

ADDITIONAL WORK AS A LEGAL BASIS OF ENGAGING EXPERTS IN APPLYING NEW TECHNOLOGIES IN THE REPUBLIC OF SERBIA

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Abstract: *The application of new technologies in the context of hiring new professional staff, as well as in the context of other elements of these technologies, means and implies a condition without which it is not possible (conditio sine qua non) the realization of any activity, and that is **the legal framework and legal foundation to conduct certain social activities**. The persistent presence of the legal questions of every social relationship is a condition in which the author repeatedly argues, not to satisfy a form, but in order to some social activities or activity was completed and defined in its full factual and legal expression and thus provide clear rules for its realization. This general attitude the author wants to apply in considering the forms of engagement of experts in terms of application of new technologies by reviewing the possible importance of additional work as a form, and the legal basis, by the engagement of human resource management. This is particularly important in terms of shortage of top experts in the application of new technologies when the ability of human resource management in achieving external strategies of staff security is necessary. **Achievement of interdependence and mutual influencing of external and internal security strategy and developing the necessary human resources is a comparative advantage in the competition for securing of professionals in the application of new technologies.***

Keywords: *additional work, flexible working, staff security strategy, competitiveness, market*

1. CIRCUMSTANCES OF USING FOREIGN PERSONNEL INSURANCE STRATEGY

Dealing with the specific issues and forms of human resources and management, particularly in the context of new management technologies, the author emphasized the *generally accepted view that human resources, management prerequisite applying new technologies in general, particularly in management, and economics.*¹ The rapid technological development and a particular market demand for qualified managers quickly adjust work processes and the functioning of economic entities to the changed business conditions, which, in particular, relates to the optimal use of existing human resources and

¹ Doc. dr Draško Bosanac, Primena novih tehnologija u upravljanju ljudskim resursima, ANTiM 2009

personnel security strategy of certain professions and skills, but also the need for engaging experts outside of the subject, that it lacks a certain point in the business. Also, we live in extremely complex and interactive world where for business success of very important quality relation to strategic partners, of foreign and internal users and other stakeholders². Providing new employees is often a necessity in turbulent market conditions of changes, because there is no time for training new control leaders in certain segments of the organization and leaders in certain professions, whose presence in the business entity is crucial to preserve its competitiveness in the market. *Admission of the experts, if absent or was not timely possible to train their own staff, requires a competent managers, able to react quickly to developments in the labor market, because competition in the search for skilled professionals, is often exceptional.*

The need of an expert outside of the subject, in terms of dynamic market developments, persistent lack of competition and possible supply from the labor market affirms, more and more prevalent, ***position of management doctrine that is rational to adapt the organization of the subject people, but people adapt an existing organization***. It would be irrational to adapt newly employed professionals to existing organization of work and business, but in part a compromise, adjust the organization skills of professionals. This approach that assumes people to technology, cause additional requirements for the competence of managers who manage human resources. *Capable managers have a crucial impact on bringing the necessary experts from the labor market, as well as the retention of specialists from their own human resources, using different motivating factors, presenting and explaining the perspective of established business entity for which they work, and perspective of each individual performer.* Providing the necessary personnel and professions depends of manager and its information on the offer on the labor market, ability to anticipate market trends, a detailed insight into their own human-resources staff as a source of needed personnel and professionals, the ability to establish contact and cooperation in the process of hiring the necessary staff and professions. ***The role of HR managers is "linking human resource management with corporate strategy"***³, with managers of other disciplines.

Application of new technologies in the context of engaging new professional staff, as well as in the context of other elements of these technologies, means and implies a condition without which it is not possible (conditio sine qua non) realization of any activity which is the ***legal framework and legal foundation of the performance of certain social activities***. In the presentation, study and presentation of certain categories, institutions and relations of any social activity, in our case, the application of new technologies in management and economics, except the essential determinations concerning exclusively profession and established the concept of a functional nature, relationships, procedures, products, should always, consider the question of their normative regulation, law and legal regulation, and respect for fundamental principles that underlie the state or society. ***Innovativity, revolutionary change, social organization and self-organization of (especially economic) subjects without a clear legal basis and verification of legal action, clear rules of conduct of actors, is a factual situation with success, without converting into legally viable state, it is not certain.***

The persistent presence of the legal questions of every social relationship is a condition in which the author repeatedly argues, not to satisfy a form, but in order to some social activities or activity was completed and defined in its full factual and legal expression and thus provide clear rules for its realization.

² Kopilović, R. and others, Leadership an contemporary organizations, International journal of economics and law, Vol. 1, No. 3, Novi Sad, 2011.

³ <http://www.civilnodrustvo.ba>

This general attitude the author wants to apply in considering the forms of engagement of experts in terms of application of new technologies by reviewing the ***possible importance of additional work as a form, and the legal basis, by the engagement of human resource management***. *Theorists didn't bother with these issues, but it is clear that employment for an indefinite period (permanent employment), although the most common and preferred form of engagement ⁴cannot be the only form of work, especially in terms of deficit personnel and insufficient supply of experts from the labor market.* The importance of ***internal human resources development strategy*** is indisputable, but the circumstances of the business, present aging of management, long-time "training of new leaders" often require, as noted above, the application of foreign security personnel strategy. Foreign security personnel strategy seeks to engage personnel in their full intellectual and work capacity, which requires employment of a full-time and full engagement with an employer. No, it is sometimes possible to engage staff in this way because there are no free experts on the market always and other solutions of their partial involvement in the function of the set of operational and development work must be sought. Human resources managers in such cases use some flexible forms of employment that is optimally adapted to the needs of their organization's operations, and additional work is one of the possible forms of engagement of staff shortage, which features, in this context, we examine in this paper. ***Managers who select optimal forms and ways of engaging scarce personnel will ensure the competitiveness of their businesses and companies, and that is why this issue is important for the theory and practice of human resource management, as the basis for new technologies in various fields, which are, unfortunately, neglected.***

2. TERM AND LEGAL NATURE OF ADDITIONAL WORK

Additional work as a form of engagement may be in the form of employment or work outside of employment, depending on the orientation of the legislature. Law on Basic Employment Rights from 1989;⁵ defines it as employment, while in the positive solutions it is considered as "the contract work, i.e. work outside the employment."⁶ Institute of additional legal work was edited earlier with federal and republic laws on labor relations, while previous Labor Act⁷ does not define it as a possible form of hiring. The current Labor Law⁸ introduced it again, editing it, defining it, differently than last Labor Relations Act did it.

Agreement on additional work, as most contracts related to engaging without an employment contract, employment contract, as a native concept is adapted to the nature and properties of additional work, to which the statutory provisions on the employment contract relate, which determines its legal nature.

In Article 202 of Labor Law of the Republic of Serbia stipulates that an employee who works full time may conclude an agreement on additional employment with another employer, up to one third of the full-time. Exceptionally, additional work can be arranged

⁴Working lifetime loyalty to a one company has become, a long ago, a tradition in Japan, but it does not mean that the employment is provided to the end of working life. Market trends relativize this custom in recent years. prof. dr Jove Todorovića, Japanski menadžment-tajne uspeha japanske proizvodnje, Fakultet organizacionih nauka, Beograd, 1997

⁵"Službeni list SFRJ", br.60/89, 42/90, 42/92, 24/94, 41/94,

⁶Dragoslav Jerinić, Radno pravo, Novi Sad, 2008, p. 132.

⁷"Službeni glasnik RS", br. 70/2001 i 73/2001.

⁸"Službeni glasnik RS", br. 24/2005, 61/2005, 54/2009.

with other employer, if it is a supplementary work of medical workers, in accordance with Article 199 Paragraph 1 of Health Care Act⁹. Agreement on additional work shall be entitled to financial compensation and other rights and obligations under labor law. Agreement on additional work shall be made in writing, and it regulates the rights, obligations and responsibilities of the parties regarding the involvement of this form.

Agreement on additional work shall be **entitled to financial compensation** and other rights of employees in additional work can be accomplished, in proportion to their work engagement, **whereas the typical right to employment can be made with the native employer**, working full-time. Rights exercised in proportion to work engagement related to working hours, holidays and leave, work organization, technological and labor discipline and other matters.

The fee for additional work can be contracted in several ways. In part, it can be determined by the standards by which the specific salaries of employees in employment are defined. Bearing in mind the fact, that worker is involved in process of work and organization of employer, doing specific task of a job (limited only up to one third of full-time), whose value is determined by evaluating the analytical procedure, and this value represents the value of work in the additional work. If the fee is at the level of earnings of the job, because of the nature of additional work, the contributions and responsibilities of the various obligations that are payable to the employee's earnings in employment must be paid. **In practice, the fee is often proportional to the importance of professional work for the successful operation of the employer and different from other earnings.**

If additional work could have the status of employment then its performers could generate commensurate benefits under certain grounds characteristic of the employment. *The different nature of the charges, among others, it is a circumstance that affects the uniqueness of additional work in relation to the work of an employee.*

In practice, a worker in additional work may be entitled to some form of compensation, and benefits related to employment executor of additional work carried out, as we have pointed out, the native employer (for example, *it is not eligible for full Social Security*).

As in other contract agreements on additional employment, except remuneration, an important element is subject of contract, which here represents the work or the work being done in the additional work. As for the jobs, we have seen that it can be all business activities of the employer, but, practically, **it is a limited number of specific jobs determined by the need of employer and deficit of certain occupations in the labor market**. Most often, these are few professionals whose jobs do not offer the labor market does not exist, a known demand to be significant, especially when it comes to applying new technologies. It is not unusual when it is about rare expert cases to hire expert from overseas, but then additional work is not a legal basis of engagement.

To additional work is given the status of part-time basis because of the circumstances that the employee in additional work realizes full time with the "native" employer where, proportionally, exercise all the rights, obligations and responsibilities arising from the employment.

⁹ Živko Kulić, Radno pravo, Privredna akademija, Novi Sad, 2008, p. 158

3. POSSIBLE SIGNIFICANCE OF ADDITIONAL WORK IN RECEIVING EXPERTS IN THE IMPLEMENTATION OF NEW TECHNOLOGIES

Additional work is way for people who are employed and working full time with one employer, use the ability to work in their possession to work for another employer, up to one third of full-time in case of short supply and the labor-required personnel. Their engagement is a mutual interest, and for the "native" employer is a legal transaction between third parties (*res inter alios acta*), unless engaging in additional employment interferes with the job of "native" employer.

Using the additional work is identified as the need, often permanent, for certain types of professionals or perpetrators of specific professions, the labor market must be registered and initiate to available methods the preparation and creation of conditions for training the unemployed and finding trained personnel, which, for some time, employers are able to engage in, so far, scarce human resources jobs, which are filled with additionally engaged workers.

Possible influence of employees in additional work on the training of apprentices or workers without experience is not neglecting. This is the form of employment of employers who use, in work process, scarce personnel and whose interest is to train their own staff, with the assistance of additional persons to work and thereby create conditions for achieving the optimal strategy of internal human resources. ***The realization of the interdependence and mutual influencing of external and internal security strategy and developing the necessary human resources is a competitive advantage in the competition for the insurance experts in the application of new technologies.***

Intensive troubleshooting of scarce personnel, through *human resource management*, creates a presumption for successful operations of a growing number of labor collectives, which has a positive impact on the overall economic condition of society and creating conditions for new capacities, the development of certain industries and intensification of cooperation of business entities with labor market, mobility of employment, and increasing employment. ***Greater mobility of labor in turn will affect the functioning of the institute of additional work, which could be up to date soon, especially in Serbia, where the application of new technologies, and financial problems facing the problem of lack of skilled professionals and managers, to the moment of achieving better personal coverage needs of businesses for certain types of work.***

Additional work represents a redistribution of the required professional work among multiple employers and able of the performer of the rare or special expertise to use its work at the maximum working for more employers and thereby achieve significant benefits, regardless of their form and nature.

The use of additional work in our country, yet need to experience the true affirmation, because in the absence of skilled personnel, it is necessary to support the possible ways of using available human resources, as much as possible, in order ***to expedite entering our country the current technological development.*** In this sense, employers should make a habit of selecting the adequate (*flexible*) forms the legal basis and work to meet their interests and needs.

4. RESUME

Additional work, as a legal institution exists in our theory and legal solutions for some time, as a way to engage deficit personnel in working collectives and businesses, but not from the labor market, but engaging the employees of other employers, to ensure the necessary work until lasting solution in scope of profession accepting the unemployed person.

In Article 202 of Labor Law of the Republic of Serbia stipulates that an employee who works full time at an employer may conclude an agreement on additional employment with another employer, up to one third of full-time. By the agreement on additional work shall be entitled financial compensation and other rights and obligations under labor. Agreement on additional work shall be made in writing, and it regulates the rights, obligations and responsibilities of the parties regarding the involvement of this form.

Additional work represents a redistribution of the required professional work among multiple employers and the possibility of the performer of a specific or rare expertise to engage its possibilities at the maximum with more employers. The realization of the interdependence and mutual influencing of external and internal security strategy and developing the necessary human resources, the use of additional work is a comparative advantage in competition for the insurance experts in the application of new technologies.

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