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EUROPEAN SOCIAL CHARTER

18th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF HUNGARY

Article 2, 4, 5, 6, 21, 22, 26, 28 and 29
for the period 01/01/2017 - 31/12/2020

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CYCLE 2022

Ministry of Human Capacities

National Report

Eighteenth Report

on the implementation of the commitments undertaken in the Revised European Social Charter

Submitted by:
the Government of Hungary

covering the period from 1 January 2017 to 31 December 2020

Budapest, 2021

Pursuant to Article C of Part IV of the Revised European Social Charter (hereinafter: Charter), the implementation of the commitments undertaken in the Charter falls under the same control as those undertaken in the European Social Charter. Pursuant to the reporting procedure set out in Article 21 of Part IV of the European Social Charter, the reporting obligation covers the adopted articles of the European Social Charter. Based on the decision of the Committee of Ministers of the Council of Europe No. CM(2014)26 adopted at its 1196th meeting held on 2 April 2014, the 2021 National Report (hereinafter: Report) covers the topic entitled "Labour rights".

This Report concerns the implementation of the following Articles of the Revised European Social Charter, ratified and approved by Hungary, for the reporting period set out in the table:

Provision	**The title of the article**
Paragraph (1) of Article 2	1 January 2017 – 31 December 2020
Paragraph (2) of Article 2	1 January 2017 – 31 December 2020
Paragraph (3) of Article 2	1 January 2017 – 31 December 2020
Paragraph (4) of Article 2	1 January 2017 – 31 December 2020
Paragraph (5) of Article 2	1 January 2017 – 31 December 2020
Paragraph (6) of Article 2	1 January 2017 – 31 December 2020
Paragraph (7) of Article 2	1 January 2017 – 31 December 2020
Article 5	1 January 2017 – 31 December 2020
Paragraph (1) of Article 6	1 January 2017 – 31 December 2020
Paragraph (2) of Article 6	1 January 2017 – 31 December 2020
Paragraph (3) of Article 6	1 January 2017 – 31 December 2020
Paragraph (4) of Article 6	1 January 2017 – 31 December 2020
Article 21	1 January 2017 – 31 December 2020
Article 22	1 January 2017 – 31 December 2020

The implementation of the above articles was last reported by the Government of Hungary in its 14th National Report for the period 1 January 2013 to 31 December 2016.

This National Report was prepared on the basis of the questionnaire approved by the Committee of Ministers of the Council of Europe on 26 March 2008, and with a view to the above-mentioned decision adopted on 2 April 2014. As the 14th National Report could not be submitted on time - it was submitted by the Hungarian Government in 2018 - the European Commission of Social Rights (hereinafter: ECSR) could not cover the Hungarian report during the 2017 review of the National Reports. Thus, in addition to answering the specific questions and findings raised by the ECSR regarding implementation, this report contains information on the conclusions of the ECSR issued in 2015, already answered in our National Report No. 14, which need to be updated due to the changes that took place during the reference period.

Given that, pursuant to Article 23 of the Charter, national organizations with membership in international employer and employee organizations can deliver an opinion on this National Report, the Report was sent to the relevant Parties of the (Hungarian) National Economic and Social Council (NGTT).

LEGISLATION REFERRED TO IN THE NATIONAL REPORT

- Fundamental Law of Hungary
- Act XCIII of 1990 on Fees
- Act XXIX of 1991 on the Voluntary nature of the Payment of Membership Fees for Employee Representation
- Act XXXIII of 1992 on the Legal Status of Public Servants
- Act XCIII of 1993 on Labor Safety
- Act CXVII of 1995 on Personal Income Tax
- Act LXXV of 1996 on Labour Inspection[1]
- Act LXXXI of 1997 on Social Security Pension Benefits
- Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System
- Act XXVI of 1998 on the Rights and Ensuring the Equal Opportunities of People with Disabilities
- Act XXI of 2003 on the Establishment of a European Work Council or a Procedure for the Purposes of Informing and Consulting Employees
- Act LXXXIV of 2003 on Certain Aspets of Healthcare Activities
- Act LXXIV of 2009 on the Sectoral Dialogue Committees and Certain Aspects of the Intermediate Level Social Dialogue
- Act XLIII of 2010 on Central State Administrative Organs and on the Legal Status of Government Members and State Secretaries
- Act CXXVI of 2010 on the Government Offices of Capitals and Counties and on the Amendments to the Acts related to the Establishment of the Government Offices of Capitals and Counties and to Territorial Integration
- Act XCIII of 2011 on the National Economic and Social Council
- Act CVI of 2011 on Public Employment and on the amendment of Acts related to Public Employment and other Acts
- Act CXXVIII of 2011 on Disaster Management and Amending Certain Related Acts
- Act CLXXV of 2011 on the Freedom of Association, on Public-Benefit Status, and on the Activities of and Support for Civil Society Organizations
- Act CLXXXI of 2011 on the Court Registration of Civil Society Organizations and the Related Procedural Rules
- Act CXC of 2011 on the National Public Education
- Act CXCV of 2011 on the Public Finances
- Act CXCIX of 2011 on Public Servants
- Act I of 2012 on the Labor Code
- Act LXXXVI of 2012 on Transitional Provisions and Amendments related to the Entry Into Force of Act I of 2012 on the Labor Code
- Act V of 2013 on the Civil Code
- Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies
- Act LII of 2016 on the State Officials[2]
- 2016. évi CL. törvény az általános közigazgatási rendtartásról Act CL of 2016 on the General Public Administration Procedure

[1] Repealed by Act CXXXV of 2020. Invalid from 1 March 2021.
[2] Repealed by Act CXXV of 2018. Ivalid from 1 january 2019

- Act CLXVII of 2016 on the Amendment of Act LXXXL of 1997 on Social Security Pension Benefits and other Atcs[3]
- Act CLXXIX of 2016 on the Amendment and Acceleration of Procedures Related to the Registration of Civil Society Organizations and Companies[4]
- Act I of 2017 on the Code of Administrative Litigation
- Act XIII of 2017 Amending Certain Acts in Connection With the Declaration of Good Friday as a Public Holiday[5]
- Act L of 2017 Amending Certain Acts Related to the Entry Into Force of the Act of General Public Administration Procedure and the Code of Administrative Litigation[6]
- Act CLIX of 2017 Amending Acts Related to the Entri Into Force of Act on the General Public Administration Procedure And Certain Other Acts
- Act XCIV of 2018 Amending Certain Acts on Employment[7]
- Act CXIV of 2018 on the Legal Status of Defence Employees
- Act CXV of 2018 Amending Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies and Other Related Acts
- Act CXVI of 2018 Amending Certain Acts Rrelated to the Organization of Working Time and Minimum Wage of Temporary Agency Work[8]
- Act CXVII of 2018 Amending Certain Social, Child Protection and Other Related Acts
- Act CXXV of 2018 on the Government Administration
- Act XXXIV of 2019 Legislative Amendments Necessary for the Implementation of the Data Protection Reform of the European Union[9]
- Act LXVI of 2019 on the Foundation of the 2020 Central Budget of Hungary
- Act LXXX of 2019 on Vocational Education and Training
- Act CVII of 2019 on Organs with a Special Status and the Status of their Employees
- Act CXXVI of 2019 on the Amendment of Certain Acts related to the family Protection Action Plan[10]
- Act CXXVII of 2019 Amending Certain Acts in Connection with the Creation of Single-level District Office Procedure
- Act XII of 2020 on the Measures for the Control of Coronavirus[11]
- Act XXXII of 2020 on the Transformation of the Legal Status of Public Servants Employed in Cultural Institutions and the Amendment of Certain Cultural Acts
- Act LVII of 2020 on the Termination of the State of Danger
- Act LVIII of 2020 on the Transitional Rules Related to the Termination of the State of Danger and on Epidemiological Preparedness[12]
- Act C of 2020 on Healthcare Service Relationship
- Act CIX of 2020 on the Containment of the Second Wave of the Coronavirus Pandemic[13]

[3] Repealed by Act CLXXIX of 2017. Invalid from 12. December 2017.
[4] Repealed pursuant to Section 12 of Act CXXX of 2010. Invalid from 2 March 2017.
[5] Repealed pursuant to Section 12 of Act CXXX of 2010. Invalid from 25 March 2017.
[6] Repealed pursuant to Section 528(4) of the same Act. Invalid from 2 January 2018.
[7] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 2 January 2020.
[8] Repealed pursuant to Section 12 of Act CXXX of 2010. Invalid from 2 january 2019.
[9] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 14 May 2019.
[10] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 2 January 2021.
[11] Repealed by Section 1 of Act LVII of 2020. Invalid from 18 June 2020.
[12] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 3 September 2020.
[13] Repealed by Section 5 of the same Act. Invalid from 8 February 2021.

- Act CXIV of 2020 on the Amendments of Certain Acts Necessary for the Transformation of Legal Status of Employees of Eötvös Loránd Research Network[14]
- Act CXXXV of 2020 on the Services and Subsidies Promoting Employment and the Supervision of Employment
- Act CLXVIII of 2020 Amending Certain Acts Related to the Entry Into Force of the Act on Sanctions for Administrative Violations[15]
- Act I of 2021 on the Containment of the Coronavirus pandemic
- Government Decree 375/2010 (31 December) on the subsidies that may be granted for public employment
- Government Deecree 368/2011 (31 December) on the implementation of Public Finances Act
- Government Decree 94/2018 (22 May) on the duties and powers of the members of the Government
- Government Decree 341/2019 (23 December) amending certain Government Decrees in connection with the transfer of certain governmental tasks[16]
- Government Decree 360/2019 (30 December) amending certain government decrees relating to the simplification of the operation of metropolitan and county government offices[17]
- Government Decree 40/2020 (11 March) on the declaration of the state of danger[18]
- Government Decree 47/2020 (18 March) on the immediate measures alleviating the effects of the coronavirus pandemic on national economy [19]
- Government Decree 85/2020 (5 April) on certain rules of domestic and administrative nature applicable during the stae of danger
- Government Decree 88/2020 (5 April) on the measures to be taken during the state of danger with regard to certain social and child protection services and on the arrangements for the operation of social services during the state of danger [20]
- Government Decree 105/2020 (10 April) on support for reduced working hours during the state of danger under the Economic Protection Action Plan[21]
- Governemnt Decree 282/2020 (17 June) on the termination of the state of danger declared on 11 March 2020
- Government Decree 478/2020 (3 November) on the declaration of the state of danger[22]
- Government Decree 486/2020 (10 November) on the public passenger transport discounts for health workers and students of medicine and health sciences involved in the protection against the coronavirus pandemic during the state of danger
- Government Decree 487/2020 (11 November) on the application of rules on telework during the state of danger
- Government Decree 528/2020 (28 November) on the implementation of Act C of 2020 on the Healthcare Service Relationship
- Government Decree 530/2020 (28 November) on certain issues relating to the status of health workers and of persons employed in the health sector

[14] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 3 January 2021.
[15] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 18 July 2021.
[16] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 3 January 2020.
[17] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 3 January 2021.
[18] Repealed by Government Decree 282/2020 (17 June). Ivalid from 18 June 2020.
[19] Invalid from the day of the termination of the state of danger, 18 June 2020.
[20] Invalid from the day of the termination of the state of danger, 18 June 2020.
[21] Invalid from the day of the termination of the state of danger, 18 June 2020.
[22] Repealed by Government Decree 26/2021 (29 January). Invalid from 8 February 2021.

- Government Decree 570/2020 (9 December) on certain rules of internal affairs and administration applicable during the state of danger and on certain measures related to the state of danger
- Government Decree 26/2021 (29 January) on the termination of the state of danger declared by Governbemt Decree 478/2020 (3 November) on the declaration of the state of danger
- Government Decree 27/2021 (January 29) on the declaration of the state of danger and the entry into force of the emergency measures
- Government Decree 89/2021 (27 February) on certain measures to combat the pandemics during the state of danger
- Government Decree 115/2021 (10 March) on the activities of the employment supervisory authority
- Government Decree 149/2021 (March 27) on the rules applicable to the granting of leave in certain employment relationships during the state of danger[23]
- Government Decree 327/2021 (10 June) on the supplementary leave granted to employees involved in the response to the consequences of SARS-CoV-2 coronavirus pandemic[24]
- Decree 27/1996 (28 August) NM of the Minister for Welfare on the notification and investigation of occupational diseases and increased exposure cases
- 33/1998 (24 June) NM of the Minister for Welfare on the medical examination and opinion on the suitability for work, occupational and personal hygiene
- Decree 47/1999 (4 August) GM of the Minister of Economy on the issue of the Safety Regulations for Lifting Machinery
- Decree 61/1999 (1 December) EüM of the Minister of Health on the protection of the health of workers exposed to biological agents
- Joint Decree 25/2000 (30 September) EüM-SZCSM of the Minister for Health and the Minister for Social and Family Affairs on chemical safety at workplaces[25]
- Decree 26/2000 (30 September) EüM of the Minister of Health on the protection against occupational carcinogens and the prevention of health damage caused by them
- Joint Decree 3/2002 (8 February) SZCSM-EüM of the Minister for Health and the Minister for Social and Family Affairs on the minimum level of occupational safety requirements at workplaces
- Decree 143/2004 (22 December) GKM of the Minister of Economy and Transport on the issue of the Welding Safety Code
- Decree 11/2012 (29 February) KIM of the Minister of Administration and Justice on the forms to be used by civil society organizations in court proceedings
- Decree 35/2014 (19 November) NGM of the Minister of National Economy on the technical safety requirements for the operation of certain transportable pressure equipment and on the Gas Cylinder Safety Regulation
- Decree 1/2016 (5 January) NGM of the Minister of National Economy on the technical safety requirements and official supervision of storage tanks and storage facilities for hazardous liquids or melts
- Decree 2/2016 (5 January) NGM of the Minister of National Economy on the technical safety supervision of pressure equipment, filling equipment, small capacity compressed gas filling equipment and on the periodic inspection of automotive gas tanks
- Decree 10/2016 (5 April) NGM of the Minister of Economy on the minimal level of health and safety requirements of working equipment and its use

[23] Repealed by Government Decree 647/2021 (30 November). Invalid from 1 December 2021.
[24] Repealed by Government Decree 647/2021 (30 November). Invalid from 1 December 2021.
[25] Repealed by Decree 5/2020 (6 February) ITM. Invalid from 7 February 2020.

- Decree 4/2017 (3 April) IM of the Minister of Justice on the model documents to be used in the simplified registration and simplified change registration procedures for civil society organizations and sports associations
- Decree 40/2017 (4 December) NGM of the Minister of National Economy on interconnection and user equipment and on electrical equipment and protective systems operating in potentially explosive atmospheres
- Decree 10/2019 (4 September) PM of the Minister of Finance amending certain Ministerial Decrees on employment[26]
- Decree 5/2020 (6 February) ITM of the Minister of Innovation and Technology on the protection of the health and safety of workers exposed to chemical agents
- Decree 6/2020 (7 February) ITM of the Minister of Innovation and Technology amending Decree 26/2000 (30 September) EüM of the Minister of Health on the protection against occupational carcinogens and the prevention of health damage caused by them and amending Decree 5/2020 (6 February) ITM of the Minister of Innovation and Technology on the protection of the health and safety of workers exposed to chemical agents
- Decree 10/2020 (14 March) EMMI of the Minister of Human Capacities on the amendment of certain ministerial decrees on health necessary due to the declared state of danger[27]
- Decree 27/2020 (16 July) ITM of the Minister of Innovation and Technology amending certain ministerial decrees on technical regulation for the purposes of legal harmonization and deregulation[28]
- Decree 40/2020 (4 November) ITM of the Minister of Innovation and Technology amending Decree 61/1999 (1 December) EüM of the Minister of Health on the protection of the health of workers exposed to biological agents[29]
- Government Decision 1581/2016 (25 October) on the national occupational safety and health policy

[26] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 3 March 2020.
[27] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 17 March 2020.
[28] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 2 August 2020.
[29] Repealed pursuant to Section 12-12/B of Act CXXX of 2010. Invalid from 7 November 2020.

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ARTICLE 2 – THE RIGHT TO JUST CONDITIONS OF WORK

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. Rules applicable to employees

- **General work schedule, daily and weekly working hours**

Act CXVI of 2018 Amending Certain Acts Related to the Organization of Working Time and Minimum Wage of Temporary Agency Work (hereinafter: Amendment Act) amended the following provisions of Chapter XI on working and rest time of Act I of 2012 on the Labor Code (hereinafter: Labor Code) with effect from 1 January 2019:

The Amendment Act has introduced terminological clarifications on certain terms in order to ensure uniform use of the terms, and the following provisions of the Labor Code have been amended.

The Amendment Act amended Section 87(1) of the Labor Code as follows:

"(1) 'Working day' shall mean a calendar day or an uninterrupted twenty-four hour period, if the beginning and end of the daily working time may be scheduled to fall on different calendar days."

The Amendment Act amended Section 87(3) of the Labor Code as follows:

"(3) 'Week' shall mean a calendar week or an uninterrupted one hundred and sixty-eight hour period, if the beginning and end of the daily working time may be scheduled to fall on different calendar days."

The amendment was intended to replace the 'employer's operation' by 'work schedule' in the concepts of the working day and the week as the basic legal instrument for the organization of working time, because in establishing the work schedule the employer must, as a matter of course, have the aspects of its operation in mind. Within a given work schedule, the concept of a working day is the same for all employees. The Amendment Act also introduced the term 'allocated', which is a more precise term in the system of rules on the organization of working time.

In connection with the clarification of the concepts of working day and week, the Amendment Act added some rules to those on derogations in Section 135(1) of the Labor Code so that neither the agreement of the parties nor the collective agreement may deviate from the application of these concepts (Section 87 of the Labor Code). The Amendment Act amended the provisions of Section 135(1) to (2) of the Labor Code as follows:

"(1) In the agreement of the parties or in the collective agreement no derogation is allowed:
a) from Section 87;
b) from Subsection (2) of Section 96;
c) from Subsection (5) of Section 122;
d) from Subsection (4) of Section 126;

e) from Subsections (1)-(2) and (4) of Section 127;
f) Section 134.

(2) Collective agreement may only deviate from the provisions of
a) from Section 86;
b) from Sections 88-93;
(...)
is allowed only to the benefit of employees."

The Amendment Act amended Section 97(2) to (5) of the Labor Code as follows:

"(2) Regular work pattern: the employer shall schedule working time for five days a week, from Monday through Friday.
(3) Where working time is defined within the context of working time banking or payroll period arrangement, working time may be scheduled irregularly. The work schedule shall be considered irregular if the employer schedules
a) the working time in derogation from the daily working time;
b) the weekly rest day in derogation from Subsection (1) of Section 105;
c) the weekly rest period in derogation from Subsection (1) of Section 106.
(4) The employer shall communicate the work schedule for at least one week in writing, at least one hundred and sixty-eight hours in advance before the start of the scheduled daily working time. In the absence of such communication, the last work schedule shall remain in effect.
(5) The employer may alter the communicated work schedule upon the occurrence of unforeseen circumstances in its business or financial affairs, at least ninety-six hours in advance before the start of the scheduled daily working time. The employer may alter the communicated work schedule also upon the employee's request made in writing."

The Amendment Act has thus clarified the concept of general work schedule in order to ensure a uniform interpretation of the law. It has also clarified the cases of irregular working time schedule, which form alternative cases pursuant to Section 97(3)(a) to (c) of the Labor Code.

The amendment deleted the text *"with regard to the provisions of Sections 101 to 102"* from Section 97(3) of the Labor Code, but this does not represent a substantive change, because the system of the Labor Code requires that those provisions must be taken into account anyway when allocating working time to individual days. The Amendment Act also fulfils the requirement to inform the employee adequately by specifying the hours of the working time schedule and clarifies the conditions for changing the working time schedule at the employee's request.

The Amendment Act amended Section 105 of the Labor Code as follows:

"Section 105(1) Each week two rest days must be scheduled (weekly rest day). Weekly rest days may be scheduled irregularly as well.
(2) In the case of an irregular work schedule, after six consecutive days of work at least one weekly rest day shall be allocated.
(3) In the case of an irregular work schedule, for employees:
a) aworking in continuous shifts;
b) working in shifts;
c) employed for seasonal work;
at least one weekly rest day shall be allocated per month.
(4) With the exception set out in Paragraph f) of Subsection (1) of Section 101, at least one weekly rest day shall be allocated at least once in a given month on a Sunday."

- **Rules applicable to working time schedule**

In order to remove uncertainties in the practice of law enforcement and to standardize the terminology of the law, the Amendment Act clarified the term “working time schedule”.

In order to ensure healthy and safe work and to protect workers, the Amendment Act introduced a limit to Section 105(4) of the Labor Code, which provides that in the case of employees working atypical hours, the employer must allocate at least one rest day per month, and at least one weekly rest day per month must be allocated on a Sunday. Given that the legislation has so far given employers too much leeway in the allocation of weekly rest days, the Amendment Act limits this.

The Amendment Act amended Section 114(4) of the Labor Code as follows:

“(4) In the case of young workers the weekly rest day and the weekly rest period may not be allocated irregularly.”

Second, the Amendment Act amended the provisions on working time banking and payroll periods, which are based on collective agreement.

The Amendment Act amended Section 94(3) of the Labor Code as follows:

(3) Where justified by objective or technical reasons or reasons related to work organization, the maximum duration of working time banking fixed in the collective agreement is thirty-six months..”

The Amendment Act amended Section 99(7) of the Labor Code as follows:

“(7) In the case of an irregular work schedule, the duration of scheduled weekly working time shall be taken into account on the average

a) within the time periods defined under Subsections (1) and (2) of Section 94, or

b) where justified by objective or technical reasons or reasons related to work organization, within a twelve-month period according to the collective agreement.”

The Amendment Act amended Section 98(2) of the Labor Code as follows:

“(2) In connection with payroll periods, Subsections (2)-(4) of Section 93 and Sections 94 and 95 shall also apply mutatis mutandis.”

The aim of the amendment is to create the possibility of establishing working time on the basis of a longer period, giving flexibility to organize work schedule aligned to production.

Experience has shown that the role of collective agreements in shaping the Hungarian labour market has remained relatively limited since the entry into force of the Labor Code. The legislator's intention was thus to encourage the conclusion of collective agreements in order to promote flexible regulation and thus to facilitate a more flexible application of the rights and obligations set out in the Labor Code to the given workplace and economic activity. The amendment of the rules on the organization of working time was also motivated by the draining effect on the supply side of the labour market that has emerged with the economic upturn in recent years. In addition, in view of the positive economic trends and the needs of the labour market, a more flexible solution was necessary in certain economic sectors.

The aim of the amendment was to create the possibility for an appropriate organization of working time in the light of longer-term economic trends. In particular, this could help to bring production in line with demand in sectors with long product cycles of up to 6 to 7 years, where the previous statutory maximum working time banking of 12 months was proven to be too tight. The collective agreements to be concluded under the Amendment Act will extend the period within which employers can allocate working time: the amendment allows for a longer working time banking for the allocation of hours used and unused over a three-year period. However, it should still be borne in mind that, in view of the provisions of Directive 2003/88/EC concerning the organization of working time, the average weekly working time over a 12-month period, including any overtime, should not exceed 48 hours.

The organization of working time is an area where workers enjoy special protection. The amendment therefore leaves the establishment of longer working time banking or payroll periods exclusively to the agreement of employees' and employers' organizations, subject to collective agreements, by excluding the unilateral fixing of working conditions.

The modification is intended to allow flexible working time scheduling that is adapted to long product cycles and follows fluctuating work intensity. Such working time schedules are also adapted to the needs of domestic enterprises operating in an international economic environment and having to organize their production in a global system. Existing practices in the EU Member States, for example, have served to develop a system of working time arrangements which combines the protection of workers' rights with the interests of economic operators. By better coordinating the required working time and the hours of operation, the aim of the Amendment Act is to protect workers, to maintain their job security and their ability to earn a steady and stable wage in a changing economic environment, while at the same time making production predictable and plannable for employers, as well as ensuring the continued availability of an adequate workforce.

In view of this, the amendment introduced a maximum working time banking or payroll period of 36 months, i.e. the maximum working time banking or payroll period previously set in the collective agreement at one year was increased to a maximum of 36 months.

A further technical clarification is that the Labor Code now regulates the provisions applicable to the payroll period in a single paragraph, merging the two previous paragraphs, in order to clarify the interpretation of the law.

In connection with the introduction of the new provisions, in order to facilitate the regulatory transition, the Amendment Act amended the first part of Act LXXXVI of 2012 on Transitional Provisions and Amendments related to the Entry Into Force of Act I of 2012 on the Labor Code, which was amended by adding the following Section 19/D:

"Section 19/D The following provisions of the Labor Code, as established by Act CXVI of 2018 Amending Certain Acts Rrelated to the Organization of Working Time and Minimum Wage of Temporary Agency Work (hereinafter referred to as Amendment Act 3) shall be applied as follows:

- *Section 94(3), 98(2), 99(7) shall apply to the working time banking and payroll periods starting after the entry into force of Amendment Act 3,*
- *Section 94(3) may, by derogation from point (a), be applied in respect of ongoing working time banking or payroll periods in accordance with the rules of the collective agreement,*
- *Section 97(4) and (5), Section 105, Section 109(1) and Section 135(3) shall apply to working time schedules notified after the entry into force of the Amendment Act 3."*

- **Voluntary overtime**

The Amendment Act increased the maximum amount of overtime work that can be ordered in a year to 400 hours per year. On account of that, it introduced the legal institution of so-called voluntary overtime. This allows the employer, on the basis of an individual written agreement between the parties, to impose a maximum of one hundred and fifty hours of overtime in addition to the two hundred and fifty hours per calendar year or, if the employer has a collective agreement on overtime, a maximum of one hundred hours of overtime in addition to the three hundred hours per year.

In view of this, the Amendment Act amended Section 109 of the Labor Code as follows:

"Section 109(1) In a given calendar year two hundred and fifty hours of overtime work can be ordered. (2) In addition to what is contained in Subsection (1), maximum one hundred and fifty hours of overtime work can be ordered in a given calendar year subject to agreement between the employee and the employer in writing (voluntary overtime). The employee may withdraw from the agreement at the end of the given calendar year.
(3) The provisions set out in Subsections (1)-(2) shall be applied proportionately:
a) if the employment relationship commenced during the year;
b) in the case of fixed-term employment relationships; or
c) in connection with part-time jobs."

Furthermore, the Amendment Act amended Section 135(3) of the Labor Code as follows:

"(3) The amount of overtime that may be ordered based on the collective agreement is limited at three hundred hours in a given year. In addition to the above, maximum one hundred hours of overtime work can be ordered in a given calendar year subject to agreement between the employer and the employee in writing (voluntary overtime). The employee may withdraw from the agreement at the end of the given calendar year."

In this context, it has also introduced a specific guarantee, as the termination of a voluntary overtime agreement by the employee cannot be the sole ground for termination by the employer. Accordingly, the Amendment Act amended Section 66(3)(b) of the Labor Code to read as follows:

"The
(...)
b) employee's withdrawal from the agreement under Subsection (3) of Section 99, Subsection shall not be grounds for dismissal by the employer."

In connection with the agreement on voluntary overtime, the Amendment Act extended the scope of the employer's obligation to keep records. It specified that the employer must keep records of the duration of the overtime worked under this agreement and of the agreement itself.

The Amendment Act amended Section 134(1) of the Labor Code as follows:

"Employers shall keep records of:
a) the durations of regular working time and overtime;
b) the durations of stand-by duty;
c) periods of leave;
d) the duration of overtime work performed under the agreement provided for in Subsection (2) of Section 109 and Subsection (3) of Section 135.)."

The Amendment Act amended Section 134(4) of the Labor Code as follows:
"(4) Employers shall keep records of the agreements made under:
a) Subsection (2) of Section 92;
b) Subsection (3) of Section 99;
c) Subsection (2) of Section 109;
d) Subsections (3)-(4) of Section 135)."

Rules on derogations have also been added. The Amendment Act has supplemented the provisions of Section 135(2) of the Labor Code regarding the cases of limitation of derogations in collective agreements as follows:

"(2) In the collective agreement any derogation:
(...)
h) from Subsections (2)-(3) of Section 109;
(...)
s) from the second indent of Subsection (3) of Section 135
is allowed only to the benefit of employees."

- **Childcare-related benefits**

In addition, the rules of the Labor Code were amended with effect from 1 January 2020 by Act CXXVI of 2019 on the Amendment of Certain Acts related to the family Protection Action Plan (hereinafter: Act CXXVI of 2019). Among these amendments, the following amendments are relevant with regard to the regulation of weekly and daily working hours:

On the one hand, Section 81 of the Act amended Section 61(3) of the Labor Code as follows:

"(*3) Employers shall amend the employment contract based on the employee's proposition to part-time work covering half of the regular daily working time until the child reaches the age of four, or the age of six in the case of employees with three or more children."*

The aim of the amendment is to promote more flexible employment for mothers with young children and to encourage part-time work. To this end, the amendment has raised the age limit for compulsory part-time work from three and five years to four and six years of age of the children.

Similarly, Section 8 of the Act amended the relevant provision of the Act XXXIII. of 1992 on the Legal Status of Public Servants (hereinafter: Public Servants Act) as follows:
"Section 23/B (7) The employer shall employ the public servant in part-time work agreed upon on the basis of a request pursuant to paragraph (1)
a) until the date indicated in the request, but
b) maximum until the employee's child is four years old, or until the employee's child is six years old in the case of a public servant with three or more children. Thereafter, the working time of the public servant shall be according to the same working time as prior to the request."

On the other hand, Section 82 of the Act amended Section 99(3) of the Labor Code as follows:

"Section 99(3) As regards the employees employed under Subsection (2) of Section 92, according to the work schedule:
a) the daily working time of employees shall not exceed twenty-four hours;

b) the weekly working time of employees shall not exceed seventy-two hours;
if so agreed by the parties in writing. The agreement may be terminated by the employee with fifteen days notice effective as of the last day of the calendar month, or the last day of the working time banking arrangement if applicable. The employee shall not be discriminated against if he or she refuses to enter into the agreement provided for in this Subsection, or if decided to terminate the agreement."

The amendment aims to bring the legislation more into line with Directive 2003/88/EC concerning certain aspects of the organization of working time. Thus, the above-mentioned provision has been added to the Labor Code, prohibiting the dismissal of a worker on the grounds that they have not agreed to work more hours. The aim of the amendment was to protect workers against being placed in an unlawful disadvantageous situation, in addition to dismissal.

2. Rules applicable to governmental officials and the staff of organs with a special status

- **The government service relationship**

Act CXXV of 2018 on Government Administration (hereinafter: Government Administration Act) entered into force on 1 January 2019. The Government Administration Act was drafted with the intention of bringing together in a single code the regulations applicable to all government administrative bodies and their employees, from the capital and county government offices to the ministries. As a result, the Act has partially or entirely replaced *Act CXCIX of 2011 on Public Servants, Act LII of 2016 on State Officials, Act XLIII of 2010 on Central State Administrative Organs and on the Legal Status of Government Members and State Secretaries,* and *Act CXXVI of 2010 on the Government Offices of Capitals and Counties and on the Amendments to the Acts related to the Establishment of the Government Offices of Capitals and Counties and to Territorial Integration.*

However, the Government Administration Act was not only a formal innovation compared to its predecessors, but also introduced a number of new legal institutions. First and foremost, the law introduced a new basis for human resources management by regulating the powers and procedures for posts in government administrations, which created the possibility of efficient and transparent human resources management in line with the tasks of government administrations, both central and territorial. However, the post has not only become the basic unit of human resources management, but has also become a determining factor for certain elements of the government service relationship.

In the spirit of unifying the various legal relationships, the law introduced a government service relationship, independent of the government administration, between the government official and the Government. With the introduction of the post-based relationship, the provisions on the employer and the exercise of the employer's authority, as well as the rules on the termination and expiry of the employment relationship, have also changed.

- **Rules applicable to the staff of organs with a special status**

Act CVII of 2019 on Organs with a Special Status and the Status of their Employees (hereinafter: Special Status Act) entered into force on 1 January 2020.

The aim of the Special Status Act was to continue the regulatory process already started, i.e. to create a separate regulatory environment for the management of staff and the legal status of employees in bodies which are similar to each other, taking into account the specificities of the bodies covered by the Act. The operation of special status bodies is governed by separate laws, and the Special Status Act only lays down the most important framework rules, mostly in line with the regulatory content of the Government Administration Act.

In accordance with this principle, the Special Status Act lays down the basic rules on posts and staff for the following bodies:

- the Office of the President of the Republic,
- the Office of the Constitutional Court,
- the National Authority for Data Protection and Freedom of Information,
- the Office of the Commissioner for Fundamental Rights,
- the Hungarian Energy and Public Utility Regulatory Office,
- the National Media and Infocommunications Authority,
- the Competition Authority,
- the Secretariat of the Hungarian Academy of Sciences,
- the Secretariat of the Hungarian Academy of Arts,
- the Historical Archives of the State Security Services,
- the Public Procurement Authority,
- the National Election Office,
- the Parliamentary Guard, and
- the Office of the National Remembrance Commission.

On 1 November 2021, the Regulated Activities Supervisory Authority has been added to this scope.

The Special Status Act introduced the category of "organ with a special status" as a common name for the autonomous public administration bodies and the autonomous regulatory bodies listed above, thus creating a third type of public administration body, alongside government administration bodies and municipal administration bodies. In organs with a special status, public service relationships or employment relationships may be established.

For the purposes of this chapter, employees are defined as government officials and civil servants working for a body with special status.

- **Working time, work schedule, working time banking [Section 118 of the Government Administration Act, Section 53 of the Special Status Act]**

The Government Administration Act and the Special Status Act both lay down the main rules on working time and rest periods in a uniform way.

The person exercising the employer's rights shall establish the working arrangements and the rules for the allocation of working time scheduling in accordance with the nature of the tasks performed by the government administration and the post created to perform them, as well as the volume and deadlines of the tasks (work schedule). Working time shall be forty hours a week and eight hours a day (general daily working time for full-time work), within which the person exercising the employer's rights may determine the starting and finishing times (general work schedule).

The appointment may provide for weekly working hours shorter than the working time, in which case the salary which would otherwise be payable must be reduced proportionately (part-time work).

The person exercising the employer's rights may also set working time in the form of working time banking. The required working time within working time banking shall be determined on the basis of the duration of working time bank, the daily working time and the general work schedule. A public holiday falling on a working day within the general work schedule shall be disregarded.

In determining the working time, the period of absence shall be disregarded or the days of absence shall be taken into account at the rate of the daily working time applicable to the employees. The maximum duration of working time banking shall be four months or sixteen weeks.

Depending on the nature of the work, the person exercising the employer's rights may determine the length of the compulsory part of the full working time that must be spent at the workplace and certain specific rules for working during that time.

- **Certain rules on working time schedule [Section 119 of the Government Administration Act, Section 54 of the Special Status Act]**

The rules on the organization of working time scheduling (work schedule) are laid down by the person exercising the employer's rights, taking into account the general provisions on the organization of work. In cases of employment other than that of appointment, the employee shall be subject to the work schedule of the place where they are employed. The person exercising the employer's rights shall allocate working hours having regard to the requirements of healthy and safe working conditions and the nature of the work. The working time schedule of an employee may be set by the person exercising the employer's rights differently from the general work schedule.

The daily working time of the employees shall not be less than four hours, except for part-time work. According to the schedule, the working time of the government official may be set as follows:

a) maximum twelve hours a day,
b) maximum forty-eight hours a week.

The working time must not exceed

– in the case referred to in point a), eight hours per day on average during the working time banking or, in the absence of this, on a weekly average, and
– in the case referred to in point b), forty hours per week on average during the working time banking or, in the absence of this, on a monthly average.

An employee's regular working time shall include the duration of the specified overtime work. An employee's regular daily working time shall include the whole duration of on-call time and standby time if the duration of the work cannot be measured. In the event of an irregular working time schedule, the average weekly working time shall be taken into account.

The person exercising the employer's rights may, by agreement between the parties, divide the daily working time into two parts (split daily working time), with at least two hours of rest between them.

- **Provisions on public holidays [Section 120 of the Government Administration Act, Section 55 of the Special Status Act]**

Public holidays: 1 January, 15 March, Good Friday, Easter Monday, 1 May, Whit Monday, 20 August, 23 October, 1 November and 25-26 December.

Normal working hours may be allocated to public holidays for employees who are employed

a) at a government administrative body or an organ with a special status which, by virtue of its purpose, is also functioning on that day,
b) in the framework of seasonal activities,
c) for work required on that day to provide a service necessary to meet a social public need or to provide a service abroad, by reason of the nature of the service,
d) to work abroad.

A government administrative body or an organ with a special status shall be considered to be operating by virtue of its function on a public holiday if the activity is carried out

a) on the basis of a demand arising from a locally established or generally accepted social custom directly linked to the public holiday, or
b) in order to prevent or eliminate an accident, natural disaster, serious damage, or a threat to health or the environment, or for protection of property.

The rules on public holiday scheduling shall apply mutatis mutandis where the public holiday falls on a Sunday, and also in the case of Easter Sunday and Whit Sunday. The regulation issued annually by the Minister responsible for employment policy governing the change in the working time schedule of employees on the general working week to take account of public holidays also applies to government officials and the staff of organs with a special status.

- **Breaks and rest periods [Section 121 of the Government Administration Act, Section 56 of the Special Status Act]**

If the daily working time exceeds six hours, the employee shall be granted a daily break of at least continuous thirty minutes, with interruption of work, in addition to the working time, and at least twenty minutes for each additional three hours of work.

An employee must take the break in such a way that they can be at the disposal of their manager, even by interrupting the break if necessary. A break interrupted by the manager's order shall be regarded as working time for which a break of the same duration as the interruption shall be granted immediately after the circumstances giving rise to the interruption have ceased to exist. The daily working time in the schedule shall include the length of time spent on overtime work.

An employee shall be granted a continuous rest period (daily rest period) of at least eleven hours between the end of their daily work and the beginning of the following day's work. An employee shall not be entitled to a rest period after standby if they have not performed work. An employee shall be entitled to two consecutive days of rest per week, one of which shall be on a Sunday (weekly rest day).

- **Records of working time and rest periods [Section 133 of the Government Administration Act, Section 68 of the Special Status Act]**

The person exercising the employer’s rights must keep records of the duration of

a) normal working hours and overtime work,
b) standby duty,
c) leave, and
d) other working time allowances.

It must also be possible to ascertain from the register the normal working hours and overtime work completed and the start and end dates of standby. The records referred to in point a) may also be kept with confirmation of the written working time schedule at the end of the month and an up-to-date indication of any change.

After becoming aware of the needs of the employees, the person exercising the employer’s rights may prepare an annual leave plan (hereinafter: leave plan) for the current year's schedule by the end of February of the current year, and inform the employees thereof.

- **Teleworking and working from home**

The rules on telework are set out in Section 125 of the Government Administration Act and Section 60 of the Special Status Act. Teleworking is an activity carried out regularly at a place separate from the seat of the employing body or the normal place of work, which is carried out by means of information technology or computer equipment (hereinafter together referred to as "computer equipment") and the results of which are transmitted electronically, excluding work from home.

According to the rules of the Government Administration Act, teleworking can be carried out under an agreement, at a place determined by the person exercising the employer's rights. The Special Status Act states that in the case of teleworking, the appointment must include

a) the employment of a civil servant on a teleworking basis,
b) the conditions of communication between the employer and the teleworking civil servant necessary for the exercise of the rights and obligations arising from the employment relationship,
c) the method of accounting for the costs necessarily and reasonably incurred by the teleworking civil servant in connection with the teleworking.

Unless otherwise agreed, the person exercising the employer's rights shall provide the necessary means of work and communication.

In the case of the Government Administration Act, the detailed rules on teleworking are laid down by the Government in a decree, on the basis of which the person exercising the employer's rights shall lay down the specific conditions and rules in regulations. In the case of the Special Status Act, the detailed rules on teleworking shall be laid down by the head of the organ with special status in regulations.

The person exercising the employer's rights may require that the computing or electronic device provided by them be used by the employee only for work purposes. The person exercising the employer's rights shall provide the teleworking employee with any information that it provides to other employees.

The person exercising the employer's rights shall inform the employee

a) of the rules on inspection by the person exercising the employer's rights,
b) of the rules on restrictions on the use of computer or electronic equipment.

The person exercising the employer's rights shall determine the method of inspection and, in the case of an inspection on the premises where the work is carried out, the shortest period between the notification and the commencement of the inspection. The inspection shall not impose a disproportionate burden on the employee or other person using the property where the work is performed.

The rules on working from home are set out in Section 126 of the Government Administration Act and section 61 of the Special Status Act. In the case of an agreement between an employeeand the person exercising the employer's rights, a government official may perform their work at their place of residence or stay, other than the normal place of work, using their own means. Work from home may be performed if the nature of the work to be done so permits or if the imposition or permitting of work from home does not cause disproportionate inconvenience to the government administration, the organ with special status or the employee.

The agreement on working from home shall specify the time of working from home, the tasks to be performed individually, as well as the manner and date of contact and delivery of the work performed.

According to the Government Administration Act, the detailed rules for working from home shall be laid down by the Government in a decree or, within this framework, by the head of the office in the civil service regulations, while in the case of the Special Status Act the detailed rules for working from home shall be laid down by the head of the organ with special status in regulations.

3. Rules applicable to law enforcement personnel

Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies (hereinafter: Law Enforcement Staff Act) introduced the following amendments with effect from 1 January 2017:

- The regulation on **breaks** [Section 136 (2) of the Law Enforcement Staff Act]: the law prescribes a forty-five-minute break for professional staff members when their working time reaches twelve hours. Prior to this, only thirty-minute breaks for service exceeding six hours and sixty-minute breaks for service exceeding twenty-four hours were provided for in the Act; these provisions were maintained.

- The legal institution of **special standby duty** [Section 141 of the Law Enforcement Staff Act]: if the interests of the service or an exceptional case make it necessary, a member of the professional staff may be obliged to standby at a specific place. A special standby duty must be ordered in writing by the commander in charge. The actual place of performance of the duties shall not be defined as the place of availability for the special standby duty. The rules on standby duty shall apply to the special standby duty and, accordingly, its duration shall not exceed 260 hours per month, averaged over the month if a multi-month duty period is used. However, the remuneration for special standby duty shall be higher than for standby duty.

The 2018 amendment to the Law Enforcement Staff Act created the institution of law enforcement administrative service relationship. This brought persons performing administrative duties in the police service within the scope of the Law Enforcement Staff Act. Section 287/F(1) of the Law Enforcement Staff Act defines the law enforcement administrative service relationship as follows:

"(1) An administrative relationship shall be a special employment relationship between a law enforcement agency acting on behalf of the State and a law enforcement employee, in which both parties are subject to obligations and enjoy rights according to the specific law enforcement circumstances, as defined in the rule governing the administrative relationship and in other legislation."

The following main provisions apply to law enforcement employees employed in the framework of the law enforcement administrative service:

- Working time is 40 hours per week.
- The employer may set a shorter daily working time than the full daily working time, in which case the salary must be reduced proportionately, and the working time may be set in working time banking.
- The daily working time of a law enforcement employee may not be less than 4 hours per day, except for part-time work, and may not exceed 12 hours per day for the job and 48 hours per week for the job.
- The employer may, by agreement between the parties, divide the daily working time into up to two parts (split daily working time), with at least 2 hours of rest between them.
- In exceptional cases, a law enforcement employee is obliged to work at their place of work in addition to their regular working hours, in which case the overtime includes working time

differing from the working time schedule, working time in excess of working time banking, on-call time and, in the case of work during the standby duty, the time from arrival at the place of work until the end of the work.
- Working time differing from the working time schedule is counted as part of the daily working time, and on-call and standby work is counted as part of the weekly working time,
- Overtime work may be ordered for up to 200 hours per year for full-time work, but, having regard to the performance of the duties of the law enforcement agency, it is not limited to the prevention and elimination of accidents, natural disasters, serious damage, immediate and serious danger to health or the environment.

The Law Enforcement Staff Act also laid down the rules on on-call duty and standby duty for law enforcement administrative staff, the background of which was provided by the provisions applicable to professional staff. Under these provisions, in exceptional cases, law enforcement employees are required to be available for work at a specified time and place in addition to their regular working hours. Several guarantee rules and obligations concerning on-call duty are laid down in the Law Enforcement Staff Act, for example:

- Availability for more than four hours may be ordered to ensure the continuity of services to meet a social public need and to prevent or remedy an accident, disaster, serious damage or danger to health or the environment.
- During the period of availability, the law enforcement employee must maintain their fitness for work and carry out their work as instructed by their employer.
- The duration of the availability must be communicated at least one week in advance, for one month in advance.
- The on-call time shall not exceed twenty-four hours, including the normal working hours scheduled or the overtime work ordered for the day on which the on-call time starts.
- The on-call time may not exceed 168 hours per month, which must be averaged if working time banking is used.
- Standby duty during the weekly rest day (weekly rest period) may be ordered only with the consent of the law enforcement employee, if the law enforcement employee has been on standby duty on their weekly rest day during the 168-hour period preceding the order,
- A law enforcement employee shall be entitled to a standby allowance in compensation for standby duty beyond the daily working hours, and to statutory leave in compensation for overtime worked during the standby duty.

- **Working from home pursuant to the Law Enforcement Staff Act**

With effect from 1 July 2020, working from home became possible also for employment relationships covered by the Law Enforcement Staff Act. Detailed rules have been adopted to regulate this legal institution. According to these rules, working from home is possible if the nature of the duties of the post allows it and the requirements for the protection and security of the data generated, used, processed and transmitted in the course of the duties of the post allow for their transmission by information technology or computer equipment.

Records of the time worked must be kept in a table annexed to the agreement concluded on working from home. The agreement on working from home shall specify time of working from home, the duties to be performed individually, the equipment provided by the law enforcement agency for the work and the use of personal equipment, and the method and time of contact and the handing in of work performed. When working at home with the equipment provided by the law enforcement agency or with the person’s own equipment, the person concerned shall ensure that the equipment used and the

data stored on it cannot be accessed by others. When the service is suspended, the data subject must lock their user profile or switch off the IT device, thereby preventing unauthorised access.

4. Rules applicable to penitentiary staff

The rules on penitentiary staff have not changed during the reference period of the report.

5. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

During the reference period of the report, the rules applicable to the military personnel of the Hungarian Defence Forces have not changed.

Act CXIV of 2018 on the Legal Status of Defence Employees (hereinafter: Defence Employees Act) introduced the institution of the legal status of defence employee, which is defined by the Act as a civil service relationship between the defence organization and the defence employee who undertakes to contribute to the provision of public services within the scope of its functions [Section 5 of the Defence Employees Act].

The provisions of the Labor Code, including the provisions on working hours, shall be applied to the legal relationship of defence employees, with the derogations provided for in the Defence Employees Act [Section 4(1) of the Defence Employees Act].

The Defence Employees Act contains the following special provisions regarding working time:

- Depending on the nature of the work, a ministerial decree may determine the length of the compulsory part of the full working time that must be spent at the workplace and certain specific rules for working during that time [Section 52 of the Defence Employees Act].

- If necessary for the proper and effective operation of the defence organization or for the fulfilment of its tasks defined by law, by a legal instrument of state administration or by its founding charter, in addition to those provided for in Section 109(1) of the Labor Code, a ministerial decree may also authorise to order up to a maximum of an additional one hundred and fifty hours of overtime work per calendar year [Section 52/A of the Defence Employees Act].

- No rule of employment or agreement of the parties may provide for a full day's work for a defence employee shorter than the normal full day.

6. Rules applicable to the healthcare service relationship

Act C of 2020 on Healthcare Service Relationship (hereinafter: Healthcare Service Act) introduced a new employment relationship to regulate the legal relationship between state and municipal health care providers and their employees.

- **Regulation of normal working time and voluntary additional work**

Pursuant to Section 5 of the Healthcare Service Act, the working time of a person in a healthcare service relationship is subject to the provisions of the Labor Code with the derogations laid down in *Act LXXXIV of 2003 on Certain Issues of the Performance of Healthcare Activities* (hereinafter: Healthcare Activities Act), with the exception that the break forms part of the working time.

According to the provisions of the Healthcare Activities Act, the weekly working time bank of an employed healthcare worker is 48 hours per week, in addition to which they may perform a maximum of 12 hours of voluntary additional work per week. If the additional work is exclusively for the provision of medical on-call duty, the maximum limit is 24 hours per week. A healthcare worker may not be forced to perform additional work and may do so within the framework of an agreement with the employer [Section 12/B (1) to (3) of the Healthcare Activities Act]. The public health administration body may prohibit or restrict a healthcare worker from working more than 48 hours per week [Section 12/B(7) of the Healthcare Activities Act]. The Healthcare Activities Act allows voluntary additional work if the parties have agreed to it in advance [Section 13(5) of the Healthcare Activities Act].

The daily working time may exceed 12 hours if the employee is on call for the exceeding part of the working day [Section 12/F(1) of the Healthcare Activities Act]. In this case, the additional work undertaken voluntarily may be charged to normal working time or to time spent on medical on-call duty [Section 12/F (2) of the Healthcare Activities Act]. The limit for voluntary additional work shall be used primarily for on-call duty [Section 12/F(2a) of the Healthcare Activities Act].

The weekly working time may not exceed 48 hours per week, except for voluntary additional work [Section 12/F(3) of the Healthcare Activities Act]. The total weekly working time bank may not exceed 60 hours per week, or 72 hours per week in the case of medical on-call duty [Section 12/F(4) of the Healthcare Activities Act].

The employee's working time schedule must be communicated to the health worker at least 15 days in advance for one month in advance, including the weekly rest days and the classification of working hours [Section 13(1) to (4) of the Healthcare Activities Act].

Leave may be allocated in more than two instalments only at the request of the employee [Section 14/E 1) of the Healthcare Activities Act]. Weekly rest days may be allocated irregularly, provided that the healthcare worker's duties include at least 50% of on-call duties, with the proviso that at least one rest day must be granted after six days of work [Section 12/G(2) of the Healthcare Activities Act].

The detailed rules on working hours and voluntary additional work are set out in *Government Decree 528/2020 (28 November) on the implementation of Act C of 2020 on Healthcare Service Relationship* (hereinafter: Healthcare Service Act Implementing Decree).

According to the Healthcare Service Act Implementing Decree, in the course of the prior authorisation procedure for additional work, the authorising body must take into account the rules of the Healthcare Activities Act on working hours, bearing in mind the right of the healthcare worker to work safely and without endangering their health, as well as the reasons related to the safety of the care recipients [Section 7(4) of the Healthcare Service Act Implementing Decree].

A person in a healthcare service relationship is entitled to remuneration for additional work voluntarily undertaken and for voluntary on-call duty and standby duty, the amount of which shall be determined by the employer in the employment contract within the limits set by the relevant Government Decree [Section 8(13) of the Healthcare Service Act]. The Healthcare Activities Act does not apply to remuneration for additional work undertaken voluntarily.

In the case of a person in a healthcare service relationship, a working time bank of up to three months, and in certain cases six months, may be established where the healthcare provider operates in multiple shifts and without interruption [Section 13 (1) of the Healthcare Service Act Implementing Decree]. The working time schedule must be ordered in writing at least fifteen days in advance and for a period of at least one month [Section 13(4) of the Healthcare Service Act Implementing Decree]. In the case

of an irregular work schedule, one day's rest per week after six working days must be provided [Section 13(5) of the Healthcare Service Act Implementing Decree]. At least once a month, two consecutive rest days per week must be provided on Saturdays and Sundays, and at least 48 consecutive rest hours per week must be provided [Section 13(6) to (7) of the Healthcare Service Act Implementing Decree].

An uninterrupted daily rest period of eleven hours shall be provided between the end of the healthcare activity and the next healthcare activity commencing according to the work schedule [Section 14(1) of the Healthcare Service Act Implementing Decree].

The duration of the break is considered working time, with a minimum of 20 minutes and an additional 25 minutes if the working time exceeds nine hours [Section 15 of the Healthcare Service Act Implementing Decree].

Overtime work must be ordered in writing, except for working during standby duty. In the case of full-time work, 250 hours of overtime work time per calendar year may be ordered [Section 16 of the Healthcare Service Act Implementing Decree].

Leave shall be granted and recorded in working days in accordance with the general working schedule and taking into account the contractual daily working hours [Section 17 of the Healthcare Service Act Implementing Decree]. In certain cases, the person must spend 6 hours of the full daily working time at the place of work [Section 18(1) of the Healthcare Service Act Implementing Decree].

- **Rules relating to special work schedules and on-call and standby time**

On-call duty may be ordered for a healthcare worker up to a maximum of 16 hours per week of the normal working time of 40 hours per week; in addition to the 40 hours per week, up to a maximum of 416 hours per calendar year, or as part of the extraordinary additional work undertaken pursuant to Section 12/B [Section 12/D of the Healthcare Activities Act]. Work on medical on-call duty does not constitute overtime work.

A healthcare worker may be assigned to standby duty outside the daily work schedule of the healthcare provider or from the end of the daily work schedule until the beginning of the next daily working hours [Section 12/E(1) of the Healthcare Activities Act]. Standby duty may be ordered up to ten times a month [Section 12/E(2) of the Healthcare Activities Act]. If standby time counts towards voluntary additional working time, it is not considered overtime, only from the time of being called in [Section 12/E(4) of the Healthcare Activities Act].

The employer may assign an employee to on-call duty and standby duty (taken together) up to a maximum of fourteen times a month [Section 12/C(2) of the Healthcare Activities Act].

The healthcare worker shall be entitled to an on-call duty allowance and standby duty allowance in accordance with the agreement with the employer [Section 13/A(1) of the Healthcare Activities Act]. The minimum on-call duty allowance is 70% of the basic hourly wage on weekdays and on working days falling to non-weekdays; 80% on weekly rest days and 90% on public holidays [Section 13/B(1) of the Healthcare Activities Act]. On-call duty on a rest day shall be compensated by a rest day or rest period, failing which the on-call duty allowance shall be increased by 50% [Section 13(2) of the Healthcare Activities Act]. The remuneration for the part of medical on-call duty in excess of 12 hours per day shall be subject to the rules on voluntary additional work or, if they do not apply, to a 50% increase in the on-call duty allowance [Section 13/B(5) of the Healthcare Activities Act]. The hourly rate of the standby duty allowance is 25% of the basic hourly wage [Section 14 of the Healthcare Activities Act].

The minimum rate of the medical on-call duty allowance for each hour of on-call medical service on public holidays is 90% of the basic wage or salary per hour [Section 13/B(1) of the Healthcare Activities Act]. A day of rest or an equivalent period of rest shall be granted on account of the work performed [Section 13/B(2) of the Healthcare Activities Act].

On-call and standby fees are set by the national hospital director-general [Section 26(1) of the Healthcare Service Act Implementing Decree].

7. Rules applicable to public employees

Pursuant to Section 2(1) of *Act CVI of 2011 on Public Employment and on the amendment of Acts related to Public Employment and other Acts* (hereinafter: Public Employment Act), the rules of the Labor Code apply to public employment with the exceptions provided for in the Public Employment Act.

According to Section 2(3) of the Public Employment Act, the duration of normal working hours in a public employment relationship may be the working hours provided for in the official contract on the subsidy granted under the Act on the subsidization of public employment. The official contract shall fix the daily working time allowed by *Government Decree 375/2010 (31 December) on the subsidies that may be granted for public employment* [hereinafter: Government Decree 375/2010 (31 December)], which in the case of a longer and national public employment scheme is between 4 and 8 hours per day [Section 4(1) and 6(1) of Government Decree 375/2010 (31 December)], while for a special public employment scheme, 6 hours per day [Section 5/A(1) of Government Decree 375/2010 (31 December)]. Concerning rest periods, the Public Employment Act does not contain any provisions in derogation from the Labor Code. Compliance with the rules is monitored by the county (capital) government offices in the framework of labour market inspections and labour inspections in accordance with the general rules.

2) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***The ECSR asked for information on the impact of COVID-19 on proper working conditions and what measures have been put in place to mitigate the negative effects. Information is requested on the exercise of the right to reasonable working hours during an epidemic in the following sectors: health and social work (doctors, nurses and other health workers, residential care home workers, social workers and support staff: cleaners, maintenance workers, etc.); law enforcement; penitentiary services; defence and other essential public services; education; transport (including transport, public transport and delivery). Information is also requested on reasonable working hours, on measures introduced in view of the coronavirus pandemic (e.g. flexible working hours, teleworking, measures for working parents due to the closure of schools, kindergartens and crèches).***

1. General measures

First wave of the coronavirus pandemic

In Hungary, pursuant to *Government Decree 40/2020 (11 March) on the declaration of a state of danger* [hereinafter: Government Decree 40/2020 (11 March)], a special legal regime was in force between 31 March 2020 and 17 June 2020, in which the objectives and limits of legislation were defined by Act XII of 2020 on Measures for the Control of Coronavirus.

Act XII of 2020 on the Measures for the Control of Coronavirus was in force from 31 March 2020 to 17 June 2020. According to Section 1 of the Act:

"This Act lays down special rules relevant to the national emergency declared by the Government pursuant to Article 53(1) of the Fundamental Law, intended to prevent and mitigate the consequences of the mass epidemic provided for in Government Decree 40/2020 (III. 11.) on the Declaration of State of Danger (hereinafter referred to as "Decree"), endangering the safety of life and property on a massive scale (hereinafter referred to as "state of danger"), for the protection of health and life of Hungarian citizens."

According to Section 2(1) of the Act: "*During the state of danger, in addition to the emergency measures and provisions set out in Act CXXVIII of 2011 on Disaster Preparedness and on the Amendment of Certain Related Acts, the Government is authorised to suspend the application of specific Acts, derogate from statutory provisions and introduce other extraordinary measures by means of a decree in order to guarantee that the life, health, personal safety and property, and the rights of the citizens are protected, and to guarantee the stability of the national economy."*

According to Section 2(2) of the Act: *"The Government shall exercise its powers conferred under Subsection (1) to the extent necessary and proportionately having due regard to the objective pursued, so as to prevent, control and eliminate the human epidemic provided for in the Decree, and to prevent and eliminate the harmful effects thereof."*

Pursuant to Section 3(1) of the Act: *"Pursuant to Article 53(3) of the Fundamental Law, Parliament grants powers to the Government to extend the term of the government decrees referred to in Article 53(1) and (2) of the Fundamental Law during the state of danger, until the state of danger is declared ended."* Pursuant to Section 3(2) of the Act, the National Assembly may withdraw the authorisation under paragraph (1) before the end of the period of state of danger.

Act LVII of 2020 on the Termination of the State of Danger entered into force on 18 June 2020, and provided that Act XII of 2020 on the Measures for the Control of Coronavirus shall be repealed upon the end of the period of state of danger [Section 2 and 3(2)]. According to Section 1 of the Act: *"The National Assembly calls on the Government to terminate the state of danger under Government Decree 40/2020 (11 March) on the declaration of state of danger (hereinafter 'state of danger') in accordance with Article 54(3) of the Fundamental Law."*

The state of danger was terminated from 18 June 2020 on the basis of *Government Decree 282/2020 (17 June) on the termination of the the state of danger* [hereinafter: Government Decree 282/2020 (17 June)]. According to that, *"on the basis of Article 53(1) of the Fundamental Law, the Government terminates the state of danger under Government Decree 40/2020 (11 March), declared on 11 March 2020 for the prevention of the human epidemic endangering life and property and causing massive disease outbreaks, for the elimination of its consequences, and for the protection of the health and lives of Hungarian citizens."* [Section 1 of Government Decree 282/2020 (17 June)]. *"Government Decree 40/2020 (11 March) on the declaration of state of danger shall be repealed"* [Section 3 of Government Decree 282/2020 (17 June)].

In view of the provisions cited, the Government had to lay the foundations for successful protection against both the virus and its economic impact during the state of danger.

To this end, *Government Decree 47/2020 (18 March) on the immediate measures necessary for alleviating the effects of the coronavirus pandemic on national economy* [hereinafter: Government

Decree 47/2020 (18 March)] was promulgated. In doing so, the Government's intention was to protect jobs and avoid mass redundancies due to changes in employment conditions.

The provision of Government Decree 47/2020 (18 March) affecting the world of work, which entered into force on 19 March 2020 and was in force until 17 June 2020, was as follows:

"Section 6 (1) With a view to ensuring compliance with prohibitions and restrictions ordered within the period of state of danger declared in Government Decree 40/2020 (11 March) on the declaration of state of danger, Act I of 2012 on the Labor Code (hereinafter: Labor Code) shall apply with the derogations provided for in paragraphs (2) to (4)."
(2) Until the expiry of a period of thirty days following the end of the state of danger, the Labor Code shall apply with the following derogations:

- *a) the employer may alter a working time schedule in a way different from the rules on making working time schedule known laid down in section 97(5) of the Labor Code,*
- *b) the employer may unilaterally order employees to work at home or to telework,*
- *c) the employer may take necessary and justified measures for checking the health of employees.*

(3) As long as this decree is in force, provisions of collective agreements derogating from the rules set out in paragraph (2) shall not apply.
(4) In a separate agreement, the employee and the employer may depart from the provisions of the Labor Code."

In addition, for the above purposes, *Government Decree 104/2020 (10 April) supplementing the labour law provisions of Government Decree 47/2020 (18 March) on the immediate measures necessary for alleviating the effects of the coronavirus pandemic on national economy within the framework of the Economic Protection Action Plan* was promulgated, which entered into force on 25 April 2020 and was in force until 17 June 2020, as follows:

"Section 1(1) In addition to the provisions of Section 6(2) of Government Decree 47/2020 (18 March) on the immediate measures necessary for alleviating the effects of the coronavirus pandemic on national economy [hereinafter: Government Decree 47/2020 (18 March)], Act I of 2012 on the Labor Code (hereinafter: Labor Code) shall apply with the derogation that the employer may order working time banking in a maximum of twenty-four months.

(2) The employer may extend a working time banking ordered before the entry into force of this decree for the period provided for in paragraph (1).

(3) Section 99 and Sections 104 to 106 of the Labor Code must not be derogated from; but this does not affect the possibility of derogation as provided for in Section 135(4) of the Labor Code.
(4) As long as this decree is in force, provisions of collective agreements derogating from the rules set out in this decree shall not apply.

Section 2 (1) This decree shall enter into force on the day following its promulgation, with the exception of paragraph (2).

(2) Section 3 shall enter into force on the fifteenth day following the promulgation of this decree.

Section 3 The Government shall extend the validity of this decree until the end of the state of danger pursuant to Government Decree 40/2020 (11 March) on the declaration of state of danger.

Section 4 Employment under the working time banking ordered in accordance with the agreement concluded under Section 1(1) and (2) of this decree and Section 6(4) of Government Decree 47/2020 (18 March) shall not be affected by the end of the state of danger."

The Government Decrees were aimed at minimising the negative impact of the coronavirus pandemic and the restrictive measures introduced as a result on jobs and, indirectly, on people in work and their families.

In addition, Act LVIII of 2020 on the Transitional Rules Related to the Termination of the State of Danger and on Epidemiological Preparedness entered into force on 18 June 2020, and *"lays down the rules to be applied after the end of the state of danger, in particular the transitional rules relating to certain extraordinary measures taken during the state of danger, in order to guarantee the safety of life, health, person, property and legal security of citizens and the stability of the national economy as a result of the state of danger"* [Section 2].

Section 56(1) to (2) of this Act lay down the transitional rules relating to the different application of the Labor Code as follows:

"Section 56 (1) Act I of 2012 on the Labor Code (hereinafter: Labor Code) shall apply with the derogations provided for in this Section.
(2) Until 1 July 2020, the Labor Code shall apply with the following derogations:
- *a) the employer may alter a working time schedule made known even in a way different from the rules on making working time schedule known laid down in section 97(5) of the Labor Code,*
- *b) the employer may unilaterally order employees to work at home or to telework,*
- *c) the employer may take necessary and justified measures for checking the health of employees,*
- *d) in a separate agreement, the employee and the employer may depart from the provisions of the Labor Code."*

Section 56(4) to (5) of the Act introduced a working time banking or payroll period of up to twenty-four months, which may be unilaterally imposed by the employer in the case of new investments of national economic interest. These provisions read as follows:

"(4) The Government Office of Békés County acting as a public employment body may, on the basis of an employer's application submitted in accordance with the requirements published on the website of the public employment body, authorise the employer to apply working time banking or a payroll period for new job-creating investments, subject to the relevant provisions of the Labor Code, based on a maximum of twenty-four months, if the implementation of the investment is of national economic interest.

(5) The Government Office of Békés County acting as a public employment body shall make the decision referred to in paragraph (4) within 90 days."

Second wave of the coronavirus pandemic

Due to the second wave of the coronavirus pandemic, the Government of Hungary has reinstated the special legal order as of 4 November 2020. With *Government Decree 478/2020 (3 November) on the declaration of state of danger* [hereinafter: Government Decree 478/2020 (3 November)], the state of danger was reintroduced with effect from 4 November 2020. For the period between 11 November 2021 and 7 February 2021, specific rules related to the state of danger ordered to avert the consequences of the coronavirus pandemic and to protect the health and life of Hungarian citizens were established by *Act CIX of 2020 on the Containment of the Second Wave of the Coronavirus Pandemic.*

The state of danger declared for the whole territory of Hungary with effect from 4 November 2020 was lifted with effect from 8 February 2021 by *Government Decree 26/2021 (29 January) on the*

termination of the state of danger declared by Government Decree 478/2020 (3 November) on the declaration of state of danger, pursuant to Section 53(1) of the Fundamental Law.

Third wave of the coronavirus pandemic

The Government re-declared the state of danger with effect from 8 February 2021 in *Government Decree 27/2021 (29 January) on the declaration of the state of danger and the entry into force of the emergency measures* [hereinafter: Government Decree 27/2021 (29 January)].

From 22 February 2021, the state of danger was extended by 90 days. On that date, *Act I of 2021 on the Containment of the Coronavirus Pandemic* entered into force, laying down specific rules for the state of danger.

During the period of the re-declared state of danger – with the exception of *Government Decree 487/2020 (11 November) on the application of the rules on telework during the state of danger* [hereinafter: Government Decree 487/2020 (11 November)] – no extraordinary measures were introduced in connection with the provisions of the Labor Code.

Government Decree 487/2020 (11 November) entered into force on 12 November 2020 and was amended with effect from 3 July 2021 by Government Decree 393/2021 (2 July) amending Government Decree 487/2020 (11 November) on the application of rules on the application of the rules on telework during the state of danger.

As a consequence, the text of Government Decree 487/2020 (11 November), as amended as of 3 July 2021, reads as follows:

"1. Derogations from the provisions of Act XCIII of 1993 on Labor Safety

Section 1 (1) During the state of danger declared under Government Decree 478/2020 (3 November) on the declaration of state of danger and under Government Decree 27/2021 (29 January) on the declaration of the state of danger and the entry into force of the emergency measures (hereinafter jointly referred to as "state of danger") the provisions of paragraphs (2) to (3) below shall apply instead of Section 86/A of Act XCIII of 1993 on Labor Safety (hereinafter: Labor Safety Act) with regard to the employment of natural persons in an employment relationship.

(2) Teleworking may also be carried out using work equipment provided by the employee, subject to an agreement with the employer. In the case of such work equipment, the employer shall ensure that the work equipment is in a safe and healthy condition during carrying out a risk assessment. In this case, the employee shall ensure that the work equipment is maintained in a safe and healthy condition.
(3) The employer shall inform the employee of the opportunities and practices for consultation and representation at the workplace as set out in Chapter VI of the Labor Safety Act, as well as of the persons responsible for this task and their contact details.
Section 1/A (1) In the case of teleworking carried out with an information technology or computer equipment or system (hereinafter collectively referred to as "computer equipment")

- *a) the employer shall inform the employee in writing of the rules on safe working conditions which are not hazardous to health and which are necessary for the performance of the work,*
- *b) the employee shall choose the place of work subject to the working conditions referred to in point a),*
- *c) the employer may, unless otherwise agreed, monitor compliance with the health and safety rules remotely using computer equipment.*

(2) In the case of teleworking not carried out by computer equipment, the parties shall agree in writing on the place of work (hereinafter referred to as the "place of telework").
(3) Teleworking under paragraph (2) may be carried out only at a place of telework that has been previously certified by the employer as suitable from the point of view of occupational safety and health.
(4) At a place of telework, the employee may not change the working conditions without the consent of the employer.
(5) The employer or its delegate shall regularly check that the working conditions at the place of telework meet the requirements and that workers are aware of and comply with the provisions applicable to them.
(6) In addition to the control provided for in paragraph (5), the employer or its delegate, in particular the person as per Section 8 or Sections 57 and 58 of the Labor Safety Act, may enter and remain on the premises of the place of telework for the purposes of carrying out a risk assessment, conducting an accident investigation and checking working conditions.
(7) A safety and health representative may enter and remain on the premises serving as the place of telework with the consent of the employee.
(8) The official inspection specified in Section 81(4) of the Labor Safety Act shall not impose a disproportionate burden on any other person using the property that serves as the place of telework. The occupational safety and health authority shall inform the employer and the employee at least 3 working days before the inspection. The employer shall obtain the necessary consent from the employee to enter the premises of the place of telework for this purpose at the latest before the inspection begins.
Section 1/B The parties to the employment relationship may derogate from the provisions of this Decree on occupational safety and health.

2. Derogations from the provisions of Act CXVII of 1995 on Personal Income Tax

Section 2 During the state of danger, an item eligible as an expense without certification in accordance with the provisions of the Labor Code on teleworking shall be the amount paid to an employee who works under a telework contract in accordance with the provisions of their employment contract, from the amount paid as a reimbursement of expenses in connection with the teleworking, as determined in advance by the parties, but in any month, not more than an amount equal to 10 per cent of the monthly minimum wage applicable

a) from 1 February 2021, for the year 2021,
b) on the first day of the tax year for subsequent years,

(if the teleworking does not cover the whole month, the monthly amount is proportional to the days covered by the teleworking), provided that the individual does not charge any other expenses in connection with the teleworking as referred to in Annex 3, I. Typical expenses, point 24(c) and (d) of Act CXVII of 1995 on Personal Income Tax.

3. Derogations from the provisions of Act I of 2012 on the Labor Code

Section 3 (1) During the state of danger, the provisions of paragraphs (2) to (6) below shall apply instead of Section 196 of Act I of 2012 on the Labor Code (hereinafter: Labor Code).
(2) In the case of teleworking, the employee shall work part or all of the working time at a place separate from the employer's site.
(3) The employment contract shall provide for the employment of the employee on a teleworking basis.
(4) Unless otherwise agreed, in the case of teleworking,

a) the employer's right to give instructions shall consist in the definition of the tasks to be performed by the employee,
b) the employer shall exercise its right of inspection remotely by using computer equipment,
c) the employee shall work on the employer's site for no more than one third of the working days in the year in question, and

d) the employer shall ensure that the employee can enter its premises and keep contact with other employees.

(5) Where the employer exercises the right of inspection at the telework site, the inspection must not impose a disproportionate burden on the employee or on any other person who uses the property serving as the place of telework.

(6) The employer shall provide the teleworking employee with any information that it provides to another employee.

Section 3/A Section 197 of the Labor Code shall not apply during the state of danger."

2. Measures taken to address the health risks of the coronavirus pandemic

Pursuant to Section 54 of the Labor Safety Act, the employer is obliged to carry out risk assessment, risk management and the definition of preventive measures before the commencement of the activity, and in justified cases thereafter, but at least every 3 years. The employer is obliged to examine changes in risk factors. In addition to the obligation to carry out a risk assessment every three years, a new risk assessment must be carried out in the event of a change in the working environment that requires intervention. It is not possible to lay down a general rule applicable to all circumstances in cases which may be considered justified.

With a view to preventing the spread of coronavirus disease and minimising workers' exposure to coronavirus, it is necessary to reassess the risks. The starting point for occupational health and safety measures in relation to coronavirus is also to assess and identify the risks inherent in the physical and psycho-social working environments, taking into account all risks, including those to mental health.

- Workers in the high-risk group need special attention, and preparations must be made to protect the most vulnerable. This includes ageing workers, workers with chronic illnesses and pregnant workers.
- The measures recommended to be taken to minimise exposure to coronavirus based on the results of the risk assessment and the public health recommendations of the National Public Health Centre (hereinafter referred to by the Hungarian abbreviation as "NNK") should be identified.
- The employer, for the fulfillment of its tasks, must use the occupational health service and the person authorised to carry out occupational safety and health activities. It is important to involve workers and their representatives in the risk assessment process.
- Employers have taken measures to improve personal hygiene and cleanliness and orderliness of the workplace, based on the public health recommendations of the NNK.
- The education on occupational safety had to be supplemented with knowledge about the coronavirus pandemic, information on preventive measures at the workplace (e.g. on the ways in which the new coronavirus is transmitted; the symptoms of the disease; rules on personal hygiene and physical distance; the risk of infection for cleaning workers and the dangers of cleaning and disinfecting agents), with the involvement of the occupational health physician. This information had to be shared with the employees within the framework of the occupational safety training.
- The employer had to carry out cleaning and disinfection of the workplace and work equipment in accordance with the public health recommendations of the NNK (e.g. frequency of disinfection, disinfection of frequently touched surfaces – handles, keyboard, operating buttons; disinfection after use).
- The Occupational Safety and Health Department of the Ministry of Innovation and Technology (hereinafter referred to by the Hungarian abbreviation as "ITM") has continuously published on its official website information on the epidemic and the measures necessary to ensure safe working conditions without endangering health:

- On 26 May 2020, it published a practical guide entitled: *Occupational Safety and Health Guide for Returning to Workplaces.*
- On 6 July 2020, a toolkit to help prevent the spread of the coronavirus in the workplace was published: *A Guide for Employers to Prevent the Spread of the New Coronavirus in the Workplace*
- On 8 September 2020: The ITM prepared a *Corporate White Paper* to help domestic businesses prevent the spread of the coronavirus pandemic and reduce risks. The online publication provides practical suggestions for protection, work organization and practical help for businesses and organizations to prepare for the next wave of the pandemic.
- On 6 November 2020, it issued a publication titled: *Update on Risk Assessment During the Covid-19 Pandemic*

– The NNK has continuously published information materials on the nnk.gov.hu website, which contain information to be applied and incorporated into the rules to be followed during work. Such information materials include, for example, the following: *Recommendations for Resuming Work; Information on General Epidemiological Prevention Rules to Be Observed During the Period of Epidemic Preparedness.*

Actions taken under a legislative measure:

– Government Decree 487/2020 (11 November) provides that during the state of danger declared in Government Decree 478/2020 (3 November) (hereinafter: state of danger), Section 86/A of the Labor Safety Act shall not apply. In the case of teleworking, the employer shall inform the employee of the rules on safe working conditions which are not hazardous to health and which are necessary for the performance of the work, and the employee shall then choose the place of work in such a way that these working conditions are provided.
– *Act LVIII of 2020 on the Transitional Rules Related to the Termination of the State of Danger and on Epidemiological Preparedness* has been in force from 7 April 2020, laying down the transitional rules relating to certain extraordinary measures taken during the state of danger. Until 18 June 2020, Section 67 of the Act also covered certain areas of occupational safety and health, thus relieving the burden on businesses during the pandemic:

  - The following periodic safety and health inspections may be postponed until 60 days after the end of the state of danger:
    a) the periodic safety inspection of dangerous work equipment as defined in Section 23(1) of the Labor Safety Act,
    b) the periodic control inspection of non-hazardous work equipment specified in Section 16 and Section 17(1) of *NGM Decree 10/2016 (5 April) on the minimum level of safety and health requirements for work equipment and its use* [hereinafter: NGM Decree 10/2016 (5 April)],
    c) for electrical installations:
    (ca) the mechanic's inspection pursuant to Section 19(2) of Decree 10/2016 (5 April) NGM of the Minister of National Economy,
    (cb) the standardization review pursuant to Section 19(3) of Decree 10/2016 (5 April) NGM of the Minister of National Economy,
    (cc) the periodic control inspection by means of a mechanic's inspection pursuant to Section 19(6) of Decree 10/2016 (5 April) NGM of the Minister of National Economy,
    (cd) the periodic control review by means of a standardization review pursuant to Section 19(7) of Decree 10/2016 (5 April) NGM of the Minister of National Economy,

d) the lifting machinery structural and main inspection according to Chapter I, Annex, point 7.2.7 of *Decree 47/1999 (4 August) GM of the Minister of Economy on the issue of the Safety Regulations for Lifting Machinery*,
e) periodic inspection of welding equipment and safety fittings according to Section 8.1 of the Annex of *Decree 143/2004 (22 December) GKM of the Minister of Economy and Transport on the issue of the Welding Safety Code.*

- The medical validity of an operator's license which has expired at the time of the state of danger and which is required to carry out certain activities during the course of work is extended until 60 days after the state of danger has ended.

3. Measures taken in connection with maintaining jobs

The preservation of jobs was promoted by the introduction of the so-called job protection wage subsidy through the promotion of reduced working hours.

The aim of the subsidy was to prevent redundancies in enterprises facing difficulties due to the epidemic situation and to compensate workers for loss of income by granting them subsidy for the period of reduced working hours. The subsidy was introduced by *Government Decree 105/2020 (10 April) on support for reduced working hours during the state of danger under the Economic Protection Action Plan* and was available between 16 April 2020 and 31 August 2020.

Employees could receive the subsidy for a period of 3 months on the basis of a declaration submitted jointly with their employer to the metropolitan or county government office acting as a public employment agency. The amount of the subsidy was 70% of the proportionate part, falling on the working time lost, of the basic wage in force on the day of the application, less the amount of personal income tax advance and contributions, up to a maximum of HUF 112,000. The subsidy was payable directly to the individual, free of public tax, and was paid monthly in arrears.

The subsidy was granted to workers covered by the Labor Code who were employed without interruption by the employer during the period between the date of publication of the first state of danger decree – Government Decree 40/2020 (11 March) – and the date of submission of the application, and whose working hours under their employment contract before the amendment were reduced by 15 to 75% on or after the date of the declaration of the state of danger.

The employer had to undertake to maintain the employment of the employee concerned for at least one month after the payment of the subsidy, to pay the wage for the remaining working time and, if the employer specifies an individual development time for the time beyond the reduced working time, to pay wage for such individual development time, and that the amount of the wage, including the subsidy, reaches the employee's basic wage during the period of the subsidy.

In this way, the subsidy has helped to keep almost 200.000 jobs, using a budget of HUF 32,76 billion.

4. Exceptional legislative amendments and measures relating to law enforcement personnel

- **Exceptional measures concerning working time**

The rules introduced in the context of the coronavirus pandemic, which allow for derogations from the rules of the Law Enforcement Staff Act, basically regulate the subjects of length of service, overtime and the service timetable. The rules ensured the necessary conditions for the functioning and performance of the tasks of law enforcement agencies during the state of danger:

a) *Government Decree 85/2020 (5 April) on certain rules of domestic and administrative nature applicable during the state of danger* was in force between 6 April 2020 and 17 June 2020, and
b) *Government Decree 570/2020 (9 December) on certain rules of internal affairs and administration applicable during the state of danger and on certain measures related to the state of danger,* which is still partially in force.

The two government decrees referred to above introduced transitional derogating rules with the same content, also concerning labour rights. On the basis of these:

- under the rules applicable during the state of danger, a member of the professional staff may have a combined weekly working time and overtime in the interests of the service in excess of the maximum weekly working time of 48 hours laid down in Article 6(b) of *Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time;*
- the daily duty period may be longer than 12 hours but may not exceed 24 hours, and the maximum daily duty period for such activities in a high-risk post may not exceed 9 hours;
- the duty roster may be communicated within one week before the date of entry into service, and the continuous daily rest period of at least 8 hours may include the travelling time from home to the place of employment and back, but the period excluding travelling time may not be less than 6 hours;
- the choice of compensation for overtime in the form of time off or pay is at the discretion of the commander in charge, as opposed to the general rule that the member of staff may choose;
- the commander in charge may modify the duty roster without amending the job description.

The rules detailed above, with the exception of those relating to high-risk posts and the period of notification of duty rosters, apply mutatis mutandis to law enforcement employees. In the case of overtime work, the law enforcement employee shall be entitled to compensatory leave in accordance with the general rules or to absence pay for an equivalent period of compensatory leave, which shall be twice the duration of the overtime work on a weekly rest day or three times the duration of the overtime work on a public holiday. The choice of compensation shall be made by the head of the organizational unit.

- **Exceptional measures relating to the granting of leave**

Different rules on the granting of leave were also introduced in the context of the coronavirus pandemic. One of the main reasons for this was to ensure the recreation of staff in the specialized areas who carried out tasks specifically related to the pandemic, and the other was to allow staff to use the leave days accumulated during the state of danger to take up unused leave not only during the period laid down in the general rule but also afterwards (thus guaranteeing the right to rest).

Pursuant to *Government Decree 149/2021 (27 March) on the rules applicable to the granting of leave in certain employment relationships during the state of danger* [hereinafter: Government Decree 149/2021 (27 March)], in the case of employees in a legal relationship under the Law Enforcement Staff Act, if the employee participated in the response to the consequences of the coronavirus pandemic, the proportionate part of the leave due in 2021, including vested and extra leave, until the end of the state of danger under Government Decree 27/2021 (29 January) may be granted within 3 years after the year in which it is due. The rules applicable to the employment relationship shall apply to the arrangements for granting leave. The leave referred to in the preceding paragraph may not be compensated for in cash, except in the event of termination of the employment of the person concerned, shall be recorded separately from other leave, and the employer shall inform the employee concerned

in writing of the amount of leave and the arrangements for granting it within 60 days of the end of the state of danger.

Under *Government Decree 327/2021 (10 April) on the supplementary leave granted to employees involved in the response to the consequences of the SARS-CoV-2 coronavirus pandemic*, an employee in a legal relationship under the Law Enforcement Staff Act is entitled to an additional 10 working days of leave in addition to the leave due in 2021, if they participated in the response to the consequences of the coronavirus pandemic in 2021. The 10 days' extra leave granted to the beneficiary by the commander in charge may be taken until the end of the second year following the year in which it falls due. This extra leave may not be cashed out.

- **Measures related to the outbreak**

In order to reduce the epidemiological risk, the bodies have continuously monitored the legislation in force on the health state of danger, the website of the NNK, the website koronavirus.gov.hu, the procedures and technical materials issued by the Minister of Human Capacities and the National Medical Officer.

Occupational safety and health specialists constantly monitored compliance with hygiene rules for the protection of staff health, and the availability of hygiene equipment and protective equipment.

The bodies also took responsibility for replenishing supplies to ensure the continued availability of protective equipment, and the quantities of protective equipment and hygiene supplies (surgical nose and mouth masks, rubber gloves, hand disinfectant gel, hand disinfectant soap, surface disinfectant) were constantly monitored.

The coronavirus pandemic has brought with it the new task of reorganizing primary care, carrying out fitness tests and curative activities without face-to-face meetings.

For administrative workers who could work from home, working from home was ensured by the use of secure IT tools developed for this purpose.

The primary health and psychological care services have been reorganized in accordance with the measures taken by the NNK and the Chief Medical Officer of Police, in order to ensure maximum compliance with epidemiological requirements while maintaining the continuity of care for law enforcement personnel. The measures introduced have made it possible to ensure that the staff receive full medical and psychological care. Where possible, medical and psychological care was provided through teleconsultation. Those arriving with symptoms of coronavirus were examined in isolation, using appropriate protective equipment. The vast majority of fitness tests were suspended until the end of the third wave of the pandemic, but screening of new entrants and new vehicle fitness tests continued throughout the state of danger to maintain operational capability. Mental health care was available to staff on a continuous basis. Both the senior medical and psychological experts were kept up to date on the evolution of the pandemic and took timely decisions.

5. Special measures relating to the penitentiary system

During the period of the state of danger caused by the coronavirus pandemic, organizational Action Plans were drawn up in accordance with the measures taken by the Government. The measures taken centrally and affecting the penitentiary service were kept continuously communicated to the staff.

An assessment was carried out of the minimum staffing requirements in the field necessary to maintain the lawful and proper functioning of the penitentiary services, as well as analyses of the measures to be taken in the event of a mass outbreak of coronavirus infection, the tasks to be performed in the absence of staff members exempted from duty, and the possibility of merging guard and duty stations.

The possibility of working on a rota basis has also been brought to the attention of staff who were working on the basis of an office work schedule prior to the outbreak, in order to slow the spread of the virus and reduce contact between colleagues. In arranging rotas, managers have taken care to minimize overlap between rotating staff where the organization of services allowed.

In order to combat the coronavirus pandemic, the penitentiary organization has already established a central penitentiary operational team with national competence (hereinafter: penitentiary operational team) on 7 March 2020, which is currently carrying out the management and control activities in the field, cooperation with partner organizations, and tasks related to the operation of the penitentiary organization.

The penitentiary operational team also includes healthcare professionals, who use their epidemiological knowledge to help prepare and implement decisions, analyses their results, plan and implement further necessary measures. The penitentiary operational team, as the management organization, can be approached directly by all the penitentiary institutions involved in the implementation of the pandemic situation, and can therefore provide a professionally sound response without delay, not only to the requesting penitentiary institution but also to all other penitentiary institutions, without going through the hierarchical chain of command. In addition, the penitentiary operational team collects all the data and information relating to the epidemiological situation and its progress.

The penitentiary operational team has issued Action Plans for the activities of the staff of the penitentiary service, in terms of management, in accordance with the progress of the epidemiological situation. The Action Plans also contain rules on the work of staff, as follows:

- The team kept detainees and staff informed about epidemiological knowledge, prevention and control tools, the tasks to be carried out, the measures taken and planned.
- In the course of its activities, the penitentiary organization helped workers who lost their jobs as civilians due to the pandemic to find a secure and stable career and vocation, taking into account the socio-economic impact of the pandemic.
- In the organization of the service, the penitentiary organization took into account the family and personal needs of staff, providing different or reduced working hours for those whose family or individual circumstances justified it (childcare, care of the sick, support for parents).
- In order to safeguard the lives and health of detainees and staff, it has laid down the procedures to be followed during the pandemic, for prevention in the event of suspected infection, the presence of confirmed infection and the status of cured cases.
- The penitentiary organization ensured the healthy working conditions in its areas of competence in the pandemic situation (maintaining distance when carrying out office and workplace tasks, protective equipment, protective clothing, disinfectants, materials, surface disinfection, air disinfection, disinfection of internal and external areas with fogging, disinfection of vehicles inside and outside, and provision of personal hygiene facilities).
- It coordinated and ensured the procurement, distribution and use of the necessary protective equipment and materials in the pandemic situation.
- The penitentiary organization participated in the construction of the Kiskunhalas Mobile Outbreak Hospital and in the production of protective equipment and clothing.
- It ensured that infected and ill persons received care appropriate to their condition in accordance with the issued health guidelines and procedures.

- It has developed the possibility of online communication for meetings, briefings, conferences, training courses and further training, and provided the necessary technical background for their implementation.
- In the course of general preventive tasks, it provided the courts with the possibility of remote hearings, as well as the possibility of teleconferencing for all official organizations and bodies, and online meetings for legal representatives of detainees.
- For detainees, the length of their breaks during the working day has been increased.
- It ensured the management of crises during the pandemic, with the involvement of the psychology field.
- It provided aftercare for staff members who had contracted the coronavirus.
- It has organized continuous and rigorous monitoring and control of the implementation of epidemiological measures.

6. Special measures relating to education

In Hungary, during the state of danger caused by the coronavirus pandemic, classroom-based teaching was replaced by a so-called digital work system outside the classroom in public education to minimise the spread of the coronavirus in school communities.

The outside-the-classroom digital work system was introduced in the first wave of the coronavirus pandemic, from 16 March 2020, generally for all schools until the end of the 2019/2020 school year. In the second wave of the epidemic, from 11 November 2021, the Government introduced a general outside-the-classroom digital work system for secondary education only, and in the third wave of the epidemic, from 8 March 2021, the Government again introduced a general outside-the-classroom digital work system for all schools. This ended on 19 April for primary schools and on 10 May for secondary education.

Outside the above periods, the Operational Group set up by the Government for the central management of the pandemic situation is authorised to order an outside-the-classroom digital work system on a case-by-case basis. The Operational Group works in close cooperation with the public health departments of the regional government offices of the counties and the capital and with the Ministry of Human Capacities to take appropriate decisions. Digital work schedules outside the classroom have been ordered on a case-by-case basis where the presence of coronavirus infection among pupils and teachers has justified it. The duration of the orders was in line with current health recommendations, usually not exceeding 10 days. Orders for individual cases were always for a specific period, a specific place of work or for a single class.

7. Specific measures for social and healthcare professionals

In order to effectively protect against the COVID-19 pandemic, the Government has provided protective equipment free of charge to social, child welfare and child protection services and institutions.

In addition, the relevant legislation[30] allowed those employed in nursing homes to order a 24-hour shift during the ban on visits, but until 31 December 2020 at the latest. After the 24-hour shift, workers had to be given 48 hours of continuous rest.

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[30] According to *Government Decree 88/2020 (5 April) on the measures to be taken during the state of danger with regard to certain social and child protection services and on the arrangements for the operation of social services during the state of danger* from 5 April 2020, and after its repeal on 18 June 2020, to *Act LVIII of 2020 on the Transitional Rules Related to the Termination of the State of Danger and on Epidemiological Preparedness*

- ***The ECSR requests updated information on the legal framework for the provision of reasonable working time (weekly, daily working time, rest periods, etc.) and the exceptions to it (including the legal basis and justification for exceptions). Detailed information is requested on the measures taken to enforce legal guarantees and to monitor compliance, in particular as regards the activities of labour inspectors. In addition, sector-specific information is requested on the proactive measures put in place and their results.***

The legal framework for reasonable working time is set out in paragraph 1 of this chapter and in our 14th National Report submitted in 2018. Information on the rights relating to reasonable working time is provided below.

Regulation of labour inspections

Between 1 January 2017 and 28 February 2021, labour inspections were governed by the Act LXXV. of 1996 on the Labour Inspection (hereinafter: Labour Inspection Act). Under Section 3(f) of the Labour Inspection Act, the labour authority has the power to inspect compliance with the provisions of the rules on working time and rest periods.

The labour authority had the following measures at its disposal pursuant to Section 6(1) of the Labour Inspection Act:

- *prohibiting continued employment,* in cases provided for by law, if the employment or occupation cannot be maintained because of the seriousness of the infringement and the infringement cannot be remedied within a short time;
- *obliging* the employer to *eliminate* the irregularity within a specified period;
- *obliging* the employer to make a payment to the central budget on account of an infringement of the rules on the admission of third-country nationals for employment in Hungary;
- *imposing an employment fine;*
- *establishing* the existence of an employment relationship from the date of entry into employment and *obliging* the employer to comply with the rules applicable to the employment relationship;
- *prohibiting* the employer from carrying out its activities if it does not have a license or registration required by law for employment;
- in the event of establishing a breach of the age conditions for employment, due to the vulnerability of minors, *notifying* the child welfare services;
- *finding that the employer has committed an infringement* in order to prevent further infringements; or
- *obliging the general contractor* or the *intermediate subcontractor* to pay the unpaid wages instead of the employer.

Between 2017 and 2020, the number of labour inspections were as follows:

2017	**Number of inspected employers (pcs)**	**Number of irregular employers (pcs)**	**Rate of irregular employers (%)**
Agriculture	548	370	68
Manufacturing (except: engineering)	1.123	879	78
Engineering	326	237	73
Construction	3.920	3.123	80

Trade	4.788	3.605	75
Accomodation, hospitality	2.409	1.937	80
Law enforcement and securirty activities	2.034	1.153	57
Other sectors	2.191	1.539	70

2018	**Number of inspected employers (pcs)**	**Number of irregular employers (pcs)**	**Rate of irregular employers (%)**
Agriculture	1.226	748	61
Manufacturing (except: engineering)	1.337	848	69
Engineering	222	168	76
Construction	3.397	2.637	78
Trade	3.432	2.489	73
Accomodation, hospitality	2.591	1.994	77
Law enforcement and securirty activities	1.181	988	84
Other sectors	3.365	2.120	63

2019	**Number of inspected employers (pcs)**	**Number of irregular employers (pcs)**	**Rate of irregular employers (%)**
Agriculture	448	336	75
Manufacturing (except: engineering)	911	745	82
Engineering	236	170	72
Construction	3.725	2.922	78
Trade	2.655	1.879	71
Accomodation, hospitality	2.091	1.610	77
Law enforcement and securirty activities	1.685	1.131	62
Other sectors	3.758	2.456	65

2020	**Number of inspected employers (pcs)**	**Number of irregular employers (pcs)**	**Rate of irregular employers (%)**
Agriculture	816	477	58
Manufacturing (except: engineering)	885	659	74
Engineering	238	174	73
Construction	4.299	3.190	74
Trade	2.574	1.659	64
Accomodation, hospitality	1.621	1.272	78

Law enforcement and securirty activities	783	619	79
Other sectors	1.976	1.361	69

Source: ITM

The tables above show not only the number of inspections on working time and rest periods, but also the total number of irregularities. There are no specific statistics available on the number of employers inspected by the authority or the number of non-compliant employers for a given infringement. Generally speaking, labour inspections are complex inspections in which the labour authority seeks to detect all types of irregularities, including those related to working time and rest periods.

Between 2017 and 2020, the labour authority has taken the following decisions by sector:

2017	Labour fine	Warning, decision (instead of labour fine)	Payment obligation due to irregular employment of foreigners	Binding decision to end irregularities	Decision on finding irregularities	Other decision
Agriculture	46	166		35	110	12
Manufacturing (except: engineering)	96	195	45	199	365	69
Engineering	23	43	2	54	117	16
Construction	566	1.601	2	234	670	69
Trade	220	637	10	876	1.740	146
Accomodation, hospitality	217	533	2	372	739	90
Law enforcement and securirty activities	210	106		386	332	69
Other sectors	170	367	4	323	602	124

2018	Labour fine	Warning, decision (instead of labour fine)	Payment obligation due to irregular employment of foreigners	Binding decision to end irregularities	Decision on finding irregularities	Other decision
Agriculture	202	26	2	73	344	6
Manufacturing (except: engineering)	196	45	16	143	376	18
Engineering	38	6		27	85	2
Construction	1.524	219	5	148	591	7
Trade	431	110	4	529	1.298	7
Accomodation, hospitality	558	124	5	347	867	11
Law enforcement	291	67	1	293	363	8

and securirty activities						
Other sectors	473	83	2	430	950	11

2019	Labour fine	Warning, decision (instead of labour fine)	Payment obligation due to irregular employment of foreigners	Binding decision to end irregularities	Decision on finding irregularities	Other decision
Agriculture	121		2	67	139	2
Manufacturing (except: engineering)	207	4	22	158	328	19
Engineering	46	4		26	88	1
Construction	1.694	10	4	247	828	6
Trade	409	17	1	397	990	6
Accomodation, hospitality	529	12	12	336	647	11
Law enforcement and securirty activities	300	10		366	345	1
Other sectors	689	16	6	497	1.129	7

2020	Labour fine	Warning, decision (instead of labour fine)	Payment obligation due to irregular employment of foreigners	Binding decision to end irregularities	Decision on finding irregularities	Other decision
Agriculture	177	1		73	196	2
Manufacturing (except: engineering)	188	2	19	151	296	15
Engineering	51			36	74	
Construction	1.987	1	5	232	800	13
Trade	358	6	3	331	798	9
Accomodation, hospitality	496	5	6	225	496	9
Law enforcement and securirty activities	2020	1		239	168	
Other sectors	426	8	3	311	567	2

Source: ITM

Overall, decisions were taken in relation to irregularities concerning working time, rest periods and overtime work, most of which resulted in a finding of non-compliance or an order to the employer to put an end to the infringement.

As, following an inspection, typically a single decision includes the irregularities found and the possible sanction for these, there is no statistical data available that would relate to decisions and sanctions taken for a specific type of irregularity (undeclared work, working time, wage, etc.), so the table below does not only include decisions issued for irregularities relating to working time, rest periods, and overtime work.

Between 2017 and 2020, the number of workers affected by infringements relating to working time, rest periods, and overtime work and its recording was as follows:

2017	Working time	Rest time	Extraordinary work	Rules on register
Agriculture	364	21	38	844
Manufacturing (except: engineering)	2.593	164	241	2.623
Engineering	1.258	378	632	2.563
Construction	302	44	37	2.617
Trade	4.392	345	67	3.856
Accomodation, hospitality	2.367	147	4	2.083
Law enforcement and securirty activities	1.319	64	60	908
Other sectors	2.113	178	181	2.445

2018	Working time	Rest time	Extraordinary work	Rules on register
Agriculture	596	85	7	1.298
Manufacturing (except: engineering)	1.822	338	680	1.782
Engineering	1.578	12	2.571	1.424
Construction	215	23	2	1.792
Trade	2.274	197	54	2.811
Accomodation, hospitality	2.109	68	2	2.073
Law enforcement and securirty activities	1.818	92	48	907
Other sectors	3.318	163	240	4.296

2019	Working time	Rest time	Extraordinary work	Rules on register
Agriculture	526	57	4	656
Manufacturing (except: engineering)	1.229	106	86	2.002
Engineering	549	441	170	1.600
Construction	470	45	4	3.017
Trade	1.834	101	34	1.941
Accomodation, hospitality	2.035	97	1	1.916
Law enforcement and securirty activities	1.579	46	21	824

Other sectors	2.578	117	101	3.263

2020	Working time	Rest time	Extraordinary work	Rules on register
Agriculture	275	31	0	1.129
Manufacturing (except: engineering)	1.604	148	21	1.600
Engineering	3.673	30	97	2.655
Construction	256	10	13	2.437
Trade	1.576	92	62	1.518
Accomodation, hospitality	1.578	52	8	1.376
Law enforcement and securirty activities	709	50	41	397
Other sectors	1.325	62	20	1.665

Source: ITM

From 11 March 2021, the labour authority's work has been put on a new footing. The former labour inspections have been replaced by inspections by the employment supervisory authority, which allow for a more effective protection of workers' rights. The Labour Inspection Act has been replaced by *Act CXXXV of 2020 on Services and Subsidies Promoting Employment and on the Supervision of Employment* and by *Government Decree 115/2021 (10 March) on the activities of the employment supervisory authority* [hereinafter: Government Decree 115/2021 (10 March)].

As a result of the new regulation, the *employment supervisory authority* – as the *only authority* in the Hungarian administrative system – establishes an *insurance relationship of at least thirty days* for undeclared workers, if the inspection finds that the employer has not fulfilled the notification obligation related to the establishment of the relationship. This instrument is particularly important in the period of the coronavirus pandemic, which has shown that many people in need of health care are not insured. The new powers of the employment supervisory authority to take action will be of considerable help in this respect.

The other new, decisive element is that the employment supervisory authority has the power to *verify the fulfilment of the commitments made with regard to employment subsidies.* This means that the employment supervisory authority's *inspections guarantee* that the *employers* receiving subsidy comply with the minimum requirements governing employment relationships and *ensure that employment is lawful*, in particular *where the State provides subsidy to maintain* or create *jobs*.

Overall, there have been no significant changes to the rules and measures relating to the inspection of working time and rest period rules.

Pursuant to Section 5(1) to (2) of the Government Decree, the employment supervisory authority's inspection of the regularity of employment covers the employer's compliance with the minimum requirements of the legislation governing the employment relationship. For the purposes of the inspection by the employment supervisory authority, the minimum requirements shall include, inter alia, compliance with the rules on working time and rest periods [Section 5(2)(d)].

Special rules on the decisions that may be taken by the employment supervisory authority are laid down in Sections 9 to 19 of Government Decree 115/2021 (10 March). According to Section 9, the

employment supervisory authority may take administrative action in addition to the application of administrative sanctions in the event of a finding of non-compliance with the law. The authority may take the following decisions:

- Obligation to bring the infringement to an end
- Finding of an infringement of the law
- Establishment of the existence of a legal relationship and imposing obligations
- Prohibition of further employment
- Prohibition from engaging in an activity
- Warning
- Employment fine

Within the framework of its information and awareness-raising activities, the labour authority consistently promoted the provision of information to labour market players in the period under review, with a preventive aim, by holding "open days" and participating in workshops, among other things. These events covered, among other things, certain issues relating to working time, rest periods and overtime work.

In this context, the authority's role is to provide clear and reliable information on employment rules, with particular attention to the main rights and obligations of workers arising from their employment relationship and the labour law provisions that employers must comply with and that can be subject to employment supervisory inspections.

In addition, between 2017 and 2020, several counties carried out target inspections based on their own planning on the subject.

In the context of the *control of the coronavirus*, the following special measures have been introduced in labour inspection to ensure proper working conditions in order to reduce the negative impact of the pandemic:

Partly in response to the pandemic, the labour authority also carried out an experimental *remote labour inspection* based on a request for documents. The new method was based on the fact that some labour inspections, at least at the initial stage of the case, can be carried out without an on-the-spot check or personal contact with the client, but by requesting information and the submission of labour documents electronically. The aim of the new method *was not primarily to detect the employer's unlawful practices, but to raise awareness of the authority's presence,* to increase the number of inspections, to increase the feeling of "threat" of inspection and thus, indirectly, to encourage employers to comply with the law.

- ***The ECSR requested information on rights and practices regarding on-call and standby time (including zero-hour contracts) and how inactive on-call and standby time is treated in terms of work, rest time and benefits.***

Domestic regulation on on-call and standby time was presented in our 14th National Report submitted in 2018. Compared to what was presented in that report, there have been changes in the rules on government service relationship and on the staff of special status bodies.

1. **Rules applicable to government officials and the staff of organs with special status**

- **Overtime [Section 122 of the Government Administration Act, Section 57 of the Special Status Act]**

In exceptional cases, employees are obliged to work beyond the working hours of their regular schedule. Overtime shall include:

a) working hours differing from the working time schedule,
b) working hours in excess of the working time bank,
c) the duration of on-call time,
d) the period from arrival at the place of work to the end of the work, in the case of work ordered during standby duty, or, if the employee has to work at several places, from arrival at the first place of work to the end of work at the last place of work.

It shall not be considered as overtime if the employee works the period of authorised absence by agreement with the person exercising the employer's rights. If the employee so requests, overtime work shall be ordered in writing. The procedure for ordering, recording and accounting for such work shall be laid down by the person exercising the employer's rights.

There are no restrictions on the ordering of overtime work in the event of the prevention or elimination of an accident, natural disaster, serious damage, immediate and serious threat to health or the environment.

On public holidays, overtime work may be ordered

a) for employees who may be employed also during normal working hours on that day, or
b) in the event of the prevention or elimination of an accident, natural disaster, serious damage, immediate and serious threat to health or the environment.

The ordering of overtime work must not endanger the physical integrity or health of the employee or impose a disproportionate burden in view of their personal, family or other circumstances.

In the case of full-time work, two hundred hours of overtime work time per calendar year may be ordered. This shall be applied pro rata if the employment relationship

a) started during the year,
b) was established for a fixed period,
c) was established on a part-time basis.

- **On-call duty and standby duty [Section 123 of the Government Administration Act, Section 58 of the Special Status Act]**

In exceptional cases, employees are required to be available for work at a specified time and place in addition to their regular working hours. Availability for more than four hours may be ordered

a) to ensure the continuity of services to meet a social public need, and
b) to prevent or remedy an accident, disaster, serious damage or danger to health or the environment.

During the period of availability, the employee must maintain their fitness for work and carry out their work as instructed by the head of the office.

The person exercising the employer's rights may determine the place where the employee must be available (on-call duty), otherwise the employee shall determine their place of stay so that they are immediately available when ordered by the head of the office (standby duty).

The rule that, at the request of the employee, it must be ordered in writing also applies to availability. The procedure for ordering, recording and accounting for such work shall be laid down by the person exercising the employer's rights. The duration of the availability must be communicated at least one week in advance, for a period of at least one month. The person exercising the employer's rights may derogate therefrom in particularly duly justified cases. In the event of derogation, account shall be taken of the requirements of healthy and safe working conditions.

Pursuant to Section 123(7) of the Government Administration Act, the on-call time shall not exceed twenty-four hours, including the normal working hours scheduled or the overtime work ordered for the day on which the on-call time starts. According to Section 123(8) of the Government Administration Act, the standby time may not exceed one hundred and sixty-eight hours per month, which must be averaged if working time banking is used.

Pursuant to Section 123(9) of the Government Administration Act, standby duty during the weekly rest day (weekly rest period) may be ordered only with the consent of the government official, if the government official has been on standby duty on their weekly rest day during the one hundred and sixty-eight hour period preceding the order.

- **Remuneration for overtime, on-call time, standby duty and working during normal working hours on public holidays [Section 124 of the Government Administration Act, Section 59 of the Special Status Act]**

If employees work overtime, they are entitled to the same amount of time off as the duration of the overtime work. Notwithstanding the above, an employee shall be entitled to time off corresponding to

a) twice the amount of the hours worked in return for overtime worked on a weekly rest day,
b) three times the hours worked in return for the overtime worked on a public holiday.

If the on-call duty or standby duty takes place on an employee's weekly rest day or on a public holiday, the employee shall be entitled to the time off as specified above. The employee shall be entitled to time off for on-call duty or standby duty performed outside the daily working hours up to a maximum of the duration of the duty or standby duty.

An employee who regularly works overtime may be granted a leave allowance of up to twenty-five working days per year. An employee occupying a managerial post shall be entitled to time off or leave allowance for overtime if the public service regulations so provide.

An employee who is required to work on a public holiday during normal working hours is entitled to time off equal to twice the time worked. The time off shall be granted not later than thirty days after the completion of the normal working hours on a day of public holiday or the day of the overtime, or, if this is not possible, it shall be compensated for. The amount of compensation shall be the pro rata amount of the salary, proportional to the time off, of the government official at the time of payment.

2. Emergency measures for health workers

Government Decree 486/2020 (10 November) on the public passenger transport discounts for health workers and students of medicine and health sciences involved in the protection against the coronavirus pandemic during the state of danger, adopted during the first wave of the pandemic and extended during the second and third waves allowed health care workers and students of medicine and health sciences involved in the control of the coronavirus pandemic to use public transport free of charge during the state of danger [Sections 1 to 2].

According to Government Decree 89/2021 (27 February) on certain measures to combat the pandemics during the state of danger, during the state of danger, general practitioners are entitled to an allowance for their primary care activities on days off or public holidays. The amount of the allowance is HUF 80,000 for a full day and HUF 40,000 for a half day.

The rules on granting leave in the healthcare, law enforcement and social sectors have also been changed in the light of the coronavirus pandemic. The proportionate part of the leave due in 2021 until the end of the state of danger may be granted within 3 years of the year in which it falls due [Section 1 of Government Decree 149/2021 (27 March)]. In addition, employees involved in the response to the consequences of the coronavirus pandemic will be granted 10 days' extra leave in addition to their leave for 2021, to be taken until 31 December 2023 [Government Decree 327/2021 (10 April)].

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

2. to provide for public holidays with pay;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. Amendment of the rules on the exercise of the right of association

On 1 March 2017, *Act CLXXIX of 2016 on the Amendment and Acceleration of Procedures Related to the Registration of Civil Society Organizations and Companies* entered into force, which introduced new rules regarding the registration and keeping records of associations, including trade unions. The majority of the regulations were presented in our 14th National Report submitted in 2018; compared to that, the following changes can be reported:

As of 1 September 2017, the model documents to be used in the simplified company registration procedure are those set out in *Decree 4/2017 (3 April) IM of the Minister of Justice on the model documents to be used in the simplified registration and simplified change registration procedures for civil society organizations and sports associations.* The court shall reject the application if one of the following circumstances applies:

- the model document has been supplemented or any of its provisions have been omitted;
- the reference to the model document nature is missing;
- the application is not accompanied by any annex required by law having regard to the content of the application.

The court shall decide on the application for registration within fifteen days of the date of receipt of the application. Within this period, the court shall arrange for the service of the order granting registration or refusing registration.

In the registration procedure, the court examines whether the legal provisions on the establishment of the association, its managing and representative body have been complied with and whether the statutory elements of the foundation instrument have been fulfilled. The provisions of the foundation instrument falling under Section 3:4(2) of *Act V of 2013 on the Civil Code* shall be examined by the court only if they would give rise to a procedure for the supervision of legality.

Associations can also submit their reports via the Company Portal in addition to the Client Gate by 31 May of the given year.

2. Rules applicable to employees

Section 4 of *Act XIII of 2017 Amending Certain Acts in Connection With the Declaration of Good Friday as a Public Holiday* increased the number of public holidays in Hungary. The amendment to 102 of the Labor Code introduced Good Friday as a new public holiday with effect from 24 March 2017. The purpose of the amendment was to promote the celebration of Good Friday in a dignified manner by making it a public holiday.

3. Rules applicable to government officials and the staff of organs with special status

With the entry into force of the Government Administration Act as of 1 January 2019 and that of the Special Status Act from 1 January 2020, the following rules apply to the breaks and rest periods of

persons employed in the framework of government service or at organs with special status [Section 121 of the Government Administration Act, Section 56 of the Special Status Act]:

If the daily working time exceeds six hours, the government official or the civil servants at organs with special status (hereinafter: employees) shall be ensured a daily break of at least continuous thirty minutes, with interruption of work, in addition to the working time, and at least twenty minutes for each additional three hours of work.

An employee must take the break in such a way that they can be at the disposal of their manager, even by interrupting the break if necessary. A break interrupted by the manager's order shall be regarded as working time for which a break of the same duration as the interruption shall be granted immediately after the circumstances giving rise to the interruption have ceased to exist.

The daily working time in the schedule shall include the length of time spent on overtime work. An employee shall be granted a continuous rest period (daily rest period) of at least eleven hours between the end of their daily work and the beginning of the following day's work. An employee shall not be entitled to a rest period after standby if they have not performed work. An employee shall be entitled to two consecutive days of rest per week, one of which shall be on a Sunday (weekly rest day).

4. Rules applicable to law enforcement personnel

For the reference period of this report, the Law Enforcement Staff Act does not contain any significant changes with regard to the professional status. The Law Enforcement Staff Act contains the following rules for the newly introduced law enforcement administrative service relationship, under which the following apply to law enforcement employees:

- they shall be entitled to leave in each calendar year on the basis of the time worked, which shall consist of vested and extra leave,
- their vested leave amounts to 20 working days,
- they are entitled to 5 to 11 working days of extra leave, depending on their classification,
- if they hold a senior post, the amount of extra leave is 10 working days per year for a subordinate manager and 15 working days per year for a middle manager and senior manager,
- if they work underground on a permanent basis or in a place of work exposed to ionizing radiation, they shall be entitled to five working days' extra leave per year; if they have worked in such a place of work for at least five years, they shall be entitled to 10 working days' extra leave per year,
- they shall be entitled to extra leave of 5 working days for one child under the age of sixteen, 10 working days for two children and a total of 15 working days for more than two children,
- if they have a disabled child, the extra leave is increased by 2 working days per disabled child,
- the father is entitled to an additional 10 working days’ leave on the birth of the child, or 15 working days on the birth of twins, at the latest by the end of the second month following the birth, to be granted at the time he requests; leave is also granted if the child is stillborn or dies,
- a grandparent is entitled to 5 working days of extra leave at the latest by the end of the second month following the birth of a grandchild, or 7 working days for twins, to be granted at the time of their request,
- they are entitled to 5 working days of extra leave on the occasion of their first marriage, at the latest until the end of the second month following the marriage,
- if the rehabilitation expert body has assessed that they have at least 50% disability, or are entitled to disability allowance or a personal allowance for the blind, they are entitled to 5 working days of extra leave per year,

– if they are not entitled to extra leave for their managerial position or for their children, they may also take 3 working days' extra leave per year from the age of 50.

Leave must be granted and taken in the year in which it is due. Half of the vested leave is allocated at the discretion of the person exercising the employer's rights. The person exercising the employer's rights shall grant 10 working days' vested leave per year, plus the extra leave, in two instalments, at the time requested by the law enforcement employee. Leave may be allocated in more than two instalments only at the request of the law enforcement employee.

The entitlement to leave is not time-barred during the period of administrative service in law enforcement. The person exercising the employer's rights shall grant such extra leave by 31 January of the year following the year in question in the case of law enforcement interests, or within thirty days of the end of the period of incapacity in the case of sickness of the law enforcement employee, if the year in which its due has elapsed.

The person exercising the employer's rights may interrupt leave already taken by a law enforcement employee for exceptional reasons of major importance. In this case, the time spent travelling to and from the place of employment during the leave and the time spent at work or on return travel shall not be counted as leave. Any loss or expense incurred by the law enforcement employee in connection with the interruption shall be reimbursed by the law enforcement agency.

When granting leave, working days according to the work schedule shall be taken into account. The law enforcement employee shall be entitled to a pro rata share of the leave if their service commences or ends during the year; unused leave shall be cashed out on the fortieth day after the termination of service. Accordingly, if the law enforcement employee has taken more leave than they are entitled to by the time their employment in the administration terminates, they shall be obliged to repay the salary paid for the difference.

The rules on weekly rest periods for professional staff and night duty were not amended during the reference period, and the Law Enforcement Staff Act extended these rules to law enforcement employees.

As regards information on the essential elements of the employment relationship, there were no changes in the reference period for professional staff. In the case of law enforcement administrative staff, the Law Enforcement Staff Act lays down the guarantees for providing information on the essential elements of the employment relationship, which were based on the regulatory background of the professional relationship. Accordingly, the instrument of appointment of a law enforcement employee must include:

a) the job class, job category and payment grade on which the classification is based,
b) the salary,
c) the job title and specific responsibilities,
d) the place of work,
e) the obligations required for promotion, and
f) the starting date of the administrative relationship.

The instrument of appointment may also provide for other matters concerning the administrative relationship. The instrument of appointment shall be accompanied by the job description of the law enforcement employee and shall inform them of the rules on health and safety at work and the working arrangements. A copy of the instrument of appointment shall be provided to the law enforcement employee.

Under the rules on night work, a night allowance equal to 0.5% of the law enforcement salary base per hour worked is payable to the law enforcement employee for night work.

5. Rules applicable to penitentiary staff

The rules on penitentiary staff have not changed during the reference period of the report.

6. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

During the reference period of the report, the rules applicable to the military personnel of the Hungarian Defence Forces have not changed. The provisions of the Labor Code apply to the paid working time of defence employees.

7. Rules applicable to the healthcare service relationship

The provision of paid breaks and leaves for persons in a healthcare service relationship is regulated by the Healthcare Activities Act and the Healthcare Service Act as follows.

The duration of the break is considered working time, with a minimum of 20 minutes and an additional 25 minutes if the working time exceeds nine hours [Section 15 of the Healthcare Service Act].

For each hour of on-call duty on a public holiday, the on-call duty allowance for the public holiday plus 50% shall be paid and an uninterrupted rest period of at least 24 hours shall be granted within seven calendar days from the day following the day of the missed weekly rest day (rest period) [Section 13/B(1) of the Healthcare Activities Act].

1 July is Semmelweis Day, which is a public holiday for healthcare workers employed by healthcare providers and those working in healthcare [Section 15/B(1) of the Healthcare Activities Act]. The rules otherwise applicable to public holidays shall apply to working and continuous care.

2) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***The ECSR requested information on any measures taken with regard to COVID-19 that affect Article 2(2) to (7).***

For a coherent presentation of the measures taken, the information requested is discussed in the Chapter on Article 2(1).

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

3. to provide for a minimum of four weeks' annual holiday with pay;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

During the reporting period, the following legislative changes were made to the rules governing the right to paid leave:

1. Extra leave for persons with reduced working capacity

Section 202(3) of *Act CLIX of 2017 Amending Acts Related to the Entri Into Force of Act on the General Public Administration Procedure And Certain Other Acts*amended the following provisions of the Labor Code on the right to extra leave with effect from 1 January 2018 and inserted a new point (l) in Section 294 of the Labor Code:

"Section 120 Employees:
a) with reduced ability to work,
b) eligible for disability allowance, or
c) eligible for special aid for the blind,
shall be entitled to five working days of extra vacation time a year."

"Section 294
l) 'person with reduced ability to work' shall mean a person so diagnosed by the rehabilitation authority and its predecessors,
la) whose health condition is rated 60 per cent or less based on the complex assessment of the rehabilitation authority,
lb) whose health is considered impaired by at least 40 per cent, while the relevant expert diagnosis, specialist authority's assessment, official instrument, assessment is in effect,
lc) whose capacity to work is considered diminished between 50 to 100 per cent, while the relevant expert assessment is in effect, or
ld) who is receiving invalidity allowance."

The amendment to Section 120 a) of the Labor Code introduced the concept of a person with altered working capacity instead of the concept of a person with at least 50% impairment, and Section 294(1) l) defines this category of beneficiaries, covering the disabled people under the schemes.

2. Childbirth-related leave, benefits

Section 94 of *Act CXVII of 2018 Amending Certain Social, Child Protection and Other Related Acts* amended Section 127(2) of the Labor Code, and its Section 95 amended Section 128(1) of the Labor Code with effect from 1 January 2020 as follows:

"Section 127(2) Maternity leave shall also be provided to a parent who provides care for a child under court decision or resolution of the guardian authority capable of enforcement on account of the mother's health condition or death.

Section 128(1) Employees shall be entitled to unpaid leave for the purpose of taking care of his/her child, until the child reaches the age of three, and such leave shall be allocated at the times requested by the employee."

Before the amendment of the Labor Code, only female workers were allowed to take maternity leave, but not male workers. However, cash health insurance benefits such as the infant care allowance and the adoption allowance introduced from 1 January 2020 are available regardless of sex. Therefore, it was necessary to create coherence between the rules of the Labor Code and *Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System* (hereinafter: Health Insurance Act), so that maternity leave is also granted to all employees regardless of sex.

The amendment also clarified the rules on unpaid leave, so that adoptive parents can benefit from the adoption allowance for the duration of the leave. For this reason, the amendment affected Section 128(2) of the Labor Code, which reads as follows:

"Section 128(2) Employees shall be entitled to unpaid leave for the purpose of taking care of his/her adopted child for a period of three years from the initial date of placement of the child under care, or for a period of six months for a child over three years of age, and such leave shall be allocated at the times requested by the employee."

In addition, Section 83 of Act CXXVI of 2019 amended several provisions of the Labor Code with effect from 1 January 2020. The purpose of the amendments was to create a labour law pillar for the so-called grandparent childcare allowance. The amendment was aimed at supporting the participation of women with young children in the labour market and facilitating their return to work by allowing grandparents to act as childcare providers.

In order to achieve this, the amendment introduced Section 128(3) of the Labor Code, which reads as follows:

"Section 128 (3) Employees shall be entitled to unpaid leave for the duration of receiving child-care benefits under Section 42/G of Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System."

The amendment relates to the newly introduced so-called grandparent childcare allowance provided for in Section 42/G of the Health Insurance Act. In this regard, the Labor Code provides that an employee who qualifies as a grandparent under this provision of the Health Insurance Act is entitled to unpaid leave for the period of payment of childcare allowance under this Act. The amendment thus promotes the reconciliation of work and family responsibilities and the return to work of the working parent if the grandparent is able to care for the child ("grandchild").

In this context, the amendment extended the scope of the so-called termination restriction to cases where the employee does not take unpaid leave to care for the child [Section 128(1) and (2) of the Labor Code]. In other words, if the grandparent takes unpaid leave to care for the child instead of the employee, the protection under the termination restriction applies to the employee and their employment can therefore be terminated by dismissal only in line with the additional requirements laid down in the Labor Code.

Accordingly, the amendment – in accordance with Section 89 of Act CXXVI of 2019 – inserted a reference to Section 128(1) and (2) of the Labor Code into Section 66(6) of the Labor Code, which reads as follows:

"Section 66(6) Where the employment relationship of a mother or a single father is terminated by notice Subsections (4)-(5) shall apply until the child reaches the age of three, if the employee is not taking up maternity leave or leave of absence without pay for the purpose of caring for the child."

Similarly, the amendment clarified the reference to Section 128(1) and (2) of the Labor Code in Section 130 of the Labor Code, and repealed the words "childcare allowance", which reads as follows:

"Section 130 In addition to what is contained in Subsections (1) and (2) of Section 128, employees shall be entitled to unpaid leave for providing care for a child in person until the child reaches the age of ten, during the period of receiving child-care assistance benefits."

As a result of the amendment, the first six months of unpaid leave are considered as working time under Section 115(1) of the Labor Code. i.e. it is considered as qualifying period for the purposes of entitlement to leave [Section 115(2)(d) of the Labor Code]. In addition, for the purposes of entitlement to severance pay, it is also considered as qualifying period under Section 77(2)(a) of the Labor Code.

In accordance with Section 65(3)(c) of the Labor Code, the prohibition of dismissal also extends to grandparent employees who are on unpaid leave under Section 128(3) of the Labor Code.

Act LXV of 2020 Amending Certain Acts in Connection With the Facilitation of Adoptions amended certain provisions of the Labor Code with effect from 1 September 2020 in order to make the preparation of adoptions more efficient and to increase the legal certainty of those involved in adoptions.

Among the cases of exemption from the employee's obligation to be available and perform work, it introduced a new case of absence for the preparation of an adoption. In this way, it has supplemented the Section 55(1) of the Labor Code with a new point, which reads as follows:

"Section 55(1) Employees shall be exempted from the requirement of availability and from work duty

j) for up to ten working days a year during the period of preparation of lawful adoption, for the purpose of visiting with the child to be adopted in person;"

In connection with this, the amendment added the following new paragraph (3) to Section 55 of the Labor Code, which reads as follows:

"Section 55(3) In the case provided for in Paragraph j) of Subsection (1), the employee shall be excused at the time requested, based on a certificate issued by the adoption agency, within ninety days from the date of issue. The employee shall notify the employer at least five working days in advance when exercising such exemption."

In this context, the amendment also provided that this new case of exemption from work is also considered as leave entitlement under Section 115(1) of the Labor Code. In other words, this period of up to ten working days per year specified in Section 55(1)(j) of the Labor Code shall be considered as working time in respect of entitlement to leave under Section 115(2)(g) of the Labor Code. Pursuant to that:

"Section 115(1) Employees are entitled to paid annual leave based on the time spent at work, comprising vested vacation time and extra vacation time.
(2) In the application of Subsection (1), time spent at work shall include:
(...)

g) *the duration of exemption from work specified in Paragraphs b)-l) of Subsection (1) of Section 55."*

3. Rules applicable to government officials and the staff of organs with special status

With the entry into force of the Government Administration Act as of 1 January 2019 and that of the Special Status Act from 1 January 2020, the following rules apply to the paid leave of persons employed in the framework of government service or at special status bodies [Section 128 of the Government Administration Act, Section 63 of the Special Status Act]:

The government officials and the civil servants at organs with special status (hereinafter together referred to as "employees") shall be entitled to 20 working days of vested leave in each calendar year based on the time worked and shall be entitled to take extra leave annually in addition to the vested leave, as provided by law (hereinafter together referred to as "leave").

In addition, leave is granted on the basis of the following periods:

a) the duration of the exemption from the obligation to work according to the working time schedule,
b) the first six months of unpaid leave to care for a child,
c) during the period of maternity leave,
d) the duration of unpaid leave not exceeding thirty days for the care of a relative,
e) the actual period of voluntary military service in the military reserve not exceeding three months,
f) the cases specified in Section93(2)(a), (b), (h), (j) and (n) of the Government Administration Act, and
g) any time not spent in work for which the employee is entitled to a salary.

In addition to their vested leave, a government official in a ministry is entitled to extra leave annually depending on the grade of the post they hold:

a) three working days for a government adviser grade,
b) five working days for the grade of senior government adviser,
c) seven working days for a government principal adviser,
d) nine working days for the grade of chief government adviser.

According to the Government Administration Act, government officials of a government headquarters, central office and government agency may, in addition to their vested leave, be entitled to annual extra leave depending on the grade of the post they hold:

a) three working days for official advisers,
b) five working days for senior official advisers,
c) seven working days for official principal adviser in grade I,
d) eight working days for official principal adviser in grade II,
e) nine working days for chief official advisors.

Pursuant to Section 63(3) of the Special Status Act, civil servants of the Office of the President of the Republic and of the Office of the Constitutional Court shall, in addition to their vested leave, be entitled to annual extra leave depending on the grade of the post they hold:

a) three working days for advisers,
b) five working days for senior advisers,
c) seven working days for principal advisers,
d) nine working days for chief advisers.

Pursuant to Section 63(4) of the Special Status Act, civil servants of the Office of the Commissioner for Fundamental Rights, the Secretariat of the Hungarian Academy of Sciences, the Secretariat of the Hungarian Academy of Arts, the Historical Archives of the State Security Services, the National Election Office, the Office of the National Remembrance Committee and the National Authority for Data Protection and Freedom of Information shall, in addition to their vested leave, be entitled to annual extra leave depending on the grade of the post they hold:

a) three working days for advisers,
b) five working days for senior advisers,
c) seven working days for principal adviser in grade I,
d) eight working days for principal adviser in grade II,
e) nine working days for chief advisers.

According to Section 128(5) of the Government Administration Act, government officials occupying a post of professional manager may take additional managerial leave instead of the extra leave according to the grade of the post, in the following extent per year:

a) five working days for a head of division,
b) ten working days for a head of department.

According to Section 63(5) of the Special Status Act, civil servants occupying a managerial post may take additional managerial leave instead of the extra leave according to their grade, in the following extent per year:

a) five working days for the head of a non-autonomous organizational unit,
b) ten working days for the head of an autonomous organizational unit,
c) in the case of the head of a special status body and their deputy, at the rate laid down in the law establishing the special status body.

Employees working underground permanently or in a workplace exposed to ionizing radiation for at least three hours per day in a workplace exposed to ionizing radiation may take five working days of extra leave per year, and if the employee has worked in such a workplace for at least five years, they may take ten working days of extra leave per year. An employee who is regularly employed in a dual health hazard workplace shall also be entitled to extra leave, regardless of the number of hours worked per day in the radiation hazard workplace, provided that one of the health hazards is radiation hazard.

An employee shall be entitled to five working days' extra leave per year if

a) on the basis of a valid assessment by the rehabilitation authority or its predecessors,
   (aa) their health status is 60% or less according to the complex assessment of the rehabilitation authority,
   (ab) they have at least 40% impairment of health under the relevant professional opinion, statement of the professional authority, official certificate,
   (ac) the reduction in their working capacity is of at least 50%,
b) is exempted from the complex qualification by law, during the period of receipt of an invalidity benefit (person with reduced capacity for work),
c) is entitled to a disability allowance, or
d) is entitled to personal allowance for the blind.

An employee who is not entitled to extra leave for their managerial position or for their children, they may also take 3 working days' extra leave per year from the age of fifty.

The employees are also entitled to extra leave as follows under both status laws:

The father is entitled to eight working days of extra leave in the case of the birth of a child, or ten working days in the case of the birth of twins, at the latest by the end of the second month following the birth, to be granted at the time of his request. Leave shall also be due if the child is stillborn or dies.

A grandparent may take five working days' extra leave on the birth of a grandchild, up to the end of the second month following the birth at the latest, to be granted at the time of their request.

Employees are entitled to five working days of extra leave on the occasion of their first marriage, at the latest until the end of the second month following the marriage.

The Government Administration Act and the Special Status Act lay down uniform rules on the granting of leave. These are laid down in Section 129 of the Government Administration Act and Section 64 of the Special Status Act:

According to the rules of the Government Administration Act, leave must be granted and taken in the year in which it is due. The person exercising the employer's rights

a) shall, where the interest of the service so requires, grant the vested leave until the last day of March in the year following the year in which it is due,
b) may grant the extra leave until the last day of June of the year following the year in which it is due and the government official may take it until that date,

if the year in which it is due has elapsed.

If a government official is unable to take leave in the year in which it is due because of sick leave, maternity leave, or unpaid leave to care for a child or grandchild or a relative, they may take leave within thirty days of the end of the period of incapacity, even after the year in which it is due.

The leave may not be granted or taken after the deadline. In particular, it shall be considered to be in the interests of the service if, as a result of the granting of vested leave,

a) the continued performance of the core functions of the organization, or
b) the timely completion of unplanned, extraordinary tasks

cannot be guaranteed.

Half of the leave is at the employee's disposal. Extra leave, other than extra leave pursuant to Section 155(4)-(6) of the Government Administration Act and Section 63(9), (12)-(14) of the Special Status Ac, may be granted and taken if the vested leave has already been granted by the employer. The person exercising the employer's rights shall inform the employee within a reasonable time of the amount of leave not yet taken and of the time limit for taking it.

The person exercising the employer's rights may interrupt leave already taken by an employee for exceptional reasons of major importance. In this case, the time spent travelling to and from the place of employment during the leave and the time spent at work or on return travel shall not be counted as leave. Any loss or expense incurred by the employee in connection with the interruption shall be reimbursed by the government administration body or the organ with special status.

When granting leave, working days according to the work schedule (working time schedule) shall be taken into account. Employees shall be entitled to a pro rata share of leave if their employment with the government started or ended during the year. In principle, leave may not be cashed out and may not be accumulated.

4. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

The rules applicable to the military personnel of the Hungarian Defence Forces have not changed during the reference period of the report. The Defence Employees Act provides as follows regarding the paid leave due to defence employees:

Defence employees shall be entitled to twenty working days of vested leave per year in grades A, B, C and D, and twenty-one working days per year in grades E, F, G, H, I and J, on the basis of their grade [Section 53 of the Defence Employees Act].

Defence employees shall be entitled to a number of working days of extra leave corresponding to their grade. A higher-ranking senior defence employee shall be entitled to ten working days' annual extra leave and a senior defence employee shall be entitled to five working days' annual extra leave. A defence employee who is permanently employed underground or in a place of work exposed to ionizing radiation for at least three hours a day shall be entitled to five working days' annual extra leave. A defence employee who has worked in such a place of employment for at least five years shall be entitled to ten working days' extra leave per year. A defence employee who is regularly employed in a job involving a double risk to health shall also be entitled to the specified extra leave, irrespective of the number of hours worked per day at the place of work where the risk to health is covered by the legislation, provided that one of the risks is not related to ionizing radiation. Defence employees employed as teachers in a department of a defence organization with a public education function shall be entitled to twenty-five working days' annual extra leave. The employer may use a maximum of fifteen working days of the extra leave for the performance of educational duties [Section 54 of the Defence Employees Act].

The father is entitled to five working days of extra leave, to be granted at the time of his request, at the latest by the end of the second month following the birth of the child, or seven working days in the case of twins. Leave shall also be due if the child is stillborn or dies [Section 55 of the Defence Employees Act].

Husbands and wives are entitled to five working days' extra leave after the marriage, provided that at least one of the spouses is married for the first time. This extra leave shall be granted within 365 days of the date of the marriage, as requested by the relevant employee [Section 56 of the Defence Employees Act].

5. Rules applicable to the healthcare service relationship

Paid leave for persons in a healthcare service relationship is regulated by the Healthcare Activities Act, the Healthcare Service Act and the Healthcare Service Act Implementing Decree as follows.

The leave of a person in a healthcare service relationship is governed by the table in the first annex to the Act, according to which they are entitled to a leave of 20–21 working days per year. In addition to the vested leave, workers are entitled to extra leave depending on their grade. If they do not fall into the specified categories on the basis of their grade, the rules of the Labor Code shall apply [Section 6 of the Healthcare Service Act].

A person in a healthcare service relationship shall be entitled to 10 working days of extra leave per year in the case of a higher managerial position and 5 working days per year in the case of a managerial position [Section 6(4) of the Healthcare Service Act].

If the spouse or domestic partner of a person in a healthcare service relationship is on foreign service, unpaid leave shall be granted upon request [Section 6(11) of the Healthcare Service Act].

Leave may be allocated in more than two instalments only at the request of the employee. Exceptionally, for reasons of important economic interest or for reasons directly and seriously affecting the employer's sphere of activity, the employer may grant leave in more than two instalments, but in this case the leave must be granted in such a way that the employee is exempted from the obligation to work and be available for work for at least 14 consecutive days once per calendar year [Section 14/E(2) of the Healthcare Activities Act].

Leave shall be granted and recorded in working days in accordance with the general working schedule and taking into account the contractual daily working hours. In the case of irregular working hours, the date on which leave is granted shall be notified at least fifteen days before the start of the leave [Section 17 of the Healthcare Service Act Implementing Decree].

Leave may not be accumulated. Leave may not be cashed out [Section 6(13) of the Healthcare Service Act].

6. Mini crèches

From 1 January 2017, the Government of Hungary introduced the so-called mini crèches as a new type of institution providing crèche care. A mini crèche is a day care institution providing professional care and education for children in the framework of day care, in accordance with the national basic programme for day care, by a person with a legally defined professional qualification, in several groups, even smaller than in a classical day care institution, and under simpler staff, material and operating conditions. However, the same rules as for crèches apply to the employment of nursery staff working in mini crèches, and so the provisions of the Public Servants Act on extra leave had to be extended to public servants working in mini crèches. In crèches, qualified nursery staff is employed in the capacity of teachers. Thereby, the amendment of Section 57(3) of the Public Servants Act regulates the extra leave for public employees who are employed other than as teachers in crèches and mini crèches. The new Section 57(4) of the Public Servants Act provides for extra leave for crèche and mini crèche staff employed as teachers, similar to the definition of extra leave for public servants employed as teachers in child protection institutions and correctional institutions.

Accordingly, Section 1 and 2 of *Act CLXVII of 2016 on the Amendment of Act LXXXI of 1997 on Social Security Pension Benefits and Other Acts* amended, with the effect of 1 January 2017, the provisions of the Public Servants Act on extra leave in connection with employment in so-called mini crèches with effect from 1 January 2017. Accordingly, it amended Section 57(3) of the Public Servants Act and supplemented the Section 57 of the Public Servants Act by adding a new paragraph (4):

"Section 57(3) Public servants carrying out nursing and educational activities in crèches, mini crèches, in educational and professional pedagogical service institutions, in the framework of higher education or in the healthcare area, are entitled to twenty-five days extra leave in a year, from which a maximum of fifteen working days the employer may use for nursing and educational work or activities related to nuring, education and professional pedagogical service. The scope of activities related to nursing and education are determined by an implementing decree.

Section 57(4) Public servants employed as teachers in crèches and mini crèches as defined by law shall be entitled to twenty-five working days of extra leave per year. The employer may use up to fifteen working days of the extra leave to carry out educational, teaching tasks or tasks related to education or teaching."

2) Answers to the questions of the ECSR on this paragraph

- ***The ECSR requested information on any measures taken with regard to COVID-19 that affect Article 2(2) to (7).***

For a coherent presentation of the measures taken, the information requested is discussed in the Chapter on Article 2(1).

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

During the reporting period, there were no changes in employment regulations on the reduction of risks in hazardous or unhealthy occupations.

As regards the implementation of the legislation on occupational safety and health, the following can be highlighted:

1. National Occupational Safety and Health Policy

The Government has approved the National Occupational Safety and Health Policy (hereinafter referred to by the Hungarian abbreviation as "MNP") in the form of *Government Resolution 1581/2016 (25 October) on the national occupational safety and health policy*, which aims to ensure that the Government's labour policy results contribute effectively to the improvement of working conditions, the preservation of workers' ability to work, the increase of the number of years spent in good health and the growth of Hungary's competitiveness. The sub-tasks of the MNP and their related results are as follows:

Supporting the introduction of free online tools to support occupational safety and health tasks:

- Developing sector-specific (retail, hospitality, health, construction, transport, etc.) electronic occupational safety and health methods to support the development and support of occupational safety and health activities. In 2019, the following online risk assessment tool was released in the transport sector: "On land, on water, in the air – Online occupational safety risk assessment for road freight transport drivers, vehicle maintenance staff, boat captains, seamen, aircraft drivers, air traffic controllers, train drivers, traffic controllers".
- On the possibilities of introducing OiRA (Online interactive Risk Assessment) in Hungary: preparations for the public procurement procedure for the development of 5 tools has been completed.

Initiating a concept for the development of the accident insurance branch of social security:

Its aim is to create an appropriate system of incentives for employers to optimize working conditions, which may lead to improving working conditions, a decreasing number of accidents and occupational diseases at work, and thus an increasing competitiveness of enterprises. The concept is currently being developed.

Encouraging the development of an effective occupational health and safety management system:

The Government announced the promotion and financial support for the introduction of the Occupational Health and Safety Management System (hereinafter referred to by the Hungarian abbreviation as "MEBIR"), an opportunity that has been taken up by several organizations in Hungary, such as the Trade Union of Mine, Energy and Industrial Workers. The ITM has information on its website promoting MEBIR.

Presenting and encouraging the exchange of best practices:

- It is also necessary to support the dissemination and exchange of best practices in the field of business competitiveness. Sharing the results of business improvements in the field of occupational safety will help smaller, less experienced or start-up businesses to improve their own working conditions.
- More than 70 publications have been produced to present and promote the exchange of best practices, and the task has been included in the programme of some 20 events and conferences organized by the Occupational Safety and Health Department of the ITM or in which its experts have participated as speakers.
- The European Agency for Safety and Health at Work (EU-OSHA) collects good practices from the Member States related to the current campaign topic in its biennial campaigns. The Good Practice Award competition for the campaign "Healthy Workplaces – Lighten the Burden" 2020–2022 was announced at the online campaign launch conference on 27 October 2020.
- A booklet of good examples of occupational safety and health risks and solutions in the mining and quarrying sector has been prepared.

Occupational safety and health training, education:

- The knowledge of occupational safety and health in the workplace has also been expanded in education, with 3 information materials produced for workers in 2 sectors.
- The staff of the ITM's Occupational Safety and Health Department published 4 information materials in electronic and paper format and participated as speakers in 7 conferences.
- The ITM's Occupational Safety and Health Department participated in the national programmes of the Safety Week, with information sessions and lectures.
- The ITM's Occupational Safety and Health Department participates in the prevention programme of Hungary's comprehensive health screening programme.

Information, communication:

- Preparation of information and publications to promote safe and healthy work: almost 40 information materials and publications on occupational safety and health were produced in 10 sectors.
- The staff of the Occupational Safety and Health Department answered more than 10,000 telephone or written questions and participated as speakers in hundreds of events.
- With the help of the public information system on occupational safety and health, micro, small and medium-sized enterprises are regularly provided with timely and professional information, with more than 50 information materials published on the website (www.munka.hu).

Preserving workers' ability to work:

- To reduce absenteeism at work due to psychosocial risks in 3 sectors: 4 information materials were produced.
- To encourage and support the development of new ergonomic practices: information materials were produced for workers in 2 sectors.

Occupational safety and health research and development:

- The strengthening of the professional and operational conditions of the integrated occupational safety and health authority is underway, and the updating and revision of 6 previous textbooks

for the further training of labour inspectors and the writing and proofreading of 16 new training materials were completed in 2019.

- The development of cooperation between organizations interested in the maintenance of safe and healthy working conditions and lawful employment is also underway, with more than 50 national and international (V4, ILO, SLIC, EU-OSHA) conferences, events and expert meetings already held on the subject.
- In the interests of deregulation, regulatory clarity and in line with Hungary's harmonization obligations under European Union law, a comprehensive evaluation of the entire body of Hungarian legislation applying 24 directives on health and safety at work is under continuous review, and existing legislation is being simplified.

2. Amendments to legislation on safety and health at work

In the context of changes to the legislation on occupational safety and health, the regulations on occupational safety and health have been amended as follows.

Legislative changes in 2020:

- *Act CXXVI of 2019 on the Amendment of Certain Acts related to the family Protection Action Plan*

  The law that entered into force on 1 January 2020 amended the Labor Safety Act on several points. The rules for investigating cases of increased exposure have changed, as have the definitions of employer and organized work. In addition, a more extensive amendment was necessary to comply with harmonization obligations under EU law. A provision has been added to the Labor Safety Act stating that the technical part of the decisions of the occupational safety and health authority on occupational safety and health matters are also implemented by the authority. The task of the authority to authorize occupational safety experts has been abolished and the Chamber of Engineers has been given full responsibility for this task, and a new chapter has been added to the Labor Safety Act containing rules on occupational health records.

- *Act CLXVIII of 2020 Amending Certain Acts Related to the Entry Into Force of the Act on Sanctions for Administrative Violations*

  The Act amended Section 82(5) of the Labor Safety Act. The amendment stipulated that an occupational safety and health fine shall be imposed by the occupational safety and health authority on the basis of a proposal by the inspector who has detected a serious risk. In determining the amount of the safety and health fine, the authority shall take into account the criteria laid down in the Act on Sanctions for Administrative Violations and other aspects, for wxample the extend of the injury and the damage to health.

  The amendment also added the following paragraphs (3) and (4) to Section 82/D of the Labor Safety Act:

  "(3) With the exception of procedures falling within the competence and responsibility of the minister in charge of defense, for the infringements provided for in Paragraph a) of Subsection (1) no warning may be issued as an administrative sanction.

  (4) In the event of an infringement specified in Subsection (1) the occupational safety and health authority may impose an administrative fine in the form of an instant fine."

In addition, Section 83/B(2)(b) and Section 82/D(2) of the Labor Safety Act have also been amended, describing the mandatory content of the record of the administrative fine imposed.

- *Decree 5/2020 (6 February) ITM of the Minister of Innovation and Technology on the protection of the health and safety of workers exposed to chemical agents* (hereinafter: ITM Decree 5/2020) and *Decree 6/2020 (7 February) ITM of the Minister of Innovation and Technology amending Decree 26/2000 (30 September) EüM of the Minister of Health on the protection against occupational carcinogens and the prevention of health damage caused by them and amending Decree 5/2020 (6 February) ITM of the Minister of Innovation and Technology on the protection of the health and safety of workers exposed to chemical agents* have also been published. Both pieces of legislation fulfil a legal harmonization obligation, the aim of which was to transpose

  - Directive (EU) 2017/2398 of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work [hereinafter: Directive (EU) 2017/2398], and
  - Directive (EU) 2019/130 of the European Parliament and of the Council amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work [hereinafter: Directive (EU) 2019/130].

  With the adoption of ITM *Decree 5/2020, Joint Decree 25/2000 (30 September) EüM-SZCSM of the Minister for Health and the Minister for Social and Family Affairs on chemical safety at workplaces* was repealed. The Decree lays down the minimum measures necessary to prevent or reduce the risks to health and safety arising from exposure to dangerous substances and dangerous mixtures present in the workplace or used in the work process.

  The two directives have been transposed simultaneously. The new EU limit values will be introduced and amended in several stages.

- *Decree 40/2020 (4 November) ITM of the Minister of Innovation and Technology amending Decree 61/1999 (1 December) EüM of the Minister of Health on the protection of the health of workers exposed to biological agents*

  Section 17(2) of the *Decree 61/1999 (1 December) EüM of the Minister of Health on the protection of the health of workers exposed to biological agents* has been supplemented with the following point (c), and Annexes 1, 2 and 3 have been amended, which changed the classification of biological agents into groups. The Decree is intended to ensure compliance with *Commission Directive (EU) 2020/739 of 3 June 2020 amending Annex III to Directive 2000/54/EC of the European Parliament and of the Council as regards the inclusion of SARS-CoV-2 in the list of biological agents known to infect humans and amending Commission Directive (EU) 2019/1833.*

- *Decree 27/2020 (16 July) ITM of the Minister of Innovation and Technology amending certain ministerial decrees on technical regulation for the purposes of legal harmonization and deregulation.*

- *Decree 35/2014 (19 November) NGM of the Minister of National Economy on the technical safety requirements for the operation of certain transportable pressure equipment and on the Gas Cylinder Safety Regulation* has been amended.

- Amendment of *Decree 1/2016 (5 January) NGM of the Minister of National Economy on the technical safety requirements and official supervision of storage tanks and storage facilities for hazardous liquids or melts.*

- Amendment of *Decree 2/2016 (5 January) NGM of the Minister of National Economy on the technical safety supervision of pressure equipment, filling equipment, small capacity compressed gas filling equipment and on the periodic inspection of automotive gas tanks.*

- Amendment of *Decree 40/2017 (4 December) NGM of the Minister of National Economy on interconnection and user equipment and on electrical equipment and protective systems operating in potentially explosive atmospheres.*

Legislative changes in 2019:

- *Government Decree 360/2019 (30 December) amending certain Government Decrees related to simplifying the operation of metropolitan and county government offices*

When amending *Government Decree 320/2014 (13 December) on the designation of the public employment body, the occupational safety and health and labour authority and the performance of official and other tasks of these bodies*, the Government designated the Minister and the Capital and County Government Offices as the occupational safety and health authorities and the labour authorities respectively to perform administrative tasks related to occupational safety and health and the activities of the labour authority. The Minister, as the OSH authority, and the government office acting in its capacity as OSH authority, as the OSH authority, perform general OSH authority functions. The Government Office, acting in its capacity as OSH authority, may carry out inspections in all workplaces within its jurisdiction, irrespective of the employer's registered office or place of business.

- *Government Decree 341/2019 (23 December) amending certain Government Decrees in connection with the transfer of certain governmental tasks*

When amending *Government Decree 94/2018 (22 May) on the duties and powers of the members of the Government* (hereinafter: Government Decree 94/2018), the following points 25 and 26 were added to Section 116:

"The Minister for Innovation and Technology is the member of the Government responsible for 25. employment policy, 26. social dialogue'."

The following Sections 137/D and 137/E have been added to Subtitle 11 of Government Decree 94/2018:

> *"Section 137/D(1) The Minister shall, in the framework of their responsibility for employment policy (...)*
> *g) be responsible for occupational safety and health, including*
> *(ga) managing the implementation of the national occupational safety and health programme,*
> *(gb) laying down rules to ensure safe and healthy working conditions, including requirements concerning workplaces, work equipment, personal protective equipment, working environment factors and fitness for work; and*
> *(gc) coordinating the activities of the bodies involved in creating conditions for safe and healthy work.*

- *Decree 10/2019 (4 September) PM of the Minister of Finance amending certain Ministerial Decrees on employment*

  - A significant change in the amendment of *Decree 27/1996 (28 August) NM of the Minister for Welfare on the notification and investigation of occupational diseases and increased exposure cases* is that the employer, instead of the OSH authority, will now investigate the circumstances of the occurrence of an increased exposure case and send the report of the investigation to the OSH authority.
  - Amendment of Section 7(8) of *Joint Decree 3/2002 (8 February) SZCSM-EüM of the Minister for Health and the Minister for Social and Family Affairs on the minimum level of occupational safety requirements at workplaces*: *"(8) Work organization measures shall be taken to prevent adverse effects of the climatic environment. A rest period of at least 5 minutes but no more than 10 minutes per hour shall be taken as part of the working time if the temperature at the workplace exceeds 24 °C (K) EH in enclosed workplaces and in workplaces classified as cold. The workplace is considered cold if the expected daily mean temperature is below +4 °C in an outdoor workplace or +10 °C in an enclosed workplace for more than 50% of the working time."*
  - Section 19(7) of *Decree 10/2016 (5 April) NGM of the Minister of National Economy* has been amended as follows:
    "(7) Periodic inspection, except for electrical installations in residential buildings, municipal buildings and other buildings as defined in the Electrical Technical Safety Regulations, shall be carried out by means of a standardization inspection at regular intervals, at least every three years, at places qualifying as workplaces."
  - Section 61(1) of *Decree 10/2016 NGM of the Minister of National Economy* has been replaced by the following provision:
    "(1) The sliding of the supporting elements of the work platform must be prevented by means of a fixing or anti-slip element in the mounting area or by another equivalent solution. The load-bearing capacity of the load-bearing surface shall be equivalent to that of the scaffolding class. The stability of the work platform must be ensured. The mobile work platform must be stabilized against inadvertent displacement by means of a securing device designed for this purpose. When the mobile work platform is being moved, it must not be used for standing on, or for storing materials or objects."
  - Section 62 of Decree 10/2016 NGM of the Minister of National Economy has been replaced by the following provision:
    "Section 62 The provisions of the Decree on minimum safety requirements for workplaces and construction processes and the relevant national standards shall apply to mobile scaffolding and scaffolding used in construction work."

<u>Important legislative changes in 2018:</u>

- *Act XCIV of 2018 Amending Certain Acts on Employment*
  Amendment of Section 11 of the Labor Safety Act: *"This Act shall set out the basic provisions for occupational safety, while the detailed regulations shall be set out in other legislation adopted by the minister in charge of employment and labor by authorization of this Act, and, with respect to hazardous activities, in regulations (hereinafter referred to as "Regulations") enacted by decree of the competent minister. National standards on safety at work made entirely in the Hungarian language having regard to the Act on National Standardization shall also be considered occupational safety regulations."*

  The rights of the safety and health representatives have also been modified in the Act, so the safety and health representative may, for example, participate in the investigation of work

accidents, and may help to investigate the circumstances of occupational diseases, in compliance with data protection regulations. The amendment provides that the employer must ensure that the conditions are in place to enable the safety and health representative to exercise their rights. This includes, in particular, the possibility to attend at least 16 hours of training within one year of the representative's election and at least 8 hours of training per year thereafter and upon re-election.

The rules on teleworking have also been amended:

Teleworking may also be carried out using work equipment provided by the employee, subject to an agreement with the employer. In the case of such work equipment, the employer shall ensure that the work equipment is in a safe condition during carrying out a risk assessment. In this case, the employee shall ensure that the work equipment is maintained in a safe condition. At a place of work, the employee may not change the working conditions without the consent of the employer. In addition to the control, the employer or its delegate may enter and remain on the premises of the place of work for the purposes of carrying out a risk assessment, conducting an accident investigation and checking working conditions. The following definition has also been added: *"In the case of teleworking, the workplace means the premises determined by the parties in the employment contract where the employee regularly carries out their work using information technology or computer equipment."*

- In the context of the application of *Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC*, *Government Decree 30/2018 (28 February) on the rules for the designation of bodies assessing the conformity of personal protective equipment and the review of their activities* entered into force, thus repealing *Decree 18/2008 (3 December) SZMM of the Minister for Social Affairs and Employment on the requirements and certification of conformity of personal protective equipment.*

Important legislative changes in 2017:

- *Act L of 2017 Amending Certain Acts Related to the Entry Into Force of the Act of General Public Administration Procedure and the Code of Administrative Litigation*

  Sections 83/B(1) and (2) of the Labor Safety Act have changed. Their main content is that the OSH authority shall keep official records for the purpose of verifying employers' compliance with occupational safety and health rules before another body in a procedure provided for by separate legislation. The time limit for the OSH authority's inspection is forty-five days in relation to accidents at work, occupational diseases and cases of increased exposure, the classification of an accident as an accident at work, the classification of an employment relationship between an employer and a person working at a workplace as an organized work relationship. The time limit for an inspection by the OSH authority is 30 days in cases not covered by the above list. The time limit for the administration of an ex officio procedure by the OSH authority is 60 days.

3. Rules applicable to government officials and the staff of special status bodies

The provisions of *Act CXXV of 2018 on Government Administration* and *Act CVII of 2019 on Organs With Special Status and the Status of their Employees* on paid leave as compensation for hazardous work were presented in the previous chapter.

4. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

The rules applicable to the military personnel of the Hungarian Defence Forces did not change during the reference period of the report. The provisions of *Act CXIV of 2018 on the Legal Status of Defence Employees* on paid leave as compensation for hazardous work were presented in the previous chapter.

5. Special rules applicable to the healthcare service relationship

The national legal provisions on the elimination or sufficient reduction of risks of hazardous or unhealthy occupations with regard to the healthcare service relationship are contained in the Healthcare Service Act and the Healthcare Service Act Implementing Decree.

A person in a healthcare service relationship who spends at least 3 hours a day at a workplace exposed to ionizing radiation is entitled to 5 working days of extra leave per year. If the person concerned has worked in such a workplace for at least 5 years, they are entitled to 10 working days of extra leave per year, and are also entitled to 10 working days of extra leave per year if they are regularly employed in a job involving a double health risk, provided that one of the risks is not related to ionizing radiation [Section 6(6) of the Healthcare Service Act].

6 hours of the full daily working time must be spent at the place of work by a person in a healthcare service relationship who is exposed to radiation hazards at their workplace for at least 3 hours a day, and by a doctor employed in skin and venereal care, oncology, pulmonary, psychiatric, and addiction care [Section 18(1) of the Healthcare Service Act Implementing Decree].

2) KEY DATA, STATISTIC

Activities of the OSH authorities during the reference period (2017-2020)

Year	2017	2018	2019	2020
Total number of on-site employer inspections (pcs)	14.605	14.298	12.784	9.462
- of which irregular (pcs)	11.272	10.407	9.468	6.649
Measures				
Number of OSH decisions (pcs)	19.736	18.322	18.078	13.494
- Number of decisions to terminate insufficiencies (pcs)	9.975	9.845	9.265	6.670
Number of orders issued as an immediate measure (pcs)	9.095	7.927	8.189	6.125
- Suspension of use (pcs)	3.558	3.076	3.080	2.233
- Prohibition of work (pcs)	1.749	1.426	1.438	948
- Suspension of activity (pcs)	3.788	3.425	3.671	2.944
Number of OSH fines (pcs)	427	401	448	504
Number of administrative fines (pcs)	*119*	*117*	*157*	*128*
Number of procedural fines (pcs)	120	32	19	67

Source: ITM

Measures taken in the field of occupational safety and health during the reference period, broken down by direction and number of measures:

Name of the most common omissions in 2020 **Number of**

	measures (pcs)
Danger of falling	4.976
Security inefficiencies related to operation (protective cover, security equipment, ect.)	3.464
Touch protection of facilities	3.148
Lack of OSH knowledge	2.411
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	2.385
Touch protection problems of working equipment (switch cabinet, ect.)	1.744
Omission of the use of personal protective equipment	1.563
Lack of regulation on the distribution of personal protective equipment	1.445
Breach of rules on lifting machine use	1.417
Breach of rules related to storing, transferring, processing and producing of dangerous chemicals	1.372
Inadequate condition of working equipment, lack of maintenance	1.189
Lack of valid preliminary job suitability opinion	1.106
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	1.081
Breach of regulations related to the order of suitability examinations	1.037
Placement, installation, fixing	982
Other OSH measures	21.616
Total	**50.936**

Source: ITM

Name of the most common omissions in 2019	**Number of measures (pcs)**
Security inefficiencies related to operation (protective cover, security equipment, ect.)	5.475
Touch protection of facilities	5.103
Touch protection of facilities	5.200
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	3.979
Lack of OSH knowledge	3.227
Touch protection problems of working equipment (switch cabinet, ect.)	2.340
Lack of regulation on the distribution of personal protective equipment	2.113
Inadequate condition of working equipment, lack of maintenance	1.762
Breach of rules on lifting machine use	1.751
Breach of rules related to storing, transferring, processing and producing of dangerous chemicals	1.661
Breach of regulations related to the order of suitability examinations	1.659
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	1.610
Lack of valid periodic job suitability opinion	1.546
Lack and condition of OSH signs	1.452
Placement, installation, fixing	1.422
Other OSH measures	29.606
Total	**69.906**

Source: ITM

Name of the most common omissions in 2018	**Number of measures (pcs)**
Security inefficiencies related to operation (protective cover, security equipment,	5.358

ect.)	
Touch protection of facilities	5.103
Danger of falling	4.912
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	4.298
Lack of OSH knowledge	3.429
Inadequate condition of working equipment, lack of maintenance	2.223
Lack of regulation on the distribution of personal protective equipment	2.187
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	2.171
Breach of rules on lifting machine use	2.088
Touch protection problems of working equipment (switch cabinet, ect.)	1.914
Breach of regulations related to the order of suitability examinations	1.856
Breach of rules related to storing, transferring, processing and producing of dangerous chemicals	1.794
Placement, installation, fixing	1.697
Lack of valid preliminary job suitability opinion	1.470
Lack and condition of OSH signs	1.431
Other OSH measures	31.891
Total	**73.822**

Source: ITM

Name of the most common omissions in 2017	**Number of measures (pcs)**
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	4.295
Lack of OSH knowledge	4.103
Touch protection of facilities	3.963
Danger of falling	3.158
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	2.666
Inadequate condition of working equipment, lack of maintenance	2.647
Lack of regulation on the distribution of personal protective equipment	2.615
Breach of regulations related to the order of suitability examinations	2.137
Security inefficiencies related to operation (protective cover, security equipment, ect.)	2.013
Placement, installation, fixing	1.783
Lack of warning and function signs	1.713
Breach of rules on lifting machine use	1.644
Inadequacies related to of electronic extension and power cords (fittings, insulation, placement)	1.545
Lack of preliminary and/or periodic examination of non-dangerous working equipment	1.471
Lack and condition of OSH signs	1.390
Other OSH measures	33.687
Total	**69.359**

Source: ITM

3) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***The ECSR requested information on any measures taken with regard to COVID-19 that affect Article 2(2) to (7).***

In order to provide a coherent presentation of the measures taken, the information requested is discussed in the Chapter on Article 2(1).

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

The legislative changes to the provisions of the Labor Code on weekly rest periods are described in the context of Article 2(1).

1. Rules applicable to government officials and the staff of organs with special status

Act CXXV of 2018 on Government Administration and *Act CVII of 2019 on Organs with Special Status and the Status of their Employees* do not lay down special provisions regarding the weekly rest day; the relevant provisions of the Labor Code shall apply in that regard.

2. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

The rules applicable to the military personnel of the Hungarian Defence Forces did not change during the reference period of the report. *Act CXIV of 2018 on the Legal Status of Defence Employees* does not lay down any special provisions regarding the weekly rest day; the relevant provisions of the Labor Code apply in that regard.

3. Rules applicable to the healthcare service relationship

The provision of weekly rest days for persons in a healthcare service relationship is regulated by the Healthcare Activities Act and Healthcare Service Act Implementing Decree as follows.

Persons in a healthcare service relationship must be granted uninterrupted rest periods of at least 11 hours, which may be reduced to uninterrupted rest periods of at least 8 hours for uninterrupted health service providers by agreement between the parties. In the case of medical on-call duty, this rest period shall be granted immediately after the end of the on-call duty [Section 12/G(1) of the Healthcare Activities Act].

At the same time, the Healthcare Service Act Implementing Decree declares that an uninterrupted daily rest period of 11 hours shall be provided between the end of the healthcare activity and the next healthcare activity commencing according to the work schedule [Section 14(1) of the Healthcare Service Act Implementing Decree].

In the case of on-call duty on a weekly rest day, the minimum rate of the on-call duty fee is 80% of the basic salary [Section 13/B(1)(b) of the Healthcare Activities Act]. In the case of such on-call work, the employer must provide another day of rest or an appropriate rest period or, if this is not possible, a 50% increase in remuneration and a 24-hour rest period within 7 days [Section 13/B(2) of the Healthcare Activities Act].

On a day of rest according to the general working schedule, the employee is entitled to a 50% on-call allowance [Section 13/B(3) of the Healthcare Activities Act].

Weekly rest days may be allocated irregularly, provided that the health worker performs on-call duties in at least 50%, but at least one rest day must be granted after 6 days of work [Section 12/G(2) of the Healthcare Activities Act]. The employer shall inform the employee of the content thereof in the working time schedule [Section 13(3) of the Healthcare Activities Act].
In the case of irregular working hours, the rules on working hours and rest days departing from the general working hours apply [Section 13(3) of the Healthcare Service Act Implementing Decree]. In the case of an irregular work schedule, 1 rest day per week must be granted after 6 working days [Section 13(5) of the Healthcare Service Act Implementing Decree], and at least once a month, 2 rest days per week must be granted for Saturdays and Sundays [Section 13(6) of the Healthcare Service Act Implementing Decree]. In addition, a minimum of 48 consecutive hours of rest per week must be provided [Section 13(7) of the Healthcare Service Act Implementing Decree].

2) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***The ECSR asks whether it is possible for a worker to work continuously for more than twelve days without being granted a weekly rest period.***

This question was answered in our 2018 Report No. 14, however, in view of the amendment of the relevant legislation, we provide the following information:

From 1 January 2019, employers have the option of allocating more or fewer weekly rest days per week instead of two, and the two weekly rest days are then averaged over a longer period, the working time banking or payroll period. At the end of the working time banking or payroll period, not only the hours worked but also the weekly rest days must be accounted for [Section 105(1) of the Labor Code].

In the case of an irregular working time schedule, at least one weekly rest day shall be allocated after six consecutive working days [Section 105(2) of the Labor Code].

In the special cases defined by law, an exception to this is provided for in Section 105(3) of the Labor Code. According to that, in the case of irregular working time schedule, at least one weekly rest day per month must be allocated for employees employed within the framework of uninterrupted work, multi-shift work, or in a seasonal activity. The provisions of the Labor Code thus allow for a consolidated allocation of rest days within a limited scope of cases specified in Section 105(3) of the Labor Code.

At least one weekly rest day per month must be scheduled on Sunday, with the exception of part-time work on Saturdays and Sundays only [Section 105(4) of the Labor Code]. Accordingly, an employee must be allocated at least one rest day per month on a Sunday even if they work for more than six consecutive days. However, the basic statutory requirement that the employer must organize working time in accordance with the requirements of healthy and safe working conditions and the nature of the work still applies to the organization of working time [Section 97(1) of the Labor Code]. When scheduling working time, the employer is obliged to ensure that employees have regular rest periods, and rest days may not be combined arbitrarily.

Otherwise, the Labor Code uses indirect provisions to ensure that rest days are granted in kind. To this end, it limits the length of the weekly working time and the duration of the overtime that may be ordered.

- ***The ECSR requested information on any measures taken with regard to COVID-19 that affect Article 2(2) to (7).***

In order to provide a coherent presentation of the measures taken, the information requested is discussed in the Chapter on Article 2(1).

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

During the reference period of this report, there were no changes in the legislation on the rules on the obligation to provide information under the Labor Code. As regards the regulation of special employment relationships, there has been a change only in the case of the healthcare service relationship.

Rules applicable to the healthcare service relationship

The national provisions on the right to information of persons in a healthcare service relationship are contained in the Healthcare Service Act and the Healthcare Service Act Implementing Decree.

A person in a healthcare service relationship must be informed in writing at least 10 working days in advance of the order of secondment between healthcare providers and of its expected duration [Section 11(5) of the Healthcare Service Act].

In addition, the head of the healthcare institution has 8 days from the start of the healthcare service relationship to inform the health care worker in writing of

- the daily working hours;
- rules on on-call time, standby duty and voluntary additional work;
- salary and other benefits and allowances;
- how salary is accounted for, the frequency of payment and the date of payment;
- the duties of the job;
- the amount, method of calculation and arrangements for granting leave;
- the rules on the period of notice applicable to the employer and the person in a healthcare service relationship;
- the person exercising the employer's rights;
- the rules on qualification and on the rules on conflicts of interest [Section 11(1) of the Healthcare Service Act Implementing Decree].

In addition, the general provision of the Labor Code which imposes an obligation to inform the employer within 15 days also applies to the healthcare service relationship [Section 46(1) of the Labor Code].

2) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***In its conclusions issued in 2015, the ECSR asked for information on whether the employment contract or other document contains information on the parties to the contract, the place of work, and the duration of the fixed-term contract or the employment relationship.***

This question was answered in our 2018 Report No. 14, but for the sake of completeness we provide the following information:

Formality and written form are conditions of validity for the creation, modification and termination of the employment relationship.

In view of this, Section 23 of the Labor Code stipulates that the employer is obliged to ensure that the agreements are in writing and must provide the employee with a copy. It also stipulates that the names of the contracting parties must be indicated, as well as the details relevant to the performance of the agreement. Pursuant to that:

"Section 23(1) The agreement shall be concluded in writing, which shall be provided for by the employer, a copy of which shall be given to the employee affected.
(2) The agreement shall indicate the names of the parties and their particulars of import from the point of view of the performance of the agreement."

The provisions on the content of the employment contract also apply, namely:

"Section 45 (1) The parties must specify in the employment contract the employee's personal base wage and job function.
(2) The term of the employment relationship shall be defined in the employment contract. Failing this the employment relationship is concluded for an indefinite duration.
(3) The workplace of the employee shall be defined in the employment contract. Failing this, the place where work is normally carried out shall be considered the workplace.
(4) In the absence of an agreement to the contrary, all employment relations are concluded on general principle for full-time daily employment.
(5) In the employment contract the parties may stipulate a probationary period of not more than three months from the date of commencement of the employment relationship. In the event that a shorter probationary period has been stipulated the parties may extend the probationary period once. In either case, the duration of the probationary period may not exceed three months."

The duration of the employment relationship shall be determined in the employment contract in accordance with Section 45(2) of the Labor Code. If the parties do not specify it, the employment relationship shall be deemed to be of indefinite duration.

Section 192(1) of the Labor Code is also applicable as a special rule in the case of establishing fixed-term employment:

"Section 192(1) The period of fixed-term employment shall be determined according to the calendar or by other appropriate means. The date of termination of the employment relationship may not depend solely on the party's will, if the duration of the employment relationship is not determined by the calendar. In the latter case the employer is required to inform the employee of the expected duration of employment."

Furthermore, the integral content of an employment contract includes an agreement on the place of work. According to Section 45(3) of the Labor Code, the employee's place of work shall be specified in the employment contract. Failing this, the workplace shall be deemed to be the place where the employee habitually carries out their work.

In addition, the employer's obligation to provide written information is governed by the provisions of Sections 46–47 of the Labor Code:

"Section 46(1) The employer shall inform the employee in writing within fifteen days at the latest from the date of commencement of the employment relationship concerning:

a) the daily working time;
b) wages above the base wage, and other benefits;
c) payroll accounting, the frequency of payment of wages, and the day of payment;
d) the functions of the job;
e) the number of days of leave and the procedures for allocating and determining such leave; and
f) the rules governing the periods of notice to be observed by the employer and the employee; furthermore
g) whether a collective agreement applies to the employer; and
h) the person exercising employer's rights.

(2) The information referred to in Paragraphs a)-c) and e)-f) of Subsection (1) hereof may also be given in the form of a reference to the relevant employment regulations.

(3) If the employment relationship is terminated before the fifteen-day period lapses, the employer shall perform the obligation referred to in Subsection (1) at the time specified in Subsection (2) of Section 80.

(4) Employees shall be informed of any change in the name or other major particulars of the employer, or in the details referred to in Subsection (1) in writing within fifteen days of the effective date of the change in question.

(5) The employer's obligation to provide information, except for Paragraph h) of Subsection (1), shall not apply if, by virtue of the employment contract:
a) the term of the employment relationship does not exceed one month; or
b) the working time does not exceed eight hours per week.

Section 47 In the case of work to be performed abroad for a period of more than fifteen days the employee must be informed in writing at least seven days before the date of departure of the following, in addition to what is contained in Section 46:
a) the place and duration of the work abroad;
b) the benefits in cash or in kind;
c) the currency to be used for the payment of remuneration and other payments; and
d) the conditions governing the employee's repatriation."

- ***In its conclusions issued in 2015, the ECSR asked for information on whether the employment contract or other document contains information on the parties to the contract, the place of work, and the duration of the fixed-term contract or the employment relationship.***

This question was answered in our 14th National Report submitted in 2018. Since with the entry into force of the Government Administration Act as of 1 January 2019 and that of the Special Status Act from 1 January 2020, persons employed in the framework of government service or at organs with special status are subject to new rules, these are presented below:

Pursuant to Section 86(1) of the Government Administration Act, the instrument of appointment consists of
a) the instrument of appointment to the government service, and
b) the appointment letter defining the content of the government service.

Pursuant to Section 86(2) of the Government Administration Act, the appointment letter must contain
a) the date of the beginning of the government service,
b) the length of service in government service,
c) the starting and ending dates of the probationary period of the government official,
d) the name of the government administrative body and department employing the government official,
e) the place of work of the government official,
f) the working time of the government official,

g) the grade and job number of the government official's post, and in the case of a change of post, both the former and the new post,
h) the salary of the government official, and
i) the specification of the duties to be performed in the post.

Pursuant to Section 25(1) of the Special Status Act, the instrument of appointment must contain the following information regarding the civil servant:

a) grade of post,
b) salary,
c) the specification of the duties to be performed in their post,
d) their place of work,
e) their working hours,
f) the date of the beginning of their civil service relationship,
g) the duration of their civil service relationship,
h) the starting and ending dates of their probationary period,
i) the name of the special status body and organizational unit employing them.

- ***The ECSR requested information on any measures taken with regard to COVID-19 that affect Article 2(2) to (7).***

In order to provide a coherent presentation of the measures taken, the information requested is discussed in the Chapter on Article 2(1).

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

6. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

There were no changes to the legislation on night work during the reporting period.

Workers can only be employed for a job if they have the physiological capacities to perform it and their health and physical integrity are not adversely affected. The suitability for work must be decided on the basis of a medical examination as defined in a separate law – *Decree 33/1998 (24 June) NM of the Minister for Welfare on the medical examination and opinion on the suitability for work, occupational and personal hygiene* –, taking into account the risks and strains to health arising from the work and the working environment, as well as the health condition and individual "load-bearing capacity" of the employee.

According to Section 49(3) of the Labor Safety Act: "*Medical fitness examination for workers who work at night regularly according to their work schedule or for at least one quarter of their annual working time shall be provided by the employer before the commencement of work or at the intervals provided for in the employment relationship rules during the employment relationship*."

The occupational health physician must determine whether the worker has a medical condition that might preclude or limit night work.

A worker must be assigned to day work if a medical examination establishes that night work endangers the worker's health or that their illness is causally linked to night work.

1. General rules applicable to employees

No night work may be ordered for the employee:

- from the time the worker's pregnancy is established until her child is three years old,
- for a worker raising a child alone, until the child is three years old.

In the event of a risk to health as defined in a rule applicable to the employment relationship, the employee's scheduled daily working time may not exceed eight hours in the case of night work [Section 113(1) and (3) to (4) of the Labor Code]. Night work and overtime work may not be ordered for young employees [Section 114(1) of the Labor Code].

Generally speaking, the legislation on health and safety at work applies to organized work, irrespective of the shift on which the workers are working. No specific rules on occupational safety and health apply to night workers.

The Labor Safety Act defines the general conditions of safe and healthy work, including the material, personnel and organizational conditions of work, the establishment, design and operation of workplaces, which the employer is obliged to ensure during night work.

Employers must provide occupational health care for their employees. The occupational health service provides primary health care, including occupational aptitude tests, written examinations of working conditions and the adverse health effects of work, and information on health and safety issues related to the working conditions of workers.

Employers have a basic obligation to carry out a risk assessment, on the basis of which they must take preventive measures to avoid risks to health or at least reduce them to a level that does not endanger health [Section 54 of the Labor Safety Act].

Joint Decree 3/2002 (II. 8.) SzCsM-EüM of the Minister for Social and Family Affairs and of the Minister of Health on the minimum level of occupational safety and health requirements for workplaces covers the design and use of workplaces – all open or enclosed spaces (including underground facilities, vehicles) where workers are present for the purpose of or in connection with work – in the course of organized work. The employer must ensure that the design and operation of workplaces in all areas under their control comply with the requirements of this Decree and other rules on occupational safety and health and with the requirements of scientific and technical progress. These requirements shall also be complied with by the employer during night work.

2. General rules applicable to health service relationships

National provisions on night work for persons in a healthcare service relationship are contained in the Healthcare Activities Act.

An employed healthcare worker is entitled to a 15% night allowance if they work between 22:00 and 06:00; if they work multiple shifts, they are entitled to a 15% afternoon shift allowance between 14:00 and 22:00, a 30% night shift allowance between 22:00 and 06:00; and a 20% or 40% wage supplement if they work for a healthcare provider that operates without interruption [Section 14/B(1) of the Healthcare Activities Act].

No other special provisions on night work apply to persons in a healthcare service relationship. The provisions on rest periods shall also apply to night work.

The regulation of other special employment relationships has not changed during the reference period of the report.

2) KEY DATA, STATISTICS

According to the EU legislative change affecting the Labour Force Survey, from 2021, those who are temporarily absent from their regular, gainful employment due to claiming GYED (child home care fee) or GYES (childcare allowance), and are not working but still have an employment relationship, will also be considered employed.

Number of employees distributed by gender and the duration of their employment contract [thousand persons]

Employees 15-74 years of age	Employment contract for a fixed time			Employment contract for indefinite time			Non-categorized			Employees total		
	men	women	total	men	women	total	men	women	total	men	women	total
2017	174,8	174,6	349,4	1.951,1	1.664,0	3.615,1	0,1	118,7	118,9	2.125,9	1.957,4	4.083,3
2018	144,2	148,3	292,5	2.001,1	1.710,3	3 711,4	0,0	128,8	128,8	2.145,3	1.987,4	4.132,7
2019	132,9	134,3	267,2	2.027,5	1.728,9	3.756,3	0,4	121,1	121,5	2.160,8	1.984,3	4.145,1
2020	113,1	118,4	231,5	2.000,2	1.691,6	3.691,7	1,1	132,3	133,4	2.114,3	1.942,3	4.056,6
2021. Q/1	99,5	110,7	210,3	1.903,8	1 721,7	3.625,5	96,6	75,7	172,3	2.099,9	1.908,1	4.008,0

Source: KSH

Number of employees distributed by gender their part-time or full-time employment and száma [thousand persons]

15-74	Part-time employment	Full-time employment	Non-categorized	Employees total

Employees 15-74 years of age	men	women	total	men	women	total	men	women	total	men	women	total
2017	75,2	137,3	212,5	2.342,1	1.866,8	4.208,9	0,1	126,9	127,0	2.417,4	2.130,9	4.548,4
2018	76,8	139,6	216,4	2.369,4	1.883,7	4.253,1	0,0	136,9	136,9	2.446,2	2.160,2	4.606,4
2019	80,7	152,8	233,4	2.399,0	1.879,7	4.278,7	0,4	132,1	132,4	2.480,1	2.164,5	4.644,6
2020	87,3	164,7	252,1	2.373,6	1.834,7	4.208,4	1,1	141,7	142,8	2.462,1	2.141,2	4.603,2
2021. Q/1	85,1	170,3	255,4	2.371,0	1.941,1	4.312,2	-	-	-	2.456,1	2.111,5	4.567,6

Source: KSH

Employees 15-74 years of age	Worked in their main job at evening in the past 4 weeks												Employees total		
	Yes, regularly			Yes, occasionally			No			Non-categorized					
	men	women	total	men	women	total	men	women	total	men	women	total	men	women	total
2017	324,8	199,7	524,4	541,3	330,6	871,9	1.551,2	1.473,8	3.025,0	0,1	126,9	127,0	2.417,4	2.130,9	4.548,4
2018	315,4	206,6	521,9	555,7	339,5	895,2	1.575,2	1.477,2	3.052,3	0,0	136,9	136,9	2.446,2	2.160,2	4.606,4
2019	306,2	181,0	487,1	566,0	345,1	911,1	1.607,5	1.506,4	3.113,9	0,4	132,1	132,4	2.480,1	2.164,5	4.644,6
2020	251,4	152,2	403,6	533,4	338,6	872,0	1.676,2	1.508,7	3.184,9	1,1	141,7	142,8	2.462,1	2.141,2	4.603,2
2021. Q/1	255,3	160,4	415,7	565,0	357,5	922,5	1.635,8	1.593,6	3.229,4	-	-	-	2.456,1	2.111,5	4.567,6

Source: KSH

Employees 15-74 years of age	Worked in their main job at midnight in the past 4 weeks												Employees total		
	Yes, regularly			Yes, occasionally			No			Non-categorized					
	men	women	total	men	women	total	men	women	total	men	women	total	men	women	total
2017	184,9	86,7	271,5	292,1	132,1	424,2	1.940,3	1.785,3	3.725,6	0,1	126,9	127,0	2.417,4	2.130,9	4.548,4
2018	180,6	91,1	271,7	307,3	138,0	445,4	1.958,3	1.794,1	3.752,4	0,0	136,9	136,9	2.446,2	2.160,2	4.606,4
2019	169,2	82,8	252,0	293,3	131,7	425,1	2.017,2	1.817,9	3.835,1	0,4	132,1	132,4	2.480,1	2.164,5	4.644,6
2020	152,8	72,9	225,7	237,7	119,9	357,6	2.070,5	1.806,7	3.877,2	1,1	141,7	142,8	2.462,1	2.141,2	4.603,2
2021. Q/1	158,9	72,7	231,6	242,6	104,4	347,0	2.054,6	1.934,4	3.989,0	-	-	-	2.456,1	2.111,5	4.567,6

Source: KSH

Employees 15-74 years of age	Worked in their main job on saturdays in the past 4 weeks												Employees total		
	Yes, regularly			Yes, occasionally			No			Non-categorized					
	men	women	total	men	women	total	men	women	total	men	women	total	men	women	total
2017	245,8	162,2	408,0	816,4	497,2	1.313,6	1.355,1	1.344,7	2.699,8	0,1	126,9	127,0	2.417,4	2.130,9	4.548,4
2018	227,6	159,4	387,0	867,3	520,6	1.387,9	1.351,3	1.343,3	2.694,6	0,0	136,9	136,9	2.446,2	2.160,2	4.606,4
2019	235,2	151,2	386,4	873,3	534,4	1.407,7	1.371,1	1. 346,9	2.718,1	0,4	132,1	132,4	2.480,1	2.164,5	4.644,6
2020	198,6	132,2	330,8	784,3	491,3	1.275,5	1.478,1	1. 376,0	2.854,1	1,1	141,7	142,8	2.462,1	2.141,2	4.603,2
2021. Q/1	208,9	137,0	345,9	821,6	486,3	1.307,9	1.425,7	1.488,1	2.913,8	-	-	-	2.456,1	2.111,5	4.567,6

Source: KSH.

Employees 15-74 years of age	Worked in their main job on sundays in the past 4 weeks												Employees total		
	Yes, regularly			Yes, occasionally			No			Non-categorized					
	men	women	total	men	women	total	men	women	total	men	women	total	men	women	total
2017	174,0	106,1	280,1	453,1	303,1	756,2	1.790,2	1.594,9	3.385,1	0,1	126,9	127,0	2.417,4	2.130,9	4.548,4
2018	165,7	106,0	271,6	478,1	291,2	769,3	1.802,5	1.626,1	3.428,6	0,0	136,9	136,9	2.446,2	2.160,2	4.606,4
2019	169,8	103,5	273,3	473,2	295,9	769,1	1.836,7	1.633,0	3.469,7	0,4	132,1	132,4	2.480,1	2.164,5	4.644,6
2020	145,3	92,2	237,5	411,4	262,1	673,5	1.904,3	1.645,2	3.549,4	1,1	141,7	142,8	2.462,1	2.141,2	4.603,2
2021.	148,7	91,5	240,3	427,9	267,5	695,4	1.879,5	1.752,4	3.631,9	-	-	-	2.456,1	2.111,5	4.567,6

Q/1															

Source: KSH

3) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***In its conclusions of 2015, the ECSR asked for information on whether employee representative organizations are involved in the consultation process when regulating night work.***

Response to this question is contained in our 14th National Report submitted in 2018, to which the following is added.

With regard to the rules on regular consultation of workers' representatives on night work, it should be noted that there is no regular consultation of workers' representatives on night work only, but that regular plenary meetings of the National Occupational Safety and Health Committee, composed of representatives of employers, workers and the government, allow for consultation on all issues related to occupational safety and health at the initiative of either party.

The National Occupational Safety and Health Committee (hereinafter referred to by the Hungarian abbreviation as "OMB"), consisting of representatives of workers, employers' representative organizations and the Government, shall be responsible for the national reconciliation of interests in relation to safe and healthy work [Section 78 of the Labor Safety Act]. At its plenary meetings, the OMB also discusses, inter alia, occupational safety and health issues relating to work involving particularly heavy and/or psychologically demanding work, working conditions, shift work and night work.

The safety and health representatives elected at employers can contact the employer on any issue (including specific issues related to night work), express their opinion and initiate the taking of measures considered necessary by the employer, and, if justified, refer the matter to the OSH authority and occupational health services.

The Government Administration Act and the Special Status Act do not contain any explicit rule for consultation on night work.

- ***The ECSR requested information on any measures taken with regard to COVID-19 that affect Article 2(2) to (7).***

For a coherent presentation of the measures taken, the information requested is discussed in the Chapter on Article 2(1).

ARTICLE 5 – THE RIGHT TO ORGANIZE

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organizations for the protection of their economic and social interests and to join those organizations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. General rules on the right of association

Act II of 1989 on the Right of Association was replaced on 1 January 2012 by *Act CLXXV of 2011 on the Freedom of Association, on Public-Benefit Status, and on the Activities of and Support for Civil Society Organizations* (hereinafter: Civil Society Act).

The Fundamental Law of Hungary guarantees the freedom of association with unchanged content as follows [Article VIII (2) and (5)]:

"(2) Everyone shall have the right to establish and join organizations.
(5) Trade unions and other interest representation organizations may be formed and may operate freely on the basis of the right of association."

The Civil Society Act details the guarantees for the operation of organizations established under the right of association in accordance with the Fundamental Law.

The Civil Society Act stipulates that the right of association is a fundamental right of freedom for everyone, on the basis of which everyone has the right to form or join organizations or communities with others [Section 3(1) of the Civil Society Act]. Natural persons and, in accordance with the purpose of their activities and the intention of their founders, legal persons and their organizations without legal personality may establish and operate organizations on the basis of the right of association [Section 3(2) of the Civil Society Act]. Under the previous legislation, only private individuals could be members of a trade union. However, according to the quoted provision of the Civil Society Act, a legal person can also be a member of a trade union.

The exercise of the right of association must not violate Section C(2) of the Fundamental Law, i.e. it must not be aimed at the acquisition or exercise of power by force. The exercise of the right of association must not constitute a criminal offence or an incitement to commit a criminal offence, nor must it infringe the rights and freedoms of others [Section 3(3) of the Civil Society Act]. An organization may be established on the basis of the right of association to carry out any activity which is in accordance with the Fundamental Law and which is not prohibited by law [Section 3(4) of the Civil Society Act].

The association is a legal entity, which is created upon registration. An alliance is an association that can be established and operated with the participation of two or more members. The members of an alliance may be associations, foundations, other legal persons, organizations without legal personality or civil associations; no natural person may be a member of an alliance [Section 4(3) of the Civil Society Act].

The Civil Society Act specifically mentions trade unions, which are a type of association. According to Section 4(1) of the Civil Society Act, an association is an organization established on the basis of the right of association, the specific forms of which – alliances, parties, trade unions and associations carrying out activities subject to a special act – may be regulated by act in a different way from the provisions applicable to associations. The name of an association (special form of association) need not include a designation referring to the type or form of association; an association (special form of association) may be established and operated under a name which includes the term alliance or other term referring to the exercise of the right of association.

A trade union must therefore first meet the conditions of an association in order to be recognized as a trade union. According to Section 2(6) of the Civil Society Act, an association registered in Hungary qualifies as a civil society organization, with the exception of political parties, trade unions and mutual insurance associations. The provisions of the Civil Society Act apply to trade unions, with the exception of the rules contained in Chapters VII to X of the Act. Pursuant to Section 4(1) of the Civil Society Act, a trade union is an organization established under the right of association, namely an association operating in a special form. The most important distinguishing feature of a trade union, as opposed to the general concept of an association, is that its primary purpose is to protect and promote the interests of employees in connection with their employment relationship. If the main purpose of the organization is not the promotion of employment-related interests, it cannot be classified as a trade union.

Only organizations that defend the interests of workers can be registered as trade unions. This is stipulated in Section 270(2)(a) of Act I of 2012 on the Labor Code (hereinafter: Labor Code), according to which a trade union, for the purposes of the Labor Code, is any organization of employees whose primary objective is to protect and promote the interests of employees in connection with their employment relationship.

The registration of associations established under the Civil Society Act by the court is provided for in *Act CLXXXI of 2011 on the Court Registration of Civil Society Organizations and the Related Procedural Rules* [Section 4(a)].

The Act summarizes the rules on registration, which also apply to the registration of trade unions. The Act regulates the documents to be attached to the application for registration of an organization; the functions of the court following the submission of an application for registration; the conditions for refusal of an application; the criteria for the substantive examination of an application for registration of an organization, specifically the content of an application for registration of an association (including trade unions); and the rules of procedure for registration of an association.

The registration of trade unions falls into the scope of competence of the regional courts pursuant to Section 13 of the Civil Society Act. The application must be filed with the court by the person authorized to represent the trade union. If an application for registration of a civil society organization submitted electronically is accompanied by a foundation instrument drawn up in accordance with a model provided for by special legislation, the court shall consider the application within fifteen days of its receipt [Section 13(2) of the Civil Society Act].

The court keeping the register is competent to conduct the civil non-contentious proceedings provided for in this Act.

The submissions shall be submitted in one copy and, if the law provides for a form for the submission, on a form in accordance with the provisions of *Decree 11/2012 (29 February) KIM of the Minister of Administration and Justice on the forms to be used by civil society organizations in court proceedings.*

With the exception of organizations listed in the Act (e.g. alliance), the submission may only be submitted electronically if the applicant is acting through a legal representative or if the applicant requests a simplified registration (change registration) procedure.

If an application for registration of an association (application for registration of changes) is accompanied by a foundation instrument based on the model document provided for by law, this fact must be indicated on the form accompanying the application for registration. In this case, the application may be accompanied only by the annexes to the model document specified by law. If the model document is supplemented or any of its provisions are omitted, including where the reference to the nature of the model document is omitted, the court shall reject the application without examining the merits.

The court shall decide on the application for registration within fifteen days of the date of receipt of the application. Within this period, the court shall arrange for the service of the order granting registration or refusing registration.

The data of the civil society organization in the register are available in a nationally uniform, electronic, public register, accessible free of charge to anyone. The court register contains the registration number, file number, serial number of the trade union, the number of the decision ordering registration, the date of its entry into force, the name of the trade union, its seat, the name and address of its representative, its purpose and classification according to its purpose, and the date of its articles of association. The data in the register, both in force and deleted, are also public.

Pursuant to Section 5(1) of *Act XCIII of 1990 on Fees* (hereinafter: Fees Act), associations receive a full personal tax exemption if no corporate tax liability has arisen after the income from its business activities in the previous tax year. In the case of exemption of a person who is otherwise liable to pay a fee (fee exemption due to personal circumstances), the fee may not be claimed from the exempted party [Section 4(1) of the Act].

2. General rules applicable to eployees

The Labor Code regulates the guarantees of the right to organize in the light of the provisions of the Fundamental Law and the Civil Society Act. The third part of the Labor Code contains rules on industrial relations and defines the freedom to form coalitions, allowing both employees and employers to set up representative organizations. It also gives employees the right to operate their organizations within the employer's organization. There were no changes in the relevant provisions of the Labor Code during the reporting period.

Sections 230 to 231 of the Labor Code set out the purpose and subject matter of the regulation in a declarative manner. Section 230 of the Labor Code summarizes the subjects of labour law regulation of “labour relations”, while Section 231 of the Labor Code summarizes certain rights included in the freedom of association.

The main objective of the industrial relations legislation was to create a regulation fully in line with the purpose of collective rights, by increasing the effectiveness of employee participation and the conclusion of collective agreements. By separating the roles of works councils and trade unions in the workplace, the Labor Code placed collective labour law on a new footing, reducing the business and social costs of the previous system. The Labor Code aims to promote the representation of workers at the workplace level through works councils and, at sectoral level, through trade unions.

Trade unions are regulated in Chapter XXI of the Labor Code. This chapter regulates the concept of trade union [Section 270 of the Labor Code], the guarantees associated with belonging to a trade union [Section 271 of the Labor Code], the rights of trade unions [Section 272 of the Labor Code], the protection of trade union officers [Section 273 of the Labor Code], the working time allowance [Section 274 of the Labor Code] and the conditions for the use of premises [Section 275 of the Labor Code].

Section 270(1) of the Labor Code clearly states that trade union rights are not generally granted to trade unions, but to the trade union who has a representation at the employer. In addition, the Labor Code defines the concepts of trade union and trade union with representation. Accordingly, for the purposes of the Labor Code:

a) *'trade union' shall mean all organizations of employees whose primary function is the enhancement and protection of employees' interests related to their employment relationship;*
b) *'local trade union branch represented at the employer' shall mean a trade union which, according to its statutes, operates an organization authorized for representation or has an officer at the employer [Section 270(2) of the Labor Code].*

The prohibition of discrimination and respect for the freedom of association, as well as the prohibition of causing disadvantages related to trade union affiliation and the related guarantees are laid down in Section 271 of the Labor Code.

The rights of trade unions are regulated by the Labor Code as follows:

- The right to collective bargaining [Section 272(1) of the Labor Code]
- Employees' right to be informed [Section 272(2) of the Labor Code]
- The right to request information [Section 272(4) of the Labor Code]
- The right of trade union propaganda [Section 272(3) of the Labor Code]
- The right to express opinions and to initiate consultations [Section 272(5) of the Labor Code]
- The right of representation [Section 272(6) to (7) of the Labor Code]
- Right to use the employer's premises [Section 272(8) of the Labor Code]
- The right to free transfer of trade union membership fees [Section 272(9) of the Labor Code]
- Working time allowance [Section 274 of the Labor Code]
- Right of access to the employer's premises [Section 275 of the Labor Code]
- Labour law protection of trade union officers [Section 273 of the Labor Code]

3. Rules applicable to law enforcement personnel

Pursuant to the provisions on trade unions within the meaning of the provisions in force of *Act XLII of 2015 Service Relations of the Members of Law Enforcement Agencies* (hereinafter: Law Enforcement Staff Act), the provisions on trade unions shall also apply to persons in a law enforcement administrative service relationship with law enforcement agencies. No other changes were made to the personnel of law enforcement agencies during the reference period of this report.

4. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

The rules applicable to the military personnel of the Hungarian Defence Forces have not changed during the reference period of the report. *Act CXIV of 2018 on the Legal Status of Defence Employees* (hereinafter: Defence Employees Act) contains the following provisions in relation to the right of association.

The National Civil Service Interest Reconciliation Council is the national-level interest reconciliation forum for labour, employment, wage and income policy issues concerning defence employees, and the Defence Interest Reconciliation Forum is the sectoral interest reconciliation forum [Section 7 of the Defence Employees Act]. The rights of participation are exercised on behalf of the collective of defence employees in a defence employment relationship with the defence organization by the Defence Employees' Council or the representative of the defence employees directly elected by them.

Defence Staff Councils must be elected in all defence organizations where the number of defence employees is fifteen or more. In defence organizations with a defence personnel of fewer than fifteen people, a representative of the defence personnel shall be elected. The rules applicable to Defence Staff Councils and the member of the Defence Staff Council shall apply to the representative of defence employees accordingly [Section 8 of the Defence Employees Act].

5. Rules applicable to the healthcare service relationship

Act C of 2020 on Healthcare Service Relationship (hereinafter: Healthcare Service Act) established the Health Care Service Interest Conciliation Forum (hereinafter referred to by the Hungarian abbreviation as "ESZÉF"), the purpose of which is to coordinate the interests of healthcare providers and persons in healthcare service relations, to settle disputes through negotiation and to develop appropriate agreements [Section 15(1) of the Healthcare Service Act]. In the course of the operation of the ESZÉF, the Government shall consult with representatives of national trade union federations and national self-government interest representation organizations, as defined in the articles of association [Section 15(2) of the Healthcare Service Act]. ESZÉF is responsible for matters relating to the living and working conditions and terms of employment of persons employed in the health sector in a healthcare service relationship, and its opinion must be sought on these matters [Section 15(6) of the Healthcare Service Act].

The right to strike may be exercised at public health care providers under specific rules agreed between the Government and the trade unions concerned.

6. Representation by public bodies in the field of public education

The National Faculty of Teachers (hereinafter referred to by the Hungarian abbreviation as "NPK"), which has been in existence since 1 September 2013, is a public body with a local government for public employees working as teachers in state and municipal public education institutions. The competences of the NPK, as defined by an act, are as follows:

- it has the right to give its opinion on the drafting and amendment of legislation affecting public education and teacher training,
- it may, in matters concerning its functions and powers, address the head of the public body with competence and jurisdiction in the matter in question and may make proposals and initiate action; and
- it may express an opinion on the operation of the body governed by the head of the public body, on the legislation and other decisions issued by it, and may initiate its modification or revocation.

In its professional representation activities, it cooperates with the representative trade unions and respects the rights of trade unions granted by the Labor Code and the Public Servants Act [Sections 63/A to 63/B of Act CXC of 2011 on National Public Education].

2) MEASURES TAKEN TO IMPLEMENT LEGISLATION

Pursuant to *Act CXCV of 2011 on Public Finances* (hereinafter: Public Finances Act), budget support may be granted to persons who meet the requirements of compliant labour relations [Section 50(1)(a) of the Public Finances Act].

According to the provision of *Government Decree 368/2011 (31 December) on the implementation of the Public Finances Act* (hereinafter: Public Finances Implementing Decree) in force since 1 January 2015, an employer who, within two years preceding the date of application for budgetary support, has twice violated the provisions of a law or collective agreement on the rate of remuneration and the time limit for payment, and has been fined with a final and enforceable penalty or ordered to pay a contribution to the central budget, does not meet the requirement of compliant labour relations [Section 82(1)(c) of the Public Finances Implementing Decree].

Act LXXV of 1996 on Labour Inspection (hereinafter: Labour Inspection Act) sets out in Section 3(1)(g) in terms of the protection of collective rights the following:

Labour inspections cover compliance with the provisions on the level of wages laid down by law, collective agreements or collective agreements extended by the Minister to the sector or subsector, and the protection of wages.

Section 108(2) of *Act L of 2017 Amending Certain Acts Related to the Entry Into Force of the Act of General Public Administration Procedure and the Code of Administrative Litigation*amended Section 3 of the Labour Inspection Act and replaced the words *"the inspection covers"* in the opening wording with the words *"the competence of the authority"* and the word *"compliance"* in the closing wording with the words *"covers the control of the compliance and the labour authority proceedings initiated on the basis of the labour inspection"* with effect from 1 January 2018.

The imposition of a labour penalty cannot be waived if the employer has violated the provisions on the amount of wages and the time limit for payment laid down by law or collective agreement, excluding an employer in liquidation [Section 6/A(1)(c) of the Labour Inspection Act].

A labour penalty may not be imposed if the employer pays the employee the unpaid wages established by law or collective agreement within the time limit set in the procedure [Section 6/A(2)(c) of the Labour Inspection Act].

3) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS ARTICLE

- ***In its conclusions issued in 2015, the ECSR requested information on the possibility of imposing sanctions on employers in the event of discrimination against a trade union official.***

The information requested was included in our 14th National Report submitted in 2018. The following additions are made to the information contained therein.

Chapter XXI of the Labor Code on trade unions provides that the elected official(s) designated by the trade union shall retain the protection of labour law in force and shall also be entitled to paid working time allowance for the benefit of such employee(s), which they are entitled to use for the performance of trade union activities. The rights granted to the trade union in the Labor Code are vested in the trade union with a representation at the employer [Section 270(1) of the Labor Code].

The employer shall not require employees to declare their trade union membership. The employees' employment must not be made conditional on their membership in a trade union, on their resigning from a previous trade union membership or on their agreeing to join a trade union designated by the employer.

It is forbidden to terminate an employee's employment or otherwise discriminate against an employee because of their trade union membership or trade union activities. No entitlement or benefit may be made conditional on membership of or absence from a trade union [Section 271 of the Labor Code].

The consent of the immediate superior trade union body shall be required for the termination of the employment of an employee holding an elected trade union office designated in accordance with paragraph (3) (hereinafter referred to as an "officer") by the employer by giving notice of termination and for the employer's action under Section 53 concerning the officer.

The protection shall be granted to the officer for the duration of their term of office and for six months after its termination, provided that they have held office for at least twelve months [Section 273 of the Labor Code].

If the employer has terminated the employment of a protected trade union official without the agreement of the immediate superior trade union body, the employee may take their employment rights to court. On the employee's application, the court shall restore the employment relationship if the termination of the employment relationship was in breach of Section 273(1) of the Labor Code [Section 83(1)(c) of the Labor Code].

For the purposes of entitlement to periods of employment after the employment relationship has been re-established, the period between the termination (cessation) of the employment relationship and its re-establishment shall be regarded as periods of employment. The employee's lost wages, other benefits and any damages in excess thereof shall be compensated. The employee's absence pay shall be taken into account as lost wages [Section 83(2) and (3) of the Labor Code].

The option of the sanction of reinstatement to the original job as described above is therefore provided for in Section 83 of the Labor Code. In addition to the court ordering the employer to compensate the employee for their damages, the employee may request to be reinstated in their original job.

In addition to the above provisions of the Labor Code, the detailed rules on the requirement of equal treatment are contained in *Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities* (hereinafter: Equal Treatment Act).

According to Section 8(s) of the Equal Treatment Act, direct discrimination is deemed to be any provision which results in a person or group being treated less favourably than another person or group in a comparable situation is, has been or would be treated, on the grounds of their actual or perceived membership of a representative body.

Pursuant to Section 9 of the Equal Treatment Act, indirect discrimination is deemed to be a provision which does not constitute direct discrimination and which appears to meet the requirement of equal treatment, if it places certain persons or groups with the characteristics defined in Section 8 in a significantly more disadvantageous position than that in which another person or group in a comparable position was, is or would be in.

The legal consequences applicable in case of violation of the requirement of equal treatment are regulated by Sections 17 to 17/D of the Equal Treatment Act.

Pursuant to Section 17 of the Equal Treatment Act, an official procedure to investigate the enforcement of the requirement of equal treatment may be initiated if one year has not yet passed from the date of becoming aware of the infringement and three years have not yet passed from the date of the infringement.

Section 17/A of the Equal Treatment Act provides as follows:

"(1) If the Authority establishes the violation of the principle of equal treatment, it

a) may order the unlawful situation to be ended,
b) may prohibit the unlawful conduct for the future,
c) may order its decision with administrative finality to be published as data accessible on public interest grounds in a de-identified manner apart from any accessible data of the infringer,
d) may impose a fine,
e) may apply a legal consequence specified in a separate Act.

(1a) A fine under paragraph (1)(d) shall constitute a revenue of the central budget.
(2) For the purposes of paragraph (1)(c), data accessible on public interest grounds means the natural identification data and home address of a natural person infringer, and the name and seat of an infringer that is a legal person or an organization without legal personality.
(3) The legal consequences specified in paragraph (1) shall be determined with regard to all circumstances of the case, in particular the group of aggrieved persons, the reversibility of the harm caused by the violation, the duration of the unlawful situation, the repetition or frequency of the unlawful conduct, the economic significance of the infringer, and the supportive and cooperative behaviour of the infringer as regards the proceeding.
(4) The legal consequences specified in paragraph (1) may also be applied jointly.
(5) The amount of the fine shall range from fifty thousand to six million forints.

(6) If the Authority establishes that an employer who was required to adopt an equal opportunities plan failed to do so, it shall invite the employer to rectify the omission, and it may apply the legal consequences specified in paragraph (1)(c) to (e) while applying paragraphs (3) to (4) accordingly.
(7) A proceeding for determining the amount of a fine to be imposed for the violation of a provision implementing the principle of equal treatment may be launched within three months after the Authority becomes aware of the violation, and in any event within one year after the violation has taken place. If the violating conduct or situation is continuous, the time limit shall be calculated from the termination thereof."

Pursuant to Section 17/B(2) of the Equal Treatment Act, a decision taken by the authority in a pending proceeding relating to a violation of the principle of equal treatment may not be amended or annulled by exercising supervisory powers.

- ***The ECSR requests information on the prevalence of trade union membership throughout the country and in each sector of activity, as well as information on public or private sector activities where workers are excluded from forming or joining organizations in order to protect economic and social interests. In addition, information is requested on recent legal developments in this respect and on measures taken to promote the formation of and participation in trade unions.***

The following changes in the regulation of trade union membership can be reported for the reference period of this report. There have been no other changes since the 14th National Report.

1. Rules applicable to government officials and the staff of organs with special status

Act CXXV of 2018 on Government Administration (hereinafter: Government Administration Act) and *Act CVII of 2019 on Organs with Special Status and the Status of their Employees* (hereinafter: Special Status Act) regulate the procedures for reconciliation of interests concerning persons employed in the framework of government service or as personnel of special status bodies.

The reconciliation of interests of government officials [Section 170 of the Government Administration Act, Section 95 of the Special Status Act]

The Government Administration Act and the Special Status Act similarly regulate the basic arrangements for reconciliation of interests. The system established by the two acts is described below. In this subsection, the term 'employees' is used to refer to government officials and civil servants working for special status bodies, and the term 'employers' is used to refer to government administrative bodies and special status bodies.

In order to protect the social and economic interests of employees and to maintain industrial peace, this Act regulates the relations between trade unions and employers and their representative organizations. In this context, it ensures the participation of employees in the shaping of working conditions, and defines the procedure for the prevention and resolution of labour conflicts.

Employees and employers have the right to form, together with others, interest representation organizations, or to join or to stay away from such organizations, without any discrimination, in order to protect and promote their economic and social interests, under the conditions laid down by law, and without any discrimination, depending only on the rules of the organization concerned.

Representative organizations have the right to form or join federations, including international federations.

Employees have the right to form a trade union within their employers' administrative body. The trade union may operate bodies and involve its members in their operation.

The employer and the trade union must inform each other in writing of the identity of the person authorized to represent them and of the officer.

The employer shall not be obliged to provide information or to consult if this could lead to the disclosure of facts, information, solutions or data which would jeopardize the interests or functioning of the public service or the legitimate interests or functioning of the employer. No person acting on behalf of or in the interests of a trade union shall in any way disclose any fact, information, solution or data which the employer has brought to the person's attention either expressly by reference to confidentiality or to the treatment as classified information in order to protect its legitimate interests or functioning or the interests or functioning of the public service. Such person shall not use such fact, information, solution or data in any way in their activities other than for the purposes of this Act. A person acting on behalf of or in the interest of a trade union may disclose information coming to their knowledge in the course of their duties only without jeopardizing the legitimate interests or functioning of the employer or the interests or functioning of the public service and without infringing rights relating to personality.

The rights granted to trade unions by this Act are vested in the trade union with a local representation at the employer.

Central reconciliation of interests [Section 171 of the Government Administration Act]
An Interest Reconciliation Forum for Civil Servants (hereinafter referred to by the Hungarian abbreviation as "KÉF") is in place for the purpose of reconciling the interests of government administrations and government officials, settling disputes through negotiations and reaching appropriate agreements, with the participation of the Government, the national self-government interest representation organizations and the national employee interest representation organizations of government officials and civil servants. The KÉF is responsible for matters relating to the living and working conditions and terms of employment of government officials and civil servants employed in the public administration.

Reconciliation of interests of government officials at the workplace [Section 172 of the Government Administration Act]
Government service issues in the workplace are settled through the government officials' workplace interest conciliation mechanism. The head of the government administration and an elected official of the trade union take part in that mechanism. The negotiating parties may also involve experts in the conciliation of disputes. The head of the government administration shall seek the opinion of the trade union on the regulations that fall within the powers of the person exercising the employer's rights and concern the work, working and rest time, remuneration and benefits of government officials. In addition, the trade union shall be entitled to communicate its opinion to the government administration body on the employer's measure (decision) or draft thereof affecting a group of government officials, and to initiate consultations in this connection.

Central reconciliation of interests [Section 96 of the Special Status Act]
The Special Status Entities Stakeholder Forum (hereinafter referred to by the Hungarian abbreviation as "KÜF") carries out the following tasks related to the reconciliation of interests of organs with special status:

- reconciling the interests of special status bodies and their civil servants,
- the negotiated settlement of disputes, and
- the development of appropriate agreements.

Representatives of organs with special status, interest representation organizations of organs with special status, as well as a negotiating group of civil servants of organs with special status and their national employee representative organizations participate in the KÜF. It is responsible for matters relating to the living and working conditions and terms of employment of civil servants employed at special status bodies.

Reconciliation of interests of civil servants at the workplace [Section 97 of the Special Status Act]
Civil service issues in the workplace are settled through the civil servant' workplace interest conciliation mechanism. The head of the organ with special status and an elected official of the trade union take part in that mechanism. The negotiating parties may also involve experts in the conciliation of disputes. The head of the organ with status shall seek the opinion of the trade union on the regulations that fall within the powers of the employer and concern the work, working and rest time, remuneration and benefits of civil servants. In addition, the trade union shall be entitled to communicate its opinion to the organ with special status on the employer's measure (decision) or draft thereof affecting a group of civil servants, and to initiate consultations in this connection.

2. Trade unions in the field of public education

In the field of public education, two trade unions represent teachers and public education staff: the Teachers' Trade Union and the Democratic Trade Union of Teachers, which latter has a smaller

membership. Both have been in existence for decades and are in constant consultation. The negotiations, which were suspended by mutual agreement in 2020 in view of the coronavirus pandemic, resumed in autumn 2021.

- ***In its conclusions issued in 2015, the ECSR recalled that a 2009 ITUC survey found that there are a number of obstacles to trade union registration in Hungary. In view of this, the ECSR calls for information to be provided to demonstrate that trade union registration can take place without obstacles. It also requests information on the level of fees required for registration and whether these fees are necessary and reasonable. The ECSR also requests information to show that employers will be penalized if they do not respect the right of workers to join a trade union.***

The response to the above question of the ECSR was included in our 14th National Report submitted in 2018. In light of the adoption of the Government Administration Act and the Special Status Act, the following is added to our response therein. In this subsection, the term 'employees' is used to refer to government officials and civil servants working for special status bodies, and the term 'employers' is used to refer to government administrative bodies and special status bodies.

The right to belong to a trade union is regulated by Sections 170 and 172 of the Government Administration Act and Sections 95 and 97 of the Special Status Act. The employer shall not require employees to declare their trade union membership. The employees' employment must not be made conditional on their membership in a trade union, on their resigning from a previous trade union membership or on their agreeing to join a trade union. It is prohibited to terminate the employment of an employee as a government officer or civil servant. It is also prohibited to otherwise discriminate against an employee on the grounds of their membership of a trade union or their trade union activities.

No entitlement or benefit may be made conditional on membership of or absence from a trade union. The employer may not demand payment in return for the deduction and transfer of union dues to the union. By way of derogation from *Act XXIX of 1991 on the Voluntary Nature of the Payment of Dues by Employees' Representative Organizations*, the employer shall deduct trade union dues from the salaries of employees if it agrees to do so.

The consent of the immediate superior trade union body is required for the termination of the government service or civil servant status of an employee holding an elected position in the trade union and designated by the trade union, by the employer with dismissal.

In order to carry out their duties, the employee designated by the trade union and holding an elected position in a trade union in which at least 10% of the employees of the employer, but not less than thirty persons, are members, shall be entitled to a working time allowance equal to 10% of the percentage of the monthly working time of the employee's assigned position. In addition, they shall be exempt from the obligation to work for the duration of the consultation. The working time allowance may not be combined. At least ten days' notice must be given before the working time allowance is claimed. If, for reasons beyond the employee's control, the reason for claiming the allowance comes to their knowledge later than this, they must notify their intention to claim the working time allowance as soon as they become aware of it. The employer may refuse to grant the working time allowance for particularly justified reasons only. A salary shall be paid for the duration of the working time allowance. The working time allowance may not be cashed out.

- ***In its conclusions issued in 2015, the ECSR asked for information on whether agreements between employers and trade unions which stipulate that the employer only employs members of a trade union (closed shops) are still illegal in Hungary.***

Section 271 of the Labor Code provides on the issue as follows:

"(1) Employers may not demand that employees disclose their trade union affiliation.
(2) Employment of an employee may not be rendered contingent upon his membership in any trade union, on whether or not the employee terminates his previous trade union membership, or on whether or not he agrees to join a trade union of the employer's choice.
(3) The employment relationship of an employee shall not be terminated, and the employee shall not be discriminated against or mistreated in any other way on the grounds of trade union affiliation or trade union activity.
(4) Any entitlement or benefit may not be rendered contingent upon affiliation or lack of affiliation to a trade union."

The above-mentioned provisions of the Government Administration Act and the Special Status Act also contain this rule.

ARTICLE 6 – THE RIGHT TO BARGAIN COLLECTIVELY

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

1. to promote joint consultation between workers and employers;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. General rules applicable to employees

Act I of 2012 on the Labor Code (hereinafter: Labor Code) was amended in the period under review as follows:

Section 202(7) of *Act CLIX of 2017 Amending Acts Related to the Entri Into Force of Act on the General Public Administration Procedure And Certain Other Acts*amended Section 294(1)(e) of the Labor Code, with effect from 1 January 2018, as follows:

"(e) 'employees' representative' shall mean any member of the works council, shop steward, trade union official provided for in Subsections (3)-(4) of Section 273, and the employees' representative sitting on the supervisory board of a business association."

The purpose of the amendment was to bring the provision on the concept of employees' representatives into line with the ILO's Workers' Representatives Convention (No. 135) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking, promulgated by Act LXVII of 2000. The definition of the concept of workers' representative is important because in the event of the unlawful termination of the employment of a worker who is a workers' representative, the worker may request reinstatement in their original post. The purpose of the amendment was to allow a trade union official to make such a claim.

2. Rules applicable to public servants

Act XXXIII of 1992 on the Legal Status of Public Servants (hereinafter: Public Servants Act) has been amended in several regulatory areas.

Section 6/A(5) of the Public Servants Act was amended by Section 9 of *Act LXVI of 2019 on the Foundation of the 2020 Central Budget of Hungary* (hereinafter: Act LXVI of 2019) regarding the due date of the representativeness measurement, with effect from 10 July 2019. According to that, "*Representativeness pursuant to paragraphs (2) to (4) shall be measured as of 31 March 2014 and then repeatedly as of the 31 March of every sixth year thereafter*."

With this amendment, the legislator has complied with the agreement reached at the meeting of the National Labour Council for Public Servants (hereinafter referred to by the Hungarian abbreviation as "KOMT"). At the KOMT meeting of 25 March 2019, the parties agreed that there will be no representativeness measurement in 2019. Under the agreement, the determination of trade union representativeness for public servants was postponed for one year, i.e. the representativeness results as at 31 March 2014 remained in force until 31 December 2020.

In addition, Section 10 of Act LXVI of 2019 amended Section 18 of the Public Servants Act as follows:

"The Public Servant Regulations may not regulate matters covered by a collective agreement."

Furthermore, Section 11 of Act LXVI of 2019 repealed Section 17(3) of the Public Servants Act.

In addition, with effect from 1 January 2019, Section 20 and 21 of *Act XCIV of 2018 Amending Certain Acts on Employment* repealed Section 6/A(2)(c) of the Public Servants Act and, in relation to that, amended Section 6/A(2)(b) of the Public Servants Act. The purpose of the amendment was to create coherence in Section 6/A(2) of the Public Servants Act. Pursuant to Section 26(28)(a) of *Act LXXXVI of 2012 on Transitional Provisions and Amendments related to the Entry Into Force of Act I of 2012 on the Labor Code* (hereinafter: Labor Code Amendments Act), the 2012 amendment to the Labor Code repealed Sections 7 to 12/A on the determination of trade union representativeness at the workplace level of the Public Servants Act with effect from 1 July 2012. At the same time, pursuant to Section 26(4) of the Labor Code Amendments Act, Section 6/A(2)(c) of the Public Servants Act continued to contain a provision on this subject. However, Section 6/A(2)(c) of the Public Servants Act was subject to interpretation during the previous regulatory period and therefore had to be deleted. The amendment thus creates coherence in the legislation.

Accordingly, the Section 6/A(2) of the Public Servants Act reads as follows:

"Section 6/A(2) At the territorial (county) or municipal level, that trade union shall be deemed to be representative,

- *a) which, in terms of the number of its members in public employment, reaches 10% of the number of public servants employed by employers maintained by the maintaining authority at regional (county) or municipal level, or*
- *b) which, in terms of the number of its members in public employment, reaches 10% of the number of public servants employed in the given sector at employers maintained by the maintaining authority at regional (county) or municipal level."*

Furthermore, Section 18 of *Act XCIV of 2018 Amending Certain Acts on Employment* amended Section 7 of the Public Servants Act with effect from 1 January 2019. The amendment supplemented the provisions determining the derogations to the general rules on trade union representation of public servants applicable to school district centres. This allows the measurement of trade union representativeness of public servants also for school district centres in the context of their activities in the Education sector under TEÁOR'08 85, by introducing a newly created technical code number to be used exclusively for the determination of trade union representativeness. Accordingly, the amended Section 7 of the Public Servants Act reads as follows:

"Section 7(1) The provisions of Sections 6 to 6/A shall apply to school district centres as defined in Act CXC of 2011 on National Public Education with the following derogation:

- *a) the head of the school district centre coordinates with the district and county-level representative trade unions concerned in the framework of the district and county-level interest reconciliation forum on issues of district and county-level importance affecting the legal status of public servants,*
- *b) at the district or county level, a trade union shall be considered representative if its members in public service equal 10% of the number of public servants employed in the sector in the area of the school district centre,*
- *c) the president of the education centre shall consult with the presidents of the representative trade unions within the framework of a national consultation forum on matters of national importance concerning the status of public servants, with the exception of matters falling within the competence of the sectoral interest reconciliation forum.*

(2) When determining sectoral representativeness, public servants employed at the school district centre shall be taken into account under the technical code number 850 Public education code of the

school district centre within the 85 Education sector of the uniform sectoral classification of economic activities, irrespective of the public sector classification of the main activity of the school district centre as defined in the deed of foundation of the school district centre."

Furthermore, Section 19 of *Act XCIV of 2018 Amending Certain Acts on Employment* amended Section 13 of the Public Servants Act with effect from 1 January 2019. The purpose of the amendment was to clarify how collective agreements concluded under the Public Servants Act may derogate from the rules of the Labor Code. As the Public Servants Act did not contain a clear provision on derogation from the Labor Code, the amendment specifies how a collective agreement may derogate from those rules of the Labor Code that also apply to public servants. Accordingly, the Section 13 of the Public Servants Act has been replaced by the following provision:

"Section 13 Collective agreement

a) may derogate from the provisions of this Act and of regulations promulgated pursuant to this Act, if so authorised by legislation,
b) may deviate from the provisions of the Labor Code in accordance with Section 277(1) and (2) of the Labor Code and the provisions on derogating agreements,
c) may not derogate from the provisions of the Labor Code if this Act precludes the application of a provision of the Labor Code concerning a derogating agreement."

It should be pointed out that the Public Servants Act is still in force, but several categories of staff have been removed from its scope and brought under a new law on legal relations and, in some cases, the Labor Code, as follows:

- *Act CXIV of 2018 on the Legal Status of Defence Employees* (hereinafter: Defence Employees Act) entered into force on 1 January 2019. With the entry into force of this Act, the public servant status of public servants employed by the defence organization subject to the Act was transformed into the status of defence employees [Section 97 of the Defence Employees Act]; The rules of the Labor Code shall apply to the status of defence employees with the exceptions provided for in the Defence Employees Act [Section 4 of the Defence Employees Act].
- With the adoption of *Act LXXX of 2019 on Vocational Education and Training* (hereinafter: Vocational Education Act), from 1 July 2020, employees in vocational education and training are no longer subject to the Public Servants Act and perform their duties in an employment relationship or a contract relationship subject to the Labor Code [Section 127(5) of the Vocational Education Act].
- Public servants employed by a healthcare provider subject to *Act C of 2020 on the Healthcare Service Relationship* (hereinafter: Healthcare Service Act) ceased to be public servants as of 1 March 2021 and were converted into healthcare service employees. The provisions of the Labor Code shall apply to the employment relationship of persons in a healthcare service relationship with the exceptions provided for in the service act [Section 1(9) of the Healthcare Service Act, Section 19; [Section 1 of Government Decree 530/2020 (28 November) on certain issues relating to the status of health workers and of persons employed in the health sector].
- Pursuant to *Act XXXII of 2020 on the Transformation of the Legal Status of Public Servants Employed in Cultural Institutions and the Amendment of Certain Cultural Acts* (hereinafter: Cultural Amendment Act), the legal relationship of public servants employed in cultural institutions under the Public Servants Act was transformed into an employment relationship under the Labor Code with effect from 1 November 2020 [Section 1 of the Cultural Amendment Act].
- Pursuant to Section 1 of *Act CXIV of 2020 Amending Certain Acts Necessary for the Transformation of Legal Status of Employees of the Eötvös Loránd Research Network*, the words *"the central budgetary bodies of the Eötvös Loránd Research Network"* were repealed

with effect from 31 December 2020 in the opening wording of Section 85(2) of Public Servants Act, thus the employment status of the employees there changed, they were removed from the scope of the Public Servants Act and are subject to the Labor Code from 1 January 2021.

3. Rules applicable to the healthcare service relationship

As it is a vital public service, Hungarian law allows only limited strike action by healthcare service providers and workers in a healthcare service relationship. According to *Act LXXXIV of 2003 on Certain Issues of the Conduct of Health Care Activities*, healthcare workers may not exercise their right to strike if it would endanger life, physical integrity or health.

In view of the public service nature of the legal relationship, Section 15(10) of the Healthcare Service Act prohibited the conclusion of collective agreements in healthcare providers subject to the Act, while at the same time the Healthcare Service Act increased the wage scale applicable to doctors.

4. Modification of the system of sectoral consultations

Act LXXIV of 2009 on Sectoral Dialogue Committees and Certain Issues of Medium-Level Social Dialogue (hereinafter: Sectoral Dialogue Act) amended several provisions of *Act L of 2017 Amending Certain Acts Related to the Entry Into Force of the Act of General Public Administration Procedure and the Code of Administrative Litigation* (hereinafter: Amendment Act) with effect from 1 January 2018.

The purpose of the amendment was to harmonize the rules of the Sectoral Dialogue Act with the rules of *Act CL of 2016 on the General Public Administration Procedure* (hereinafter: General Public Administration Procedure Act"). On 6 December 2016, the Parliament adopted the General Public Administration Procedure Act, which replaced *Act CXL of 2004 on the General Rules of Administrative Procedure and Services* (hereinafter: Administrative Procedure Act). The General Public Administration Procedure Act is a new general procedural code for public authority procedures, which entered into force on 1 January 2018.

In addition to the new procedural code, *Act I of 2017 on the Code of Administrative Litigation* also entered into force on 1 January 2018. The purpose of the two Codes was to ensure the lawful functioning of public administration and the enforcement of the right to a fair trial for clients by systematically renewing public administration and by bringing paradigmatic changes.

In view of this, by 1 January 2018, all legislation on or containing provisions on administrative procedural law and administrative litigation had to be adapted to the new regulatory regime on administrative procedural law and administrative litigation. Thus, certain provisions of the Sectoral Dialogue Act have been adapted to the provisions of the General Public Administration Procedure Act by the Amendment Act.

The amendment covers the continued functioning of the Sectoral Participation Committee (hereinafter: SSC) as a specialized authority. Pursuant to the General Public Administration Procedure Act, after the entry into force of the Code, only an act or a uniform government decree on the designation of the competent authorities to act on certain overriding reasons relating to the public interest, issued to implement the General Public Administration Procedure Act, may contain designations of special authorities, and only on the basis of a compelling reason in the public interest. It was therefore necessary to ensure that the existing designations of special authorities were either deleted (where there is no overriding reason in the public interest for the competence) or that they were regulated in the

Sectoral Dialogue Act on the level of acts. The provisions on the functioning of the SSC have been clarified in view of that.

The rules on the Minister's role as a public authority also had to be brought into line with the rules of the General Public Administration Procedure Act on the extension of collective agreements to the sector.

On this basis, the amendments to the Sectoral Dialogue Act were as follows:

Pursuant to Section 334(1) of the Amendment Act, the following point (e) was added to Section 1(1) of the Sectoral Dialogue Act:
(The scope of this Act includes)
"(e) the Sectoral Participation Committee (hereinafter referred to as the 'SSC')."

Pursuant to Section 334(2) of the Amendment Act, Section 9(1) to (3) of the Sectoral Dialogue Act has been replaced by the following provisions:

"(1) At least one sectoral employers' representative body and at least one sectoral trade union may jointly request the establishment of an SDC (sectoral dialogue committee), provided that no SDC exists in the sector concerned or that its establishment has not been requested within 6 months.
(2) The SSC shall publish the application, indicating the sector and the details of the initiators referred to in paragraph (4)(b), in an order in the official gazette of the Minister. Within thirty days of the date of publication, any other interest group that meets the conditions of this Act may inform the SSC – and the organizations that have submitted the application referred to in paragraph (1) – in writing of its intention to participate in the formation.
(3) After the expiry of the thirty-day deadline, the interest representation organizations who submitted the request and those who notified their intention to participate shall agree on the establishment of an SDC".

Pursuant to Section 334(3) of the Amendment Act, a new paragraph (5a) was added to Section 9 of the Sectoral Dialogue Act, as follows:

"(5a) If the agreement referred to in paragraph (3) has not been sent by the interest representation organizations to the Minister and the SSC within 15 days of its signature, the SSC shall reject the request to initiate the procedure."

Pursuant to Section 334(4) of the Amendment Act, Section 9(6) of the Sectoral Dialogue Act has been replaced by the following provision:

"(6) The agreement notified under subsection (5)(a) shall be published in the form of an order in the next issue of the Gazette of the Minister."

Pursuant to Section 334(5) of the Amendment Act, a new point (e) was added to Section 11(1) of the Sectoral Dialogue Act, as follows:

(The SDC shall cease to operate if)
"(e) no application is made for the procedure under paragraph 21(4)(a)."

Pursuant to Section 334(6) of the Amendment Act, Section 17(1) of the Sectoral Dialogue Act has been replaced by the following provision:

"(1) The scope of the provisions of the collective agreement concluded in the SDC concerning the rights and obligations arising from the employment relationship, the manner of their exercise and performance, and the procedure in this regard may be extended by the Minister to employers classified in the sector on the basis of their main activity at the joint request of the representatives of the two sides of the SDC, after asking for the opinion of the national interest organizations of employers and employees as defined in Act XCIII of 2011 on the National Economic and Social Council, the representatives of the interest federations and the competent sectoral Minister." Where the collective agreement was not concluded in the SDC, the extension may be made, at the joint request of the organizations which concluded the agreement, by applying the rules of this Act."

Pursuant to Section 334(7) of the Amendment Act, Section 17(4) of the Sectoral Dialogue Act has been replaced by the following provision and the paragraphs (5) and (6) were added:

"(4) The Minister shall act as an authority in the procedure for the extension of a collective agreement to a sector and the withdrawal of an extension. The decision of the Minister may be challenged in an administrative action by the interest organization concerned or, in the absence of an employers' an interest organization, by the employer whose legitimate interest is affected by the decision. The court may not amend the decision.
(5) The rules of Act CL of 2016 on the General Public Administration Procedure (hereinafter: General Public Administration Procedure Act) shall apply to the procedure of the Minister, taking into account the provisions of this Act.
(6) In official proceedings under paragraph (4),

- *a) the procedure may be suspended if the preliminary question falls within the competence of another body or cannot be reasonably decided without a decision of the same authority in another case closely connected with the case in question,*
- *b) the time limit for performing the procedural act or issuing the order is 30 days,*
- *c) the Minister's decision shall not be communicated orally,*
- *d) no request for a prior special authority's opinion may be submitted,*
- *e) the application may not be submitted at the government office,*
- *f) there is no place for a summary procedure,*
- *g) the administrative deadline for the Minister is 120 days,*
- *h) the Minister may also amend or revoke a decision if it infringes a right acquired and exercised in good faith,*
- *i) the application may not be made in person to the Minister,*
- *j) the applicant does not have the choice of the form of communication; communication shall be in writing or by electronic means other than written form, as specified in this Act,*
- *k) the applicant may not request a stay of the proceedings,*
- *l) the procedure of the Minister is free of charge."*

Pursuant to Section 334(8) of the Amendment Act, Section 18(1) of the Sectoral Dialogue Act has been replaced by the following provision:

"(1) The extension shall cease to have effect if

- *a) the court annuls or sets aside the extension decision on the grounds of an infringement of the law,*
- *b) the Minister revokes the decision on the extension."*

Pursuant to Section 334(9) of the Amendment Act, Section 18(3) of the Sectoral Dialogue Act has been replaced by the following provision:

"(3) The Minister shall publish the decision on the extension and the decision on the withdrawal of the extension, as well as the text of the collective agreement with extended scope, in the Hungarian Gazette."

Pursuant to Section 334(10) of the Amendment Act, Section 21(4) of the Sectoral Dialogue Act has been replaced by the following provision and the following paragraphs (4a) was added:

"(4) In respect of the matters specified in paragraphs (1) and (2), the SSC shall take a decision

a) five years after the previous decision became final, on request,

b) if the sectoral interest group whose legitimate interest is affected by the decision requests it after three years from the date on which the previous decision became final.

(4a) The SSC shall issue a decision on the existence of the condition set out in subsection (3)(b) if the Minister requests an examination of compliance with section 17(2) in order to review the Minister's decision to extend the collective agreement."

Pursuant to Section 334(11) of the Amendment Act, Section 21(5) of the Sectoral Dialogue Act has been replaced by the following provision:

"(5) In the matters specified in this Act and in the decrees issued on the basis of its authorisation, the SSC shall act as an authority, and the rules of the General Public Administration Procedure Act shall apply to its procedure, with the following exceptions:

a) the chairperson with administrative experience, chosen by the members of the SSC from among themselves, shall be considered to be the person entitled to issue official documents,

b) in the matters specified in this Act and in the decrees issued pursuant to this Act,

ba) the procedure may be suspended if the preliminary question falls within the competence of another body or cannot be reasonably decided without a decision of the same authority in another case closely connected with the case in question,

bb) notwithstanding the provisions of Section 50(6) of the General Public Administration Procedure Act, the time limit for performing the procedural act or issuing the order shall be 30 days,

bc) the certificate of the membership of the interest organization in an interest federation participating in the National Economic and Social Council (hereinafter referred to by the Hungarian abbreviation as "NGTT") and the certificate of the membership of the interest organization in an international workers' or employers' organization cannot be replaced by the declaration of the client, and must be sent to the SSC as an annex to the application,

bd) the SSC's decision shall not be communicated orally,

be) no request for a prior special authority's opinion may be submitted,

(bf) the application may not be submitted at the government office,

bg) there is no place for a summary procedure,

bh) the administrative deadline for the SSC is 120 days,

bi) no decision with suspensive effect may be made,

bj) the SSC may also amend or revoke a decision if it infringes a right acquired and exercised in good faith,

bk) the application may not be made in person to the SSC,

bl) the applicant does not have the choice of the form of communication; communication shall be in writing or by electronic means other than written form, as specified in this Act,

bm) the applicants may not request a stay of the proceedings."

Pursuant to Section 334(12) of the Amendment Act, Section 21(6) of the Sectoral Dialogue Act has been replaced by the following provision:

"(6) The decision of the SSC may be challenged in an administrative lawsuit by the sectoral interest organization whose legitimate interest is affected by the decision."

Pursuant to Section 334(13) of the Amendment Act, Section 22(10) of the Sectoral Dialogue Act has been replaced by the following provision:

"(10) The membership of the members of the SSC shall be evidenced by a certificate issued by the Minister."

Pursuant to Section 334(14) of the Amendment Act, Section 22(11) of the Sectoral Dialogue Act has been replaced by the following provision:

"(11) The membership of a member of the SSC shall terminate:

- *a) on the date of expiry of the membership,*
- *b) if the Minister removes the member the Minister has delegated,*
- *c) if the members eligible to elect remove the member and inform the CSDC (Council of Sectoral Dialogue Committees) and the Minister to that effect,*
- *d) upon the member's resignation,*
- *e) if the member does not carry out its activities for at least 60 days,*
- *f) upon the member's death,*
- *g) on the tenth day after the conflict of interest has been established, if the member has not resolved the conflict of interest by that date,*
- *h) if the member is removed by those entitled to elect and inform the CSDC of this fact, and if the member has been finally convicted by a court of law of a deliberate criminal offence, on the day on which the conviction becomes final."*

Furthermore, due to the change in the terminology of the General Public Administration Procedure Act, the Amendment Act amended certain provisions of the Sectoral Dialogue Act as follows.

Sections 335(2) and (3) of the Amendment Act introduced the requirement of a written declaration in Section 7(2) to (3) of the Sectoral Dialogue Act:

"(2) If the activity of the sectoral interest organization covers several sectors, it shall make a declaration in writing as to distribution of the data specified in paragraph (1) among the specific sectors in accordance with its actual sectoral presence. The interest organization shall be considered to be sectoral in the sector for which the data broken down correspond to the proportion referred to in paragraph (1).

(3) Where

- *a) the employer is a member of more than one employer's representative body, sectoral representative body, or*
- *b) the employer's representative body is a member of more than one sectoral representative body,*

it must declare in writing what proportion of their data will be taken into account in which employer's representative body. This rule shall also apply mutatis mutandis where the trade union is a member of more than one trade union confederation."

Section 335(6) of the Amendment Act established the need for a written indication in Section 10(2) of the Sectoral Dialogue Act:

"(2) Membership is conditional upon the sectoral representative body notifying in writing its intention to join to the SDC and, with the data necessary to prove the conditions of membership, to the SSC, and on this basis the SSC shall establish the existence of eligibility."

Section 335(4) of the Amendment Act amended Section 9(7) of the Sectoral Dialogue Act so that instead of the nullity of the agreement on the establishment of the SDC, the agreement shall not come to existence:

"(7) No agreement on the establishment of a SDC shall be concluded and the request for the initiation of the SSC procedure shall be rejected without examination of its merits if any of them has not been signed by all the interest organizations that initiated the establishment of the SDC or that have notified their intention to participate."

In addition, Section 81 of *Act XXXIV of 2019 on the Legislative Amendments Necessary for the Implementation of the Data Protection Reform of the European Union* added a new paragraph (4) to Section 24 of the Sectoral Dialogue Act with effect from 26 April 2019:

"(4) Personal data relating to the name and trade union affiliation of the representative of the interest organization on which the decision of the SSC is based shall be reviewed by the SSC every five years after the decision of the SSC becomes final. If the SSC has taken a new decision within five years establishing the eligibility of an organization to participate, the personal data on which the previous decision was based shall be deleted 30 days after the new decision becomes final."

5. The functioning of sectoral dialogue committees

An important element of the establishment and operation of sectoral dialogue committees (hereinafter: SDCs) is that their members organize the performance of professional tasks concerning individual sectors and the related professional negotiations and consultations in an autonomous manner. The Government provides regular financial resources for the performance of these tasks. Since 2017, the member organizations of the sectoral dialogue committees have been able to use the available domestic resources for international membership fees for their membership of the employers' and employees' side of the European sectoral social dialogue committees and for professional events organized with international participation in the sector. From 2020 onwards, the support can also be used to carry out domestic professional activities in the sector. Through international membership, SDC member organizations can directly engage in bilateral social dialogue processes in the European arena. The knowledge thus gained can also be used by employers' and workers' interest organizations in their professional work in Hungary. In addition to the knowledge gained in the European arena, the social partners in different sectors face different sector-specific problems in different countries or regions, which the support has also helped to address effectively in the 2017–2020 period.

The epidemic situation caused by the coronavirus in 2020 also made professional work difficult, but despite the restrictions, a number of professional tasks, mainly related to the epidemic situation, were discussed within the SDC.

Employers' side	Employees' side
1 MINING INDUSTRY DIALUGUE COMMITTEE	
Hungarian Mining Association	Trade Union of Mining, Energy and Industrial Workers
2 FOOD SECTORAL DIALOGUE COMMITTEE	
National Association of Food Processors	- Food Workers' Union - Trade Union of Agricultural, Forestry, Food and Water Workers
3 CONSTRUCTION SECTORAL DIALOGUE COMMITTEE	
- National Trade Union of Construction Entrepreneurs	Association of Trade Unions for Construction, Wood and Building Materials Workers

Employers' side	Employees' side
- National Alliance of Industrial Associations	
3.1 CONSTRUCTION MATERIALS SUB-SECTORAL DIALOGUE COMMITTEE	
Hungarian Building Materials and Construction Products Association	Association of Trade Unions for Construction, Wood and Building Materials Workers
4 WOOD INDUSTRY, FURNITURE INDUSTRY AND FORESTRY SECTORAL DIALOGUE COMMITTEE	
- National Professional Association of Timber Economy - National Carpenters and Wood Industry Association	Trade Union of Forestry and Wood Workers
5 MECHANICAL SECTORAL DIALOGUE COMMITTEE	
- National Association of Hungarian Vehicle Parts Manufacturers - Hungarian National Association of Mechanical Engineering and Energy	Hungarian Metalworkers' Federation
6 INFORMATIONAL TECHNOLOGY, COMMINICATION DIALUGUE COMMITTEE	
- Association of Information Technology, Telecommunications and Electronics Companies - Hungarian Communication Association	Hungarian Metalworkers' Federation
7 TRADE SECTORAL DIALOGUE COMMITTEE	
- National Association of General Consumer Cooperatives and Commercial Companies - National Interest representation Association of Merchants and Caterers - National Trade Association - Hungarian National Trade Association	Trade Union of Commercial Employees
8 LIGHT INDUSTRY DIALOGUE COMMITTEE	
- Hungarian Light Industry Association	Trade Union of Mining, Energy and Industrial Workers
9 ROAD TRANSPORT OPERATORS SECTORAL DIALOGUE COMMITTEE	
- National Association of Freighter Entrepreneurs - Hungarian Road Freighters Association - National Association of Private Carriers - Road Transport Companies Alliance	- Trade Union of Road Transport - European Trade Union Freight Forwarders
10 AIR TRANSPORT SECTORAL DIALOGUE COMMITTEE	
Hungarian Rail, Water and Air Transport Association	Hungarian Civil Air Transport Association
11 PRIVATE SECURITY SECTORAL DIALOGUE COMMITTEE	
Employers' Association of Hungarian Security Companies	Alliance of Property Protection Trade Unions
12 AGRICULTURAL SECTORAL DIALOGUE COMMITTEE	
National Association of Agricultural Cooperatives and Producers	Trade Union of Agricultural, Forestry, Food and Water Workers
13 PRINTING INDUSTRY SECTORAL DIALOGUE COMMITTEE	
Association of Printing and Paper Industry	Trade Union of Printing Workers
14 POSTAL SECTORAL DIALOGUE COMMITTEE	
Hungarian Postal Ltd.	- Postmen Union - Independent Association of Postmen
15 REHABILITATIONAL DIALOGUE COMMITTEE	
National Association of Protected Organizations	Trade Union of Local and Urban Workers 2000
16 SETTLEMENT SERVICES SECTORAL DIALOGUE COMMITTEE	
Hungarian Public Service Providers Association	Trade Union of Local and Urban Workers 2000
17 TOURISM AND HOSPITALITY SECTORAL DIALOGUE COMMITTEE	
National Association of Tourism and Hospitality	Trade Union of Hospitality and Tourism

Employers' side	Employees' side
Employers	
18 RAIL TRANSPORT SECTORAL DIALOGUE COMMITTEE	
Hungarian Rail, Water and Air Transport Association	- Free Trade Union of Rail Workers Solidarity - Free Trade Union of Engineers and Technicians - Trade Union of Railroaders - Trade Union of Train Drivers
19 CHEMICAL INDUSTRY SECTORAL DIALOGUE COMMITTEE	
- Hungarian Chemical Industry Association - National Association of Hungarian Pharmaceutical Manufacturers	Trade Union Association of Hungarian Chemical, Energy and Related Professions
20 ELECTRICITY INDUSTRY SUB-SECTORAL DIALOGUE COMMITTEE	
Employers' Association of Electricity Industry Companies	- Trade Union Association of United Electricity Industry Workers - Trade Union of Mining, Energy and Industrial Workers
21 WATER UTILITIES SECTORAL DIALOGUE COMMITTEE	
Hungarian Water Utilities Association	Trade Union Confederation of Water Utilities Workers

Source: ITM

Statistics on support for the operation of Sectoral Dialogue Committees:

Budgetary Support for Sectoral Dialogue Committees (SDCs) between 2017-2020

Year	Value used by SDCs (million HUF)	Title group
2017	64,4	international membership fees, tasks related to international relations
2018	65,4	international membership fees, tasks related to international relations
2019	66,6	international membership fees, tasks related to international relations
2020	41	international membership fees, tasks related to international relations, domestic professional tasks

Source: ITM

6. Rules applicable to law enforcement personnel

Section 14(6)(a) of *Act CXV of 2018 Amending Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies and Other Related Acts* repealed Section 6/B of the Public Servants Act with effect from 1 February 2019. The reason for the repeal was that the civilian staff of the law enforcement agencies (police, National Defence Service, Counter-Terrorism Centre, national security services, professional disaster management organization, and penitentiary service) has been replaced by a new civil service relationship, the so-called law enforcement administrative service relationship.

The aim of the regulation is, in addition to re-regulating the salary system, to introduce a single career path to ensure a stable and predictable career and to enforce the principle of uniformity. The new legal relationship is regulated by *Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies* (hereinafter: Law Enforcement Staff Act). A person falling to the scope of staff concerned, i.e. the law enforcement employee may only be employed by the law enforcement agencies in the new legal relationship.

In view of this, Section 6/B of the Public Servants Act has been repealed, because the provisions on trade union representation in the public employee's employment relationship should be replaced by the requirements of the new employment relationship.

2) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS ARTICLE

- ***The ECSR asks for information on any measures taken in relation to the right to collective bargaining as a result of the epidemic situation, in particular the situation of the sectors of activites most affected by the crisis and any measures that have been necessary to introduce, either because of the impossibility of continuing their activities, the need to switch to teleworking or their front-line nature. The ECSR expects information mainly on the following sectors: health, law enforcement, transport, food, basic retail and other basic services.***

The following is a description of the functioning of the national stakeholder forum of the competitive sector, the Permanent Consultative Forum of the Competitive Sector and the Government (hereinafter referred to by the Hungarian abbreviation as "VKF"), in the context of the process of preparing decisions on labour and employment policy measures to reduce the negative effects of the COVID-19 pandemic and the monitoring of the impact of the measures.

During the first wave of the COVID-19 pandemic, between the first week of April and the last week of June 2020, the VKF Monitoring Committee met weekly by videoconference. During this period, two Board Meetings were also held with the participation of the Minister responsible for Employment Policy.

At the meetings, representatives of employers and workers' national organizations were given detailed and up-to-date information on the economic impact of the coronavirus pandemic, labour market statistics, changes in some indicators and the government's response to the coronavirus pandemic, including measures to stimulate the economy and protect jobs. The social partners have taken the opportunity to be consulted on the job protection programmes to be introduced and have actively contributed to both the strategic underpinning of the measures and the fine-tuning of their final form by sharing their first-hand experience.

After the first wave of the pandemic subsided, the meetings of the VKF were held monthly, and then intensified again during the subsequent waves, depending on the severity of the situation. Each time, the agenda of the meetings included an analysis of the experience of the state of danger, the impact on the different economic sectors and the monitoring of the measures to reduce the negative effects of the pandemic. Among the topics discussed in the light of the impact of the coronavirus were the regulation of teleworking, the draft law on occupational health and the draft law on services and aids to employment and on employment supervision, in addition to the topics traditionally discussed at the meetings of the VKF, such as the agreement on the minimum wage and the guaranteed minimum wage. The VKF met a total of 24 times last year.

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

There were no changes in employment law during the reporting period.

Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

The rules for military personnel of the Hungarian Defence Forces have not changed during the reference period of the report.

The Defence Employees Act prohibits the conclusion of collective agreements with regard to the legal status of defence employees [Section 4(2) of the Defence Employees Act]. Collective agreements for public servants in force in the Hungarian Defence Forces on 31 December 2018 may be applied or extended until 31 December 2020, and shall cease to have effect on 31 December 2020 by virtue of this Act [Section 97(8) of the Defence Employees Act]. This provision is in line with Part V, Section G, point 1, which allows exceptions to protect *"the public interest, national security, public health or public morals"*.

2) KEY DATA, STATISTICS

The Labour Relations Information System (hereinafter referred to by the Hungarian abbreviation as MKIR) is an IT support system for notifications and registration of collective agreements. The database on which the register in the MKIR is based cannot be considered to be authentic, given that the obligation to provide data on collective agreements is based on voluntary declarations. The analysis/aggregation of the data on collective agreements reported to the MKIR under the above circumstances provided the numerical basis for The Hungarian Labour Market Yearbook 2019, available in Hungarian at the link below, where the relevant statistical aggregates can be found on pages 66 to 69.
https://kti.krtk.hu/wp-content/uploads/2021/01/mt_2019_statisztika.pdf

The tables are also available in the English version of The Hungarian Labour Market Yearbook 2019 on pages 67 to 69. https://kti.krtk.hu/wp-content/uploads/2020/09/lmyb2019_stat.pdf

The statistical tables are the following:

Single employer collective agreements in the business sector

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of agreements	1.032	1.027	962	966	959	942	951	951	950	994	995	999
Number of persons covered	532.065	467.964	432.086	448.138	448.980	442.723	448.087	443.543	458.668	463.823	386.947	388.996

Source: PM, Employment Relations Information System

Single institution collective agreements in the public sector

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of agreements	1.711	1.710	1.737	1.751	1.744	1.735	1.736	1.734	798	800	804	819
Number of persons covered	224.246	222.547	225.434	224.651	22.136	261.401	260.388	259.797	301.430	312.055	270.583	167.583

Source: PM, Employment Relations Information System

Multi-employer collective agreements in the business sector

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of agreements	74	78	80	82	81	81	83	83	83	84	84	83
number of persons covered	83.117	80.506	222.236	221.627	202.005	204.585	173..14	219.050	299.87	313.044	266.212	230.938

Source: PM, Employment Relations Information System

Multi-institution collective agreements in the public sector

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of agreements	2	1	1	1	1	0	0	0	0	0	0	1
Number of persons covered	238	..	..	..	320	0	0	0	0	0	0	55.979

Source: PM, Employment Relations Information System

The number of firm wage agreements*, the number of affected firms, and the number of employees covered

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of agreements	214	202	785	905	888	863	874	876	867	878	873	874
Number of persons covered	171.259	100.206	377.677	414.522	416.562	415.751	422.887	384.182	424.914	437.238	368.021	336.288

Source: PM, Employment Relations Information System

**Until 2008, the data relate to the number of 'wage agreements' concerning the next year's average wage increase, in the typical case. In and after 2009, the figures relate to resolutions within collective agreements, which affect the remuneration of workers (including longterm agreements on wage supplements, bonuses, premia, non-wage benefits and rights and responsibilities connected with wage payments).*

The share of employees covered by collective agreements, percent*

Industries	Multi-employer collective agreements in the business sector**					Single employer collective agreements in the national economy				
	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
Agriculture	41	706	673	678	667	17.002	32.822	28.586	27.539	27.182
Mining and quarrying	4	4	6	6	6	195	242	530	526	526
manufacturing	174	231	237	240	244	72.623	67.668	72.432	60.161	60.291
Electricity, gas, steam and air conditioning supply	35	34	40	39	37	17.142	17.962	21.151	19.720	19.440
Water supply; sewerage, waste management and remediation activities	28	28	32	33	31	9.283	11.450	14.039	13.053	12.990
Construction	510	555	558	549	558	110.173	112.034	112.352	116.659	128.317
Wholesale and retail trade; repair of motor vehicles and motorcycles	192	240	221	209	207	22.827	25.944	23.640	21.256	21.284

Transportation and storage	1.209	1.560	1.620	1.618	1.613	63.934	73.515	97.689	89.412	54.567
Accommodation and food service activities	37	35	39	39	40	63.526	73.759	75.848	79.360	86.972
Information and communication	12	11	9	9	9	597	550	461	231	231
Financial and insurance activities	9	12	12	13	12	3.269	3.499	3.662	3.652	3.652
Real estate activities	34	40	42	47	48	4.055	4.030	4.255	330	365
Professional, scientific and technical activities	45	58	56	57	58	3.326	4.368	3.783	815	843
Administrative and support service activities	104	111	104	105	105	10.013	9.310	9.433	6.007	6.009
Public administration and defence; compulsory social security	1	3	3	3	3	0	1.540	1.571	1.388	1.388
Education	24	26	25	25	24	172	189	134	122	122
Human health and social work activities	2	0	0	0	0	..	0	0	0	0
Arts, entertainment and recreation	4	2	1	0	0	13	10	2	0	0
Other service activities	2	13	9	9	9	204	1.125	381	236	236
National economy, total	2.467	3.669	3.687	3.679	3.671	398.354	440.017	469.949	440.287	424.415

** Percentage share of employees covered by collective agreements.*
***In the observed period only a single multi-employer collective agreement was in effect in the public sector.*
Source: PM, Employment Relations Information System

The number of multi-employer wage agreements*, the number of affected firms, and the number of covered companies and employees

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of agreements	40	45	62	68	68	73	74	74	74	73	70	72
Number of companies	147	150	2.350	2.460	2 199	2.219	1 096	2.886	3.700	1833	1.833	1.830
Number of persons covered	33.735	40.046	191 258	211.753	180.131	191.013	160.092	208.128	289.154	199.779	165.789	165.293

** Until 2008, the data relate to the number of 'wage agreements' concerning the next year's average wage increase, in the typical case. In and after 2009, the figures relate to resolutions within collective agreements, which affect the remuneration of workers (including longterm agreements on wage supplements, bonuses, premia, non-wage benefits and rights and responsibilities connected with wage payments).*
Source: PM, Employment Relations Information System

Single employer collective agreements in the national economy

Industries	Number of collective agreements					Number of employees covered by collective agreements				
	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
Agriculture	66	66	66	65	65	7.680	17.603	12.263	10.990	10.990
Mining and quarrying	9	9	9	9	9	1.498	2.057	1.751	1.136	1.136
Manufacturing	355	353	346	343	346	157.178	174 379	180.257	148.315	149.136
Electricity, gas, steam and air conditioning supply	44	43	45	44	44	12.414	13.450	13.210	12.410	12.524
Water supply; sewerage, waste management and remediation activities	68	69	59	56	63	19.010	25.021	25.796	23.283	24.316
Construction	46	47	45	46	45	7.488	7.540	6.358	4.511	4.510
Wholesale and retail trade; repair of motor vehicles and motorcycles	119	117	115	112	110	25.565	25.212	24.197	18.326	17.575
Transport and storage	59	50	91	96	96	96.550	109.336	125.960	112.168	112.470
Accomodation and food service activities	35	34	36	36	37	4.986	4.969	5.127	2.805	2.699
Information and communication	15	15	16	16	16	13.727	15.514	13.954	12.255	12.255
Financial and insurance activities	26	26	27	29	29	20.892	22.476	22.882	22.285	22.672
Real estate activities	32	32	43	49	50	7.079	7.367	8.152	1.446	1.672
Professional, scientific and technical activities	54	57	55	53	53	10.047	9.534	7.432	4.981	4.791
Administrative and support service activities	24	24	23	25	25	11.080	10.238	9.589	4.270	4.263
Public administration and defence; compulsory social security	104	104	106	102	123	40.431	21.224	28.022	10.734	34.947
Education	1.292	352	355	354	354	114.377	176.637	177.956	175.162	45.072
Human health and social work activities	228	226	227	226	228	95.961	94.549	98.399	81.037	84.116
Arts, entertainment and recreation	91	92	96	96	97	7.592	9.341	9.955	8.181	8.181
Other service activities	18	19	21	20	22	1.474	2.283	2.552	2.311	2.330
national economy, total	2.685	1.735	1.781	1.777	1.812	655.029	748.730	773.812	656.606	555.655

Source: PM, Employment Relations Information System, Register of Collective Agreements.

Multi-employer collective agreements in the business sector*

Industries	The number of firms covered by the multi-employer** collective agreements					The number of employees covered by multi-employer collective agreements				
	2014	2015	2016	2017	2018	2014	2015	2016	2017	2018
Agriculture	41	706	673	678	667	17.002	32.822	28.586	27.539	27.182
Mining and quarrying	4	4	6	6	6	195	242	530	526	526
Manufacturing	174	231	237	240	244	72.623	67.668	72.432	60.161	60.291
Electricity, gas, steam and air conditioning supply	35	34	40	39	37	17.142	17.962	21.151	19.720	19.440
Water supply; sewerage, waste management and remediation	28	28	32	33	31	9.283	11.450	14.039	13.053	12.990

activities										
Construction	510	555	558	549	558	110.173	112.034	112.352	116.659	128.317
Wholesale and retail trade; repair of motor vehicles and motorcycles	192	240	221	209	207	22.827	25.944	23.640	21.256	21.284
Transport and storage	1.209	1.560	1.620	1.618	1.613	63.934	73.515	97.689	89.412	54.567
Accomodation and food service activities	37	35	39	39	40	63.526	73.759	75.848	79.360	86.972
Information and communication	12	11	9	9	9	597	550	461	231	231
Financial and insurance activities	9	12	12	13	12	3.269	3.499	3.662	3.652	3.652
Real estate activities	34	40	42	47	48	4.055	4.030	4.255	330	365
Professional, scientific and technical activities	45	58	56	57	58	3.326	4.368	3.783	815	843
Administrative and support service activities	104	111	104	105	105	10.013	9.310	9.433	6.007	6.009
Public administration and defence; compulsory social security	1	3	3	3	3	0	1.540	1.571	1.388	1.388
Education	24	26	25	25	24	172	189	134	122	122
Human health and social work activities	2	0	0	0	0	..	0	0	0	0
Arts, entertainment and recreation	4	2	1	0	0	13	10	2	0	0
Other service activities	2	13	9	9	9	204	1.125	381	236	236
national economy, total	2.467	3.669	3.687	3.679	3.671	398.354	440.017	469.949	440.287	424.415

** Percentage share of employees covered by collective agreements.*
***In the observed period only a single multi-employer collective agreement was in effect in the public sector.*
Source: PM, Employment Relations Information System, Register of Collective Agreements.

The tables are also available in the English version of The Hungarian Labour Market Yearbook 2019 on pages 67 to 69. https://kti.krtk.hu/wp-content/uploads/2020/09/lmyb2019_stat.pdf

There were no changes in the measures to promote collective agreements during the reporting period.

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

There was no change of legislation during the Report's reference period.

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

and recognise:
4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

There was no change of legislation during the Report's reference period.

2) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***The ECSR requested information on special measures taken to ensure the right to strike in the light of COVID-19. With regard to minimum and essential services, information is requested on any measures taken in the light of or during the epidemic that restrict workers' right to take action in the workplace.***

In public education, no government measure has been taken to restrict the right to strike in the sector due to the coronavirus epidemic, or to affect the extent of sufficient service. The strike negotiations, which were under way in the autumn of 2020, were suspended by mutual agreement of the trade union and the government until the strike situation improved, and they resumed in the autumn of 2021.

ARTICLE 21 – THE RIGHT TO INFORMATION AND CONSULTATION

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

a) to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and

b) to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. General rules applicable to employees

The rules on information and consultation are provided for in *Act I of 2012 on the Labor Code* (hereinafter: Labor Code) among the general rules on labour relations.

Section 230 of the Labor Code provides that in order to protect the social and economic interests of workers and to maintain industrial peace, this Act regulates the relations between trade unions, works councils and employers or their interest organizations. In this context, it provides for the freedom to organize, the participation of workers in the shaping of working conditions, the organization of collective bargaining or the procedure for the prevention and resolution of labour disputes.

Section 233(1) of the Labor Code defines the concepts of information and consultation by transposing the relevant provisions of *Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community*.

Section 234 of the Labor Code limits the employer's information obligation by stipulating that the employer is not obliged to provide information or to carry out consultations if this could lead to the disclosure of facts, information, solutions or data that would jeopardize the employer's legitimate economic interests or operations.

During the reporting period, there were no changes in the rules of the Labor Code concerning Section 21.

Act XXI of 2003 on the Establishment of a European Work Council or a Procedure for the Purposes of Informing and Consulting Employees (hereinafter: EWC Act) contains for provisions to ensure that employees in Community-scale undertakings and Community-scale groups of undertakings are properly informed of decisions affecting them in other states.

During the reporting period, the Section 23(2) of the EWC Act was amended as of 1 April 2020 on the basis of Section 34 of *Act CXXVII of 2019 Amending Certain Acts in Connection with the Creation of Single-level District Office Procedures* (hereinafter: Amendment Act) as follows:

Section 23(1) of the EWC Act stipulates that in legal disputes between those listed in Section 1(3) of the EWC Act and the European Works Council, its members, the employees, the works council and

the trade union relating to the agreement on the establishment of the European Works Council and the procedure for informing and consulting employees, as well as the statutory provisions on the European Works Council and on the rights and obligations of the special negotiating body, the European Works Council and its members as regulated in this Act, the court shall decide within fifteen days by non-contentious procedure.

Section 23(2) of the EWC Act provides, in connection with the foregoing, that the court proceeding in labour law cases – as of 1 April 2020 – of the registered office of the central management, or that of the location of the governed management, the representative office, or the undertaking or site defined in Section 1(3)(d) of the EWC Act, shall be the court with jurisdiction for this proceeding.

This amendment is related to the restructuring of the forum system for administrative litigation, given that the administrative and labour courts ceased to exist on 31 March 2020, and it was therefore necessary to clarify the rules of the forum system for labour litigation.

2. Rules applicable to public servants

Part II of *Act XXXIII of 1992 on the Legal Status of Public Servants* (hereinafter: Public Servants Act) provides for labour relations. The provisions under this section were not amended during the reporting period.

With the introduction of the law enforcement administrative service relationship in 2018, the status of public servants in the law enforcement field was abolished. In view of this, pursuant to Section 14(6) of *Act CXV of 2018 Amending Act XLII of 2015 on the Service Relations of the Members of Law Enforcement Agencies and Other Related Acts* (hereinafter: Act CXV of 2018), the special rules of the determination of trade union representativeness of public sector employees in Section 6/B of the Public Servants Act, applicable to the law enforcement sector, have been repealed.

In connection with the determination of the representativeness of public servants in trade unions, in reflection of the institutional organizational changes affecting the field of public education, as of 1 January 2019, Section 18 of Act XCIV of 2018 introduced special rules for determining the sectoral and regional representativeness of public servants employed in school districts and school district centres in Section 7 of the Public Servants Act.

3. Rules applicable to military personnel of the Hungarian Defence Forces and defence employees

The rules applicable to the military personnel of the Hungarian Defence Forces have not changed during the reference period of the report.

Pursuant to *Act CXIV of 2018 on the Legal Status of Defence Employees* (hereinafter: Defence Employees Act), if the whole or part of the defence organization (its organizational unit, its material and non-material resources or a defined group of its tasks and competences) is transferred to an employer subject to the provisions of the Labor Code, the transferring defence organization and the receiving employer shall inform the defence employee, the trade union represented at the employer and the council of defence employees (representative of defence employees) at least thirty days before the transfer.

The information must cover the date, reason and legal, economic and social consequences of the transfer for defence employees, and consultations must be initiated with the trade union and the

Defence Staff Council (the defence staff representative) on other measures planned for defence employees.

The consultation shall cover the principles of the measures, the manner and means of avoiding adverse consequences, and the means of mitigating the consequences. At the same time, the transferring defence organization and the transferee employer shall inform the defence employee in writing that the employment of the defence employee will be ensured by the transferee after the transfer. The information shall include an offer of the content of the employment contract providing for continued employment. The information shall also contain the obligations which the defence employee must fulfill in order to maintain their status as defence employee after the establishment of the defence employee status [Section 22(1) to (3) of the Defence Employees Act]. In the event of a change in the person of the defence organization due to a statutory provision, the transferee employer shall inform the persons concerned of the change in the status of defence employee within thirty days of the change [Section 25(1) to (2) of the Defence Employees Act].

4. Rules relating to the healthcare service relationship

Act C of 2020 on Healthcare Service Relationship (hereinafter: Healthcare Service Act) declares that a person in a healthcare service relationship must be informed in writing at least ten working days in advance of the order of secondment between healthcare providers and of its expected duration [Section 11(5) of the Healthcare Service Act]. In this case, 10 days is a guarantee rule. The Act also grants the Healthcare Service Stakeholder Conciliation Forum extensive rights to information and requests for information [Section 15(8) of the Healthcare Service Act].

Government Decree 528/2020 (XI. 28.) on the implementation of Act C of 2020 on Healthcare Service Relationship (hereinafter: Healthcare Service Act Implementing Decree) contains in its fourth title the employer's obligation to inform employees in a healthcare service relationship. Accordingly, the head of the healthcare institution has 8 days from the start of the healthcare service to inform the healthcare worker in writing of

a) rules on daily working time, on-call time, standby duty and voluntary additional work,
b) salary and other benefits and allowances,
c) how salary is accounted for, the frequency of payment and the date of payment,
d) the duties of the job,
e) the amount, method of calculation and arrangements for granting leave,
f) the rules on the period of notice applicable to the employer and persons in a healthcare service relationship,
g) the person exercising the employer's rights,
h) the rules on assessment, and
i) the rules on conflicts of interest [Section 11(1) of the Healthcare Service Act Implementing Decree].

The obligation in this case is personal, not collective.

2) MEASURES TAKEN TO IMPLEMENT LEGISLATION

The programme *"Support for the provision of services for legal employment"* funded by the European Social Fund aims to promote legal employment and raise legal awareness in the world of work. One of its tools is the legal aid service, which provides legal assistance on individual cases to people who need it on labour law, social security, taxation and company law.

The legal aid service is available nationwide, in person, online and by phone. The other instrument of the programme, which also has a national coverage, is the Employment Advisory and Dispute Resolution Service (hereinafter: Service). The Service is specifically designed to facilitate the settlement of collective labour law disputes. Both forms of assistance are free of charge for the recipients. The services provided under the programme are project-funded in the 6 less developed regions of the country while, in the developed region of Central Hungary, they are self-funded by the Ministry of Innovation and Technology. In both cases, the provision of services is based on the same principles, in order to ensure uniform quality and accessibility of information.

The service providers involved in the implementation are social partners of national importance and with a regional presence, selected through a call for proposals. The programme was first implemented under the GINOP 5.3.3-15 scheme between July 2016 and September 2019.

The demand for the services provided under the programme has shown a steady upward trend. The number of cases handled by the legal aid service exceeded 253 000, the number of clients exceeded 148 000, while the Service dealt with 153 cases in its first period of operation. In view of this, the legal aid service and the Service received additional support for their operation until 31 December 2022 following a new GINOP call for proposals (5.3.3-18). Under the current scheme, the same assistance will be available to those in need as before. In this construction, by 31 December 2020, the number of cases exceeded 72 000, the number of clients exceeded 57 000, and dispute settlement took place in 60 cases. Thus, in total, more than 326 000 cases were handled within the EIDHR-5.3.3.-15 and EIDHR-5.3.3-18 calls as of 31 December 2020, for more than 206 000 clients, while disputes were settled by the Service in 213 cases.

3) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***The ECSR requests information on the specific measures taken to guarantee the right to information and consultation with regard to COVID-19, in particular with regard to the situation of the sectors of activity most affected by the crisis and any measures that have been necessary to introduce, either because of the impossibility of continuing their activities, the need to switch to teleworking or their front-line nature. The ECSR expects information mainly on the following sectors: health, law enforcement, transport, food, basic retail and other basic services.***

Our response is set out in the chapter on Article 6(2) of the Charter.

ARTICLE 22 – THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

a) to the determination and the improvement of the working conditions, work organization and working environment;
b) to the protection of health and safety within the undertaking;
c) to the organization of social and socio-cultural services and facilities within the undertaking;
d) to the supervision of the observance of regulations on these matters.

1) GENERAL LEGAL FRAMEWORK, NATURE, CAUSES AND SCOPE OF REFORMS

1. Rules governing employment

There were no changes in the reporting period.

2. Legislation in the field of occupational safety and health

The amendments to the regulations on occupational safety and health were presented in the chapter on **Article 2(4)** of the Charter, broken down by year.

3. Rules relating to the healthcare service relationship

As a guarantee rule, the Healthcare Service Act provides for the labour inspectorate to have access to the records kept by the employer [Section 14(5)(g) of the Healthcare Service Act]. No other specific rules apply to the healthcare service relationship, and the employees' opinions can be taken into account through trade unions and chambers.

2) KEY DATA, STATISTICS

Activities of the OSH authorities during the reference period (2017-2020)

Year	2017	2018	2019	2020
Total number of on-site employer inspections (pcs)	14.605	14.298	12.784	9.462
- of which irregular (pcs)	11.272	10.407	9.468	6.649
Measures				
Number of OSH decisions (pcs)	19.736	18.322	18.078	13.494
- Number of decisions to terminate insufficiencies (pcs)	9.975	9.845	9.265	6.670
Number of orders issued as an immediate measure (pcs)	9.095	7.927	8.189	6.125
- Suspension of use (pcs)	3.558	3.076	3.080	2.233
- Prohibition of work (pcs)	1.749	1.426	1.438	948
- Suspension of activity (pcs)	3.788	3.425	3.671	2.944

Number of OSH fines (pcs)	427	401	448	504
Number of administrative fines (pcs)	*119*	*117*	*157*	*128*
Number of procedural fines (pcs)	120	32	19	67

Source: ITM

Measures taken in the field of occupational safety and health during the reference period, broken down by direction and number of measures:

Name of the most common omissions in 2020	**Number of measures (pcs)**
Danger of falling	4.976
Security inefficiencies related to operation (protective cover, security equipment, ect.)	3.464
Touch protection of facilities	3.148
Lack of OSH knowledge	2.411
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	2.385
Touch protection problems of working equipment (switch cabinet, ect.)	1.744
Omission of the use of personal protective equipment	1.563
Lack of regulation on the distribution of personal protective equipment	1.445
Breach of rules on lifting machine use	1.417
Breach of rules related to storing, transferring, processing and producing of dangerous chemicals	1.372
Inadequate condition of working equipment, lack of maintenance	1.189
Lack of valid preliminary job suitability opinion	1.106
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	1.081
Breach of regulations related to the order of suitability examinations	1.037
Placement, installation, fixing	982
Other OSH measures	21.616
Total	**50.936**

Source: ITM

Name of the most common omissions in 2019	**Number of measures (pcs)**
Security inefficiencies related to operation (protective cover, security equipment, ect.)	5.475
Touch protection of facilities	5.103
Touch protection of facilities	5.200
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	3.979
Lack of OSH knowledge	3.227
Touch protection problems of working equipment (switch cabinet, ect.)	2.340
Lack of regulation on the distribution of personal protective equipment	2.113
Inadequate condition of working equipment, lack of maintenance	1.762
Breach of rules on lifting machine use	1.751
Breach of rules related to storing, transferring, processing and producing of dangerous chemicals	1.661
Breach of regulations related to the order of suitability examinations	1.659
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	1.610
Lack of valid periodic job suitability opinion	1.546

Lack and condition of OSH signs	1.452
Placement, installation, fixing	1.422
Other OSH measures	29.606
Total	**69.906**

Source: ITM

Name of the most common omissions in 2018	**Number of measures (pcs)**
Security inefficiencies related to operation (protective cover, security equipment, ect.)	5.358
Touch protection of facilities	5.103
Danger of falling	4.912
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	4.298
Lack of OSH knowledge	3.429
Inadequate condition of working equipment, lack of maintenance	2.223
Lack of regulation on the distribution of personal protective equipment	2.187
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	2.171
Breach of rules on lifting machine use	2.088
Touch protection problems of working equipment (switch cabinet, ect.)	1.914
Breach of regulations related to the order of suitability examinations	1.856
Breach of rules related to storing, transferring, processing and producing of dangerous chemicals	1.794
Placement, installation, fixing	1.697
Lack of valid preliminary job suitability opinion	1.470
Lack and condition of OSH signs	1.431
Other OSH measures	31.891
Total	**73.822**

Source: ITM

Name of the most common omissions in 2017	**Number of measures (pcs)**
Breach of rules related to assessment and estimation of risks derived from the use of dangerous substances	4.295
Lack of OSH knowledge	4.103
Touch protection of facilities	3.963
Danger of falling	3.158
Breach of rules related to organizing first aid, designing, equipping and marking first aid places	2.666
Inadequate condition of working equipment, lack of maintenance	2.647
Lack of regulation on the distribution of personal protective equipment	2.615
Breach of regulations related to the order of suitability examinations	2.137
Security inefficiencies related to operation (protective cover, security equipment, ect.)	2.013
Placement, installation, fixing	1.783
Lack of warning and function signs	1.713
Breach of rules on lifting machine use	1.644
Inadequacies related to of electronic extension and power cords (fittings, insulation, placement)	1.545
Lack of preliminary and/or periodic examination of non-dangerous working equipment	1.471
Lack and condition of OSH signs	1.390

Other OSH measures	33.687
Total	**69.359**

Source: ITM

3) ANSWERS TO THE QUESTIONS OF THE ECSR ON THIS PARAGRAPH

- ***In its conclusions issued in 2015, the ECSR also requested information on our national standards on the decision-making process for the definition and improvement of working conditions, work organization and the working environment, and on the regulation and practice regarding the election of safety and health representatives. In addition to the above, the ECSR asked for an explanation of the legal remedies available to workers and their representatives in the event of refusal to participate and the penalties that employers face in such cases.***

The information requested was included in our 14th National Report submitted in 2018, to which the following is added.

Act XCIII of 1993 on Labor Safety (hereinafter: Labor Safety Act) stipulates that the state, in consultation with the representative bodies of workers and employers, shall define the basic requirements and the management and control institutions for safe and healthy work, and shall establish a national policy on the protection of health and working capacity, safety at work and the working environment, the implementation of which shall be reviewed periodically. Compliance with the rules on health and safety at work is promoted and monitored by the State through the supervisory bodies set up for this purpose, in this case the competent territorial OSH authorities.

Section 70/A of the Labor Safety Act provides that an election of a safety and health representative must be held in all employers with at least twenty employees. In order to ensure health and safety at work, the employer is obliged to consult the workers and their safety and health representatives and to give them the opportunity to participate in a timely prior discussion of the employer's health and safety measures. When the number of safety and health representatives reaches three, a safety and health committee may be established. Where a committee is set up, the rights of the safety and health representative, if they concern all the workers, shall be exercised by the committee.

The safety and health representative is entitled to check that the requirements for safe and healthy working conditions at the workplace are met, including in particular:

- the safe condition of workplaces, work equipment and personal protective equipment;
- the implementation of measures to protect health and prevent accidents at work and occupational diseases;
- the preparation and readiness of workers to work safely and without risk to their health.

In the context of the exercise of their rights, the safety and health representative may:

- enter workplaces during working hours and obtain information from the workers working there;
- participate in the preparation of the employer's decisions which may have an impact on the health and safety of workers, including decisions on the required employment of professionals, the planning and organization of health and safety training, and the creation of new workplaces;
- ask the employer for information on any matter concerning safe and healthy working conditions;
- express an opinion and initiate the taking of necessary measures at the employer;

- participate in the investigation of accidents at work, in the investigation of cases of increased exposure, and, at the initiative of the person entitled to do so, may assist in the investigation of the circumstances of an occupational disease;
- in justified cases, refer the matter to the competent OSH authority;
- make comments to the inspector during the official inspection.

In 2016, the legal provisions on the election of safety and health representatives were amended, so that a safety and health representative must be elected not in the case of a staff of at least 50, but 20 employees. The change can be seen as effective, as the number of employers who elected a safety and health representative doubled in the six months that followed. The employer must ensure that the safety and health representative receives at least 16 hours of training per election cycle within one year of the election of the representative, and at least 8 hours of further training per year thereafter. The further training is part of the adult education system, so the quality of the training has improved over the years. Several training organizations have specialized in training safety and health representatives, giving them access to a wide range of training opportunities, which enable them to represent workers' interests more effectively.

There are several employers who have recognized the positive role of representatives in improving working conditions. There are also employers who have supported representatives in obtaining intermediate or advanced OSH qualifications.

The OSH authority and the Occupational Safety and Health Department provide information and advice to employers, workers, occupational health service providers, safety and health representatives and anyone else who makes use of this possibility, as well as to interest organizations, to enable them to exercise their rights and fulfil their obligations in relation to OSH.

The Labor Safety Act stipulates that the safety and health representative (committee) may not be prevented from exercising their rights and may not suffer any disadvantage as a result of exercising their rights.

The rules of the Labor Code shall apply mutatis mutandis to the protection of the labour rights of all safety and health representatives, with the exception that the direct superior trade union body shall be understood to mean the safety and health committee or, in its absence, the members of the election committee established during the election of the safety and health representative. The consent of the immediate superior trade union body shall be required for the termination of the employment of an employee holding an elected trade union office (hereinafter referred to as an "officer") by the employer by giving notice of termination and for the temporary employment of the safety and health representative in a job, workplace or other employer other than the one provided for in the employment contract. The protection shall be granted to the safety and health representative for the duration of their term of office and for six months after its termination, provided that they have held office for at least twelve months.

Under Section 82/D(1) of the Labor Safety Act, the OSH authority shall impose an administrative fine on a natural person who, in the course of organized work: as a representative of the employer, violates the rules on the election of a safety and health representative, obstructs the safety and health representative in the exercise of their rights under the rules on labour inspections, or takes adverse action against the safety and health representative for exercising their rights. The administrative fine imposed may amount to up to five hundred thousand forints. The administrative fine may be imposed repeatedly in the same procedure for repeated breaches of the same obligation or other breaches of obligations. In the case of an infringement of the law, the occupational safety and health authority may also impose an administrative fine as an on-the-spot fine.

The safety and health representative may also contact the OSH authority to request assistance if the representative needs external help because of the employer's inadequate attitude.

- ***The ECSR requests information on the specific measures taken with regard to COVID-19 to ensure the right to participate in the creation and improvement of working conditions and the working environment within the company, in particular the situation of the sectors of activity most affected by the crisis and any measures that have been necessary to introduce, either because of the impossibility of continuing their activities, the need to switch to teleworking or their front-line nature. The ECSR expects information mainly on the following sectors: health, law enforcement, transport, food, basic retail and other basic services.***

The Occupational Safety and Health Department of the Ministry of Innovation and Technology (hereinafter: ITM) has kept employers, employees and stakeholders informed about the measures and guidelines to prevent the spread of the coronavirus. The information was mostly general guidelines rather than sector-specific.

The Government has introduced transitional arrangements to help employers during the emergency. Relief for teleworking, as set out in the chapter on Article 2(1) of the Charter, was introduced by *Government Decree 487/2020 (11 November) on the application of the rules on telework during the state of danger.* Furthermore, *Act LVIII of 2020 on the Transitional Rules Related to the Termination of the State of Danger and on Epidemiological Preparedness* laying down the transitional rules relating to certain extraordinary measures taken during the state of danger, and its content extends to the periodic inspections for the purpose of occupational safety and health, which may be postponed until 60 days after the end of the state of danger.

The Occupational Safety and Health Department of the ITM and the regional Occupational Safety and Health Authorities have provided a range of advice to the sectors. Enquiries on this subject have been received from the commercial sector in particular, especially with regard to the design of social premises such as canteens and changing rooms, where workers were unable to wear masks and where the employer had to take organizational measures to ensure a solution. The Occupational Safety and Health Department of the ITM responded to the requests individually.

On 22 April 2020, the Ministry of Human Capacities issued a procedural order stating that periodic fitness-for-duty examinations may be postponed during the state of danger. The only exceptions to this measure following the declaration of the state of danger caused by the new coronavirus have been periodic medical fitness tests, for which the date of these tests may be postponed, after consultation with the employer, and the term of periodic medical fitness for work may be extended until 15 days after the end of the state of danger. The preliminary occupational fitness assessment remains compulsory.

From April 2, 2020, taking into account the data on the incidence of tuberculosis (pulmonary tuberculosis) in Hungary, in the jobs defined in Annex 1 of *Decree 33/1998 (24 June) NM of the Minister for Welfare on the medical examination and opinion on the suitability for work, occupational and personal hygiene*, that are of priority importance due to epidemiological interest (e.g. healthcare) and for persons engaged in these activities the requirement to undergo a mandatory lung screening test to establish prior fitness for work has been waived if the worker has a lung screening test result not older than 1 year. The statutory mandatory lung screening test is not required until 15 days after the end of the state of danger; the fitness of the applicant may be established also in lack of that by the

occupational health physician of the primary health service in the occupational medical fitness opinion, subject to a time limit.

Generally speaking, employers in different sectors have adopted different practices. Hygiene and prevention rules are uniform, with employers ordering work in home office and teleworking where possible. Where teleworking was not possible, workplaces have also adopted organizational measures to deal with the difficulties caused by the outbreak.