

SOCIAL INNOVATION AND CIVIL SERVICE LAW

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Abstract

The framework of administrative law is a static area of the legal system, but its content is very dynamic. The administration and the civil service law have been influenced by new technologies and social situations. These new things make innovations not just in the economy, but in the society as well. Social innovation is the rethinking of the relations between the persons, or between the persons and the state. We need to rethink the relationships in all ways. The state has new functions and must provide services for the citizens. The positions of the civil servants are influenced by new forms of the relationships with the citizens. This relation is very complex. We need to highlight digitalisation and PSR. Both effects have big significance in the changing of the situation of the civil servants, in the mirror of the roles of the state.

Keywords: *civil service law, social innovation, teleworking, PSR.*

1. Introduction

Changing is constant. New trends influence not just the relationships of the market, but the relationships of the administration as well. The trends are sometimes similar, but the administration has other ways. Civil service law and labour law is similar in many points. The scheme is the same in both areas. The basis of these laws is dependence. The definition of dependence is different in labour law and civil service law. Civil service law does not build on the equality of the parties. Civil service employment was not a formal agreement between two equal parties, but rather a decision of the State.¹ The decision of the State is not limitless. The state has to

limit its own actions. In this relation the State is the employer and the owner as well. The state is the boss and the legislator in one person. This situation is very problematic, because in many times the state does not want to limit itself. The roles mix in lots of cases. It cannot be said where the role of the state ends as a legislator and begins as an employer. This duality makes the civil service law uncertain. So, it is hard to follow the changes of the system. On the one hand, this is criticism, and on the other hand it is an explanation. Civil service law is a very complex system which roots in the history and traditions. The history and traditions are different from country to country. So, it is very hard to talk about civil service law in general, but it is not impossible. Globalism

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¹ Civil Service Law & Employment Regimes, World Bank, in: <http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1345485407865/CSLaw&EmploymentRegimes.pdf>, (01.12. 2018).

influences the administration systems of the European countries. This effect influences the situation of the civil servants indirectly.² Due to globalisation the function of the state has changed. The classical systems are broken up and changed. It means not just the classical Weberian models, but the classical New Public Management (hereinafter: NPM) models too. Bureaucratism is an overtaken theory from many points of view, and the theory of NPM is tight. How can we describe the civil service system today? The short answer is: complex. The longer answer is: “program installation is in progress”.

If we would like to research civil service law properly, we need to analyse the changings of the society. We need to follow the processes of the society. The society has been transformed in these years. We can meet many innovations in our life. We need to know not just the technical innovations, but the social innovations as well. The innovations change people’s life. Social innovation means innovative activities and services that are motivated by the goal of meeting a social need and that are predominantly developed and diffused through organisations whose primary

purposes are social.³ Social innovation is a new situation in the society. This new situation affects to the lives of the people.⁴ This innovation affects not just to the private life, but work and public life too. The regulation can follow this change slowly. From this point of view, we can connect civil service law to social innovation.

The content of civil service law is compound. One of the main relations from this area is the work relation. This action is to bear resemble labour relations. The construction of the relationship and the character of hierarchy have similar basis.⁵ The employer instructs, directs and controls the work of the employees. The employees accomplish their work according to the instructions of the employer. The state as an employer gives the instructions directly and indirectly in the relationship of the civil service law.⁶ The role of the parties in the labour law is not fix. The employee and the employer have scope for action. This scope is guaranteed by the Labour Law Act.⁷ This freedom favours to the development. Development and innovation walk hand in hand. The new tendency bounds to the

² Kim Chon-Kyun, “*Public Administration in the Age of Globalisation*”, *International Public Management Review*, Vol 9. Issue 1, (2008), p. 39.

³ Geoff Mulgan et al, “*Social innovation: what it is, why it matters and how it can be accelerated*” http://eureka.sbs.ox.ac.uk/761/1/Social_Innovation.pdf (2007).

⁴ György Kocziszky – Mariann Veresné Somos and Károly Balaton: “*A társadalmi innováció vizsgálatának tapasztalatai és fejlesztési lehetőségei*” [The experience of the social innovations research, and possibilities of development], *Vezetéstudomány* 2017/6-7, (2017), p. 16.

⁵ For example: David Špaček: “*Public Administration Reform in Czechia after 2000 – Ambitious Strategies and Modest Results?*”, *The NISPACEE Journal of Public Administration and Policy*, Vol. XI, no. 1, Summer (2018), p. 166.

⁶ The state as employer, See more: Mélypataki, Gábor, “*The State as an Employer – Does it Personalize a Public Authority or an Owner?*” In: *MultiScience - XXXI. microCAD International Multidisciplinary Scientific Conference Miskolc, Magyarország, 1-5*, edited by Kékesi, Tamás (Miskolc, Miskolci Egyetem, 2017), download 13.11.2018, http://www.unimiskolc.hu/~microcad/publikaciok/2017/e1/E1_12_Melypataki_Gabor.pdf, (DOI: 10.26649/musci.2017.100); Stewart, Angus, “*The Characteristic of the State as Employer: implications for Labour Law*”, *Industrial Law Journal*, 16 (Juta) 15 (1995), p. 15-29; Ellguth, Peter and Kohaut, Susanne, “*Der Staat als Arbeitgeber: Wie unterscheiden sich die Arbeitsbedingungen zwischen öffentlichem Sektor und der Privatwirtschaft?*”, *Industrielle Beziehungen*, 18 1-2, (2011), p. 11-38. Old.

⁷ See more: Per Lçgreid and Lois Recascino Wise, “*Transitions in Civil Service Systems: Robustness and Flexibility in Human Resource Management*” in *Comparative Civil Service Systems in the 21st Century*, p. 206, edited by van der Meer, Frits M – Raadschelders, Jos C.N. and Toonen, Theo A.J., (Hampshire, Palgrave McMillan 2015) (DOI 10.1007/978-1-137-49145-9), p. 206.

definition of flexicurity in the labour law.⁸ Flexicurity has more goals. One of the goals is the harmonisation between work and family life. The other goal is the adaptation to the new life and economic situations. How can the relationship of civil servants follow these progresses? We are analysing two ways in this paper. The first will be the flexibility of the relationship, and the second will be responsibility.

2. The altering labour market and the civil servants

The position of civil servants is very special in the labour market. In many countries these people make up a big part of the employees in the labour market.⁹ This fact prevails in most countries independently from the type of the administration, but the extent of the emergence depends on the administration system.¹⁰ The change of the labour market influences the administration as well. The new form of the employment has been manifesting constantly in the public sector too. The role of the state influences how fast. A classical close systemic (carrier model) state allows it just slowly, but an open (managerial model) state allows it faster. In the latest case the connection between the public sector and the other part of the labour market is closer. With the change of social relations labour relations have changed as well. The labour market

needs flexible employment forms and atypical labour relations.¹¹ The Labour Law Acts in the world have added the atypical forms. On the one hand, these forms are flexible and on the other hand they must be secure. Security ensures that the employees will not be in vulnerable position.¹² The future of civil service depends on the ability of adaptation. How can the new forms and tendencies of the labour market adapt? The big part of employees works in the framework of atypical employment. Digitalisation and other conditions are determining the new relations. How can the relationships of the civil service law react for this? We do not know. But it assures that some bureaucratic features are not vanishing. It is also not clear what the post-bureaucratic paradigm is, apart from remedies to the weaknesses of the classical bureaucratic model. Demke said: “*Still, developments like decentralisation, responsabilisation, greater flexibility, deregulation and more openness are too wide and too fluid concepts. These developments are also full of paradoxes and ambivalences.*”¹³ Can we crystallize this definition? In our opinion, yes, we can define it with the help of the labour market. The origin of flexible employment is in the labour market. Most definitions can be transformed and adopted. The goals will be similar in both areas. Effectiveness is the first condition what we need to research. The

⁸ Jakab, Nóra and Tóth, Hilda: “*Flexicurity in Hungary from the more Vulnerable Party's Point of View*” In: *5th International Multidisciplinary Scientific Conference on Social Sciences and Arts SGEM 153-160*, Sofia, Bulgária STEF92 Technology Ltd., 2018, (DOI: 10.5593/sgemsocial2018H/11/S02.020); Nóra Jakab, “*Systematic thinking on employee status*”, *Lex et Scientia XXV: 2* (2018), p. 56-68.

⁹ Berndt Keller and Hartmut Seifert, “*Atypical forms of employment in the public sector – are there any?*”, (SOEP - The German Socio-Economic Panel study at DIW Berlin, 774-2015, 2015), p. 43.

¹⁰ Tony J.G. Verheijen and Aleksandra Rabrenovits: *Civil service Development in Central and Eastern Europe*, in: Frits M. van der Meer- Jos C.N. Raadschelders – Theo A.J. Toonen: *Comparative Civil Service Systems in the 21st Century*, p 17.

¹¹ For example: part-time job, teleworking, mini job, mid job.

¹² Jakab and Tóth, “*Flexicurity in Hungary from the more Vulnerable Party's Point of View*”, p 155.

¹³ Cristoph Demke: “*Civil Services in the EU of 27 – Reform Outcomes and the Future of the Civil Service*”, *EIPASCOPE 2010/2*, (2010), p. 8.

action of the state demands effectiveness. This is very important in this time. The connection between the citizens and the state is more than administrative. People in modern states are more than numbers and data. The new role of the state is the role of service provider. The citizens use the function of the state as a service. This perception affects to the relation of the state and civil servants. The classical interpretation of the administration is not enough. The position of civil servants changes parallelly with the employees' as well.¹⁴ One part of the legislators has recognised that the attitudes of the civil servants and the employees are similar and, in most cases, they are the same. The civil servants have the same needs and problems. The nature of the legal relations fight with similar problems. Usually, the limits of both areas blur. The power of the state has transformed. The manager approach adumbrates the classical authority. The basis of this transformation was the NPM. The public sectors became opened, or less closed. The definitions of the labour law and labour market became the definition of the civil service law too. The usage of these definitions helps in the protection of civil servants. The biggest danger is that the state, as an employer takes over only flexibility, but not security, from these employment forms. The state as an employer is bounded by the rules of the labour market. The state must have self-restraint. In the classical relations the state was more dominant than

now. Every right comes from the will of the state. It was a one-way relation, but this relation is relatively bilateral.¹⁵ Civil servants have the right to make decision on their own labour relations. In the system of these former bounds, they can have a say in their own destiny.

Effectiveness functions in not just the framework of public authority, but in the framework of a special social service system. Civil service law is more today than a part of administrative law. This area is a bridge between labour law and administrative law. The work conditions are influenced by this bridge role. These definitions and tendencies of the private law are added to the public law approach. The main tendency is digitalisation. Digitalisation changes the employment relationships.

3. Digitalisation and the civil servants: teleworking

Digitalisation and new technologies are very important in the present society. Communication has new grounds. The relationships have been transformed. We live in the “now” society, where the processes are speeded up. Communication is faster and easier. These facts are changing the former communication forms and traditions.¹⁶ One of these effects is that the information habits of public authorities in the public administration have changed and subsequently, the use of the info-

¹⁴ Brian Bercuson, “*European Labour Law*”, (Cambridges, Cambridge University Press, 2009), p. 404.

¹⁵ Tamás Prugberger, “*Európai- és magyar összehasonlító munka- és közszolgálati jog*”, Budapest, Complex, 2006, p. 295; Werner Döring and Jürgen Kutzki, “*TVöD Kommentar*”, Berlin – Heidelberg, Springer Verlag, 2007; Tamás Prugberger - Andrea Szöllös, and Hilda Tóth, “*The Development of the Hungarian Labour and Public Service Laws After the Regime Change*”, *Polgári Szemle* vol:14 (2017) p. 337-351 (DOI: 10.24307/psz.2018.0422).

¹⁶ Balázs Budai – Balázs Szabolcs Gerencsér and Bernadett Veszprémi, “*A digitális kor hazai közigazgatási specifikumai*” [Domestic administrative specificities of digital age], Budapest, Dialóg Campus, 2018, p. 15; “*Teleworking Pilot Project Research report for: National Commission for the Promotion of Equality*”, p. 2, downloaded 10.12.2018, https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Gender_Mainstreaming_-_the_Way_Forward/telework.pdf.

communication tools as well. This influences the functioning of public administration.¹⁷ We do not analyse the full horizon of this topic. We would like to speak about the changes of the civil servants' work life. The new technologies give new possibilities. Changes of the legislation relating to Occupational Health and Safety, and atypical forms of employment will be required to embody this form of work. The ICT technologies are accessible for many citizens. Nowadays, the e - infrastructure is constructed in most countries. One of the goals of the administration is the foundation of virtual offices. This infrastructure helps civil servants and the state too. The most optimal employment form besides the atypical forms is teleworking. Budai et al. said that the teleworking assumed five conjunctive dimensions.

1. Place of work: mostly in an alternative workplace. This place can be at home, tele-cottage, telecommunications, teleworking centre, satellite hotspot, that means the job is done by the worker, where it is the most convenient for him and where the environment is the most ideal to work.
2. Working means: mostly self-hired or info-communication devices.
3. Type of work: independently and regularly that means the worker does his job one or two days a week or every day.
4. Communication between parties: as the activity is strongly bounded to computers, transferring the result happens also electronically.
5. Work time: In most cases it is regular, permanent, predictable (or ad hoc), but

it makes flexible scheduling possible.¹⁸

However, teleworking and flexible work have a serious set of conditions, which partly overlaps with the criteria for the development of virtual offices. Teleworking has numerous conditions: personal conditions, infrastructure, organising, cultural conditions, general social and economical conditions. Personal conditions and organising are the most important conditions from the viewpoint of civil servants. The civil servants can primarily become teleworkers based on their qualifications, experience and/or previous work, but based on their personal characteristics and attitudes as well. The examination of psychological factors gives answers to suitability, such as flexibility, reliability, adaptability, concentration, self-discipline, creativity, organizational skills, problem-solving skills, autonomy, ability to cooperate. The legislator is recognising the possibilities of the teleworking in the area of administration. In the Italian public sector, instead, a governmental directive for civil servants has been recently issued which intended to stimulate a deep cultural change in the concept of work: the shift from "stamping the time-card" to work for goals, where the workers have large freedom to self-organize job as long as they meet the goals set at the deadlines. The innovative part of the directive is to configure smart working as an organizational tool and not as a contractual type, with the aim of making it workable by all employees who carry out tasks that are compatible with smart working.¹⁹

¹⁷ Budai – Gerencsér and Veszprémi, "A digitális kor hazai közigazgatási specifikumai," p. 15.

¹⁸ Budai – Gerencsér and Veszprémi, "A digitális kor hazai közigazgatási specifikumai," p. 413.

¹⁹ Patrizio Di Nicola, "Smart Working and Teleworking: two possible approaches to lean organisation management", downloaded 10.12.2018, https://www.unece.org/fileadmin/DAM/stats/documents/ece/ces/ge.58/2017/mtg4/Paper_11-_Di_Nicola_rev.pdf.

Some countries try to create a new practice. According to the statistics, Spanish workers spend more time in the office than in other European countries, however their productivity is not higher.²⁰ For this reason the Spanish government adopted a program in 2005 called Plan Concilia, which had the primary purpose to help for the public servants to harmonize their public duties and their family life. The Government was convinced in that the conciliation of work and private life makes the public servants more efficient and enthusiastic, and they strengthen the quality of the public service through their work. The Concilia program of the Spanish Government mentioned telework as a proper tool for the conciliation of the work and familiar duties. Thus, the government decided to introduce the possibility of teleworking in the central administration. The program was successful. The level of the effectiveness of the work did not decrease. In the pilot program it combined three things. The first group of the civil servants worked at home every workday, the second worked some days in a week at home, and the third group worked every workday at the office. The third group was the control group in this experiment. This pilot project can show that the most important element of telework is the personal conditions. If somebody works in telework, he needs different skills than in teamwork and/or office work. Depending on the nature of the work, staff who have, for instance, decision-making and problem-solving skills, experience in information technology and the ability to cope with a reduced level of social contact may be particularly suited to e-working.²¹ The

easiness is the hardness as well. The possibilities of teleworking provide freedom for the civil servants. Most of the civil servants cannot take the opportunity. Most people's character is not suitable for home office work. The effectiveness was not a problem. The negative effects of telework are in the human factor. A big part of the employees complained about loneliness. They thought that they were fallen out from the former group and their colleagues are so far. The Spanish Government analysed the resources at the end of the pilot project. The project was successful, but it did not reach its goals. The civil servants did not talk about how can it help their family life?

In other countries the Spanish way was chosen and telework was tried out in the administration. This employment form will be not bypass. The new generations are stepping in the labour market in this time. The members of Z generation live most of their life in the on-line space. They prefer the new technologies: e- government, m- government, gig economy. Teleworking or mobile working, as well as flexible working arrangements, are increasingly sought after by the younger generations, and may go hand in hand with changing IT-supported workflows and services. Alternative working conditions may also be attractive for women who would like to work in leading positions and want to have a family at the same time.²²

We need to speak about the role of organisation besides the personal conditions in the framework of telework. The role of the office changes in this relationship. We can speak about a virtual office and a physical office as well. In the virtual office there is no

²⁰ Vajk Farkas, "Telework Pilot Projects in Spain", Pilot projects in *Public Administration Management - Summary of a Research at Pázmány Péter Catholic University Faculty of Law and Political Sciences Volume II*, edited by Gerencsér, Balázs Szabolcs (Budapest, Pázmány Péter Katolikus Egyetem, 2013), p. 15.

²¹ Airgeadais, An Roinn, "Circular 4/2003: Pilot schemes to promote e-working in the Civil Service" downloaded 10.12.2018, <https://circulars.gov.ie/pdf/circular/finance/2003/04.pdf>.

²² "OECD Public Governance Reviews. *Engaging Public Employees for a High-Performing Civil Service*", OECD, 2016, (DOI: <https://dx.doi.org/10.1787/9789264267190-en>), p. 97.

direct contact between the partners. They meet in the virtual space. The virtual office cannot exist alone. It needed a physical office as a basis in the background. The legislator cannot source out all the tasks. In most areas of administration, it is necessary to meet the civil servants and the citizens. The E-citizen can ease this bound (for example in Estonia). The chances of introducing teleworking forms are proportional to the presence of other features of organizational innovation. These features include:

- the level of development of organizational project work,
- the extent of the use of external consultants at the organization,
- flexible working hours and wages,
- characteristics of employer supervision and job description.²³

Organizations implement telework for a variety of reasons, but most importantly because it can reduce costs, increase productivity and appeal to employees. However, there are also negative or neutral impacts to consider when examining the merits of telework in a workplace. Telework becomes a possibility only if management perceives that the benefits outweigh the costs.²⁴

The civil service is founded on centralization. The employers' right to control is dominant in this relationship. Because of this, it is very hard to build a teleworking system. The state as an employer is precarious about the authorization of telework. Some European states are beginning the rebuilding of

flexibility in the public sector. In Hungary there is a new line in the public law regulation. This regulation is based on the political basis. The regulation has changed a lot in the last five years, and it has become closer and inflexible.²⁵ The Hungarian legal system is mobile and does not favour to flexible work forms in the civil service. The Hungarian rules had been more inflexible. This system is averse from the flexible atypical work forms. The possibilities are given. Flexibility helps the effectiveness of administration, but the Hungarian system prefers the original carrier model without carrier approach.²⁶

4. The interpretation of the new role and function of the state

Digitalisation is an important area of social innovation and the reform of the administrative law. The new tendencies affect to the employees and employers too. Social innovation can open new horizons and possibilities, for example, it has made the labour market more flexible. The state has got a new character and functions. These new functions and tasks are beyond the telework. Telework is a very important tool, but it is not the only one. This approach is beyond the classical functions of the state.

The positions of the social partners have changed. These are inevitable in the new social relations. This changing is influenced by the new interpretations of the functions of the social partners. The state has acted on the huge mass of the characters of the relationship. We would like to analyse

²³ Budai - Gerencsér and Veszprémi, "A digitális kor hazai közigazgatási specifikumai," p. 415.

²⁴ Alain Verbeke - Robert Schulz - Nathan Greidanus - Laura Hambley: *Growing the Virtual Workplace - The Integrative Value Proposition for Telework*, Edward Elgar Publishing, Inc, 2008, Northampton, p. 36.

²⁵ Attila Kun and Zoltán Petrovics, "The development of civil service law into an independent branch of law" in: *Civil service career and HR management*, p. 91-134, Bokodi Publishing House, Márta et al., (Budapest, Magyar Közlöny Lap- és Könyvkiadó, 2014).

²⁶ See more: Prugberger - Tóth and Szöllös, "The Development of the Hungarian Labour and Public Service Laws After the Regime Change" p. 337-351.

the new role and/or interpretation of the function of the state. We can present it from two viewpoints. The first viewpoint is the character of the close (carrier) model, and the other is the character of the open model.²⁷

	Characters of the close (carrier) model	Characters of the open model
Business sphere	The politician is not the owner, he has no say in specific staff decisions. The right of decision of the public manager is limited, there is a minimum of opportunity for "leadership arbitrary".	A politician can be identified as a person, who staffing decisions identified by the business sphere owner. The position and authority of the public manager are the same as the private manager.
Law	Public law (non-private) rules. Detailed legal regulation of all aspects of the employment relationship.	Rules of the Private law and labour law. Most of the elements of the employment relationships are regulated by the parties' agreement and contract.
Politics	Independence of politics, politicians in HRM decisions. Neutral staff serving any political direction	The role of the politician is decisive in HRM decisions. It is loyal, serving civil servants of the given political direction

Figure 1: The characteristics of the civil service systems

These models influence the countries administration. The character of administration is determined by the main moments of these models. The close models have prevailed in the German roots legal systems, and the open models in the common law roots legal systems. These models affect parallelly. The question is always that which is dominant in a country. The civil service system is organised by the state based on public law in the carrier model countries and based on labour law in the open models. These models do not function exclusively. We can find the single element of both models in the same legal system at the same time. How can one or other influence the whole legal system? It depends

on the position of the society. The position of the society has changed. We can recognise a cyclic movement, but the result is always different. This movement creates new situations. The legislator has to follow these situations. The elements of the social innovations come from this duality. New answers are needed for the new questions. How do civil servants connect to the politics? The answer was different in every era. We can research this topic in three ways. How do civil servants connect to the business sphere, to the law and to the politics? If we try to find all the answers, the research cannot be finished. Civil service law is a very complex area. In this field public law and private law meet.²⁸ Szabó

²⁷ See: Vainius Smalskys and Jolanta Urbanovič, "Civil Service Systems, Oxford Research Encyclopedias", downloaded 15.12.2018, <http://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-160>, (DOI: 10.1093/acrefore/9780190228637.013.160).

²⁸ Morris, Gilian S., "The future of the public/private labour law divide", in *The Future of Labour Law - Lieber Amicorum Bob Hepple QC*, edited by Barnard, Catherin – Deakin, Simon – Morris, Gilian S., (Oxford – Portland

said: “*The state is not only an employer of public sector workers, but it also acts out of its sovereign authority and sets the legal conditions of bargaining. There are two approaches by which the state handles employment relations in the public sector, which also determine its relationship to public sector unions.*”²⁹ An important part of bargaining is the financial part. However, in what form the state manages this amount and in what form it determines its rate of public service wages, our opinion is that the State's public service relationship is significantly affected. It is influenced by the ability to identify the ownership or how strongly it attaches to sovereignty. This duality is strongly linked to open and closed models.

The models have become opened in general in the last decades. The employer begun behaving as an employer in the business sphere. One of the main thought of the NPM was the manager viewpoint. The state started to function as a company. The state transferred the HR methods from the business sphere. This made the relationship between the state and civil servants more flexible. Fairness, impartiality and transparency expected from the public sector cannot be guaranteed in a contractual form. Civil service has principles. One of them is the care for the civil servants (*Fürsorgepflicht*)³⁰ The level of care is decreased in flexible employment forms. A company has different functions than a state. Consequently, a civil servant is expected to act faithfully to the state and, in exchange,

the State takes care of the civil servant: “the link between a civil servant and the state (...) is different in nature to that of an employee and a private company”.³¹ The state has to take over new elements and flexibility as well, but it has to keep the role of the “defender”. The state must protect the civil servants from others and itself. The social innovation is in the transformation of the state's role. The new role has changed the level of responsibility. The companies recognised that responsibility is very important, if they undertake their own selves. The Corporate Social Responsibility (CSR) is an outstretched liability. This is an extra obligation of the employer. The corporate undertakes liability in a wider circle. It is more than liability of labour law, but it is less than the “*Fürsorgepflicht*” More, because the companies try to make social programs, social acting. Less, because the basis of this is an unregulated liability form. The state as an employer took over the new responsibility form. This is the Public Social Responsibility (hereinafter: PSR). This institution functions similarly as the CSR, but it differs in many elements of the definition.

5. Social Innovation and PSR

Public sector organizations throughout the world carry out activities that can be classified as social responsibility because they carry out their duties for the public interest. However, the perceived trend is the spread of recognition that activity carried out

Oregon, Hart Publishing, 2004); Bercuson, “*European Labour Law*”, p. 404.; Márton Gellén, “*Közszféra és magánszféra viszonya a karrierutak tervezésében*”, *Pro Bono Publico – Magyar Közigazgatás* 2014/1, (2014), p. 36.

²⁹ Imre Szabó, Trade unions and the sovereign power of the state. A comparative analysis of employer offensives in the Danish and Irish public sectors, *Transfer: European Review of Labour and Research* 24. évf. 2. sz., (2018), p. 167.

³⁰ *Fürsorgepflicht*s (care for civil servants) is the main task of the state in the closed model. The basis is loyalty for loyalty. The state cares for their civil servants, because they are loyal. This viewpoint is the most important pillar of the public law based civil service.

³¹ Christoph Demke and Timo Moilanen, “*Civil service sin the EU of 27- Reform outcomes and the Future of the Civil Services*”, (Frankfurt am Main, Peter Lang), 2010, p. 68.

for the public interest is not automatically socially responsible.³² However, this observation is not easy to see, since the common sense of public good and the public interest is inherent with public responsibility but does not include social responsibility as well. Therefore, it is necessary to interpret public social responsibility as an administrative function. A very interesting example is the Public Social Value Act from Great-Britain. It specifies that all purchases, subsidies, programs and co-operations from the budget must consider the social value of Triple Bottom Light with the interests and needs of the community. The PSR is far beyond the obligations of the state, but it cannot draw a sharp line between the regulatory and the voluntary. The main question is where the line is?³³ From the previous question comes the second one: How will it influence the HRM of the civil service law? The main topics of PSR are equal treatment, equal chance for everybody, how safe the environment is, etc.³⁴ The social avail influenced the application of the PSR. We would like to show the dilemmas with a concrete example. The office needs a new employee (or civil servant). There are two applicants. The first one studied in the best schools and made every exam excellent. The second applicant did not study in good schools and he might have been a prisoner. The job does not require special qualifications. The employer must choose the person who means more social benefits. The first applicant will be able to find a job anywhere, he has lots of chances. The possibilities of the second applicant are limited. He cannot find job in a lot of places. So, it is better for the society, if the employer chooses the second person.

If the local government carries out the measurement of added social value, it will come to the conclusion that the second candidate has to be recruited, since by giving him a job, it has a good chance of preventing him from re-offending, and still the first candidate will find another job for himself, the second one is not sure about the same.

The first question is how PSR is connected to equal treatment. The second candidate is preferred in this case, because he has a handicap for the reason of his social position. This moment is very important, but who can decide what is the better benefit for the society? In most cases the situation is not as clear as in our example. This is a very hard question. This role of the state functions theoretically, but the state cannot decide personally in practice. The head of the office will decide. I think, this task is quite hard for these people. The director must clear the relations in the office and do everything for the goods of the local area. This decision is overweighed. The office has to work for the better good in the society, but it has not the task to enforce it. I think the office's role has to be indirect and direct as well.

Equality is the most important issue, we must assure the same possibilities from the beginning of the relations. PSR will change the functions of the administration. If they are well-used, planning a variety of services corresponding to the community values will bring much more holistic and innovative results than the earlier practices. The use of social value in planning helps not only to reduce costs, but it can also bring benefits to the society in a long term to operate the services. There are several features that can be included in the design of the service, which have a lasting effect on

³² Sangle, Shirish, "Critical Success Factors for Corporate Social Responsibility: a Public Sector Perspective", *Corporate Social Responsibility and Environmental Management* 17, p. 205-214 (DOI: 10.1002/csr.200).

³³ Balázs Benjamin Buday, "A közigazgatás újragondolása - Alkalmazkodás, megújulás, hatékonyság" [Reconsidering public administration - Adaptation, renewal, efficiency], (Budapest, Akadémiai Kiadó, 2017), p. 95.

³⁴ Buday: "A közigazgatás újragondolása", p. 96.

their effect. For example, it has a positive impact on social interests when employing a variety of workforce in the provision of the service or paying attention to improving the skills of employees and providing access to digital technologies.

6. Summary

Social innovation influenced civil service in more ways. We wanted to show two effects of this. The first one was digitalisation. Digitalisation changes jobs in the administration.³⁵ It means flexibility, freedom and creativity. These definitions stay far from the administration in the carrier models, but they are not used by the opened models very often. The effects of the labour market give this new terminology to the administrative law. The state is one of the members of the labour market. In many countries it does not differ remarkably from a normal employer. In many countries it would open administration and change the role of the state and the civil servants as well. The example of Denmark is an example of long-term changes. Denmark has represented an employer approach based on state sovereignty for a long time, and this was not the case for teachers working in Danish schools. Until the 1980s, teachers in Danish schools started working as officials from the beginning of their careers, and they were strictly under the rule of sovereign employers. However, employers' local

governments recognized that, because of the need for greater flexibility, it would be better to treat legal relationships on a contractual basis.³⁶

Changing of the role of the state converted the obligation system of the state as well. The care for civil servants is transformed by the viewpoints of the manager. The state functions in the open models as a company. A company has fewer obligations towards the civil servants. The care for the civil servants (Fürsorgepflicht) has changed. This liability is based on the volunteering and the social benefit for the society. In the business sphere it is called CSR, in the public sector it is called PSR. This responsibility is more and less, as the care. The tasks of the PSR are basically different. The relationships of the civil service break up permanently. This process is not so fast, but it enforces in all kinds of systems. The close models will be opened in the future, and flexibility and the PSR activates this. We cannot speak about just bureaucratism, NPM or Neo Weberian models and systems. We must speak about social innovations, which cannot change basically the philosophy and the main theory of administration, but the innovations, flexibilization, and the changing. Change is constant, the other things are not important, just the attachment and the solution of the changing. Changing and social innovation mean open administration systems. Opened to business, opened to politics, opened to service and flexibility.

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³⁵ Budai – Gerencsér and Veszprémi, “*A digitális kor hazai közigazgatási specifikumai*.”

³⁶ Szabó, “*Trade unions and the sovereign power of the state.*”, p. 170.

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