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EMPLOYMENT: THE SOCIO – ECONOMIC LINK BETWEEN THE YOUTH AND THE OLD AGE

The aim of the paper is to discuss some issues related to the employment as a link between youth and old age. It was pointed out that labor per se is a crucial socio-economic activity for the individual and the whole society. In this sense, it was underlined that not only the current existence is ensured through work, but also that it represents a form of investment in the old days through the social insurance system. It was stated that workers' rights, as a set of important socio-economic rights, actually belong to the category of basic human rights since the rights of the so-called first generation human rights cannot be enjoyed without the existence and adequate protection of workers' rights. The historical background of the development of political-economic deliberation on work in general, as well as reflections of dominant production models in practice, were presented in the paper. After that, the importance of employment was discussed with a special focus on several basic issues. In this regard we discussed the potential impact of (un)employment on deviant behavior, working in the informal economy with inhumane working conditions, as well as the correlation between technology and education with employment.

Keywords: *Employment, Labor, Socio-economic rights*

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Introductory considerations

The issue of (un)employment is of immeasurable importance for society and particularly for its political, economic and social aspects. Employment actually goes beyond the sphere of individual and collective interests of workers and employers, since important interests of the entire society are correlated with it (Jovanović, 2015: 37). The employment relationship basically represents a link between early youth (ages suitable for work ability) and old age, since social security for old age is ensured through work in the form of a pension, and also other forms of social insurance.¹ In the literature, it is rightly pointed out that the right to life is the most important human right, but that it can only be realized if there is a proclaimed right that protects against hunger, which in most cases is the right to (dignified) work (Jovanović, 2006: 9). Such a conception certainly raises the question - *Are labour rights human rights* ? There is an extensive and ongoing academic debate on this issue (Mantouvalou, 2012) and the doctrine is sharply divided on this issue. However, the demarcation point is reflected in the position of social-economic rights in relation to civil-political rights. (Kovačević, 2021: 294). When it comes to the international normative position, fundamental rights and economic freedoms are considered equal, with no primacy of one over the other (Bruun, Bücker, 2012: 288).

It is necessary to notice that the labor market *per se* and particularly the youth labor market, is an heterogeneous category, influenced by a wide range of socio-economic conditions, while it on the other hand, has an immeasurable influence on almost all spheres of a society. There were many studies on employment topic and one among them that was recently conducted at the level of the whole world with the aim of determining those aspects of social life that worry people the most, showed that respondents aged 16 to 64, out of 17 offered categories, were most concerned about unemployment in 39% cases.² Such result has established the issue of (un)employment as a problem that worries society the most nowadays and represents the biggest obstacle to its development and prosperity. It is of a great importance to point out that the study results showed that unemployment worries people to a much greater extent than *exempli causa* terrorism or climate change, which occupy much more space in the media than the issue of unemployment. This fact indicates that people on a global level have developed

¹ There is many studies that associated unemployment with risk of future morbidity and premature mortality. See: Janicki-Deverts, D., Cohen, S., Matthews, K. A., & Cullen, M. R. (2008). History of unemployment predicts future elevations in C-reactive protein among male participants in the Coronary Artery Risk Development in Young Adults (CARDIA) Study. *Annals of Behavioral Medicine*, 36(2), 176-185.

²https://www.ipsos.com/sites/default/files/201612/What_Worries_the_World_Oct_2016.pdf;access 06.05.2022.

awareness of the importance of the relevant issue which is an encouragement and a good starting point for solving the problem of unemployment in general, including youth unemployment as well.

As it was stated in our literature, one of the most important goals of labor law regulations enacted within the framework of a democratic and socially oriented state is precisely to enable the employment for as many people as possible under acceptable and equal conditions. However, it seems that labor law regulations in the majority of countries fail to achieve their goal, and today, based on numerous studies and official and unofficial statistics, we can conclude that unemployment, especially youth unemployment, is going to become “the world’s number one problem”, if it has not already become (Šunderić, 1975: 7).

1. Historical background

From a historical point of view, the issue of (un)employment did not until the so-called The “industrial revolution” that took place primarily in Europe during the 17th and 18th centuries arouse special attention of society, since until then the concept of work and employment relationship did not exist in the form in which it exists today, as one of the most widespread legal relationships in general.

In Ancient times, the dominant work was conducted by slaves who were completely deprived and their rights that need to be protected by state intervention did not even exist. During the Middle Ages, the feudal socio-political and economic order appeared on the scene (Tarle, 1948: 14), which proclaimed the work of dependent peasants - serfs who were not considered workers. In this regard, until the period of the Bourgeois Revolution in 1789, serf labor was dominant in Europe, but the elements of capitalism and its inherent processes slowly began to mature (Tarle, 1948: 15).

The first state interventions in the field of work, due to the relative underdevelopment of the labor relations themselves, provided partial protection, both in terms of the objective field of application, and in terms of the personal aspect, which is of specific interest for the matter in question. In line with this, the first subjects to whom the protective function of labor law legislation applied were children. Thus, in Great Britain, in 1802, the Child Labor Protection Act was passed, while in Prussia, a law was passed that prohibited the work of children under the age of 9 (Lubarda, 2013: 246). The International Labor Organization (hereinafter: ILO) also reacted to the abuse and exploitation of child labor by adopting a series of conventions and recommendations aimed primarily to prevent

such negative phenomenon that was gaining momentum. Consequently, ILO Convention No. 5 from 1919³ prohibited the work of children under 14 years in industry while ILO Convention No. 6 from 1919⁴ prohibited night work for persons under the age of 18. There are a number of other conventions and recommendations adopted with the same purpose.

At the beginning of the 19th century unemployment was not a crucial socio-political issue, since the new concept of the economy (industrialism) was still in its infancy, and it was relatively easy to get a job mainly because the demand for industrial workers was still at high level (Brajić, 1972: 69). When it comes to the field of application of protective labor legislation, effort to improve working conditions, which was initially limited to the regulation of working hours and adequate compensation for work, was the main question in labor-social environment.

After the great economic crisis, known as the “Great Depression”, that happened in the 1930s, the issue of unemployment really gained importance, and was especially considered from the political and economic point of view. This is precisely the period when the problem of youth unemployment was mentioned and highlighted for the first time within the ILO regulations, in Recommendation No. 45 from 1935, from the 90th session of the General Conference held in 2002. Similar circumstances have appeared after the last major economic crisis that occurred at the end of the first decade of the 21st century. As pointed out in the domestic literature, many politicians in Western countries, who largely opted for a capitalist system of economy and politics in general, publicly emphasized that it is better and more acceptable for them to have a very high inflation rate, rather than unemployment (Šunderić, 1975: 1). In an attempt to reconcile the tensions between the economic sustainability of the working process and the social security components of it, in the mid-2000s, the flexicurity concept was developed (Bekker, Mailand, 2018: 142) which is now ongoing tendency in employment. However, although the aim of active employment measures is to ensure full employment, it should be note that creator of the Full Employment Theory, *Arthur Pigot*, claimed that full employment implies and tolerates unemployment to a certain extent, calling it normal unemployment, i.e. friction (Šunderić, 1975: 5).

³ Convention Fixing the Minimum Age for Admission of Children to Industrial Employment (Entry into force: 13 Jun 1921).

⁴ Convention concerning the Night Work of Young Persons Employed in Industry (Entry into force: 13 Jun 1921).

2. The importance of employment

With the maturation of the circumstances for the implementation of the term “employee - citizen” in legal and political discourse, the field of *workers’ rights* has developed and expanded from basic rights at work like compensation for work, safe and healthy working conditions, all the way to the right to protection of personal data and the right to freedom of expression within work organization. In the literature, it could be even find the point of view according to which during the last decade of the last century, a set of key labor rights took the significance of “human rights at work” (Bellace, 2014: 177). For this reason it was pointed out in the literature that during the course of the 1990s, the characterization of the key worker rights began to move from ‘labor standards’ to ‘human rights at work’ (Stevanović, Kostić, 2020: 601). This practically means that the legitimacy of state power, on the internal and external, diplomatic level, depends on the level at which the regulation and provision of those rights is found. It follows that it is about the individual rights of the employee and that adequate legislative activity with effective application are the pivot of human protection in the sense of Kant’s claim that work is a human existential need (Očić, 2016: 121).

Employment could be understood as integration into work engagement, rather than purely establishing an employment relationship. In general, employment, as it has already been stated in the literature, indicates the “state of engagement of people in the working process” and represents, in relation to employment, a static category. From a dynamic aspect, employment is considered to be kind of integration into various forms of socially useful work (Brajić, 1972: 28).

In accordance with the indicated social importance of the relevant topic, solving the issue of unemployment, i.e. increasing employment, is one of the most important steps towards achieving labor law goals such as social justice, labor and social peace and regulation of competition (Lubarda, 2013: 107). In line with this, solving the problem of unemployment, especially of young people, should be understood as a distinctly socially justifiable task, but also a goal of a programmatic political nature.

An important aspect of reducing the unemployment rate is reflected through the socialization process and proper inclusion in social flows, which today cannot be completely achievable without the employment. Many sociologists, psychologists and anthropologists refer to this process as individualization which depends on a group of structural and cultural factors. Individualization in its full meaning does not only mean the path to social maturation and independence, but also the achievement of psychological

maturity and individuality, which is not possible without the realization of structural factors. One of the basic ones from that group is certainly the possibility to earn income that is sufficient to satisfy, first of all, existential needs, and then certain individual needs that affect the overall development of a person. In light of this, it is important to take into account that most people on a global level earn their income mainly based on their work, not from the capital (capital investment and renting).

From a political point of view, reducing the unemployment rate within active employment policy, is in line with the program goal of most sovereign states reflected in enabling the realization of the right to work. When it comes to young people, it is one of the most effective ways to prevent an extremely harmful social phenomenon, the leaving of the country by young people, usually highly qualified, known as “brain drain”.

2.1. Unemployment and deviant behavior

Social importance of employment issue is also reflected in the reduction of potential deviants and acts of violence, as well as criminality in general. This attitude is part of a broader criminological (etiological) orientation that explains the origin of criminality with economic factors and the hypothesis is that crimes are committed as a result of economic deprivation of individuals and collectivity, which is most often considered a consequence of the bad state of the economy and high rates of unemployment in one society (Stevanović, 2019: 114). Although there are a number of authors who relativize the correlation between unemployment and crime, the concept of “criminal employment law” has been developed in the doctrine (Levin, 2018). In addition to the impact of unemployment on deviant behavior (criminality), some authors also point to the inverse relationship. Namely, a criminal record sharply decreases a job applicant’s likelihood of gaining employment, and employers’ refusal to hire formerly incarcerated applicants has led to a growing population of unemployed and underemployed people with criminal records. Every year, more than 600,000 people are released from prison, but, a year after release, over seventy-five percent of them remain jobless (Levin, 2018: 102).

Newer theories that deal with the issue of violence emphasize an extremely large influence of unemployment and workplace stability on the appearance of the phenomenon of violence (Opalić, Ljubičić, 2008). The stated hypothesis can be defended by applying a statistical method, and a good example of this is Japan. Namely, Japan is a country with an extremely low unemployment rate and a very original and efficient youth employment system after completing education (Brinton, 1998: 443). For instance, according to the data for 2008, the murder rate is extremely low and amounts to only 1.02% compared to

countries with cumulatively high rates of both murder and unemployment. Research conducted by the Organization for Economic Cooperation and Development (hereinafter: OECD) could serve as an indicator of the correlation between the low unemployment rate and the individual security. An extensive survey involving OECD member states showed that countries with low unemployment rates usually have a low murder rate, but also that the residents of those countries feel much more safer.

2.2. Inhumane working conditions and the informal economy

In practice, the working conditions are too often contrary to what the concept of dignified work affirms, and the social insurance package that is acquired through employment is often unattainable for that reason. The high unemployment rate is often the cause of the fact that employers exert a great influence on workers by imposing illegal working conditions. The growth of precarious work since the 1970s has emerged as a core contemporary concern within politics, in the media, and among researchers as well.

There is a lot of evidence of the inhumane treatment of workers such as the one given by *Li Qiang*, founder and executive director of the workers' rights organization China Labor Watch, who reported that "workers from *Foxconn* factories in Chengdu and Shenzhen were [being] sent to the *Quanta* factory in Changshu to work 12-hour days making Apple watches in order to meet the company's April 24 release deadline. As there was a shortage of dormitory space for the workers at the factory, they found themselves forced to sleep in buses. These workers also found themselves producing watches in freezing temperatures while wearing thin work uniforms, and where close to 100 workers became ill and had to be hospitalized" (Barak, 2020:4).

It should be noted that there is a huge number of people, especially young people, who work within the so-called "informal economy." The very concept and notion of work in the informal economy (eng. *informality*) are extremely vague and defined from several different aspects and starting points. ILO for instance starts from an enterprise-based concept and suggests that a company operating in the informal sector is considered to be one that: 1) in accordance with national legislation and circumstances has a smaller number of employees than is foreseen or usual for related activity; 2) is not registered in accordance with the law and 3) does not register its employees.⁵ There are also authors

⁵ ILO's Key Indicators of the Labour Market(KILM)

who differentiate informal and formal economy according to whether workers are registered for social insurance and based on which contracts they perform work.

The expert group that deals with the issue of statistics in the informal sector (*Delhi group*) proposed at its fifth session that the definition of work in the informal sector should be expanded by redefining the term informal employment, by moving from the *enterprise-based* concept towards the *job-based* concept.⁶ In essence, this proposal should be accepted since the inhumane working conditions can also exist within the formal sector. Nevertheless, the dominant view is that informal work within the formal or informal economy implies poor working conditions, especially in the context of working hours and compensation for work, as well as social security.⁷ Certain researches have shown that young people who work on the basis of contracts on temporary jobs are not registered, that they have lower incomes than young people who work on the basis of the same contract, and at the same time are registered.

2.3. Employment and technology

Today, technology is a distinctive feature of modern society and a *condictio sine qua non* of modern life. Furthermore, the overall usage of digital technology has dramatically transformed the landscape on which laws are created, because this aspect of modern everyday life cannot be outside normative regulation (Stojšić Dabetić, 2020: 158).

Since the so-called industrial revolution that took place in the period of the 17th and 18th centuries in the Europe and especially since the so-called “informatics” revolution at the end of the 80s of the 20th century, technology begins to have an enormous impact on all pores and areas of society and social life.

Regarding the issue of the integration into the labor market, it seems that the most significant change is the one that happened thanks to the development of technology or, as it is often said, technological changes. However, the radical changes have taken place in the social environment, and consequently in the labor market. The development and application of new technology, undoubtedly made work and production more efficient, but also led to a large number of collective layoffs, especially of young people in accordance with the often used principle *last in first out*, and individual jobs “turned off” leaving them to new machines and products of new technology. The other one dimension

⁶ Final Report of the 17th International Conference of Labour Statisticians

⁷<http://ilo.org/global/topics/employment-promotion/informal-economy/lang--en/index.htm>, access 17.7.2022.

is reflected in the fact that today a huge number of new jobs based on information and communication technology are rapidly being created. Information technology is particularly shown to be a comparative advantage of young people when employed in jobs that require IT skills. This thesis is supported by the fact that a survey that profiled the most sought occupations came to the result that out of the 7 listed occupations, even 3 are impossible to perform without knowledge of new technology in work, such as web designer, programmers and IT managers.⁸

2.4. Employment and education

When it comes to the correlation between education and employment, the roots of the importance of education for the process of inclusion in the labor market was parallel with the emergence of the concept of work specialization, when each specific work task and workplace require a special set of knowledge and skills that are acquired both in the institutions of the educational system in a formal way and informally, during work, i.e. through the acquisition of the so-called work experience.

Considering the historical development of the perception of the importance of education and the goals it has to fulfill, a certain discrepancy between the ruling doctrinal positions over time is also noticeable. During Ancient times and then Enlightenment in the 18th century, until the 70s of the 20th century, education was viewed outside of the economic and market prism (Vargas, 2014:98). Since that period, economic theories about human capital have been developed, which conceptualize education not only as an investment in the economic development of the state, but also in the improvement of the quality of life of the individual (Desjardins, 2009:18-40). In this way, theoretically framed issues related to employment and labor relations in general became correlated with education.

As stated in our literature, any discussion of employment in modern conditions must start from education (Brajić, 1972: 118). There are also theses that the right to education, after the right to life and personal freedom and security, perceive as the basic human right of the socio-economic category (Šunderić, 2009: 150).

One of the important aim of education is the development of the individual's expertise/specialization that will correspond to his chosen occupation and the needs of the workplace in which he is seeking employment. Expertise should be one of the most important special conditions for establishing an employment relationship and a *condictio*

⁸ <http://www.blic.rs/it/7-najtrazenijih-poslova-koji-donose-odlicnu-zaradu/ynse885>, access 13.08.2022.

sine qua non for performing work. The claim that today education is the direct productive force (Pečujlić, 1969: 10) seems to be confirmed and in this sense, it is even stated that countries with higher quality education systems developed in a faster and more efficient way compared to those that created new technologies, and which had shortcomings in the education system. For that reason, many legal documents on national and international level proposed for high-quality early childhood education (Klemenović, Lazić, 2019: 223).

When it comes to the relationship between education and the acquisition of professional qualifications in relation to employment, there are two models in the world, the *Japanese* and the *American*. The first mentioned is characterized by the fact that formal professional qualifications play a decisive role during employment and determine the status of the employee.

On the contrary, the *American* model inaugurates the principle that formal qualifications are not a key factor for employment in the economy. That model is based on economic *ratio*. There is a basic assumption that formal education loses its importance and the function of acquiring certain knowledge and skills were becoming kind of test that sends a signal to potential employers about intellectual abilities, readiness for work, willingness to learn and the possibility of rapid advancement and the like. Today many young people get jobs without any formal qualifications for the field for which they got the job. There are many examples of young people who have dropped out of their studies, mostly because of the high cost of studying and did not get a degree, but still got a well-paid job. A former student of *Loyola University* (Loyola University Chicago) testifies to this, and said that after leaving her studies, she got a well-paid job in journalism, and no one asked her for formal qualifications. A similar example is the student who dropped out of *LaGrange College* and today, without any formal qualifications, is a successful bullion trader.⁹ However it is necessary at this point to emphasize the concept of “lifelong learning” when it comes to the content of knowledge, since it implies constant innovation of knowledge in order to adapt to technological-structural changes in the work process. In this sense, programs of professional training, improvement, requalification and the like are important. This matter was legally shaped by the ILO through the Paid Educational

⁹ Carlozo L. „Why college students stop short of a degree“, <http://www.reuters.com/article/us-attn-andrea-education-dropouts/why-college-students-stop-short-of-a-degree-idUSBRE82Q0Y120120327>, access, 12.7.2022.

Leave Convention No. 140¹⁰ and the Human Resources Development Convention No. 142.¹¹

Conclusion

Regardless of opting for the conception of workers' rights as human rights, there is no doubt that important individual and social goals are manifested and achievable through the work. It could be said that labor is a central social activity that pervades most of people's lives. Practically, from education phase as a kind of preparation for work, up to the use of pension insurance derived from labor. The crisis of labor and social rights is inextricably linked to the economic crisis, and to the actuarial model of production, where profit maximization is of greater importance than the workers' rights are.

There are many different points of view in the literature, but it seems that there is accepted view that the right to work is a presupposition of the right to life. Logically speaking, if work is dignified, life itself should be like that. Furthermore, it is important to point out the fact that work, thanks to its social component, in some way represents an important investment for the old age, and that is the main reason why we claim in the title of the paper that labor makes the link between the youth and old age.

For the aforementioned significant socio-economic reasons, the issue of work is not regulated only by civil and administrative norms, but also by criminal norms. In this way, work is recognized as a basic social value that is protected by the criminal justice mechanism. However, we are witnessing a major crisis regarding the collapse of the achieved level of labor and social rights, which further leads to the collapse of individual and collective interests of the entire society. Such state of affairs reminds us of the need for constant concern for the protection and improvement of labor and social rights, and for reasons of "interest solidarity" both the old and the young should gather around this issue.

¹⁰ C140 - Paid Educational Leave Convention, 1974 (No. 140).

¹¹ C142 - Human Resources Development Convention, 1975 (No. 142).

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