses, which are protected by the Hungarian legal system through a complex legal protection mechanism. In this complex legal protection structure, supranational human rights documents play a key role. This is closely linked to the Fundamental Law, which provides the domestic legal framework and declares it a fundamental right, and was also enshrined as a personal right in Act V of 2013 on the Civil Code, which was supplemented in 2018, exceptionally, by a separate piece of legislation. Act LIII of 2018 on the protection of privacy deserves special mention as a kind of supplementary legislation in that the legislator attempted to formulate a general definition in the text of the law regarding the content of the right to privacy, thereby seeking to provide comprehensive protection with regard to the legitimate interest in the protection of privacy. I discuss this definition and its relevance to labour law in detail in the first chapter of my dissertation.

What do I mean by balance in relation to work and private life?

Having outlined the essential, substantive factors related to the concepts of work and private life, my aim in the following is to explain what I mean by balance in relation to these two separate spheres. At this point, it is already clear that maintaining a fragile balance between work and private life is extremely important for the efficient and effective functioning of both the individual performing the work and the employer's organisational system.

In my opinion, it is essential to examine this topic in more detail at this point in my research. The concept of balance was first used in the 1970s to illustrate the duality of work and private life, but the issue of reconciling work and private life activities really became an important topic in both public life and research in the 1800s.

At this point, I can basically agree with *Gábor Kártyás's* definition of the concept; *according to this, the concept of work-life balance covers the balancing mechanism that*

individuals use to ensure that their work and private lives are given the appropriate amount of space in their lives. I will address the question of whether this preliminary assumption is justified or not in the summary of the research results.

What do I mean by sustainable employment and flexible employment?

In my interpretation, the framework of current international and EU legislation provides the basis for defining *sustainable employment*. In this regard, the concept of *sustainable employment* is the result of the activities of the United Nations and was adopted by 193 member states in 2015 in "*Transforming our world: the 2030 Agenda for Sustainable Development*" and the Sustainable Development Goals adopted within this framework are of particular importance. Thus, in relation to the world of work, the achievement of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all has been adopted as a separate objective. Complementing and supporting the achievement of the global goals, the European Union's European Pillar of Social Rights (hereinafter: Pillar), adopted in connection with the creation of the social dimension of the EU, and the action plan encouraging the implementation of the principles contained therein, together form the framework for sustainable employment. Employment conditions that offer greater flexibility can be of particular help to women raising children in terms of achieving a balance and increasing their presence in the labour market. In this regard, when examining current regulatory developments, the international and EU legislative frameworks are particularly relevant to the shaping of domestic legislation. Flexibility in this regard can manifest itself in several ways. On the one hand, we can distinguish between flexibility in working hours, flexibility in the place of work, and flexibility in the form of employment.

In this context, it is essential to look beyond the traditional framework of work and examine atypical employment relationships, which are becoming increasingly popular in light of current challenges and changing labour market demands. It is not my aim in this doctoral dissertation to provide a detailed description of all flexible employment conditions. In line with the focus of my research, I examine the situation from the perspective of female employees with family responsibilities and, through the presentation of community legislative achievements, I place particular emphasis on

describing the general regulatory trends in flexible employment conditions, which leads to an overview of the current Hungarian regulations. In this regard, I will examine in more detail the system of leave and, among atypical working arrangements, the legal institution of teleworking and *home office*, in line with my research focus.

Further delimitation criteria

Having presented what I understand by work, private life and the related balance in the course of my research, and having defined the framework for sustainable and flexible employment, I now need to narrow down the scope of the regulatory subject matter.

On the one hand, it is important to emphasise that, with regard to nursing and care, I am focusing on the area of informal care.

Of course, it should be noted that the issue of formal and informal care could also be examined from a social law perspective, but due to space and content limitations, I will refrain from discussing these aspects in this thesis. However, based on my preliminary research hypothesis, the area of informal care is an area that should be examined, as it can significantly influence women's participation in the labour market and their opportunities. In other words, it should be noted that I do not deal with the concept of "long-term care" in relation to nursing. My research focuses on the labour market situation of female employees with parental or caregiving responsibilities in relation to the social and economic conditions associated with work-life balance.

With regard to the conceptual delimitations related to the research, I formulate the following basic principles:

- 1. The harmony between work and private life covers a balancing mechanism in which a kind of cyclicity also plays a decisive role through the interaction of subjective and objective factors.*
- 2. The protection of the individual performing the work must be paramount, and legislative trends generally reflect this.*
- 3. Gender equality should be treated as an issue affecting the economy and productivity.*

4. *Achieving full gender equality is a complex issue, and changing social attitudes is of paramount importance in terms of education and awareness-raising, even at a young age.*

In connection with the above research principles, I am seeking answers to the following question:

How is gender equality developing in today's changing social and economic environment, have international and European Union efforts achieved their goals, and what role do flexible employment conditions play in this?

II. Structure of the thesis

In my doctoral thesis, I examine the above-mentioned issues in six main chapters, as follows.

The first chapter serves as an introduction, providing a specific conceptual definition of the subject of the dissertation. In this context, I explain what I mean by the concepts of work and private life within the framework of the relevant legal environment. I also refer to the problem of achieving balance and outline other factors that narrow the focus of my research, such as sustainable and flexible employment, including the area of informal care. At the end of the chapter, I set out four basic principles and a complex research question related to them.

Subsequently, in the second chapter, I outline the World Economic Forum's current data for 2024 related to the topic by analysing statistical data. In this context, I examine the labour market situation of women in an international, EU and Hungarian context, which helps to further narrow down the scope.

In the third chapter, I describe the most important milestones in international legal regulation in the area of work-life balance. In this context, I also discuss the human rights background and the functioning of the ILO in detail.

The fourth chapter narrows the focus of my investigation further and provides an insight into the system of Community and EU legal provisions. I present the development of the social dimension in line with the provisions of the new directive, which can be considered a milestone, thus highlighting the process that led to the adoption of Directive 2019/1158.

The fifth chapter of the dissertation describes developments in Hungarian legislation in the area of work-life balance, in line with the international and EU legal regulatory frameworks.

The sixth chapter of the dissertation highlights the role and significance of digitalisation in the field of work-life balance and more flexible employment.

Subsequently, the seventh chapter highlights the most important research findings and correlations.

III. Methods used in the research and evaluation of the literature on the topic

In order to answer the research questions outlined and achieve the research objectives, it is essential to mention the methodology of scientific research.

At the beginning of my research, I primarily use historical methods to map the area that is the subject of my investigation. Given that research on the topic of work-life balance requires an exploration of historical roots in order to obtain a comprehensive and coherent picture of the area under investigation, I consider this to be essential. In this context, I examine how the regulations shaping the requirement of equal treatment between the sexes have developed, highlighting the changes in the social and economic system to the present day. I report on the results of this in the second and third chapters. In addition to the historical method, I also use a comparative law approach. In this context, I mainly examine European trends, including the regulatory environment of neighbouring countries in addition to the Hungarian legal system. Therefore, I primarily examine the continental legal system, and I only touch upon the Anglo-Saxon legal system to the extent that I consider certain solutions to be applicable to the Hungarian legal system.

Furthermore, in my research, I consider the use of statistical methods to be indispensable in analysing the role of women and men in the labour market, also in view of economic developments. My study focuses on the latest research findings at both global and European Union regional level, concentrating on areas that are relevant to the topic; thus, I also examine the most important and challenging factors for the effective participation of women in economic life by evaluating the research data.

In order to properly process the literature, I will primarily rely on document analysis or secondary analysis (desk research).

IV. Summary and utilisation of research results

In writing my doctoral dissertation, I focused my research on an area that encompasses complex issues, combining questions that are always relevant and of fundamental importance. I believe that balancing work and private life raises fundamental questions that transcend generational, social and economic differences.

In connection with these fundamental principles, I formulated the following complex question, which I used to define the pillars of my investigation:

How is gender equality evolving in today's changing social and economic environment, have international and European Union efforts achieved their goals, and what role do flexible employment conditions play in this?

In light of the results of my research, I can basically agree with *Gábor Kártyás's* position on the definition of the concept; *according to this, the concept of work-life balance covers the balancing mechanism that individuals use to ensure that their work and private lives are given appropriate space in their lives.*

However, I am convinced that this concept also involves a kind of cyclicity, which, through the interaction of subjective and objective factors, continuously provides points of reference and keeps the cogs of the machine turning. In this mechanism, the reference points are the institutions that protect the rights of the group concerned – in my research focus, female employees performing care tasks.

In my opinion, flexible working conditions are clearly the key to achieving and maintaining balance, which was confirmed by the areas examined in the research topics. After examining the statistical data, I considered it essential to map out the international legal background in light of the figures. This part of the research made me realise that the human rights aspects of the topic deserve special attention. In this regard, it is relevant to examine the role of the United Nations and the Council of Europe. The conventions adopted under the auspices of the ILO highlighted how the institutional framework protecting women was built as a result of continuous legal developments. A key factor in this was the recognition that the presence of women in the labour market and the spread of the dual-income family model are essential for achieving the general

well-being and prosperity of families as the basic unit of society and of the economy as a whole.

Narrowing the focus further, I placed particular emphasis on mapping the development of Community and EU law. I am convinced that this is key to uncovering the related connections and seeing, at the systemic level, the priorities that have shaped the field of gender equality by encouraging women's participation in the labour market. In this regard, a complex safety net has developed organically, which, originating from the principle of equal pay for equal work, continues to strive for the full protection of women and the elimination of discrimination. The Pillar is the main driving force behind this reform process, which seeks to ensure the fullest possible implementation of social considerations during the integration process through a system of interrelated principles.

In line with this, the new directive clearly aims to place the protection of women and men in relation to gender equality on a new footing from the same starting point. In my opinion, following the development curve of the social dimension, it can be assessed as a legislative achievement that seeks to promote equal opportunities for women in the labour market by encouraging a more equal distribution of caregiving responsibilities among fathers. In other words, I believe that the primary objective of the legislator can be found in the expression of equal parental rights.

In this respect, I can also identify with the idea of my preliminary assumptions at this point. By this I mean the protection provided by the international and EU legal frameworks, supplemented by measures taken by Member States. We have seen that international and EU legislation provides a constantly evolving framework of general legal protection provisions.

In my opinion, the most important role is played by the provisions ensuring flexible employment from the set of tools provided by the directive. However, following the solutions adopted by the Member States, the Hungarian solution appears to be rather limited in view of the latest amendments to the Labour Code.

I believe that the unique focus of my research lies in the older age groups who require nursing and care. In my opinion, this is an area where, given the special circumstances of care tasks, carers may find it more challenging to achieve and maintain a healthy balance.

In my opinion, from encouraging people to have children to caring for relatives, it is extremely important that all employees are able to fulfil their potential to the fullest extent possible, both at work and in their private lives, under fair and equitable working conditions.

In addition to EU legislation, the legislative efforts of Member States also play an extremely important role in this regard. For this reason, it would be necessary to review the rules of the current Labour Code, and in my opinion, with regard to leave and working time allowances, it would be particularly important for Member State legislators to guarantee more than just the minimum level provided for in the directive. Furthermore, given that this issue requires a holistic approach, legislators should also ensure adequate compensation for carers in the context of ageing societies.

In my opinion, striving for a more complete balance at the individual level – with appropriate policy coordination and by addressing the anomalies and resource shortages in social care systems – can indeed contribute effectively to achieving full employment and increasing gender equality.

As a summary, I will attempt to answer the question that is the guiding principle of my research – *and* at the same time to formulate proposals *de lege ferenda* – in the following.

How is gender equality developing in today's changing social and economic environment, have international and European Union efforts achieved their goals, and what role do flexible employment conditions play in this?

In the area of gender equality, full equality has still not been achieved in the field of employment. In light of the challenges of the 21st century, it remains a fundamental

requirement of EU social policy and labour law to provide parents and carers with working conditions that enable them to achieve a work-life balance without suffering disadvantages in either area. However, the basis for effectiveness and the achievement of objectives undoubtedly lies in the harmonisation of employment policy instruments and family policy measures. The novelty of the 2019 directive is undoubtedly the enforcement and re-establishment of the requirements of equal opportunities and equal treatment through labour law instruments, but international and EU legislative frameworks continue to play an important role in achieving full equality.

It is also important to note that, in accordance with the detailed provisions of the Labour Code, the employer pays the employee's remuneration in respect of leave (parental leave), and the state does not cover this, as it does in the case of paternity leave.

In my opinion, it would be crucial for future regulatory trends if the state were to contribute to the creation of adequate coverage in this regard as well, and provide additional financial coverage from budgetary resources for remuneration during parental leave. I am convinced that without adequate remuneration, this legal institution cannot fulfil its purpose, given that it can significantly increase the occurrence of existential crises for employees and their families.

In this regard, I recommend that the legislator review the provisions of the Labour Code relating to leave.

In my opinion, it would be justified to establish uniform compensation within the framework of the Labour Code for individual family-related leave, which would contribute significantly to men taking on a more decisive role in family responsibilities, thereby promoting women's participation in the labour market.

In the case of flexible employment conditions, it is also worth noting that, among atypical working arrangements, teleworking can still be a suitable solution for the reintegration of women into the labour market.

In this regard, I believe it is particularly important to guarantee the right to disconnect at both EU and Member State level, which could effectively address the digital challenges of reconciling work and private life. In relation to domestic legislation, I

believe that amendments to the Labour Code and the Labour Market Act would also be justified. The creation of regulations that would allow employees to take time off from their work duties in terms of working hours and rest periods would create fair and sustainable legal conditions in the field of employment. This could create a balance that would truly promote equality in the world of work for female employees with family responsibilities by addressing social and economic challenges.

V. List of publications related to the topic of the dissertation

- Kovács-Berényi, Laura: Gondolatok a munkajogi jogok és kötelezettségek rendszeréről a munka és a magánélet egyensúlyának megteremtésében In: Varga, Zoltán (szerk.) Jogi kihívások és válaszok a XXI. században 3 Miskolc-Egyetemváros, Magyarország: Miskolci Egyetem, Állam- és Jogtudományi Kar (2024) 477 p. pp. 185-195.
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- Mélypataki, Gábor; Szekeres, Bernadett; Kovács-Berényi, Laura: On the border of the physical and the virtual workplace – Dogmatic issues of home office and telework in general and in Hungarian law Z PROBLEMATYKI PRAWA PRACY I POLITYKI SOCJALNEJ 21:4 pp. 1-21., 21 p. (2023)
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