

**Alexandru Țiclea, Laura Georgescu, Ana Cioriciu Ștefănescu, Barbu Vlad,
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The work represents a novelty in the juridical literature, because it is the first Romanian distinct study of the *public labour law*, considered by the authors a distinct subsidiary branch of the labour law.

Taking into consideration the fact that the labour law is considered, traditionally, a private branch law, the work had to start with the argumentation of the existence, inside the large frame of labour law, of one secondary branch, with an evident public character. As a matter of fact, the main novelty of the study is represented by the using, for the first time in the Romanian law doctrine, of the syntagm *public labour law*. Although the denomination is already an accepted and a recognized one in the foreign, especial in the European legal doctrine, the Romanian authors use the syntagm with a quite different meaning. Thus, in the foreign juridical doctrine, the provisions of the public labour law includes the rules concerning all the categories of civil servants that work subordinate activities for a remuneration, but not on the base of a labour contract. The authors of the work adapt the public labour law denomination to the Romanian legal system, and apply it only to the legislation concerning the labour relations of the public servants, what is called, in France, “le droit du travail dans le système public”, or “le droit de la fonction publique”. By the moment of this present work, these legal provisions had been considered in the Romanian doctrine as “the public function theory”, or “the statute of civil servants”.

The main argument that determined the authors to proceed in order to realize a distinct analyze of this apart category of juridical work relations - those of the civil servants -, as a branch of the labour law is that the study of the public function, issue that belongs, evidently, to the public law, is, unfortunately, extremely rare tackled from the perspective of the labour relations, but seldom from the unique perspective of the public authority or institution, detrimental to the civil servants as people that, in fact, give “life” to the public function.

The authors point out the necessity to translate, to pass the study of these relations from the perspective given by the *public function law* to that offered by the public labour law, taking into consideration the reasonable and persuasive argument of the private characteristic of the essential elements of the public servants’ work relations. As a matter of fact, the translation is not a difficult one at all, as long as even the traditional labour law expresses a triangular relation – employer, employee and the state, within the state intervenes between employer and employee mainly in order to protect the employee. In the foreign doctrine, moreover, this accepted reality determined the accreditation of the theory about the existence of *public order in the labour law*.

As an argument for accepting the existence of a distinct subsidiary branch within the labour law, that of the public labour law, the authors point out that this branch has its own object of regulation – the work relations of the public servants, although the juridical nature of these relation is still controversial in the Romanian doctrine, some authors supporting the idea of their public, authority nature, while other authors, probably the most, support with persuasive arguments, the contractual, private nature of these work relations. This last opinion has in fact been adopted by the Romanian highest court in its latest jurisprudence.

The public labour law branch can be considered distinguished by the common labour law also by the subjects of the work specific relations, subjects that are always the same: the authorities, the public institutions on the one hand, and the public servants on the other hand.

The introductive part of the work ends with the definition given by the authors to the public labour law, as being that subsidiary branch of the labour law, containing all the rules that

regulates not only the civil servants work relations, but those of some other officials invested with the exerting of the state authority, on the base of some special regulatory statutes.

For the rest of the work, its content is traditionally structured by the well known structure of the labour law works. Thus, the authors tackle, in successive chapters, issues as: the public service, civil servant and the obtaining of this function, the collective agreements, the rights and the obligations of the civil servants, the professional building, the system of remuneration, working time and resting time, the modification and suspending the work relations, the disciplinary and the patrimonial liability, the ceasing of the work relations, and finally the settling of the work conflicts and litigations that may appear within the civil servants' work relations.

The work represents not only an editorial novelty, but also an unique instrument, opportune and extremely useful, with a complexe and complete structure, being a precious study work, and a base for next reflections and research in this legal field.