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Barković Bojanić, Ivana; Gugić, Zrinka

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Ivana Barković Bojanić
Josip Juraj Strossmayer
University of Osijek
Faculty of Economics in Osijek
Trg Ljudevita Gaja 7,
31000 Osijek, Croatia
ibarkovic@efos.hr
Phone: +38531224457

Zrinka Gugić
Doctoral School Josip Juraj
Strossmayer University of Osijek
European Studies
Trg Svetog Trojstva 3,
31000 Osijek, Croatia
gugic-zrinka@hotmail.com
Phone: +38598334988

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ABSTRACT

In a highly globalized world, the freedom of movement is one of the fundamental principles in the business community. More concretely, free movement of workers is a fundamental principle of the Treaty enshrined in Article 45 of the Treaty on the Functioning of the European Union. The purpose of this paper is to discuss from the legal and managerial aspect the purpose and function of recruitment as an important part of contemporary human resource management. The theoretical aspect of freedom of movement in the European Union is discussed within the legal institutional framework that enables EU citizens to move across borders and exercise their rights. The empirical part of the paper provides a practical example of recruitment of medical doctors (Croatian citizens) to work in the Kingdom of Sweden.

Keywords: Freedom of movement, European Union, human resource management, recruitment

1. Introduction

In times of globalisation and major challenges that have changed the economy and the business community, modern companies have recognised that their employees are the key to success in an increasingly competitive global game. As the productive potential of knowledge and activities of individuals (Vodopija, 2006: 3), human capital has taken a leading role in achieving a competitive advantage of not

only companies but also of the economy at all levels - from local to global. Namely, people who possess the knowledge, competencies, skills, and adequate motivation can respond to change as a source of opportunities and chances, rather than threats. This is one of reasons why human resource management is becoming increasingly important today both as a scientific discipline and a managerial function. In this context, finding adequate employees is

one of the important activities of human resource management, especially in terms of the *free movement of workers* which has occurred as a result of integration and globalisation processes (see more in Bahtijarević Šiber, 1999: 289).

Companies seek for human resource excellence across borders in order to obtain the best possible employees. Thus, recruitment has become an important function of human resource management, which has a critical impact on the performance of any organization. The importance of recruitment has been documented in the work of various academic scholars (see, for example, Purcell, Purcell, 1998; Click, 1997; Hogler et al., 1998; Fein, 1998).

The purpose of this paper is to briefly discuss recruitment and employment as a part of the legal discussion on freedom of movement for workers in the European Union (EU) as well as to provide a practical example of recruitment of medical doctors, Croatian citizens, to work in the Kingdom of Sweden. The paper is structured in five sections. After introductory remarks, the second section of the paper deals with the legal basis of the freedom of movement of workers within the EU. The section three focuses on recruitment of medical doctors (Croatian citizens) to work in the Kingdom of Sweden. The section four discusses the principle of Total Quality Management in the recruitment process. The paper concludes with the section five.

2. Freedom of movement of workers across borders: the legal basis

One of the four freedoms enjoyed by all citizens of the European Union is the freedom of movement of workers. It includes the right of movement and residence in another Member State, as well as the right of entry and residence for family members, and the right to work. However, there are certain restrictions that apply to these rights, which the citizens of the Republic of Croatia have faced since 1 July 2013, particularly with regard to the rights of entry and residence and the right to employment in the public sector. Restrictions are particularly present with regard to EU citizens from the new Member States. If we review all the rights obtained on the basis of the freedom of movement of workers, we

can see that some of them are carried out in practice, while others are not implemented so well. In addition to the Treaty on European Union, the legal basis of this freedom lies in certain directives and regulations: Directive 2004/58/EC¹ on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, Regulation (EU) No 492/2011 on freedom of movement for workers within the Union, Regulation (EC) No 883/2004 on the coordination of social security systems and its implementing Regulation (EC) 987/2009, as well as case law from the EU Court of Justice are also relevant (Schmid-Drüner, 2014)².

The first right is the *right to work in another EU Member State*. That right enables individuals to compete not only in national labour markets but also in labour markets of all other EU Member States. The problem arises in practice, since a large number of people are familiar neither with this option nor with the terms and conditions when competing in foreign markets. Croatian citizens do not know how they can exercise the right to seek employment within the EU, how they can access a foreign employer, what conditions and qualifications are necessary and required in each Member State, or what national provisions in each Member State restrict their quest. The aforementioned rights apply to people who exercise their right to free movement for work purposes.

Restrictions exist primarily in issues related to public security, public policy, public health and public sector employment. European law has regulated the freedom of movement for workers in terms of the definition, rights and obligations, but national laws of the Member States are to regulate conditions and restrictions on the employment of foreign workers within their own borders. However, all Member States agree that the freedom of movement for workers should be restricted in all matters of national security and strictly national issues.

Temporary restrictions placed by some Member States also apply to Croatian citizens. These temporary restrictions are divided into three stages³, starting with 1 July 2013. In the first phase that ended on 30 June 2015 all Member States could apply their national laws if they chose to do so and were not legally obliged to stand by the principles

associated with the free movement of workers under Article 45 of the TFEU and Regulation (EU) No 492/2011. In the second phase, i.e. the period from 1 July 2015 to 30 June 2018, Member States must notify the European Commission if they wish to continue to apply national laws over the next three years and not to apply the principles associated with the free movement of workers. In the third phase covering the period from 1 July 2018 to 30 June 2020, or the so-called final phase of temporary restrictions, after notifying the European Commission, Member States may continue to apply national laws only if there are serious disturbances of the labour market (or a threat thereof). A certain number of EU Member States imposed restrictions on workers from the Republic of Croatia in the first phase of temporary restrictions, which ended on 30 June 2015, because of which Croatian nationals needed work permits to work in these countries. Austria, Belgium, Cyprus, France, Greece, Italy, Luxembourg, Malta, the Netherlands, Germany, Slovenia, Spain and the United Kingdom introduced temporary restrictions in the first phase (European Commission, 2015a: 3)⁴. Croatia notified the European Commission that it likewise imposed restrictions on these 13 Member States in the first phase in terms of employment of their nationals on its territory (Europska komisija, 2015b)⁵. As the first phase of temporary restrictions came to an end on 30 June 2015, by that date 13 EU Member States, which placed restrictions on Croatia in the first phase, should have notified the Commission of their intention to maintain restrictions in the second phase or to fully open their markets to Croatian citizens. Eight of the thirteen countries (Belgium, Cyprus, France, Germany, Greece, Italy, Luxembourg and Spain) decided to allow Croatian citizens full access to their labour markets. These eight countries have fully implemented EU legislation in the area of the freedom of movement of workers since 1 July 2015. The remaining five countries (Austria, Malta, the Netherlands, Slovenia and the United Kingdom) will maintain the existing restrictions in the next three years (Thyssen, 2015)⁶.

The second right granted by the freedom of movement for workers is the *freedom to move to another EU country to work without a work permit*. This right can be immediately exercised by Croatian citizens in all Member States that have not entered

the second phase of temporary restrictions. Persons interested in exercising the right to work in another Member State should be able to get all the information from national authorities in charge thereof.

The third right is to *reside in the country as well as to remain in the country after stopping work*, which is regulated by Directive 2004/58/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States⁷. Workers have the right to enjoy equal treatment as regards access to employment, working conditions and all other social and tax benefits.

3. Recruitment of medical doctors (Croatian citizens) to work in the Kingdom of Sweden

Recruitment of medical doctors that are Croatian citizens and are willing to work in the Kingdom of Sweden may provide a practical and useful example of how the right to the freedom of movement for workers is exercised and stress the importance of recruitment as a function of human resource management. As the Kingdom of Sweden has not put restrictions on workers from the Republic of Croatia, after Croatia's accession to the EU, a large number of Croatian citizens have decided to look for jobs in that country. Swedish agency *Li-reco*⁸ acts as an employment intermediary recruiting personnel to work in Swedish hospitals and the Swedish health care system in general. As a recruiting agency, it receives requests from Swedish hospitals and other health care institutions, with an accurate description of candidates these institutions are looking for. Their task is to find an ideal match for the institution in question. Their goal is twofold: they must find the best possible medical doctor/other medical personnel for that institution (the client), and on the other hand, to that particular medical doctor/other medical personnel they must provide the best possible start for a new life in Sweden. At this point, human resource management comes to the fore. It is one of the most important strategic management functions, because by acting on the material and financial resources, human resources enable their optimal use, and by their knowledge, skills and experience they are an indispensable factor contributing to the success of the organisation.

The whole process takes place in four phases or stages, in which a key role is played by good human resource management, i.e., if all four phases are implemented in the best possible way, a positive result is unquestionable. The four stages are as follows: Phase 1 - Expressing a demand for an employee, Phase 2 - Finding a candidate, Phase 3 - Interviewing, and Phase 4 - Learning Swedish.

3.1 Phase 1 - Expressing a demand for an employee

In the first phase, a Swedish employer expresses a demand for an employee they need. All relevant terms and conditions are set at this stage, i.e. when a hospital or another institution hires an agency to look for the required specialist. It is possible that an employer requires a certain specialisation listed as a shortage occupation, such as a medical doctor specialised in radiology. Such a request can get even more specific if the hospital needs specialist radiologists who also perform mammography. The age of the specialist, years of experience in the required specialisation, years in independent medical practice, a person's character, the ability to communicate in foreign languages, motivation and desire for resettlement to Sweden, and the like, might be some conditions that are also taken into consideration. At this stage, the agency sets all parameters by which they have to find the ideal candidate for the client.

3.2 Phase 2 - Finding a candidate

The implementation of this phase can also be subdivided into three steps. The first step is advertising and searching for candidates according to the profile requested by the agency, the second step is to check whether candidates are serious job candidates determined to resettle to Sweden, and the third step is the presentation of candidates first to the agency and then to the hospital. For all three steps to follow the rules and have a positive outcome, it is important that the agent is effective and firmly adheres to proper implementation of these three steps.

3.2.1 Advertising and searching for candidates according to the agency profile

The way in which the agent finds candidates normally varies from country to country. At the moment, the most effective way of marketing and attracting the attention of the population in the Re-

public of Croatia is through the media. By various media resources, from newspapers to television, it is possible to attract the attention of the required personnel, in this case medical doctors and other medical professionals. In Croatia, it is also still possible to attract interested candidates via e-mail and word of mouth. After coming into contact with medical doctors and other medical personnel, the agent sends them a CV template of the agency that needs to be filled out in English. The CV template focuses on the candidate's personal data such as the name, last name, year of birth, marital status and number of children, but also the address, phone number and a list of foreign languages the candidate speaks. Furthermore, other specific information refers to education, specialisation and the date of passing the specialist examination, as well as the names and the number of (surgical) procedures performed annually. Finally, candidates are asked to briefly describe not only their own desires and aspirations, but also their family members' wishes, as they also participate in the resettlement process. Even if a particular candidate is not directly sought by the agency, the agent can initiate the procedure and fill in a CV template for that candidate and the so-called data bank. The data bank is used as a registry of all candidates considered by the agent, who are not needed by any Swedish hospital at a given moment, but they might be needed in the future.

3.2.2 Checking whether candidates are serious job candidates determined to resettle to the Kingdom of Sweden

The second step is to check to which extent candidates are serious job candidates determined to resettle to the Kingdom of Sweden. In this step, it is most important for the agent to check whether all information provided in the CV is accurate and current, as well as to which extent the candidate is a serious job candidate ready to resettle to Sweden. Here the agent should focus not only on the candidates themselves, but also on their families who are directly affected by the whole process of changing the place of residence. It often happens that a candidate is fully prepared to change the environment, but his/her family is not ready for such a step, the result of which is eventually that the candidate in question withdraws from the entire process. In order to prevent such situations, especially in the later stages of the process when the candidate has already been presented to the employer, it is essential at this stage to assess how determined both

the candidate and his/her family are to resettle to Sweden. It is also important to assess the candidate as a person, because the change itself brings both positive and negative impacts. Candidates must be aware that their career in Sweden starts from the very beginning, which means they will have to learn from others until they prove themselves and gain their position in the work environment. When assessing candidates as potential employees, employers pay more attention to the candidate as a person, i.e., his/her character, and how he/she would fit into their work environment, but also into the community of the city as a whole, rather than solely to the expertise and references of candidates in a professional sense.

3.2.3 *Presentation of candidates to the employer*

In the third step, a CV in English is submitted to the agency together with all necessary documents and references. The agent has to evaluate the credibility of references attached to the candidate's CV by calling or talking in person to people who prepared these references. Upon receipt of documentation from the agent, the agency presents the candidate to the employer who expressed the need for this kind of specialist.

3.3 *Phase 3 - Interviewing*

In most cases, employers want to meet the candidates face to face, and in these situations, candidates are called for an interview in Sweden. Interviews are carried out in Sweden in 3-4 days; day 1 is the day of arrival, the candidate spends day 2 in the hospital (full-time) and meets his/her potential colleagues, day 3 is reserved for sightseeing and familiarising themselves with the community, and the return home is planned for day 4. In those few days, the most important impression of the candidate is his/her ability to adjust to and integrate into the environment. Swedes extremely appreciate a healthy work environment; they keep saying that satisfied employees work harder and hence their results at work are better. They invest in promotion and education, but also encourage their employees to reach their full potential, both professionally and privately. Because of that, the hospital is investing in the whole procedure of finding the candidate, the hospital is the one who is paying the agency to find the candidate and organize the interview and is paying all the expenses incurred during the procedure, such as

flight tickets, hotel bills, sightseeing, etc. The interesting fact is that not only the candidate is invited to an interview to a Swedish hospital, but also his/her family, partner and children. This is viewed as an investment in their new potential employee. What candidates do not know and what is also part of the assessment at the job interview is that its most important part is actually dinner, which is organised together with the employees of the department to which the candidate could potentially be affiliated. The day a candidate spends in the hospital certainly affects the assessment of his/her competences in a professional sense, but the next day that is dedicated to sightseeing and the evening that is dedicated to dinner with members of the department are actually an essential part of every interview. At that dinner, everybody meets the candidate as a person, finds out how much he/she likes his/her job, what ideas he/she has, what kind of person he/she is, if he/she is a family person, how he/she functions as part of the community. All of this is essential to successful performance and progress of not only the hospital but also the community as a whole. The community can thrive only if the components of individual development, professional advancement and development of the individual and the development of the organisation or community are fulfilled (Žugaj, 1991: 248). "Individual development refers to the acquisition of new knowledge, skills, abilities and attitudes, improving the behaviour of individuals associated with the work performed or to be performed. Professional development of the individual within an organisation (career development) refers to the planned efforts involving both the individual and the organisation. Its goal is to optimise the interests of both the individual and the organisation. Organisation development refers to development of new, more creative solutions to improve results (achievements, success) and healthier inter- and intra-organisational relationships that allow groups to initiate change management" (Žugaj, 1991: 248).

3.4 *Phase 4 - Learning Swedish*

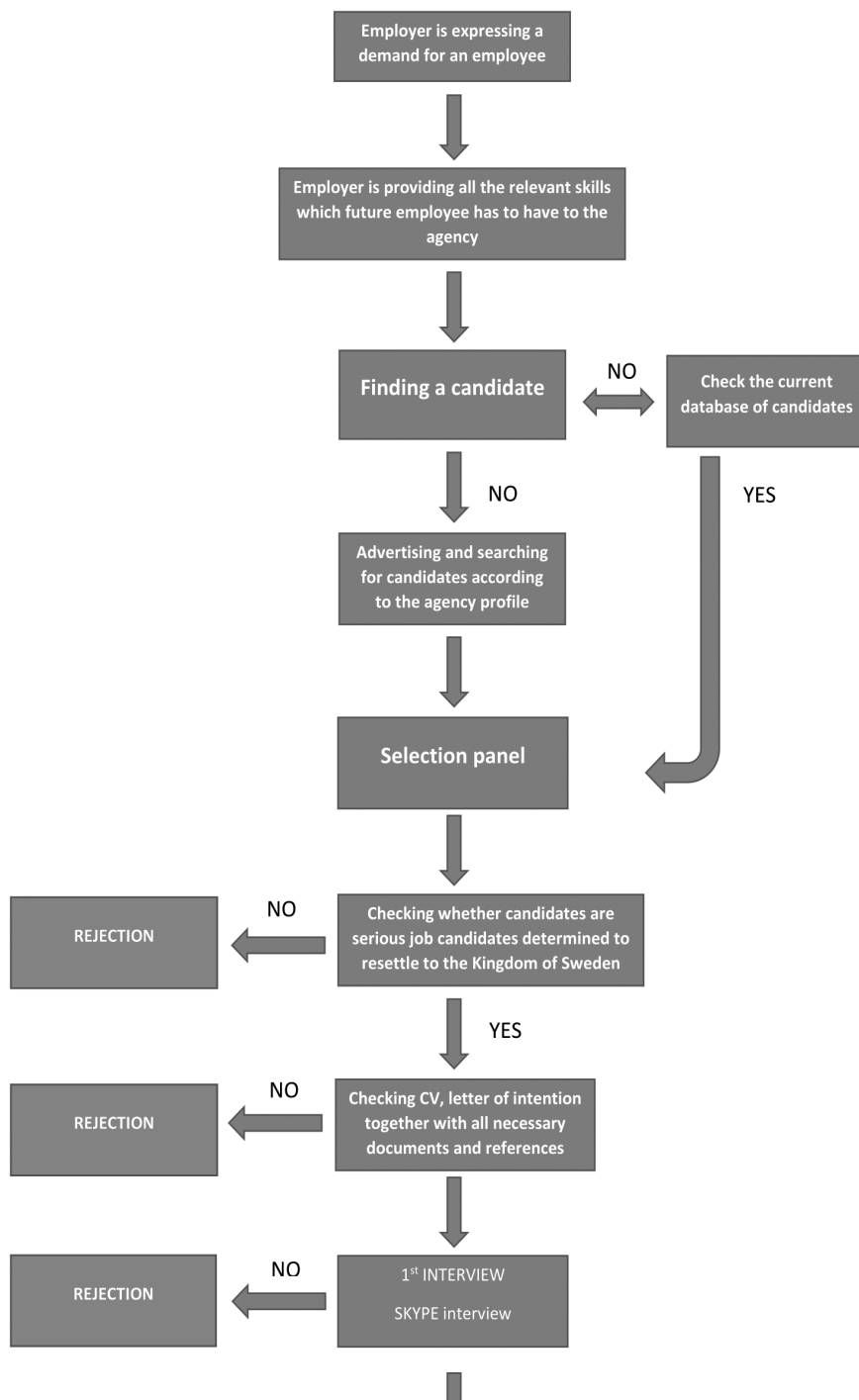
In the fourth phase, assuming that the candidate has signed an employment contract with the employer, he/she is supposed to learn Swedish for several months. At this stage, the candidate, now an employee of a Swedish hospital, who still lives in Croatia in his/her own home, is entitled to financial compensation, i.e., he/she receives the so-called equivalent salary, and learns Swedish with special-

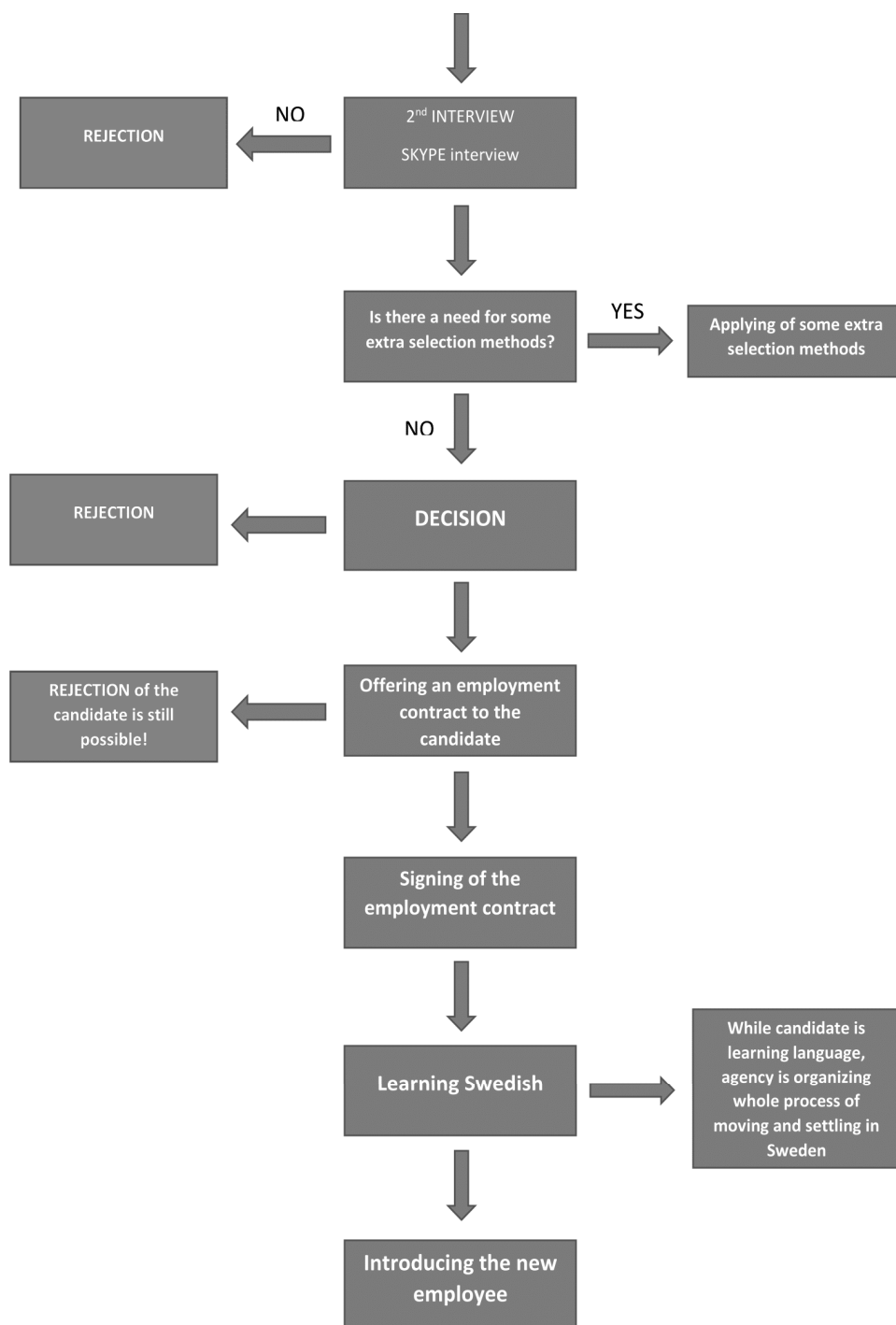
ised teachers. In this period, a Swedish language course as well as the aforementioned compensation for living is financed by the employer, i.e. a Swedish hospital. Led by numerous studies examining good human resource management, employers in Sweden believe that life-long learning in the workplace in general and encouraging employees to become life-long learners are crucial for the development of any company, in this case the hospital, and society as a whole. Results of investments in various types of training of company's employees can be seen in the so-called Spain study, in which two professors carried out research into 94 Spanish companies from different sectors wanting to determine how training of employees affected the success of the company itself. They found out that what increases worker productivity are investments in education, because in this way we can emphasise unique characteristics of human resources. In their opinion, training plays an important role in meeting the two objectives, i.e., managing human capital to achieve maximum productivity on the one hand, and reaching economic prosperity on the other. The term 'strategic human resource management' should be introduced at this point, which primarily includes the possibility for greater competition in the market, but also helps improve the ability to retain qualified employees, thus minimising swift changes in personnel. All of this has an impact on the organisation, which receives long-term commitment from its employees and strengthens individual motivation and commitment to the organisation and its objectives (Castellanos, Martin, 2011). Hence employers believe that investing in education of their employees in terms of learning Swedish will in the long run help the employee and his/her family to assimilate into Swedish society faster and much better, in both work environment and community contexts. In so doing, they believe employees and their families will be satisfied, which means they will be more productive at work, which would in turn contribute to the community as a whole. It was pointed out that the key to doing business well lies in systems thinking, personal development of the individual, mental models, building shared vision and team learning (Džubur, 2003: 47). In addition to learning the Swedish language, the course also includes learning about Swedish culture, tradition, work and life in Sweden with an additional emphasis on the Swedish medical terminology.

3.5 *Obligations of the agency*

Throughout the process, as a body responsible for finding the ideal candidate for the employer and the ideal employer for the candidate, the agency takes care of all current obligations of candidates to facilitate the whole process for both sides, which makes adjustment of the candidate to the new environment psychologically easier. The agency finds accommodation for the candidate who has signed an employment contract based on his/her preferences, organises and covers all costs related to resettlement, helps with all necessary documents, helps the candidate's partner to find an appropriate job, helps candidates to enrol their children in kindergartens, schools, colleges (depending on their age), and generally runs all errands until the family is settled, i.e. while they are adapting to the new environment.

A typical recruitment and selection process of medical doctors in the Kingdom of Sweden is illustrated in Figure 1.

Figure 1 Recruitment and selection process of medical doctors in the Kingdom of Sweden



Source: Adapted from Doornenbal et al. (2012: 5-6)⁹

4. Total Quality Management in Recruitment Process

Just like any other successful HR manager, agencies are also led by the so-called Total Quality Management (TQM) principle. Total quality management describes an approach to management characterised by a long-term orientation towards continuous improvement of the quality and the greatest possible level of satisfaction of the customer or client. In TQM all members of the organisation work together to improve the quality of the entire organisation.¹⁰ There are six key components within TQM: leadership, people management, customer/client focus, the use of all information and analyses, process and strategy development, and the quality of planning (Terziowski, Samson, 1999). This kind of human resource management is called strategic human resource management and it is somewhat different from human resource management. "Strategic management is defined as a process that involves goal setting, strategic analysis, strategic decision making, strategic design and implementation, and performance control. In foreign literature, some authors summarise strategic management activities and express them as the acronym MOST (standing for Mission, Objectives, Strategy, Tactics), which includes a mission and vision of the organisation and points to the course of action, the objectives the organisation wants to achieve, the strategy in terms of resources and competences, and tactics in terms of planned actions" (Križmarić, 2014: 49).

4.1 TQM in medical personnel recruitment agencies

Before candidates start working, it is important to carry out the planning and preparation phase in order to facilitate the implementation of the whole process and minimise time (Wescott, 2013). When planning, desires and needs of the client must be taken into account and everybody involved should be informed in advance about what is expected of them throughout the process. Preparation can help us detect in advance the greatest risks throughout the process, which might occur if errors were committed in the recruitment process. If errors are considered in the preparation phase, they can be easily avoided or easily solved if they occur during the process itself. Documentation must also be submitted during the process, which may initially be only templates or samples that can be used later as the basis for providing detailed documentation. By col-

lecting supporting documents, we reduce the risks of losing information, facilitate the entire process, but also significantly reduce the time of its implementation. This phase is important not only for the person who carries out the process, in this case the agency, but also for the contracting party, i.e. the customer.

4.1.1 Work is performed in accordance with the established guidelines

Guidelines and procedures are important in the operation of any company. If everyone within the organisation is both aware of all the procedures and processes and follows them, it helps their colleagues to follow the procedures understanding all the previous steps, as well as understanding what they are expected to do. For this reason, it is important to keep records relating to each step in the procedure in order to help everyone first to find and then to do their part of the job properly.

4.1.2 Professional requirements

Professional requirements apply to all employees of the company who are obliged to respect the principles of confidentiality, objectivity, integrity and professional conduct. In respect of the principle of confidentiality, no information within the company can be disclosed either out of the company or to unauthorised persons. Therefore, all the material the agent receives must be kept in a safe place and should not be shared with third parties. Agents are supposed to act impartially and independently and perform their work with due professional care. It is very important to understand that professional secrecy guarantees a client's sense of safety and trust.

4.1.3 Professional skills and competencies

All employees within the company must have expertise and skills needed for employees to successfully perform their duties and achieve objectives. Sometimes it is necessary that those workers who are already employed in the company receive further training and develop their professional skills in order to be able to do their jobs. For this reason, a job description should also include the possibilities of additional training to help employees become more effective, more independent and more efficient. This step implies modernisation in terms of understanding the importance of human resources. Taking into consideration that creativity and flexibility of any business entity crucially depends on the skills, knowledge and

creativity of its employees, these aspects of business systems have come to the fore. Hence, today we can speak of the new economy, the knowledge economy, the economy that is global and that is marked by a constant struggle with uncertainty and change (Jamšek, Penić, 2008: 1181).

4.1.4 Delegation

Five guidelines given in the paper - goal setting, strategic analysis, strategic decision-making, strategic design and implementation, and performance control, which are presented through four phases of the recruiting process - indicate that all the work should be controlled and managed in order to meet all requirements. If the agent is the one who does the work, then as a responsible person, he/she always needs to be available and support the candidates throughout the entire process, from the planning phase to the implementation phase, i.e., employment. The level of support will depend on the given tasks and previous experience. Records and questionnaires are an example of what can be used to help the agent in his/her work.

4.1.5 Client acceptance and retention

Every new case will be checked and evaluated before being accepted. The reason for that is to gain the trust of the client and avoid misunderstanding, confusion and, ultimately, failure. It is necessary to investigate who the client is, to establish his wishes, preferences and requirements, as well as the job functions. All this contributes to a better understanding of what the client wants, what ethical values the client holds and what risks may occur.

4.1.6 Quality assurance monitoring program

As such, organisation of the procedure should be maintained throughout the process; it is necessary to carry out checks to ensure compliance with all the standards. At the end of the process, the quality is to be confirmed by both parties, the client and the candidate, by means of harmonising and monitoring of their reports, for six months after the candidate starts working for the client.

5. Concluding remarks

Human resources and their management are becoming increasingly important in developed European countries, but also in Croatia. Following Croatia's accession to the European Union and

cooperation in the fields of employment in other Member States, Croatia has started to realise the importance of good and well-organised human resource strategic management. Cooperation in the field of hiring Croatian medical personnel in hospitals and health institutions in Sweden provides a new look at the whole process by taking over the Swedish model of strategic human resource management. In this recruitment process, each phase is developed and carried out in the pre-planned way. In strategic management, it is important to follow pre-established guidelines. Risks and losses in the event of failure of the entire project, as well as the profit in case of a positive outcome, are taken into account in the elaboration of the process as a whole. It is believed that good elaboration of the whole process significantly reduces potential risks. Particularly noteworthy is the importance of the interview, in which evaluation of the candidate's ability to assimilate (fit) into the organisation's work culture / environment is the most important part. Swedes believe that employee satisfaction in the work environment, harmony and unanimity are factors necessary for any successful business. In the case of medical personnel, we refer to successfully performed medical procedures and surgeries and further development of new methods of treatment.

Market research gives space to HR recruitment agencies to develop new objectives, vision and tactics. A large number of changes in various fields take place in the world on a daily basis. In order to achieve greater success in business, it is important to keep track of these changes, learn from them and adapt to them. Only then may we accomplish the goals and mission set in our projects and business plans. Depending on the demand expressed in the market (and there are obviously more and more requests) and especially if it wants to be profitable and have satisfied employees, every company will soon have to set up an HR department that will carry out all the tasks related to the elaboration of processes, guidelines and projects to achieve the goals and vision of their company. That is why we need to emphasise the importance of strategic management that includes goal setting, strategic analysis, strategic decision-making, design and implementation of the strategy, and performance control of the set process.

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*Ivana Barković Bojanić
Zrinka Gugić*

TEORIJA I PRAKSA UPRAVLJANJA LJUDSKIM POTENCIJALIMA: PRIMJER REGRUTACIJE MEDICINSKOGA OSOBLJA U KRALJEVINI ŠVEDSKOJ

SAŽETAK

U izrazito globaliziranom svijetu, sloboda kretanja jedno je od temeljnih načela u poslovnoj zajednici. Konkretnije, slobodno kretanje radnika temeljno je načelo sadržano u članku 45. Ugovora o funkcioniranju Europske unije (eng. *Treaty on Functioning of the European Union*). Svrha je ovoga rada raspraviti s pravnoga i upravljačkoga gledišta funkciju regrutacije i selekcije kao važnoga dijela suvremenoga upravljanja ljudskim potencijalima. Teorijsko gledište slobode kretanja u Europskoj uniji prikazuje zakonodavni i institucionalni okvir Europske unije koji omogućuje ljudima kretati se izvan granica vlastite zemlje u ostvarivanju svojih (radnih) prava. Empirijski dio rada nudi praktičan primjer regrutacije i selekcije liječnika (hrvatskih građana) za rad u Kraljevini Švedskoj.

Ključne riječi: sloboda kretanja, Europska unija, upravljanje ljudskim resursima, regrutacija