EÖTVÖS LORÁND UNIVERSITY

FACULTY OF LAW

DOCTORAL SCHOOL

LABOUR LAW DISCIPLINARY LIABILITY ISSUES - WITH CODIFICATION ANSWERS

THESES OF

DOCTORAL DISSERTATION

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BUDAPEST

2020

I. Objective and subject of the paper

The determination of the subject of the paper was pronouncedly influenced by the fact that for more than half a century a crucial legal instrument has not been scientifically analysed in Hungarian labour law, i.e. detrimental legal consequences due to the employee's wrongful breach of duty, the topic of disciplinary liability. In 1961 a paper was already prepared on this topic, the author of the paper was István KERTÉSZ. The work is titled *"The Fundamental Issues of Disciplinary Liability in Labour Law"*[1]. It can be declared that this is a topic which was rarely examined and analysed a long time ago and more rarely, the significance of which topic is however is exceptional in everyday application of law as well.

I.1. The paper aims at examining what means are available to the employer if it wishes to impose a sanction on the employee due to his/her wrongful breach of duty. In my opinion it is in the interest of both subjects of the employment relationship – therefore the employer and the employee as well - and it also enriches the questions which may be raised and are to be raised by legal practice if the employer does not have to choose exclusively between the disciplinary opportunities arising from exercising the employer's rights and the termination of the legal relationship but if other alternative options are also available between these two intermediate points. All these are crucial from the perspective of human resources policy and workforce management, which are inseparable from labour law in this regard.

I.2. As a result of the above, in course of writing this paper my first task was to confirm from the aspects of both theory and application of law that it provides a valuable alternative if the employer has a third option of sort between the two extremes, i.e. the warning arising from exercising the employer's rights and the termination of the legal relationship. This first question immediately gave rise to searching for the answer for the next question: what characteristics should this third way of a regulation have?! On which level – such as law, other rule related to employment, or possibly in the employment contract - should the detrimental legal consequences be regulated? Should the regulation specify the legal consequence itself unambiguously and clearly, or should it merely provide guarantees, without determining those specifically?

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[1]KERTÉSZ, István: A fegyelmi felelősség alapkérdései a munkajogban. *(The Fundamental Issues of Disciplinary Liability in Labour Law),* Közgazdasági és Jogi Könyvkiadó, Budapest, 1964.

I.3. It shall already be noted as a preliminary point that – considering the different legislative role of the states – the regulation of the private sector and the public sector are separated and these areas shall be examined separately, as well as separate hypotheses shall be made. Therefore, in respect of the private sector the hypothesis can be formulated that a third option in case of wrongful breach of duty in employment is necessary, at the same time - taking into consideration in particular the criteria of private law of work - the objective and the task of the regulation – is to provide a framework or guarantee, without determining the legal consequences (disciplinary punishments) specifically. At the same time the guarantees should extend to all matters, referring in this case to that in addition to defining the frameworks and guarantees applicable to the legal consequences themselves, the legislator should also determine the procedure system applicable to the imposing of the legal consequence. However, with respect to the public sector – considering especially the generally mandatory regulation of public law character – bot the legal consequences and the procedure should be established, i.e. the law should provide a regulation that is stricter and more set then establishing the guarantees and frameworks. With respect to the public sector an additional element of the hypothesis is that – considering those rules concerning disciplinary liability which are currently in force, examined in this paper and appearing on decree level as well – the regulation shall be realized on a statutory level.

I.4. Reviewing the history of the regulation is inevitable for the sound foundations required for formulating the conclusions. This was an emphasis in this paper, considering that in my opinion, lessons regarding the present and the future can be drawn from examining the previous regulation. Touching upon the concept of liability and culpability, the questions which may be taken from civil law regulation in connection with the matter of liability and which are relevant with regard to the labour law regulation as well, providing an international outlook, and final, drawing a conclusion, i.e. confirming or refuting the hypothesis established at the beginning of the work.

II. A hypotheses

II.1 The first assumption is that in addition to the warning and disciplinary powers arising from exercising the employer's rights and the termination of the employment as the ultima ratio detrimental legal consequence applied for the employee's the wrongful breach of duty, a third, additional option is necessary in the labour law of the private sectors as well.

II.2. The second hypothesis is that this regulation should provide guarantees protecting the interests of the employee in the private law of work, however, without determining the applicable legal consequences specifically. At the same time, in addition to the guarantee-like regulation of the legal consequences it is necessary and with respect to the employee's interests it is justified that the legislator requires that the procedure is regulated consistently and clearly regarding the imposing of the detrimental legal consequences.

II.3. The legislator should provide a set regulation in the public law of work, in the public sector, in respect of both the detrimental legal consequences and the procedure for imposing those, as well as all elements of the regulation shall be on statutory level and not on decree level.

III. Structure of the dissertation

III.1. In my opinion, for the purpose of rebutting or confirming the hypotheses it was especially important to include a historical overview after the definition of work discipline and the presentation of the manner of preventing the employee's wrongful breach of duty. Mapping out the characteristics which previous regulations and which characteristics these regulation used to be and used to have, how these solutions were evaluated by the jurisprudence, as well as which questions and problems were raised in the legal practice. With respect to the definition of work discipline, the findings of István KERTÉSZ and – from foreign legal literature – the definition by Alexandrov. In connection with the work discipline obligation I will present the internal and external limits of work discipline obligations. With regard to the prevention of wrongful breach of duty by the employee, the foundation was provided by Gyula EÖRSI's study titled "Prevention and Culpability". Based on this this paper elaborates the technical-organisational and the social-psychological means of prevention, as well as the place and role of the legal regulation in this.

III.2.I intended to give a pronounced role to the historical overview; it represents a rather detailed chapter in my paper. The presentation of the regulation will start from the 19th century, right from the elimination of the guild system and followed by the rules showing a fragmented system – in the industrial acts and the commercial act of the Dualism, in the agriculture of the Monarchy, as a maid, agricultural worker, forestry worker thereof, on water, in (railway) construction work, on the railway, in the tobacco industry and in the press. The regulation after the First World War will be described as well, which will be followed by the first disciplinary regulation of Socialism. The entry into force of the first Labour Code was

preceded by Cabinet of Ministers Decree No. 34/1950. (I.27.) on the Disciplinary Policy of State-owned Enterprises. Insight into disciplinary liability in the legislation of Socialism will be provided by the analysis of the provisions of the labour codes, and then we will see the regulation of the private sector through the analysis of the third and the fourth Labour Code. In addition to the private sector the regulation of public service should not left out either, from the beginning up to the effective provisions. In connection with this – indispensably considering the fragmented Hungarian public service regulation – the previously established and currently effective regulation related to public employees, civil servants and government officers will be compared.

In my opinion it was essential to present the historical section precisely, since a number of conclusions were based on the historical part and the regulation and the legal literature thereof.

III.3. The theory of law and the general civil law assessment of the issue of liability will be carried out already in the chapter analysing the detrimental legal consequences, based on mainly the works of Gyula EÖRSI, Károly SZLADITS, Géza MARTON, László ASZTALOS and Mihály BIHARI. The work will continue with the analysis of labour law liability, disciplinary liability, disciplinary infraction, the procedure and the punishment. In course of this I will rely on the works of István KERTÉSZ, László ROMÁN and István HORVÁTH. The work which contains international outlook as well will be concluded by the evaluation of the contents of the hypothesis and the recommendation by the Author.

IV. Methodology of the assessment

The preparation of this paper was preceded by lengthy research work conducted in different areas. I started my research in the Ministry of Employment and Labour Affair, where I had the chance to engage in legal harmonisation and codification. I completed the doctoral course during the years spent there, gaining my final certificate in 2005. The experience gained in the public administration was replaced by the area of application of law, complementing the theoretic and codification knowledge acquired in the Ministry. Furthermore, I also had the opportunity to teach, as an external lecturer until 2016, and then from 2016 as a public employee lecturer at the Department of Labour Law and Social Law of the Faculty of Law of ELTE.

V. Brief summary of the conclusion of my paper

How did we get an answer to the hypotheses by examining the legal history, the effective regulation, the literature and the judicial practice?

V.1. The first hypothesis: in addition to the warning and disciplinary powers arising from exercising the employer's rights and the termination of the employment as the ultima ratio detrimental legal consequence applied for the employee's the wrongful breach of duty, a third, additional option is necessary in the labour law of the private sectors as well.

V.2. The second hypothesis: if there is a third way of regulation, then such regulation should provide guarantees protecting the interests of the employee, however, without determining the applicable legal consequences specifically. At the same time, in addition to the guarantee-like regulation of the legal consequences it is necessary and with respect to the employee's interests it is justified that the legislator requires that the procedure is regulated consistently and clearly regarding the imposing of the detrimental legal consequences.

It provides extra opportunity, right for both employee and employers if the employer may choose not merely between the extremes of warning and termination of employment but a third option is also available to the employer. The paper refers to Gusztáv VINCENTI, who stated as early as in 1942 that "...the rules of disciplinary right usually impose obligations on the employees...however, if such rules make the imposing of the disciplinary punishment subject to a specific procedure, then such rules will at the same time also grant right to the employees." Specifying the rules of procedure therefore means guarantees and frameworks, however, it does so without violating the spirit of labour law as one of the private law branches of law. Having reviewed the history of disciplinary liability, it can be established that the regulation has provided opportunity for establishing disciplinary liability from the start - here one may refer to the Act XVII of 1914 on the Rules of Railway Service, or Act V of 1924 on the Establishment and Patent of the Central Bank of Hungary. The initial regulation put emphasis on procedural provisions by prescribing that the rules of procedures, policy prepared in accordance with the act shall determine the rules of the disciplinary procedure. Meanwhile, after the Second World War it was crucially the law itself which specified the procedural rules; the first and second Labour Code - which are analysed in detail in the historical part of the paper - could be cited as examples. Specifying the rules of procedures in an act would make it easier for the parties - i.e. the subjects of the employment relationship - since it is by far not certain that the employer has the competence and resources

which allow for the realisation of the determination of the rules of procedure in accordance with the rules applicable to the employment relationship.

In connection with this it has to be noted as well that according to the third Labour Code - which is also analysed precisely in the paper and in which exclusively the collective agreement could stipulate the legal consequences of wrongful breaches of duty by the (disciplinary punishments) - it was mandatory to specify the rules of procedure in the collective agreement, too. The parties concluding the collective agreement - the employer and the trade union - have substantial resources, institutionalised legal professional help compared to the possible employer who specifies detrimental legal consequences and the rules of procedure for imposing such legal consequences in the absence of being subject to collective agreement.

The criteria with which the detrimental legal consequences have to comply follow from the assessment of the history of the regulation and are considered as guarantee elements. Therefore, for example, according to the regulation in force, any detrimental legal consequence may only be a sanction related to the employment relationship, altering its terms and conditions for a fixed period, which shall not violate the employee's rights relating to personality and dignity. In addition, where the sanction is of a financial nature, it may not exceed the employee's monthly base wage, and proportionality to the breach of duty committed is also a crucial requirement. The analysis of the history of the regulation and of the case law provides an answer to that the questions arising in connection with this are answered by and guidelines are given by the application of law.

V.3. The third hypothesis: in the public law of work, in the public sector the legislator should provide a set regulation in respect of both the detrimental legal consequences and the procedure for imposing those, as well as all elements of the regulation shall be on statutory level and not on decree level. In connection with this it is necessary to refer back to the historical part and the analysis of the regulation in force. All civil service acts contained the disciplinary regulation.

V.4. Legislative proposals

V.4.1. Act XXXIII of 1992 on the Legal Status of Public Employees

With respect to the legislation in force and due to the criterion specified above it is ground for concern that in 2012 the section applicable to disciplinary accountability procedure was

repealed in the act on the legal status of public employees. According to the legislation in force, the Labour Code governs the public employee legal relationship, i.e. the employer and public employee have the option to specify the detrimental legal consequences and the rules of procedure in the appointment, provided that the employer and the public employee are not subject to any collective agreement.[2] This bears the consequence that in contrast to the legislation which used to be in force, under the current provisions public employees are deprived of the guarantees specified by the act. Furthermore, in connection with this it shall be noted that according to the guarantee provision of the act on public employee and applicable to the disciplinary provision it was mandatory to initiate the disciplinary procedure if it was requested by the public employee against himself/herself.[3] Therefore the public employee had a statutory option to - whenever the public employee deemed it was justified - to clear his/her name in a disciplinary procedure. This is not an option either under the rules currently in effect - in case of neither the public employees nor employees subject to other public service acts. In the disciplinary liability rules of the act another guarantee for the public employees was that only *substantial* breaches of duty were considered as disciplinary infraction[4], i.e. for example showing up for work a few minutes later than the start of the working time was not considered as disciplinary infraction. As an additional opportunity the act also stipulated that in case the breach of duty had minor significance and if the subject matter of the case was clear, then conducting the disciplinary procedure could be dispensed with, however, in this case only the punishment of warning could be imposed[5].

It was a procedural safeguard that in respect of the initiation of the disciplinary procedure the person exercising the appointment rights (regarding higher management and executive public employees) could decide with the discretionary powers of the person authorised to make appointments, and there was exclusively two exceptions to this rule, one the one hand - as already mentioned - if the public employee himself/herself requested the initiation of the procedure against himself/herself, or if there was reasonable suspicion of major disciplinary infraction[6].

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[2] Considering this it can be established that Act XXXIII of 1992 on the Legal Status of Public Employees (Public Employees Act) does not contain a special rule for disciplinary liability, in addition, it does not exclude the application of Section 56 of the Labour Code - which contains the disciplinary regulation - i.e. in the Public Employees Act the regulation of the Labour Code shall be applicable.
[3] Point b) Subsection (2) Section 46 of the Public Employees Act, repealed as of 1st July 2012.
[4] Subsection (1) Section 45 of the Public Employees Act, repealed as of 1st July 2012.
[5] Subsection (8) Section 46 of the Public Employees Act, repealed as of 1st July 2012.
[6] Subsection (2) Section 46 of the Public Employees Act, repealed as of 1st July 2012.

It would be justified to amend the current legislation and therefore have the status preceding 1st July 2012 enter into force again, thereby ensuring the statutory guarantees for both the public employee (the rules of procedure regulated precisely in the act, the committing of disciplinary infraction exclusively in case of substantial breach of duty, the option for the public employee to clear his/her name in case of a disciplinary procedure requested against himself/herself) and the person exercising the disciplinary powers (therefore for example party the initiation of a procedure subject to the discretionary powers).

One way of re-regulating disciplinary liability in the Public Employees Act could be repealing the extraordinary dismissal, since it also lacks guarantees that although the legal relationship of the public employee may be terminated with immediate effect, but it may be done so without conducting any kind of preliminary procedure[7]. Through regulating the disciplinary liability again and in case of substantial breach of duty, it would be the observance and enforcement of the procedural rules providing guarantee through which the employer would have the right to terminate the legal relationship in case of proven substantial breach of duty, through the dismissal with disciplinary punishment, which means termination with immediate effect.[8]

V.4.2.Act CXCIX of 2011 on Public Service Officials (Civil Servants Act) and Act CXXV of 2018 on Governmental Administration (Governmental Administration Act)

In connection with the regulation of these two acts - which otherwise arguably double the employment rules of public administration - it shall be stated that it causes great concern that the material rules which are relevant for the reasons elaborated in the paper are not regulated on the act level. The unjustified and troubling nature of the legislators' solution is supported by Act CXXX of 2010 on Law-Making [Law-Making Act]. In addition, it is a law-making requirement that regulations on any given living situation may not have unjustified parallelisms or multiple levels. Furthermore, another expectation which may be mentioned is that if a matter is to be regulated by Act, the fundamental legal institutions and the essential guarantees related to achieving the regulatory objective shall be set out in an Act [Sections 3 and 4 of the Law-Making Act]. One may also refer to that expectation of the Law-Making Act according which no authorisation shall grant power to lay down the fundamental rules

[7] The currently effective Section 33/A of the Public Employees Act.
[8] Point e) Subsection (2) Section 45 of the Public Employees Act, repealed as of 1st July 2012.

governing the core legal institutions, rights and obligations falling within the scope of the regulation [Point a) Subsection (2) Section 5 of the Law-Making Act].

Additionally, the regulation of the deadline for initiating the procedure is a cause of concern in both the Civil Servants Act and the Governmental Administration Act. A three-month subjective deadline and a three-year objective deadline are specified in both the Civil Servants Act[9] and the Governmental Administration Act[10]. The three-month subjective deadline regulated in both acts referred to above is advisable to be compared to that in the Labour Code, the subjective deadline for termination with immediate effect is 15 days[11], and in the Public Employees Act the subjective deadline is also 15 days in case of extraordinary dismissal, which is the equivalent of termination with immediate effect[12]. According to the Labour Code and in the Public Employees Act, in case of termination with immediate effect the fifteen-day subjective deadline is not an investigation deadline but a time period within which the exerciser of the employer's rights has to take measures, i.e. make a decision in a rather significant matter, whether to use the opportunity to terminate the legal relationship with immediate effect or not. In contrast, in case of disciplinary procedures the three-month subjective deadline of the Civil Servants Act and the Governmental Administration Act is provided exclusively for the purpose of allowing the exerciser of the disciplinary power to decide on initiating the disciplinary procedure or not. The three-month deadline is unreasonably long for making this decision, and it also provides an opportunity for the exerciser of the disciplinary power to possibly make a unique bargain with the public service official or government officer concerned. In order to avoid this, it would be reasonable to shorten the three-month deadline to a few days in both acts.

It is another codification problem that it exactly the appropriate application of the disciplinary procedure which is undermined by the legal grounds for termination which allow dismissal with immediate effect[13], since these legal grounds provide opportunity for termination with immediate effect by the employer and without a preliminary procedure which has guarantees. It would be reasonable to think this regulation over and apply the disciplinary procedure and - in justified cases - the deprivation of office as disciplinary punishment instead, since the termination with immediate effect and without dismissal period provided to the employer

[9]Subsection (1) Section 156 of the Civil Servants Act
[10] Subsection (10) Section 164 of the Governmental Administration Act
[11]Subsection (2) Section 78 of the Labour Code
[12]Subsection (3) Section 33/A of the Public Employees Act
[13]Possible examples: Subsection (3) Section 64/A of the Civil Servants Act - the governmental service relationship may be terminated with immediate effect in case of unworthiness

renders the deprivation of office as disciplinary punishment insignificant. The same applies to the regulation according to which the government officer subject to disciplinary procedure may - starting from the commencement of the disciplinary procedure - request that he/she be dismissed with immediate effect.[14] This provision renders the disciplinary procedure weightless in the same way, therefore it is reasonable to repeal it.

The disciplinary procedure and the instrument of disciplinary liability are made weightless also by a provision regulated in both the Civil Servants Act[15]and the Governmental Administration Act[16], that is the provision which ensures unilateral appointment amendment. This opportunity granted by law, namely the unilateral modification of the appointment *without the consent* of the civil servant or the government officer may actually be considered as a detriment in terms of the content of the legal relationship, which may be used by the employer without conducting any preliminary procedure, which entails guarantees. The unilateral amendment of appointment is cause for concern in terms of the instrument of the disciplinary liability as well, therefore the repeal thereof is justified in order to maintain and preserve the weight and prestige of disciplinary liability - as an instrument which ties the conducting of a preliminary procedure that ties the imposing of detrimental consequences to guarantees.

Considering that the proposals elaborated above concerned the termination system, it is reasonable to also note that - in contracts to regulation of the Public Employees Act - both the Civil Servants Act and the Governmental Administration Act lack the opportunity of resignation by the civil servant or the government officer with immediate effect as legal ground for termination.[17] It would be justified to regulate these legal grounds for termination in both acts, in order to allow the civil servant or the government officer to terminate the legal relationship with immediate effect in case of the employer's qualified breach of duty. In addition, it shall be noted that it would make the termination systems of both the Civil Servants Act and the Governmental Administration Act more transparent if the acts would regulate expressis verbis the employer's dissolution with immediate effect as legal ground for termination.

[14]Subsection (2) Section 155/A of the Civil Servants Act, Subsection (5) Section 166 of the Governmental Administration Act
[15]Subsection (1) Section 48 of the Civil Servants Act
[16] Subsection (1) Section 89 of the Governmental Administration Act
[17] Section 29 of the Public Employees Act regulates extraordinary resignation as legal ground for termination.

V.4.3. The social "side-effect" of the sanction

As it was included in the historical section as well, before the Second World War there was opportunity to impose punishments which were surprisingly sensitive socially, for example, fines between 10 and 100 Hungarian pengős could be imposed in favour of the administrative poverty funds. This concept, i.e. the application of financial detriment to be used for social purposes - for example, spending the financial detriment on the Christmas charity dinner - would be reasonable to specify as a disciplinary punishment.

V.4.4. The hearing

In connection with the Governmental Administration Act it was analysed that it provides the opportunity not to hold hearings in all cases. In connection with the opportunity to dispense with the hearing reference may be made to traditionally private law area, the regulation of disciplinary liability in the act regulating the activity of attorneys. Act LXXVIII of 2017 on the Professional Activities of Attorneys-at-Law regulates the issue of disciplinary liability in substantial detail. Similarly to the regulation of disciplinary liability in the Governmental Administration Act, the act on attorneys provides opportunity to adopt disciplinary resolutions without holding a hearing[18] in cases that are straightforward from a legal viewpoint. However, one guarantee rule is that - on the one hand - any disciplinary penalty, with the exception of disbarment, may be imposed in a decision adopted without holding a hearing, and - on the other hand - the attorney-at-law subject to proceedings may request that a hearing be held within fifteen days upon being served the decision. However, it shall be noted that in the disciplinary procedure under the Governmental Administration Act the exerciser of the disciplinary power has the right to make the decision and to adopt the disciplinary resolution by himself or to appoint a disciplinary council, meanwhile, according to the act on the activities of attorneys-at-law, the resolution is adopted by a disciplinary council - therefore a disciplinary council has to be appointed - and only the adoption of the resolution takes place without a hearing. In comparing these two legislative solutions, the solution of the act on the activities of attorneys-at-law could be applicable in the regulation of the Governmental Administration Act as well, i.e. the exerciser of the disciplinary power would appoint the council. This would mean a guarantee for the government officer, since the person of the exerciser of the disciplinary power and the person adopting the disciplinary resolution would be separated. In addition, the disciplinary liability regulation of the Governmental

[18] Section 127 of Act LXXVIII of 2017 on the Professional Activities of Attorneys-at-Law

Administration Act could regulate that solution included in the act on the activities of attorneys-at-law according to which the person subject to the procedure has the right to request a hearing within fifteen days of the delivery of the resolution.

V.4.5. The labour law of the private sector: Act I of 2012 on the Labour Code

The legislation in force is definitely in need of amendment with respect to the following matters. Considering the employee's interests it is justified that the legislator requires that the procedure is regulated consistently and clearly regarding the imposing of the detrimental legal consequences. Namely, similarly to the third Labour Code[19], the regulation shall contain that both the collective agreement and the employment contract may specify the detrimental legal consequences subject to determining the procedural rules. As it was already referred to above, Gusztáv VINCENTI had stated as early as in 1942 that "...the rules of disciplinary right usually impose obligations on the employees...however, if such rules make the imposing of the disciplinary punishment subject to a specific procedure, then such rules will at the same time also grant right to the employees." Specifying the rules of procedure therefore means guarantees and frameworks, however, it does so without violating the spirit of labour law as one of the private law branches of law.

With regard to the detrimental legal consequences my opinion is that it is correct solution if no specific legal consequences are specified in the Labour Code but the criteria which shall be fulfilled are stipulated by the law. This is in line with the concept that the amount of the sanction of financial nature shall not exceed one month's base wage.[20] This provision constitutes a guarantee for the employee, at the same time, this amount could be classified or deemed not definitive by the employer. The employer may think that it is not worth to conduct the disciplinary procedure and to apply the instrument of disciplinary liability for one month's base wage. However, in my opinion it is the duty of labour law to provide guarantees, to bear employee interests in mind, therefore it is not justified the one month's base wage amount. In addition, compared to the current legislation I would put even stronger emphasis on employee interests; with respect to the detrimental legal consequences manifesting in sanctions of financial nature I would expressly regulate the statutory provision of the opportunity to pay in instalments, for example, if any sanction of financial nature in excess of 1/3 of the monthly base wage is applied. Taking certain social aspects into

[19] Subsection (1) Section 109 of Act XXII of 1992 on the Labour Code
[20] Subsection (2) Section 56 of Act I of 2012 on the Labour Code

consideration (e.g. if the employee is a single parent bringing up his/her child below 16 years of age in his/her own household and the base wage of the employee is less than the guaranteed minimum wage), it would be reasonable for the act to exclude the application of this sanction.

Finally, it shall not be left out that an infringement may not be sanctioned by detrimental legal consequences if the employer has already stated it as the reason for termination of the employment relationship.[21] This provision contains a logical contradiction, since once an employment relationship is terminated, then it will not be followed by any detrimental legal consequence. It would be necessary to amend the regulation: the employment relationship shall not be terminated due to any failure or conduct which had already been ground for imposing any detrimental legal consequence during the term of the legal relationship.

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In my opinion, the conclusions drawn in the dissertation could be applied in connection with the legislation in force. In addition, it shall be declared as a final conclusion that maintaining the instrument of disciplinary liability in the legislation of both the private sector and the public sector is in the interest of the employees, the public employees and civil servants as well, in order to allow for a tri-polar regulation of the legal consequences applicable for wrongful breaches of duty.

[21] Subsection (4) Section 56 of Act I of 2012 on the Labour Code