

TRANSFORMING LABOUR RELATIONSHIPS IN THE CONTEXT OF DIGITALISATION

- SUMMARY -

This habilitation thesis synthesises the research activity carried out following the award of the PhD degree in Law and highlights the main directions for the further development of the research programme that I propose for the next stage of my academic career.

The research has been developed around two principal directions. The first concerns labour discipline and disciplinary liability, while the second focuses on telework in the context of the digitalisation of employment relationships. Since 2019, following the successful defence of my doctoral dissertation entitled *Atypical Employment Contracts*, my research activity in these two areas has resulted in the publication of two monographs: *Labour Discipline in Romanian and Comparative Law*, authored by Mihaela-Emilia Marica and published by Universul Juridic Publishing House in 2024, and *Telework – A Paradigm Shift in the Organisation of Work*, co-authored by Mihaela-Emilia Marica and Luminița Chitoran and published by Wolters Kluwer Romania in 2026.

Each of these two research directions follows the same methodological framework, successively examining the scientific and doctrinal context, the research premises, the objectives pursued, the methodology employed, the resulting scientific contributions, and their impact on the subsequent development of the research programme. The first research direction focuses on the analysis of the classical institutions of labour law relating to labour discipline and the ways in which these institutions have been adapted to doctrinal and judicial developments. The second examines the impact of telework, as a new form of work organisation, on the same legal institutions within a context characterised by digitalisation, increased flexibility and the redefinition of the relationship between the professional and the personal spheres.

The thesis brings together the principal findings of ten scientific publications prepared after the award of the PhD degree and published in various academic formats.

The scientific contributions presented throughout the research included in this habilitation thesis contribute both to the advancement and expansion of knowledge in the field of labour law and to the

formulation of practical solutions for legal practitioners. At the same time, the research findings provide the basis for future research directions aimed at further exploring the effects of digitalisation on employment relationships, the development of new digital forms of work organisation and the strengthening of European standards concerning the protection of employees.

The thesis is structured into three sections, each of which is further divided into chapters and subchapters according to the subject matter addressed, as follows:

SECTION I – THE SCIENTIFIC CONTEXT OF THE RESEARCH TOPIC

Section I is structured into three chapters, each further divided into subchapters.

CHAPTER I. Research Direction Concerning Labour Discipline in Romanian and Comparative Law

Chapter I constitutes a synthesis of the principal scientific contributions developed within the specialised literature and is organised into a series of subchapters that progressively examine the institution of disciplinary liability.

It analyses the conceptual aspects of disciplinary misconduct by distinguishing between repeated breaches and serious breaches of labour discipline and by examining the solutions developed in comparative law. This section also addresses acts capable of constituting disciplinary misconduct, with reference to Romanian case law and to the experience of other legal systems.

Furthermore, the doctrinal framework is complemented by an analysis of the disciplinary sanctions provided for by the Romanian Labour Code, with particular emphasis on the written warning, the criteria governing the individualisation of disciplinary sanctions and the stages of the preliminary disciplinary procedure. The chapter further examines issues relating to the mandatory nature of the disciplinary investigation, the summoning of the employee, the specific aspects concerning the summoning of teleworkers in the context of the digitalisation of employment relationships and, finally, the legal regime governing the disciplinary sanctioning decision as the final act through which the employer exercises its disciplinary prerogative.

Subchapter 1.2. The Need for and Objectives of the Research Direction on Labour Discipline

Subchapter 1.2 provides the rationale for the selection of the research topic and highlights the principal theoretical and practical issues that justified the development of this research programme. It also identifies the main objectives pursued through the analysis of the institution of disciplinary liability.

Subchapter 1.3. Research Methodology

Subchapter 1.3 presents the research methods employed throughout the studies, namely legal-dogmatic analysis, the comparative method, doctrinal research and the analysis of Romanian and European case law, as well as the manner in which these methods were applied in substantiating the conclusions reached and the proposals advanced.

Subchapter 1.4. Research Findings and Scientific Contributions of the Research Direction on Labour Discipline

The central part of Chapter I is represented by Subchapter 1.4, which presents the research findings and scientific contributions relating to the field of labour discipline. The subchapter is structured according to the principal stages in the development of the research programme, each stage building upon and further developing the results achieved previously and contributing to the establishment of a coherent and comprehensive vision of the institution of disciplinary liability.

Accordingly, the chapter presents the scientific contributions concerning the conceptual foundations of serious and repeated disciplinary misconduct, the studies relating to the identification of disciplinary misconduct and the assessment of the conditions governing disciplinary liability, the research devoted to the individualisation of disciplinary sanctions and the legal regime of the written warning, as well as the studies concerning the procedural safeguards applicable during disciplinary investigations and the particularities of summoning teleworkers to disciplinary investigations.

Subchapter 1.4 concludes by presenting the scientific contributions concerning the legal regime of the disciplinary sanctioning decision, analysed as the final legal act through which the employer exercises its disciplinary prerogative.

CHAPTER II. Research Direction on Telework

Chapter II develops the second major direction of the research programme and examines the transformations that have occurred in labour law following the emergence and development of telework.

The chapter opens with **Subchapter 2.1 – The Current Scientific Context of Telework**, which presents the scientific background of telework from two complementary perspectives. On the one hand, it examines international and European developments, while on the other hand it analyses the Romanian legislative and doctrinal framework. Particular attention is devoted to the principal legislative and judicial developments that have led to the reconsideration of traditional labour law institutions in the context of the digitalisation of professional activities.

Subchapter 2.2. The Need for and Objectives of the Research Direction on Telework

Subchapter 2.2 is devoted to the need for and the objectives pursued through this research direction. It sets out the principal reasons underlying the choice of telework as a research topic by highlighting the legal challenges generated by the organisation of remote work. At the same time, it identifies the principal research objectives, namely the analysis of the legal framework applicable to telework through the examination of the elements defining the protection of teleworkers, the identification of the difficulties arising in the application of the current legislation and the formulation of interpretative solutions together with *de lege ferenda* proposals aimed at improving the domestic legal framework.

Subchapter 2.3. Research Methodology

Following the presentation of the research objectives, Subchapter 2.3 outlines the research methodology adopted in relation to telework. The methodological approach is based on the comparative analysis of Romanian and European legislation, legal doctrine and comparative law, as well as on the examination of relevant case law concerning telework.

Subchapter 2.4. Research Findings and Scientific Contributions of the Research Direction on Telework

The final subchapter, Subchapter 2.4, entitled Research Findings and Scientific Contributions of the Research Direction on Telework, is devoted to the results of the research, organised according to the principal themes developed in the articles and scientific studies published after the award of the PhD degree.

Accordingly, the chapter synthesises the scientific contributions concerning the concept of telework and its evolution in the context of globalisation, the developments in the legal regulation of

telework, the protection of teleworkers in the light of European legislation, and the legal regime governing on-call obligations in the particular context of teleworkers.

CHAPTER III. Monographs and University Course

Chapter III, the final chapter of the first section, presents the principal outcomes of the editorial activity carried out within the research programme developed after the award of the PhD degree. Accordingly, it highlights the two monographs that synthesise the results of the research dedicated to labour discipline and telework, respectively, as well as the university course in labour law prepared for students.

SECTION II. PROPOSAL FOR THE DEVELOPMENT OF THE ACADEMIC CAREER

The second section is devoted to the prospects for my professional and institutional development, building upon the research directions presented throughout the habilitation thesis. It outlines the principal career objectives in relation to the three main dimensions of academic activity, namely teaching, scientific research and academic administration.

SECTION III. BIBLIOGRAPHICAL REFERENCES

The final section contains the list of the principal bibliographical references consulted and cited both in the habilitation thesis and in the scientific works presented therein.