20/12/2024 RAP/ RCha /HUN/20(2024)

EUROPEAN SOCIAL CHARTER

20th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF HUNGARY

Articles 2, 3, 4, 5, 6, and 20

Report registered by the Secretariat on

20 December 2024

CYCLE 2024

Ministry of Interior

Report on the implementation of the Revised European Social Charter

Submitted by:
Government of Hungary

Budapest 2024

ARTICLE 2 – THE RIGHT TO JUST WORKING CONDITIONS

a) Please provide information on occupations where the working week exceeds 60 hours or more by law, collective agreements or other regulations, including:

- ***information on the exact number of hours worked per week, for those who may work in such jobs;***
- ***information on the safeguards in place to protect employee's health and safety if they work more than 60 hours a week.***

Article 2(1) - Reasonable daily and weekly working time

I. General rules

The amount of working time must be set out in the employment contract. Pursuant to Section 92(2) of Act I of 2012 on the Labour Code (hereinafter referred to as Mt.), based on an agreement between the parties, the daily working time in full-time jobs may be increased to not more than twelve hours daily for employees working in stand-by jobs or who are relatives of the employer or the owner (extended daily working time). Thus, the weekly working time may be 60 hours in these cases.

'Stand-by job' shall mean where:
a) due to the nature of the job, no work is performed during at least one-third of the employee's regular working time based on a longer period, during which - however - the employee is at the employer's disposal; or
b) in light of the characteristics of the job and of the working conditions, the work performed is significantly less strenuous and less demanding than commonly required for a regular job. [Section 91 of the Mt.]

On-call employees are typically employed in the field of personal and property security, such as night guards, receptionists.

The rules relating to work schedules (working hours arrangement) shall be laid down by the employer, of which the employee shall be informed [Section 96(1) of the Mt.]. According to the Section 99(3) of the Mt., 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 they do not consent to the conclusion of the agreement provided for in this Subsection, or if decided to terminate the agreement.

The Mt. provides for on-call and stand-by duty. The law provides that an employee may be required to be available outside his or her scheduled daily working hours. When on stand-by duty, the employee shall be obliged to remain in a condition suitable for work and perform work as instructed by the employer. As a general rule, the duration of availability shall be made in

advance at least one week in advance, for the upcoming month. 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 [Section 110(1),(3),(6) of the Mt.].

The employer shall be entitled to designate the place where the employee is required to be available (be on-call) other than that the employee shall choose the place where they are to be so as to be able to report for work without delay when so instructed by the employer (stand-by).

The restrictive provisions about on-call time and standby time are as follows. The duration of on-call duty may not exceed twenty-four hours, including the duration of scheduled daily working time scheduled and overtime work on the first day of on-call duty [Section 111 of the Mt.]. The duration of stand-by duty may not exceed one hundred and sixty-eight hours a month, which shall be taken as the average in the event that banking of working time is used. In addition, the employee may be ordered to stand by not more than four times a month if it covers the weekly rest day (weekly rest period).[Section 112 of the Mt.].

II. Sector-specific rules

- **Rules for healthcare workers**

Act LXXXIV of 2003 on Certain Issues of the Performance of Health Care Activities (hereinafter referred to as Eütev.):
"Section 5(5) The combined duration of all health care activities that a health care worker may perform in a calendar week under the legal relationships listed in Chapter III of this Act may not exceed 60 hours per week on a 6-month average, with the exception of the provisions of Section 12/B (1) and Section 12/F (4), and the combined duration of health care activities may not exceed 12 hours per calendar day even if the health care activities are performed simultaneously under several or more types of legal relationships. In determining the combined duration of healthcare activity in different legal relationships, only the duration of the actual healthcare activity performed within the on-call duty should be taken into account.

(6) A healthcare worker who carries out healthcare activities under more than one legal relationship or under more than one type of legal relationship shall certify in a declaration to the healthcare provider under each of his legal relationships that his healthcare activities do not exceed the limit referred to in Section (5).

Section 12/B (1) An employed healthcare worker may undertake additional work (hereinafter referred to as "voluntary additional work") in addition to the 48 hours per week calculated as an average of the working time frame, which may be ordered by the employer, the amount of which may not exceed 12 hours per week as an average of the working time frame, or 24 hours per week if the additional work is exclusively for the provision of medical care.

Section 12/C (2) The employer may assign an employed healthcare worker to healthcare on-call and standby duty up to a maximum of fourteen times per month. In the case of a working time limit, this limitation shall be taken into account in the average of the working time limit.

Section 12/F (4) The combined duration of normal working time, on-call medical care ordered from the framework pursuant to Section 12/D (3) and additional work undertaken voluntarily

– in the case of the application of a working time frame, on average – shall be determined by the Mt. Section 99(2) b) and Section 135(5) may not exceed
a) 60 hours per week, or
b) if the health worker is also on call, the seventy-two hours per week."

To protect the health and safety of workers, two essential, guarantee rules should be highlighted:

a) A healthcare worker is entitled to two days of rest per week (Section 105 of the Mt.).
b) An uninterrupted rest period of at least eleven hours must be provided between the end of the health activity and the next health activity commenced according to the work schedule (Section 12/G (1) of the Eütev.).

Section 13/B (2) of the Eütev. provides, as a general rule, that the provision of another day of rest or a rest period of at least the same duration as the health care on-call duty performed on the calendar day in question shall compensate for health care on-call duty performed on a weekly rest day or on a public holiday in accordance with the working time schedule applicable to the health care worker. Section 13/B (2) (a) and (b) do not fundamentally change the content of this obligation, but only allow the employer, in the absence of another rest day (rest period), to provide uninterrupted rest periods of at least 24 hours within seven calendar days for objective reasons of work organisation. In other words, the employer cannot be exempted from the obligation to grant an additional (compensatory) rest day or rest period under the above provision.

The general legislative practice in Hungary is also in line with the EU legislation in force and ensures the interests and rights of workers in the health service, as both the 11-hour rest period and the mandatory weekly rest day are guaranteed.

- **Rules applicable to national defence force employees and soldiers**

National defence force employees

The rules on working time of national defence force employees shall be governed by the Mt.

Soldiers

The time on duty shall be allocated by the second-in-command or his/her superior. The allocation of duty time shall take account of the nature, purpose and urgency of the duties to be performed and shall be consistent with the requirement for the healthy and safe performance of duty and for adequate rest and fitness for duty. When allocating duty time, a general daily rate of 8 hours per working day shall be provided, but more or less may be allocated, and it shall not be compulsory to allocate duty time for each day. A minimum of 11 hours' uninterrupted rest shall be allowed between the end of the day's duty and the beginning of the next day's duty, which may be less in the case of unavoidable duty but shall be made up in the event of subsequent absence. When the duty roster is drawn up, the starting and finishing times of the duty roster shall be clearly specified. Two rest days per week shall be designated and, if possible, shall be taken together, but may be taken in combination on a monthly basis, depending on the duties of the service. Deviations from the daily duty roster may be made, depending on the duties of the service, and shall be communicated to the soldier in the usual local manner.

In case of rotating duty, 12 or 24 hours of duty may be scheduled. Under the rotation system, a soldier may be required to serve between two shifts only where justified and to the extent necessary.

- **Rules applicable to professional staff of law enforcement bodies**

The provisions of the Act No XLII of 2015 governing the legal status of the professional staff of law enforcement bodies (hereinafter referred to as Hszt.) shall apply, the provisions of which do not allow for a working time of 60 hours per week with regard to the right to fair working conditions, daily and weekly working hours.

Section 134(1) of the Hszt. provides that the period of service shall be 40 hours per week. In the case of a partially or wholly on-call service (hereinafter referred to as 'on-call service'), the period of service may be longer but not exceed 48 hours per week.

According to Section 134(2) of the Hszt., the period of service may be determined in several weeks, but not more than four months or sixteen weeks, taking into account the weekly period of service. In the case of on-call duty, standby duty and regular duty in the field of personal protection, the period of service may be fixed at a maximum of six months, taking into account the weekly period of service.

Section 135/A (1) of the Hszt. lists the posts for which, by way of derogation from Section 135(1) of the Hszt., the daily working time may be more than twelve hours but not more than sixteen hours. Section 135/A (2) of the Hszt. provides that, in the case of such duty rostering, the number of hours of duty may be reduced by up to six hours per day. By way of derogation from Section 134(1) of the Hszt., the weekly hours of service may exceed forty hours per week, but the average weekly hours of service may not exceed 48 hours per week.

Section 139(1) of the Hszt. states that if the interest of the service or an exceptional occurrence – in particular, a mass casualty, natural disaster, catastrophe or serious damage prevention, averting, remedying the consequences of such a disaster or other unforeseeable circumstances threatening public safety and property security – requires it, a member of the professional staff may be obliged to perform duty beyond the hours of duty specified in Section 134, as well as on public holidays and rest days (overtime). Evasion of duty or refusal to obey orders may also constitute a military offence.

Pursuant to Section 139(2) of the Hszt., the maximum duration of overtime work in the interest of the service shall be determined in such a way that the weekly working time and overtime work together do not exceed the weekly duration specified in Article 6(b) of Directive No. 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, and, if the time frame provided for in Section 134(2) of the Hszt. is applied, the weekly duration specified in the Directive shall not be exceeded on average over a period of four months.

In exceptional cases defined in Section 139(3) of the Hszt., in respect of professional staff, the 48-hour working week 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 organisation of working time, may be exceeded, but in such cases the working time may not exceed 24 consecutive hours per day.

According to Section 141 of the Hszt., the superior officer may oblige a member of the professional staff to be available for duty outside duty hours in the interest of the service and in a fit state for duty at an accessible place – outside the duty station – from which he may be called upon at any time for duty. During this standby duty, the member of the professional staff shall take his rest, unless he is actually required to work.

During the standby duty the period from arrival at the workplace to the end of the work period is regarded as exceptional working time for both professional staff and law enforcement administrative staff. Standby duty allowance shall be paid as compensation of time not spent on duty.

The range of duty posts organised for continous on-call duty, standby duty posts and guard duty posts are listed itemised in the Decree of the Ministry of Interior No 30/2015 (VI. 16.) on professional duty posts and the requirements for their occupation in law enforcement bodies under the control of the Minister of Interior.

- **Rules applicable to staff in the field of public education**

On 1 January 2024, Act LII of 2023 on Teachers' New Career Paths (hereinafter referred to by as Púétv.) entered into force, which introduced a uniform set of rules on the employment status of employees in state, municipal, university, church and private public education institutions.

In public education, working more than 60 hours a week is not possible. The total working time is 40 hours per week, and the rules for its scheduling are the same as those in the Mt.

b) Please provide information on the weekly working hours of seafarers.

Not relevant.

c) Please provide information on the classification of inactive on-call periods for working time and rest periods.

I. General rules

The Mt. provides for on-call and stand-by duty. The Mt. provides that an employee may be required to be available outside his or her scheduled daily working hours. When on stand-by duty, the employee shall be obliged to remain in a condition suitable for work and perform work as instructed by the employer. As a general rule, the duration of availability shall be made in advance, for the upcoming month at least one week before the start of the upcoming month. [Section 110(1), (3), (6) of the Mt.].

The employer shall be entitled to designate the place where the employee is required to be available (be on-call) other than that the employee shall choose the place where he is to remain so as to be able to report for work without delay when so instructed by the employer (stand-by).

The employer may determine the place of availability for the employee (this is called on-call time), otherwise the employee determines his or her place of residence in such a way that he or she is immediately available if the employer so instructs (this is called on-call time).

The restrictive provisions about on-call time and the duration of are as follows. The duration of on-call duty may not exceed twenty-four hours, including the duration of the ordinary or extraordinary working time scheduled and overtime work on the first day of on-call duty [Section 111 of the Mt.]. The duration of stand-by duty may not exceed one hundred and sixty-eight hours a month, which shall be taken as the average in the event that banking of working time is used. The employee may not be ordered to stand by more than four times a month if it covers the weekly rest day (weekly rest period). [Section 112 of the Mt.].

II. Sector-specific rules

- **Rules for government officials**

Reasonable daily and weekly working hours
According to Act CXXV of 2018 on Government Administration (hereinafter referred to as Kit.), the main obligations of the government administration body in the government service relationship - as a special relationship established for the purpose of public service and employment - include not only the payment of salary and other benefits, but also, among other things, the provision of employment and healthy and safe working conditions. All this is closely linked to the regulation of working time and rest periods, which have a direct impact on the health of employees and the efficiency of the performance of public duties.

Working time is the period of time during which a government official is required to be available or to perform work. As a rule of guarantee, the Kit. provides that a government official may not work more than twelve hours per day and forty-eight hours per week, provided that in no case may the daily working time exceed the working time limit or, failing this, the average of eight hours per day per week, or the average of forty hours per week per week, or the average of forty hours per week, or the working time limit or, failing this, the average of forty hours per week.

All time that is not working time is considered rest time. The Kit. mentions three types of rest periods; the inter-work break (30 minutes after working more than 6 hours a day and 20 minutes for every additional 3 hours worked), the daily rest period and the weekly rest day (weekly rest period).

Working time also includes so-called extraordinary working time and on-call duty, which is an obligation imposed on the government official's rest time. Special rules apply to the compensation of exceptional working time and on-call time, including the limits of the order. In the case of full-time work, two hundred hours per calendar year may be ordered as extraordinary working time. The Kit. shall reward work performed during extraordinary working hours with time off; the Government official shall be entitled to time off equivalent to the duration of such work. If the extraordinary work falls on a weekly rest day, the Government official shall be entitled to time off equal to twice the amount of the extraordinary working time worked, or three times the amount of the extraordinary working time worked if the extraordinary working time falls on a public holiday. A Government official who regularly works extraordinary working hours may be granted a maximum of twenty-five working days off per year. The Head of Professional Department (Head of Division, Head of Department) and the Senior Professional Manager (Deputy State Secretary, State Secretary for Administration) shall be entitled to time off or compensatory time off for exceptional working hours only if the civil service regulations of the government administration body so provide.

Political leaders and senior political leaders (Prime Minister, Minister, State Secretary) shall not be entitled to time off for work performed during abnormal working hours. If time off cannot be granted, it shall be paid in cash to the government official.

Telework
As part of the chapter on working time, the Kit regulates telework, which can be carried out by agreement, by means of a letter of assignment, at a place determined by the employer. Teleworking may be ordered by the employer.

- **Rules applicable to staff in the field of public education**

In the field of public education, as in the case of general labour law, the employee is also required to be on call during working hours, depending on the tasks assigned by the employer. Typically, a teacher is considered to be working time at the place of work if he/she is available to cover for a partner who may be absent during a lesson. In this case it is of course part of the working time.

Standby and on-call duty outside working hours are regulated as follows: the employer may determine the place of availability (on-call duty), otherwise the employee determines his/her place of residence during the period of on-call duty in such a way that he/she is immediately available on the employer's instructions (on-call duty).
lasting more than 4 hours, or on a Sunday or public holiday

a) on-call duty in the dormitory to organise night supervision of students,
b) on-call or standby duty for the implementation of a field trip or other programme not organised in the kindergarten, school or college, as defined in the pedagogical or educational programme,
c) on-call or standby to prevent or avert an accident, natural disaster, serious damage, or a threat to health or the environment

may be ordered in the interest of.

The duration of on-call duty may not exceed 24 hours, except in the case of a school trip lasting several days or in the case of an escort for language learning abroad, in which the duration of the normal or special working time scheduled for the day on which the on-call duty commences shall be included.

The monthly standby time may not exceed 168 hours. Standby duty for the duration of the weekly rest day (weekly rest period) may be ordered up to 4 times per month.
The duration and time of on-call duty and standby duty must be announced at least one week in advance (Section 84 of the Púétv.).

ARTICLE 3 – THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

ARTICLE 3(1) – HEALTH AND SAFETY AND THE WORKING ENVIRONMENT

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- ***in the gig or platform economy;***
- ***as regards telework;***
- ***in jobs requiring intense attention or high performance;***
- ***in jobs related to stress or traumatic situations at work;***
- ***in jobs affected by climate change risks.***

I. General rules

Under Directive 89/391/EEC, employers have a duty to address the problem of work-related stress.

In Hungary, Act XCIII of 1993 on Labour Safety (hereinafter referred to as Mvt.), and its amendment as of 1 January 2008, raised work-related stress to the level of legislation, emphasising that employers have a duty to assess and reduce psychosocial risks.

According to the law, psychosocial risk is defined as the totality of the effects (conflicts, work organisation, work schedules, insecurity of employment status, etc.) affecting the employee at work, which influence his/her reactions to these effects, and may result in stress, accidents at work or psychosomatic disorders.

Based on Section 87 of the Mvt.:

" 1/F. 'Risk' shall mean the combined effect of the probability and gravity of physical or health injury in an emergency situation.

1/H. 'Psychosocial risk' shall mean the effects to which a worker can be exposed at work (conflicts, organization of work, work schedule, uncertainty of employment etc.), that have an influence in connection with his reactions to such effects, or in consequence of which stress, occupational accidents may occur, and psychosomatic symptoms (relating to or involving both the mind and body) may develop."

The Mvt. provides for risk assessment, risk reduction in the case of high risk of stress, and monitoring of the effects of psychosocial pathogenic factors and prevention of work-related stress by the occupational safety and health authority.

Risk assessment is a process aimed at identifying what could harm or endanger workers in a given workplace and what precautions are needed to prevent health damage.

Based on Section 54(1) (d) of the Mvt., the employer is obliged to take the human factor into account in the design of the workplace, the choice of work equipment and work process, in particular with regard to reducing the duration of, and the harmful effects of, monotonous, fixed-pace working, the organisation of working time, and the avoidance of the psychosocial risks of work.

Unless otherwise provided by law, the employer shall carry out the risk assessment and the definition of preventive measures before the commencement of the activity, and in justified cases thereafter, but at least every three years, taking into account the provisions of the NM Decree No. 33/1998 (VI. 24.) on the medical examination and opinion on the medical fitness for work, occupational and personal hygiene.

The national occupational safety and health policy terminated in 2022 included targets for psychosocial or new and emerging risks, which were met as follows:

2.1. Reducing absence from work as a result of psychosocial risks
The incidence of accidents at work and occupational diseases can be reduced by encouraging research focusing on the recognition, prevention and reduction (resolving) of psycho-social risks, and by publishing results and elaborating methods that are useful for employers, as well as by sharing good practices.
Sector-specific materials have been developed for education, electrical equipment manufacturing, water supply, wastewater collection and treatment and waste management.

2.3. Encouraging and supporting the elaboration of new methods of ergonomics
In order to maintain working capacity, because of the increasing number of working years and the new types of exposures emerging as a result of technological advancement it is indispensable to reduce the harmful effect on health. In addition, existing known and elaborated methods must be published and disseminated.
Information material for workers in two sectors, one in the manufacture of computer, electronic and optical products and the other in the manufacture of electrical equipment was made.

3.3. Reducing occupational risks affecting employees of vulnerable groups and employees working in atypical types of employment
Preparation of information on safe and healthy working conditions for young and aging employees, women, employees with changed working capacity, occasional workers, public workers, and teleworkers, and distribution of these materials to the respective workers. It relates to Paragraph 5.3. of Research and development.
Knowledge material on the design of working conditions that are safe and healthy for young and ageing workers, women, people with changed working capacity, casual workers, public sector workers and teleworkers was made.

5.2. Encouraging research on the impacts of climate change on employees
Definition and analysis of future potential health damage (diseases) affecting employees directly or indirectly as a consequence of climate change.
The study has been completed.

5.3. Coping with the increasing average age of employees and analysis of the impact of newly emerging risks
Due to demographic changes, a solution must be found to the challenge of preserving the physical and mental health of older employees. The use of new chemicals, dissemination of new technological solutions, and the risks affecting employees with changed working capacity and other vulnerable groups require special attention and a targeted approach.

"National Occupational Safety and Health Policy for 2024-2027." The current national policy programme for new and emerging risks and psychosocial risks includes the following objectives:

2. Addressing demographic change and better protecting the groups of workers most affected by pandemics and reducing occupational risks of cancer and cardiovascular diseases
The aim is to support, through EU projects, targeted screening of workers, taking into account workplace pressures and their individual health status and age characteristics.

3. Promoting the identification, prevention and reduction of psychosocial risks, including through teleworking
The aim is to assess, manage and prevent stress at work in order to safeguard the mental health of workers, by means of methodological assessment and reassessment and interventions to reduce the stress levels of the workers concerned. There is a need for the widest possible use of methods related to the management of work-related protocols to help restore/maintain the health of workers with mental health problems or at risk. It is important to encourage workers and employers to learn and use effective coping strategies.

5. Increasing protection against carcinogenic, mutagenic and reprotoxic substances
The aim is to transpose the EU directives on occupational safety and health with regard to carcinogenic, mutagenic and reprotoxic substances, to raise awareness of prevention by disseminating information on risks and good prevention practice as widely as possible, and to promote research on the occupational origin of occupational cancers.
Reducing the risks to health from exposure to asbestos at work by reviewing and amending the EU Directive on the protection of workers from asbestos.

Rules applying to the gig or platform economy and teleworking:

The provisions of the Mvt. on teleworking:
„Section 86/A(1) The provisions of this Act shall apply to teleworking subject to the exceptions set out in this Chapter.
(2) Work equipment for teleworking may be provided by the employee as well, subject to an agreement with the employer. As regards such work equipment the employer shall conduct risk assessment in order to ascertain that the work equipment is in a safe state from the perspective of occupational safety and health. To that end, the responsibility to ensure that the work equipment is in a safe state at all times from the perspective of occupational safety and health lies with the employee.
(3) The employer shall inform the employee concerning the facilities available for consultation and representation of interests with respect to safety at work as governed under Chapter VI, and the names of persons placed in charge of these duties and information as to where they can be reached.

Section 86/B In the case of teleworking with information technology and computing equipment, system (hereinafter referred to collectively as "computing equipment"):
a) the employer shall inform the employee in writing of the rules relating to working conditions to ensure compliance with occupational safety and health requirements;
b) the employee shall choose the place of work taking into account the level of compliance with working conditions defined in Section a);

c) the employer shall be entitled to remotely monitor compliance with occupational safety regulations via computing equipment, unless there is an agreement to the contrary.
Section 86/C (1) Where teleworking is implemented by means other than computing equipment, the parties shall agree on the place of work in writing (hereinafter referred to as "place of teleworking").
(2) Teleworking under Subsection (1) may be performed at a place of teleworking approved by the employer in advance for occupational safety standards.
(3) The employee shall not be allowed to alter working conditions at the place of teleworking without the employer's prior consent.
(4) The employer or its representative shall routinely inspect work conditions at the place of teleworking and ensure that they conform with requirements, and the employees have knowledge of and observe the provisions pertaining to them.
(5) Apart from the inspection referred to in Subsection (4), the employer or its representative, in particular the persons referred to in Section 8 and Sections 57-58, shall be entitled to gain admission to and remain on the property where teleworking is performed for the purpose of risk assessment, the investigation of accidents and for checking working conditions.
(6) The workers' representative for occupational safety may enter the property where teleworking is performed upon the employee's consent.
(7) The regulatory inspection referred to in Subsection (4) of Section 81 may not bring unreasonable hardship on the employee or on any other person who is also using the property designated as the place of teleworking. The occupational safety and health administration shall notify the employer and the employee at least three working days in advance concerning the inspection. The employer shall obtain the employee's consent for admission into the designated place of teleworking for this purpose before the commencement of the inspection."

Rules applying to jobs requiring intense attention or high performance, and jobs related to stress or traumatic situations at work:

„Section 54(1) In the interest of occupational safety and health, employers shall observe the following general requirements:
...
d) the human factor shall be taken into consideration when setting up the workplace, when selecting the work equipment and procedures, with particular regard to reducing the amount of work time spent on monotonous or frequently repeated procedures and the detrimental effects of such, and to the scheduling of the work time, and to avoid any psychosocial stress that may result from work;
...
(2) Employers shall conduct risk assessment so as to assess and evaluate the qualitative and quantitative aspects of risks jeopardizing the health and safety of workers, with particular regard to the applied work equipment, to dangerous substances and dangerous mixtures, potential strain on the workers and the design and arrangement of the workplace. Employers shall conduct risk assessment procedures with a view to identifying potential harmful effects (sources of danger, emergencies), and the people exposed to such effects, and to estimating the degree of danger and vulnerability (accident, health impairment). The risk assessment shall provide for the evaluation of the level of exposure through the inspection of occupational hygiene relating to the permissible limits of etiological factors at work."

Pursuant to Subsection 1/H of Section 87 of the Mvt.:
„'Psychosocial risk' shall mean the effects to which a worker can be exposed at work (conflicts, organization of work, work schedule, uncertainty of employment etc.), that have an influence

in connection with his reactions to such effects, or in consequence of which stress, occupational accidents may occur, and psychosomatic symptoms (relating to or involving both the mind and body) may develop."

The Mvt. makes it clear that the assessment of psychosocial risks is the responsibility of the employer.

Rules for jobs affected by climate change risks:

The provisions of Section 33 of the Mvt.:
„(1) Fresh air in sufficient quantity and quality, without any harmful pollutants, and at the proper temperature shall be provided in workplaces as consistent with the number of employees and the nature of work, and in consideration of hazard sources.
(2) If provision of the air and air conditions prescribed in Subsection (1) is technically unfeasible, organizational measures shall be taken, personal safety equipment shall be applied, and/or protective drinks shall be provided for the purpose of protecting the health of employees."

The provisions of Section 7 of the Decree No. 3/2002 (II. 8.) of the Ministry of Social Affairs, Family and Health on the minimum level of occupational safety and health requirements at workplaces (hereinafter referred to as SzCsM-EüM Decree):

"(1) The temperature of the rooms housing the work areas shall be suitable for the human body throughout the entire duration of the work, taking into account the nature of the work and the physical strain on the workers working there.
(2) Rest rooms, rooms for staff performing various official duties, sanitary facilities, canteens and first-aid stations shall be kept at a temperature appropriate to the purpose for which they are intended.
(3) Windows, skylights and glass walls shall be provided which, in accordance with the nature of the work and the workplace, eliminate the effects of strong solar radiation.
(4) In enclosed workplaces, depending on the nature of the work carried out and the seasons, taking into account the work energy flow characteristic of the degree of difficulty of the work, an appropriate temperature (climate factor) as specified in Annex 2 shall be provided at a height of 1 m for standing work and 0,5 m for sitting work.
(5) The measurement and assessment of the climate in workplaces shall be carried out using the definitions, measurement and assessment criteria in Annex 2.
(6) The choice and positioning of heaters shall be such as to ensure that they do not cause pollution of the workplace air or excessive heating or cooling of workers.
(7) The employer shall ensure that workers are not exposed to high levels of heat radiation. Heat radiation is considered to be high if the difference between the air temperature and the bulb temperature is more than three times the minimum difference of +5 °C required to determine the (K) EH value.
(8) Work organisation measures shall be taken to prevent adverse effects of the climatic environment. A rest period of at least 5 minutes and not more than 10 minutes per hour shall be provided as part of the working time in workplaces classified as hot or cold.
(8a) A workplace is considered hot if the workplace climate exceeds 24°C (K) EH at the workplace or the daily mean temperature at an outdoor workplace exceeds 25°C (K) EH for at least 1 day and the chief medical officer has issued a heat warning or a heat alert due to the heat.

(9) In workplaces with heat exposure above 24°C (K) EH, the conditions for heat exposure shall be ensured by work organisation after starting work and after returning to work after a break from work of more than three weeks. To this end, the duration of the daily exposure to heat at the start of the adaptation process should not exceed 2 hours and the degree of work intensity should not exceed 14,0 kJ/min, corresponding to medium-difficult physical work. The workload level for the job should be reached gradually over 2 weeks.
(10) In workplaces classified as hot, workers must be provided with protective clothing as required, but at least every half hour. Fluid losses should normally be made up by drinking water at a temperature of 14-16 °C. A flavoured, non-alcoholic drink at the same temperature with a sugar content not exceeding 4 % by weight of the drink or flavoured with artificial sweeteners is also suitable for this purpose.
(12) Drinking cups shall be provided for the consumption of protective drinks and tea in quantities at least equal to the number of workers per person and for individual use. The preparation, storage and serving of the protective drink and tea may be carried out in compliance with public health requirements."

II. Sector-specific rules

- **Rules for social care workers**

Section 7 of the Decree 15/1998 (IV. 30.) NM No. 15/1998 (IV. 30.) on the professional duties and conditions of operation of child welfare and child protection institutions and persons providing personal care provides for special regulations on work in the case of family and child welfare services:
Persons providing family assistance and child welfare services shall be provided with

- means of personal security, particularly in the case of work in the field,
- participation in regular case-meeting groups for the purpose of mutual information and professional assistance on specific cases or problems,
- supervision.

In the field of social services, based on Section 6 (11) of the Decree 1/2000 of the Ministry of Labour and Social Policy on the professional tasks of social institutions providing personal care and the conditions of their operation, and in addition, for persons performing the tasks of personal care, working clothes shall be provided, and for persons directly dealing with care recipients, protective clothing shall be provided if necessary.

- **Rules applicable to the staff of the National Tax and Customs Administration**

Annex 3 of Decree of Minister for Finance 15/2020 (XII. 29.) on the suitability assessment, curative-preventive health care and the determination of the incapacity of finance guards of tax and customs service employees and officers for National Tax and Customs Administration (hereinafter referred to as Decree of the Minister of Finance) contains the psychological risk factors. According to the Decree of the Minister for Finance, the risk factor is the impact related to the job during the performance of tasks, which negatively affects the health and psychological condition of the employee. The employee's compliance with the risk factors is examined in the framework of an aptitude test, which is a health service, and its primary objective is to determine the stress caused by the activity performed in a specific job, aptitude category and workplace for the examined person and whether he/she is able to comply with it. The category of suitability shall be understood as the classification of posts of finance guards on the basis of health-damaging and psychological risk factors. Annex 4 of Decree of the

Minister of Finance contains the grounds for excluding psychological fitness, which exclude the establishment and maintenance of the service relationship. The content of the aptitude test may be medical, psychological or physical. Aptitude tests may be carried out before entering the service, periodically or as a matter of urgency during the period of service, and a final examination shall be carried out in the cases provided for by law. The psychological aptitude test is carried out in the case of finance guards, applicants for finance guard positions and candidates for officers by category, and in the case of other employees and applicants for positions. The Decree of the Minister of Finance applies to all NAV employees, employees, candidates for officers and applicants for tax and customs service to NAV, including teleworkers.

Psychosocial risk assessment is a process aimed at identifying, assessing and managing psychosocial risks at work. These risks stem from psychological, social and organisational factors at work and can negatively affect workers' mental, emotional and physical well-being.

Decree of the Minister of Finance:
"Section 1 The scope of this Regulation shall apply, within the scope and in the case specified in this Regulation, to
a) the National Tax and Customs Administration's (hereinafter referred to as NAV):
aa) employees (hereinafter referred to as "employee"),
ab) customs officer candidates in an officer candidate status (hereinafter referred to as "officer candidate"),
b) applicants for tax and customs authority service at the NAV (hereinafter referred to as "applicant"),
c) the Head of NAV, the technical assistant of the Head of NAV,
d) workers employed by the NAV (hereinafter referred to as "worker"),
e) those registered in the adult general practitioner service of the NAV Training, Health and Cultural Institute (hereinafter referred to as NAV KEKI).

Section 2 For the purposes of this Decree:
1. aptitude category: classification of customs officer jobs based on health and psychological risk factors
2. aptitude test: health services, the primary purpose of which is to assess the ability of a person to cope with and withstand the stresses and strains of a particular job, aptitude category and workplace,
6. risk factor: an effect related to the job, arising in the course of the performance of the duties, which negatively affects the health and psychological condition of the employee,

Section 5(1) The type of aptitude test may be
a) preliminary,
b) periodic,
c) out of turn or
d) closing
testing.
(2) The contents of the aptitude test may include
a) health,
b) psychological or
c) physical
testing.

Section 9(1) The medical aptitude test and the psychological aptitude test is carried out
a) by category for customs officers, candidates for the post of customs officer and officer candidates,
b) by job title for employees or applicants not covered by point (a),
(2) The definition of aptitude categories and the classification of jobs is set out in Annex 1.

Section 10(1) The appointment for the aptitude test, the booking of the test date, and, in the case of a physical aptitude test, the classification into the group is ensured by the competent human resources administration unit of the employing NAV body shall ensure. In this context, he/she shall send the application form for the aptitude test to the head of the department employing the person concerned (hereinafter referred to as the "line manager") for the purpose of indicating the risk factors, in the case of treasurers, the category of aptitude according to Annex 1. In the case of a preliminary aptitude test, the competent human resources department of the NAV body likely to employ the person concerned will provide the applicant with the form for the aptitude test.

Section 11(1) Applicants for the post of customs officer shall undergo a preliminary examination of health, psychological and physical fitness.
(2) In the case of a candidate for a post other than that of a customs officer
a) a preliminary health assessment must be carried out; and
b) a preliminary psychological aptitude test must be carried out
ba) for applicants for the posts of customer liaison officer, tax inspector, operational tax inspector, operational IT inspector and on-the-spot enforcement officer in a territorial body,
bb) for jobs not covered by point ba), at the initiative of the person exercising the employer's power, taking into account the risk factors of the job as defined in Annex 3.

Section 17 At the initiative of the person exercising the employer's powers, a closing testing shall be carried out
a) in the event of termination of the activity or employment after ten years of exposure to substances defined by law as carcinogenic to human beings, or after four years of exposure to benzene or ionising radiation,
(b) on cessation of work or of a working environment involving a risk of chronic occupational disease; and
c) if the employee has worked for at least four years in a job entitling to early retirement.
Annex 3 to PM Decree 15/2020 (29.XII.): Psychological risk factors
Annex 4 to PM Decree No 15/2020 (29.XII.): grounds for exclusion from the service, 2. grounds for exclusion from psychological fitness."

The Act CXXX of 2020 on the Legal Status of the Staff of the National Tax and Customs Administration (hereinafter referred to as NAV Szjtv.) lays down additional provisions.
Section 78 of the NAV Szjtv. [Obligations of the employing body]
"(1) The employing NAV body shall
a) employ the employee in accordance with the terms of his/her appointment and in accordance with the law and the employment regulations, and to provide him/her with healthy and safe working conditions;"

Section 80 of the NAV Szjtv. [Employee's obligations]
"(1) An employed person shall
(a) meet the requirements of health, psychological and physical fitness and undergo the assessments, screenings and examinations necessary for their control, as laid down by the

minister in a decree, and comply with the prescribed medical instructions in order to safeguard his/her health and recovery,
b) must undergo an invasive examination, not constituting surgery, to check the consumption of alcohol, drugs or psychotropic substances in order to determine fitness for work, in accordance with the rules laid down in the ministerial decree,
c) is required to undergo compulsory vaccination in the cases provided for by law, subject to the restrictions set out in Section 58 (1) to (3) of Act CLIV of 1997 on Health Care hereinafter referred to as Eütv.).
d) may be obliged, in the interest of the service, to declare his/her availability outside working hours, to inform the employer of his/her whereabouts and to maintain his/her fitness for duty,
e) may be required to declare his/her travel abroad in the interests of the service.
(3) Data obtained in the course of an examination under Subsection 1(c) or 2(b) may be used only in disciplinary, criminal, dishonesty or compensation proceedings. In the event that no disciplinary, criminal, dishonesty or compensation proceedings are instituted within three months of the end of the examination, the data generated during the examination shall be deleted.
(4) The Minister shall specify in a decree the communicable diseases for which compulsory vaccination is required in order to avoid the risk of a biological agent endangering the health and safety of a customs officer or a group of customs officers in connection with their job or certain duties, in particular when performing their duties abroad. Compulsory vaccination is ordered by the head of the NAV on the recommendation of the manager responsible for the NAV's health-related tasks. The exemption from the compulsory vaccination ordered by the head of NAV pursuant to Subsection (3) of Section 58 of the Eütv may be initiated by the obligated customs officer, his/her legal representative or attending physician at the manager responsible for the NAV's health-related tasks.
(5) A customs officer who is required to be vaccinated may submit an objection to the administration of the vaccination with suspensive effect in accordance with the rules laid down in the ministerial decree. Pending the outcome of the objection, the customs officer shall not be required to perform any task for which vaccination has been ordered in order to avoid the risk of a biological agent that could endanger health."

Section 82 of the NAV Szjtv. [Refusal to execute an order in the case of an official]
"(2) An officer shall refuse to carry out an order of a superior officer if, in carrying out that order:
(b) directly and seriously endanger the life, physical safety or health of another person or the environment.
(3) An officer may refuse to carry out an order if the execution of the order would.
(a) directly and seriously endanger his or her life, health or physical safety; or
"

Section 85 of the NAV Szjtv. [Exemption from the obligation to work]
"(1) An employed person shall be exempted from the obligation to be available for work or to work...
(c) for the duration of treatment in a health care establishment in connection with a human reproductive procedure as provided by law,
(d) for the duration of the compulsory medical examination and the entire period of the medical examination in connection with pregnancy,
(o) during the procedure to establish entitlement to a disability benefit, until he/she is accepted for a job agreed during the procedure or, if no such job is agreed, until a decision is taken on entitlement to a disability benefit."

Section 100 of the NAV Szjtv. [Rules on working hours]
"(3) The employer shall allocate working time taking into account the requirements of healthy and safe work and the nature of the work."

Section 105 of the NAV Szjtv. [Extraordinary working hours, overtime]
"(8) The imposition of overtime shall not endanger the physical integrity or health of the official or impose a disproportionate burden in view of his personal, family or other circumstances."

Section 107 of the NAV Szjtv. [Standby]
"(4) The duration of the standby period must be communicated at least one week prior to the start of the standby period, and at least one month in advance. The employer's employer may derogate from this requirement in particularly justified cases. Such derogation shall be subject to the requirements of healthy and safe working conditions."

Section 108 of the NAV Szjtv. [Leave to which the employee is entitled]
"Employees are entitled to basic, supplementary, maternity and unpaid leave, as well as additional leave in the event of the birth of a child, sick leave for officials and medical leave for customs officers."

Section 112 of the NAV Szjtv. [Additional leave in case of particularly hazardous work or health impairment]
"(1) An employee working in a workplace exposed to high-frequency or ionising radiation or in a workplace exposed to poisoning or to the risk of contamination during the processing of biological agents, who works for at least three hours a day in a workplace exposed to ionising radiation or in a workplace exposed to poisoning or to the risk of contamination during the processing of biological agents, is entitled to ten working days' additional leave per year.
(2) In the case of a degree of health impairment of at least fifty per cent, as determined by the rehabilitation expert body, the employee is entitled to five working days of additional leave per year, or five working days of additional leave per year for an employee entitled to disability allowance or personal allowance for the blind."

Section 119 of the NAV Szjtv. [Medical leave]
"(1) Medical leave shall be granted to a customs officer if, as a result of illness, surgery or injury due to an accident, he is unable to work or if further work would result in a deterioration of his health, and if rest or health resort is required to restore his fitness for duty.
(2) Medical leave shall be granted until the recovery of health or until the onset of permanent disability, but not for more than one year, except as provided for in Section 120.
(3) The Minister shall lay down the rules concerning the certification of incapacity for work and the granting of medical leave.
(4) If the medical leave is justified by an accident, injury or sickness not related to service obligations, the absentee pay or the allowance provided for in paragraph 6 shall be paid for thirty calendar days per year, and 90% of the absentee pay or the allowance provided for in paragraph 6 from the thirty-first calendar day.
(5) A leave of absentee pay shall be granted for the period of medical leave granted to a customs officer on account of an accident, injury or illness resulting from a duty-related obligation, except as provided in Subsection 6.
(6) Absentee pay for medical leave for staff on multi-month service shall be paid at the rate of the amount of the night allowance paid during the last four calendar quarters, increased by the average of the night allowance paid during the period of absence, calculated pro rata temporis.

If the length of service of a customs officer is shorter than four calendar quarters, the average of the total amount of the night allowance paid for the last calendar quarters or, in the absence of a quarter, the total amount of the night allowance paid for the last calendar months, calculated pro rata temporis for the period of absence, shall be taken into account when determining the compensation.
(7) In the event of incapacity for work within the meaning of Subsection (1), a finance officer whose salary is withheld for the period of suspension from his/her position shall be entitled to benefits under Act CXXII of 2019 on persons entitled to social security benefits and on the coverage of such benefits (hereinafter referred to as Tbj.) and Act LXXXIII of 1997 on compulsory health insurance benefits (hereinafter referred to as Ebtv.). The period shall be included in the one-year period referred to in Subsection (2)."

Section 120 of the NAV Szjtv. [Medical leave for child care to be granted to the customs officer]
"(1) Medical leave for childcare purposes shall be granted to
a) the mother who is a customs officer, if she breastfeeds a hospitalised child under one year of age,
b) a parent who is a customs officer, if he/she cares for a sick child, until the child is one year old,
c) the parent who is a customs officer
ca) if he/she cares for a child over one year old but under three years old for a period of eighty-four calendar days per year and per child,
cb) if he/she cares for a child over three years old but under six years old for forty-two calendar days per year and per child, or for eighty-four calendar days if he/she is single,
cc) if he/she cares for a child aged over six but under twelve for fourteen calendar days per year and per child, or twenty-eight calendar days if he/she is single,
d) the parent who is a customs officer, in the event of the child being treated in a specialised in-patient care institution, for the duration of the stay in a specialised in-patient care institution,
da) until the child is one year old,
db) for children over one but under three years of age, to the extent specified in point c) ca),
dc) for children over three years of age but under six years of age, to the extent specified in point c) cb),
(dd) for children over six years of age but under twelve years of age, to the extent specified in point c) cc).
(2) In addition to the provisions of paragraph (1), in view of the child's illness, medical leave may be granted to the parent who is a customs officer based on Section 50 (3) of the Ebtv."

Section 147 of the NAV Szjtv. [The job-related allowance]
"(2) In determining the rate of the job-related allowance
a) real and systematic risks arising from the specific nature of the performance of the duties, including risks to life, physical safety or health,
b) the specific circumstances of the work,
c) in the case of customs officers, in addition to points a) and b), the frequency of service with a weapon, the frequency of situations involving the use or the possibility of using a weapon and the frequency of situations involving the possibility of using other means of coercion shall be taken into account."

Section 151 of the NAV Szjtv. [Health care supplement]
"(1) An employed person shall be entitled to a health care supplement if the majority of his working time is spent at work where there are risks to his health or where the protection of his health can be achieved only by the permanent or continuous use of personal protective

equipment which places him under increased strain. The amount of the allowance is set out in Annex 8."

Section 170 of the NAV Szjtv. [Other benefits]
"(1) The employee may be granted reimbursable or non-reimbursable social, welfare, cultural and health benefits."

Section 175 of the NAV Szjtv. [Social care]
"(1) The social assistance of the NAV shall convers
(b) retired employees, persons entitled to invalidity benefits and their close relatives, (...)"

Section 176 of the NAV Szjtv. [Conditions for the establishment of the health impairment supplement and health impairment allowance]
(1) In order to compensate for the loss of income previously earned, a customs officer and an official who performs a procedural act on the spot due to his/her job or a former employee of the NAV are entitled to a health impairment supplement or a health impairment allowance (hereinafter together referred to as "health impairment benefit") if
a) he/she is unable to perform his/her duties because of ill health, and
b) the incapacity is due to a work-related accident or disease and the accident or disease actually occurred in the course of the work, and
c) the work-relatedness of the accident or illness has been established in accordance with the provisions of Act XCIII of 1993 on Occupational Safety and Health in the case of a civil servant, and in accordance with subsections (2) and (3) of Section 235 in the case of a customs officer, and
d) he/she is not entitled to an own-right pension under the Tny. or a service pension under the Knytv., and
e) the grounds for exclusion set out in subsections (2) and (3) and Section 177 (6) do not apply, and
f) is reemployed pursuant to subsections (1) to (5) of Section 177 or exempted from the obligation of continued employment pursuant to Section 178."

Section 178 of the NAV Szjtv. [Health Impairment Allowance]
"(1) The minister may grant an exemption from the continued employment obligation under Section 177 on the basis of an application by the employee and on the proposal of the head of the NAV if the employee's health status is 50% or less according to the complex classification of the rehabilitation authority. Entitlement to a health impairment allowance may be established if the minister grants exemption from the obligation to continued employment.
(2) The minister shall issue a reasoned decision on the exemption from the continued employment requirement within thirty days. In making the decision, the minister will consider whether the NAV can determine a job which the employee can perform on the basis of his or her state of health and whether the employee can no longer be expected to be available and work on a daily basis in view of his or her state of health. There is no independent appeal against the decision, which may be contested by an appeal for review of the decision by the head of the NAV on entitlement to disability benefit.
(3) In the event of the establishment of a health impairment allowance, instead of the exemption provided for in point (c) of Subsection (2) of Section 70, the service status of the employee shall be terminated by virtue of law."

Section 215 of NAV Szjtv. [Judicial remedy]

"(1) Unless otherwise provided by this Act, an employed person may, within the limitation period for the exercise of his right of action, bring his claim arising from his employment directly before a court, except in the cases provided for in subsections 3 and 4.
(3) The action may be brought before the court within thirty days of the date of notification of the contested employer's measure
k) in cases relating to a decision of the NAV management on entitlement to health care benefits."

- **Rules applicable to the professional staff in law enforcement agencies**

In the case of persons subject to Act XLII of 2015 on the Service Status of Professional Members of Law Enforcement Agencies (hereinafter referred to as the Hszt.), the general occupational health rules or the specific provisions of the Hszt. shall apply to the work environment in the management of psychosocial or new and emerging risks. Emerging risks are already addressed by the Hszt., since according to Section 33(1), the employment relationship may be established with a person who is medically, psychologically and physically fit for the professional service and for the post envisaged. According to Section 106 (1) of Subtitle 63 (Health, Psychological and Physical Fitness) of the Hszt., a member of the professional staff must meet the health, psychological and physical fitness requirements set by the Minister, appropriate to his/her post and age. The aptitude test shall be adapted to the post to be held or already held. The categories of aptitude tests shall be determined by the Minister on the basis of the health, psychological and physical strain of each post. During the aptitude test, in the cases specified by the minister, a psychological aptitude test must be carried out, the detailed rules of which are determined by the minister. The detailed rules are laid down in BM Decree 45/2020 (XII. 16.). Pursuant to Section 288/N of the Hszt., the law enforcement employee must meet the health fitness requirements defined by the minister. The eligibility conditions must be made known to the law enforcement officer, and the eligibility must be checked regularly.

A job related to stress or traumatic work situations:
The staff of the professional disaster management service are continuously provided with comprehensive medical, psychological and mental health care.

ARTICLE 3 (2) – HEALTH AND SAFETY REGULATIONS

Please provide information on:

- ***the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);***
- ***how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.***

III. General rules

The Hungarian labour law does not allow employers to take any measures to restrict or prevent work outside normal working hours in order to ensure that employees are not disengaged. However, Hungarian labour law is dichotomous in this respect, distinguishing between working time and rest time. Pursuant to Section 107 of Act I of 2012 on the Labour Code (hereinafter referred to as Mt.), overtime work shall mean work performed: outside regular working hours; over and above the hours covered within the framework of working time banking; over and above the weekly working time covered by the payroll period, where applicable; and the duration of on-call duty.

Therefore, work performed in addition to "normal working hours" is considered to be extraordinary working time.

The employee is entitled to a 50% wage supplement or, by virtue of a rule governing the employment relationship or by agreement between the parties, to time off for work performed during extraordinary working hours [Section 143(1) of the Mt.]. In addition, the employer is obliged to keep records of, among other things, the duration of normal and extraordinary working hours, so that both the employer and the employee can keep track of the working hours worked [Section 134(1) of the Mt,].

According to the Section 108(1) of the Mt. extraordinary working time must be ordered in writing if the employee so requests. In addition, the general conduct requirements of the Mt. (e.g. abuse of rights, the principle of fair consideration) must be observed and the provisions of the Mt. stating that the employer shall allocate working time taking into account the requirement of healthy and safe working conditions and the nature of the work also has to be taken account [Section 97(1) of Labor Code). In addition, there is no specific rule in the Mt. on the refusal to order extraordinary work.

The provisions of Section 113 (1) of the Mt. limits the imposition of overtime work by

a) *for an employee from the time her pregnancy is diagnosed until her child reaches three years of age;*
b) *for a single parent, until their child reaches three years of age; or*
c) *where the job carries any health risk or the employee is exposed to any health risk as established by the employer.*

(2) Subject to the exception set out in Subsection (2) of Section 108, an employee caring for his or her child as a single parent may be required to work overtime only with his or her consent as from the time his or her child reaches three years of age up to the time when the child reaches four years of age."

Sector-specific rules

- **The rules for healthcare workers**

Act LXXXIV of 2003 on Certain Aspects of Performing Healthcare Activities (hereinafter referred to as the Eütev.):

"Section 12/B (2) A health care worker may not be forced to undertake additional work, his legitimate interest may not be impaired in this context, and his ability to assert his interests may not be restricted. No discrimination shall be made between health workers in connection with the undertaking of additional work on a voluntary basis.

Section 12/D (3) In addition to the 40 hours of normal working time per week, a health care worker may be ordered to work a maximum of 416 hours of on-call medical care per calendar year, provided that the combined duration of the overtime work and the ordered on-call medical care may not exceed 416 hours per calendar year."

- **Rules for national defence force employees and soldiers**

Soldiers

Due to the specific nature of the sector, there is no regulation on overtime. Soldiers who perform above average or better than average may be exempted from service (the regulations give commanders wide powers to do this) or may receive performance recognition.

National defence force employees

As a general rule, the rules of the Mt. apply to overtime work for national defence force employees. However, if it is necessary for the proper and effective functioning of the defence organisation or for the performance of its tasks as defined by law, by a public law regulating instrument or by the statutes, the imposition of overtime working hours may be authorised by ministerial decree for a maximum of 150 hours per calendar year, in addition to the maximum hours provided for by the Mt., making a total of up to 400 hours.

- **Rules applicable to staff in the field of public education**

General health and safety requirements apply to public education staff.
Working beyond normal working hours is a matter of choice for managers and teachers. Employees directly supporting education and nurturing are employed on a fixed work schedule and may be employed beyond normal working hours only in accordance with the rules on working time over normal working hours as laid down by the employer. If the employer infringes the rules in this respect, they may refuse to work.

- **Rules applicable to professional member of law enforcement agencies**

Working beyond normal working hours is defined by Act XLII of 2015 on the Service Status of Professional Members of Law Enforcement Agencies (hereinafter referred to as Hszt.) within strict legal limits, taking into account the performance of duty. According to Sections 134-141 of the Hszt., the period of service is 40 hours per week, and for part-time or full-time standby duty, it may be longer, but not more than 48 hours per week. If the service interest or an extraordinary situation – especially mass accidents, natural disasters, prevention, mitigation, and elimination of the consequences of a disaster or serious damage, as well as other unforeseen circumstances that endanger public and property safety – a member of the professional staff may be required to work overtime beyond the normal hours of duty and on public holidays and rest days. The maximum length of overtime which may be imposed in the interests of the service shall be fixed in such a way that the weekly period of service and overtime may not exceed the maximum weekly period of service laid down in the Directive of the European Parliament and of the Council concerning certain aspects of the organisation of working time.

A member of the professional staff may, at his or her own discretion, undertake voluntary overtime during a period outside the period of overtime, in accordance with his or her training, qualifications, theoretical and practical competence. Under the Hszt., the superior officer may require a member of the professional staff to be available for duty outside duty hours, in the interests of the service and in a fit state for duty, at an accessible place from which he may be called upon at any time for duty. According to Section 289/L of the Hszt., in exceptional cases, a member of the law enforcement administration shall be obliged to work in addition to his regular working hours, with the guarantees provided for by law, and may also work voluntary overtime.

The creation and continuous monitoring of a healthy working environment and safe working conditions in the professional disaster management service is ensured by the labour inspectors

and the Inspector General for Public Health and Epidemiology, within the framework laid down by law. In order to ensure a safe working environment for staff members, staff members shall elect an occupational safety representative from among their number, who shall be authorised to monitor compliance with the rules on a safe working environment. The exercise of their powers is guaranteed by law.

- **Rules applicable to the staff of the National Tax and Customs Administration**

Section 105(5) of the NAV Szjtv. sets out the limitation of extraordinary working hours of NAV employees and the maximum amount of overtime worked during extraordinary working hours per year. In the case of full-time daily work, three hundred hours of overtime may be ordered per calendar year. In order to ensure the smooth operation of the NAV's core activities, the President of the NAV may increase the amount of overtime that may be ordered by up to 20% for officials and by up to the weekly period specified in Article 6 (b) of Directive 2003/88/EC of the European Parliament and of the Council, provided that, if a time frame is used, the weekly working time and the overtime shall not exceed the weekly period specified in the Directive on a four-month average.

Section 2 of the NAV Szjtv. [Staff]
"(1) The staff of the NAV consists of
(a) emloyees holding a tax and customs service relationship (hereinafter referred to as service relationship)
aa) with an official status,
ab) with a customs officer status
[hereinafter together referred to in aa) and ab) as " employee"],
b) employed workers, and
(c) customs officer candidates in an officer candidate status (hereinafter referred to as "officer candidate."

Section 3 of the NAV Szjtv. [Explanatory Notes]
"(1) For the purposes of this Act:
26. customs officer: an employee with a customs officer status who has the job title of a customs officer;
27. job title of a customs officer: the job title defined in the ministerial decree for which, in view of the nature of the duties to be performed, only a service relationship with a customs officer status may be established;
...
33a. officer candidate: a person enrolled in basic law enforcement training who is a student during the period of training and an officer candidate as defined in Chapter XXVII;
34. official: an employee with an official status who has the job title of an official;
35. job title of an official: a job for which a service relationship may be established and which is not the job title of a customs officer;"

Section 105 of the NAV Szjtv. [Extraordinary working time, overtime]
"(1) Extraordinary working time is
a) the working time in addition to the working time according to the working time schedule,
b) the working time in excess of the working time limit, and
c) in the case of work ordered during on-call time, the period from arrival at the workplace until the end of the work, or, if the person concerned has to work at several places, from arrival at the first place until the end of the work at the last place.

(2) In exceptional circumstances and in the interests of the service, an employed person may be required to work during the time referred to in subsection (1) (hereinafter referred to as "overtime").
(4) Overtime must be ordered in writing by the person exercising the employer's authority. The procedure for ordering, recording and accounting for overtime is determined by the President of the NAV.
(5) In the case of full-time working hours, three hundred hours of overtime may be ordered per calendar year. In order to ensure the continuity of the NAV's core business, the President of the NAV
a) may increase by up to 20% for officials,
b) may increase the weekly working time of a customs officer up to the weekly duration 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 organisation of working time, provided that, where a time limit is applied, the weekly working time and overtime averaged over four months may not exceed the weekly duration laid down in the Directive.
(6) The provisions of paragraph (5) shall apply on a pro rata basis if the service relationship
a) started during the year,
b) has beed established for a fixed term, or
c) has been established for part-time.
(7) The restriction provided for in paragraph 5 shall not apply where the imposition of overtime is necessary to the prevention, elimination or remedying of the consequences of an accident, a disaster, serious damage, or an imminent and serious threat to health or the environment.
(8) Overtime work must not endanger the physical safety or health of the official or impose a disproportionate burden in view of his personal, family or other circumstances."

In order to refuse to work outside normal working hours, the provisions on ‘refusal to issue instructions’ of NAV Szjtv. shall prevail.
According to the NAV Szjtv. Section 82, an official is obliged to refuse to comply with an order of his superior if, by complying with it, he would commit a criminal offence or an administrative offence or would directly and seriously endanger the life, physical integrity or health of another person or the environment. An official may refuse to comply with an instruction if complying with it would directly and seriously endanger his life, health or physical integrity, or would contravene legislation or normative instructions governing the performance of his duties. The superior who gave the instruction may not refuse to give it in writing. An official shall not suffer any disadvantage as a result of a written request. If the instructing officer is not the immediate superior of the official, a written request shall be made through the immediate superior.

If the superior maintains his disposition despite the warning, the official shall be obliged to carry out the instruction, but shall be entitled to express his dissenting opinion in writing. Because of this, he/she should not be at a disadvantage. Only the publisher shall be responsible for the execution of the infringing instruction. If an official is not working as a result of a lawful refusal to comply with an order, he/she shall be entitled to an absence allowance for the period for which he is absent.

According to the NAV Szjtv. Section 83 (2), the finance guard is obliged to refuse to execute the order of his superior if he would commit a criminal offence by complying with it. Except as provided for in Subsection (2), the financial officer may not refuse to execute an instruction that is in breach of the law. However, if its illegality is recognisable to it, it shall immediately bring it to the attention of the instructor. If the superior still maintains his/her disposition, he/she shall, upon request, record it in writing. Only the publisher shall be responsible for the execution

of the infringing instruction. If the person giving the instruction is not the direct superior of the finance guard, then a written request must be made through the direct superior. If, as a result of a lawful refusal to comply with the order, the finance guard does not perform any work, he/she shall be entitled to an absence allowance for the time lost.

Please provide information on:

- ***the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations;***
- ***whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.***

I. General rules

Section 217(1) of the Mt. states:
" The agreement between the temporary-work agency and the user enterprise shall specify the material conditions of placement, and the sharing of employer's rights (...). The agreement shall be made in writing (...)"

According to Section 218(4) of the Mt.:
"During the assignment, the employer's rights and obligations relating to:
a) occupational safety;
b) the provisions of Subsections (1), (3)-(5) of Section 51; and
c) working time and rest periods, and keeping records thereof;
shall accrue upon the user enterprise."

Section 1(1) of the Mvt. states:
"For the purposes of this Act "labor safety" shall mean the entirety of requirements pertaining to occupational safety and occupational health within the framework of organized employment along with the system of legal, organizational and institutional regulations for the implementation of the objectives of this Act, and the execution thereof."

Based on the above, the labour safety requirements apply to all work processes in the context of organised work.

II. Sector-specific rules

- **Rules applicable to the staff of the National Tax and Customs Administration**

At NAV, teleworkers are subject to the same occupational health and safety rules as other employees, on the other hand, they are also subject to the specific rules of the internal rules on telework and home working issued by the head of the NAV. The regulation lays down, among other things, the provisions on the designation of the place of work of teleworking, the method of monitoring the work and the place of work, and the rules on monitoring from the point of view of safety and health at work.

2073/2021/VEZ Regulation on teleworking and working from home

22. The Mvt. Pursuant to Section 86/A(5), in the case of teleworking, he employer or his representative - in particular the person responsible for ensuring safe working conditions - may enter and stay on the property where the work is performed for the purpose of carrying out a risk assessment, conducting an accident investigation and checking working conditions (occupational safety and health inspection). If the place of work is not a property managed by the NAV, the person carrying out the safety and health inspection may be present on the property with the permission of the owner of the property. Pursuant to Section 21(3) of the Mvt., commissioning under occupational safety standards shall be contingent upon having a preliminary inspection for occupational safety conducted in advance. The purpose of this inspection is to determine whether the facility, workplace, work equipment or technological process and the work environment in question satisfies the personnel, material and organizational conditions for ensuring occupational safety and health.

23. A person authorised by the employer may enter the property where the telework is carried out for the purpose of carrying out a health and safety inspection during the telework period, subject to the rules on entry and stay applicable to the property. If access to the property requires the permission of the owner of the property, the person carrying out the health and safety inspection may only stay on the property if he is in possession of the permission. The employer shall inform the employee of the time of the health and safety inspection at least 24 hours before the inspection is due to take place.

24. The employer is entitled to monitor the teleworking during the period of teleworking from the point of view of occupational safety and health. The employee shall confirm the date of the inspection by electronic means or in writing without undue delay following the employer's electronic or written notification of the inspection, so that the inspection can be carried out at the time specified by the employer.

25. Teleworking may be carried out in a workplace that has been previously certified by the employer as suitable from the point of view of occupational safety and health. In the case of a supportive proposal by the line manager, if the proposal is accepted, the employer shall request the competent person responsible for occupational safety and health to carry out an unscheduled on-site inspection of the telework site for compliance with the provisions of the Mvt. The inspection may also be carried out electronically (by voice, image or live video). The employer is not obliged to have the inspection carried out if the place of work is located in another NAV site, in which case the local rules on occupational safety and health regulations and inspections for the employee apply.

28. If the place of teleworking complies with the provisions of the Mvt., the person responsible for occupational safety and health shall send his/her opinion to the employer. If the place of work is suitable, the employer's authorised representative shall have discretion to decide to prepare an agreement on teleworking or to reject the request. The employee shall be informed of the refusal of the request. No reasons need be given for refusal of the request.

At NAV, fixed-term employees and workers are subject to the same occupational health and safety rules as other employees.

ARTICLE 3 (3) – ENFORCEMENT OF HEALTH AND SAFETY REGULATIONS

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as

- ***domestic workers;***
- ***digital platform workers;***
- ***teleworkers;***
- ***posted workers;***
- ***workers employed through subcontracting;***
- ***the self employed;***
- ***workers exposed to environmental-related risks such as climate change and pollution.***

I. General information

Due to the prolonged heat and high daily average temperatures, even a healthy body can be subjected to extreme stress in hotter than average weather, increasing the risk of accidents and heat injuries (sunstroke, heat exhaustion, heat stroke).

For this reason, the Department of Occupational Safety and Health Management of the Ministry of National Economy has launched a nationwide occupational safety and health target study for several years to prevent the adverse effects of the workplace climate on workers.

The national target inspection was carried out by government officials of the regional government offices of the capital and the county, who are responsible for the inspection of the occupational safety and health authorities and who will continue to inspect employers' preventive measures related to the hot climate environment at the workplace throughout the summer, regardless of the heat warning.

These checks were mainly carried out in workplaces where workers were exposed to increased heat stress or adverse weather conditions (heat, direct sunlight).

In the year 2022, 255 employers were audited in the framework of the national target inspection, which affected 6505 workers, of which the number of employers affected by irregularities was 116 (45.49%), while the number of workers affected by irregularities was 1646 (25.30%).

The reports sent by the government agencies show that, overall, the majority of employers audited during the target inspection complied with the most important health and safety requirements during the heat alert period (provision of protective clothing, rest periods) and that workers were aware of the main effects of heat and the preventive measures to be taken. This positive change is presumably also due to previous labour safety inspections, the increasing awareness-raising work and active media communication. More and more employers are recognising that the risk of occupational accidents and heat-related health problems increases during heat waves.

Government officials of government agencies acting as labour safety authorities also provided information to employers, workers and labour safety representatives during the target inspections, which, together with official measures to correct detected irregularities, can play a key role in preventing heat-related health problems (e.g. sunstroke, heat stroke) and work-related accidents.

The total number of OSH inspections in 2023 was as follows:

- total number of employers checked: 8 072, of which 5 855 (72.5%) were found to have irregularities;
- a total of 187 255 workers were inspected, of whom 98 783 (52.8%) were found to have committed irregularities.

II. Sector-specific rules

- **Rules applicable to the staff of the National Tax and Customs Administration**

At NAV, teleworkers are subject to the same occupational health and safety rules as other employees, on the other hand, they are also subject to the specific rules of the internal rules on telework and home working issued by the head of the NAV.
Posted employees shall be subject to the same rules on health and safety at work as other employees and to the same rules on health and safety at the place of posting.

ARTICLE 5 – RIGHT TO ORGANISE

a) Please indicate what measures have been taken to promote or strengthen positive freedom of association for workers, in particular in sectors with traditionally low levels of trade union membership or in new sectors (e.g. flexible part-time work).

b) Please explain the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining.

I. General rules

Part III of Act I of 2012 on the Labour Code (hereinafter referred to by the Hungarian abbreviation as Mt.) contains the rules on labour relations. It provides for the freedom to form coalitions. It guarantees both workers and employers the right to form representative organisations.

In accordance with Chapter XIX of the General Provisions of the Mt. states the following:
"Section 231(1) In accordance with the conditions prescribed by law, employees and employers shall have the right to establish together with others, without any form of discrimination whatsoever, interest representation organizations for the promotion and protection of their economic and social interests, and, at their discretion, to join or not to join an organization of their choice, depending exclusively on the regulations of such organization.
(2) Interest representation organizations shall be entitled to establish associations or to join such, including international federations as well."

According to the Mt., employers participate in labour relations as of rights, i.e. the status of employer in itself justifies participation in labour relations.

Regarding the *employer's ability to conclude a collective agreement*, the Mt. does not prescribe any special conditions. The employer status in itself establishes the right to enter into a collective agreement. According to Section 276(1)(a) of the Mt. the employer may conclude a collective agreement.

The Mt. establishes the rule of the "One employer one collective agreement", according to which the employer can enter into one collective agreement. An exception to this is if several employers conclude the collective agreement, in which case – based on the authorization of this collective agreement – the employer can conclude a collective agreement with effect covering it [sentences 1 and 2 Section 276(5) of the Mt.]

Pursuant to the Mt.
"276(1) Collective agreements may be concluded:
a) by employers, and by employers interest groups by authorization of their members; and
b) trade unions or trade-union confederations.
(...)
(5) An employer may enter into one collective agreement. Where a collective agreement is concluded by more than one employer, an employer may conclude the collective agreement, of which the employer shall also be a party, under authorization given in such collective agreement. The collective agreement concluded by several employers shall be construed to have a broader scope in the application of Section 277(4)."

There is no specific condition on the employer's ability to conclude collective agreements, the capacity of the employer is in itself the basis for the ability to conclude collective agreements.

The Mt. also makes specific provision for collective agreements concluded by several employers, where employers individually conclude collective agreements with the same content with the trade union/unions that have the capacity to conclude collective agreements within their organisation. An employer may be subject to both a collective agreement concluded by several employers and a collective agreement concluded by the employer and covering only the employer. In such a case, the Mt. provides for a hierarchy of collective agreements. If a collective agreement is concluded by more than one employer, the employer may, on the basis of the authorisation of this collective agreement, conclude a collective agreement that covers it, based on the authorization of this collective agreement. A collective agreement concluded by several employers shall be considered to have a broader scope in the application of Section 277(4) of the Mt. [Section 276(5) of the Mt.].

The employer's interest representation organisation may enter into a collective agreement based on the authorisation of the members [Section 276 (1)(a) of the Mt.]. This is subject to the authorisation of the members stipulated in the rules of the association. The Mt. does not provide for additional requirements in this regard, and based on organisational and operational autonomy, the interest representation organisation can provide for it independently in its statutes. It should also be taken into account that according to Section 279 (1)(b) of the Mt., the scope of the collective agreement covers the employer that is a member of the employers interest representation organisation that concludes the collective agreement. The personal scope of the collective agreement concluded by the employers interest representative organisation – on the basis of the authorisation of the members – therefore extends ex lege to the members.

A trade union shall be entitled to conclude a collective agreement if its membership of employees at the employer reaches ten per cent of the number of employees:
a) of all employees employed by the employer;
b) of the number of employees covered by the collective agreement concluded by the employers' interest group.
[Section 276(2) of the Mt.].

When determining this so-called 10% threshold, the average statistical number of employees for the half-year period before the date of conclusion of the contract shall be taken into consideration.
[Section 276(6) of the Mt.].

If several trade unions of the employer have the subjective requirements under Section 276(2) of the Mt., the trade unions entitled to conclude a collective agreement may conclude the collective agreement jointly [Section 276(4) of the Mt.].

The trade union (trade union confederation) that meets the after the conclusion of the collective agreement is entitled to initiate the amendment of the collective agreement and to participate in the negotiation related to the amendment. [Section 276(8) of the Mt.].

The purpose of linking the right to conclude collective agreements with the number of trade union members in Section 276(2) of the Mt. is to allow trade unions carrying sufficient weight and number of members to conclude collective agreements. This condition also applies to the collective bargaining capacity of a trade union confederation, thus ensuring that only a member

union with 10% coverage is entitled to conclude collective agreements and thus to participate in the regulation of working conditions.

Public employers

When regulating labour relations, the Mt. provides for exceptions for so-called public employers.
In the case of public employers, special account should also be taken of Sections 205 and 206 of the Mt., which serve to limit the possibility of collective labour law regulation in order to ensure the efficient management of public property. Under Section 206 of the Mt., no derogation from the provisions of Chapters XIX-XXI of the Mt. is possible for these employers.

Sectoral Dialogue Committees

In addition to the cited Section of the Mt., the Act LXXIV of 2009 on Sectoral Dialogue Committees and Certain Issues of Intermediate Level Social Dialogue (hereinafter referred to as Ápbtv.) encourages collective negotiations and the regulation of working conditions through collective agreements.

In the sectoral dialogue committees, those entitled to do so under the provisions of the Ápbtv. may conclude collective agreements or other agreements, and may request the Minister responsible for social dialogue to extend collective agreements to the sector.

The purpose of the creation of the Ápbtv. is to create a new institutional system in the domestic interest reconciliation, which ensures consultation between social partners at the sectoral level, the spread of collective agreements, and the broadening of the opportunities for employers and employees to assert their professional interests. In the event of a regulated establishment of the institutional system of sectoral social dialogue and a balanced operation, the employer and employee interest representatives of each sector can jointly act for the development of the sector and can autonomously decide on a significant part of the rules of conduct to be followed in the sector.

In order to do this, the Ápbtv. on the one hand provides an incentive and opportunity for continuous consultation between the social partners present in the sector, as well as the conclusion of sectoral collective agreements, and on the other hand, it provides the conditions for the social partners to be connected to the work of the sides of the European Sectoral Social Dialogue Committees.

Thus, in the Hungarian labour relations system, the Ápbtv. aims to increase the impact of mid-level sectoral interest reconciliation and collective negotiations. One of the most important results of the activities of the Sectoral Dialogue Committees is the collective agreements established on the basis of collective negotiations. Currently, three extended sectoral collective agreements regulate labour relations in the fields of the construction industry, tourism and hospitality, and the electricity industry.

The Ápbtv. promotes predictable, orderly labour relations, the conclusion of sectoral collective agreements and agreements, which contribute to the reduction of undeclared work and promote the levelling of the competitive conditions within the sector.

The following provisions of the Ápbtv. must be taken into account:

"Section 2(1) The social partners may engage in dialogue on issues affecting labour relations and the employment relationship at the level of the national economic branch, sector, sub-sector, specialist branch (hereinafter referred to as: sector) or specific groups of employees, and for this purpose they may establish a bilateral social dialogue committee.
(2) The Sectoral Dialogue Committee (hereinafter referred to by the Hungarian acronym as "ÁPB") is a bilateral social dialogue body with the participation of sectoral employer interest representatives (hereinafter referred to as the employer side) and sectoral trade unions (hereinafter referred to as the employee side) in issues of sectoral significance affecting labour relations and the employment relationship.
(3) ÁPB may be established covering one or more national economic branches, sectors, sub-sectors, and specialised sectors. A committee may be established in a national economic branch, sector, sub-sector, or branch.
(4) The ÁPB created at a lower level operates independently of the higher-level ÁPB, and the higher-level ÁPB cannot instruct it in the performance of its tasks. The rules applicable to the sectoral ÁPB must be properly applied to the dialogue committee established at the sub-sector level or branch of the national economy, unless this law provides otherwise.

Section 3 The task of the ÁPB is to promote the balanced development of the sector, to implement the autonomous social dialogue at the sector level, the purpose of which is to establish appropriate working conditions, preserve peace in the world of work and promote the legality of labour market processes.

Section 4(1) The ÁPB deals with issues affecting the situation, development, economic and labour processes of the sector. Within the framework of the ÁPB, the sides of the ÁPB and the interest representatives participating on the side
a) inform each other,
b) consult,
c) issue a statement summarizing the position and proposal of the ÁPB.
(2) In the ÁPB, they are entitled to this based on the provisions of this Act
a) they can enter into a collective agreement or other agreement,
b) they can request the extension of the collective agreement to the sector from the minister responsible for social dialogue (hereinafter referred to as minister).
(3) In the matters specified in Subsection (1) that significantly affect the interests of workers in the sector and employers operating in the sector, the state administrative body with competence in the sector is obliged to provide information to the ÁPB operating in the sector, or to consult at the initiative of the ÁPB."

The following provisions of the Ápbtv. can be cited on the conditions of concluding a collective agreement, which are considered special rules compared to the provisions of the Mt.

"Section 14(1) of the Ápbtv.
a) may enter into agreements or
b) can conduct collective negotiations in order to create a collective agreement,
- with the exception of the provisions on the right to enter into a collective agreement - according to the rules set out in the Mt. and this Act.
(2) In an ÁPB, only one collective agreement can be concluded at a given level for a branch, sector, sub-sector, or specialty of the national economy.
(3) All members of the ÁPB may participate in the negotiations for the conclusion of the collective agreement with the right to consult.

(4) In the ÁPB, the interest representation is entitled to conclude a collective agreement if authorized to do so by its statutes or by its highest decision-making body. The employer can only authorize one employer interest representative to enter into a collective agreement.
(5) All interest representatives participating in individual sides of the ÁPB are jointly entitled to conclude a collective agreement in the ÁPB.
(6) If the conclusion of the collective agreement is not possible on the basis of Subsection (5), it shall be concluded jointly by all interest representatives of the side with decision-making rights.
(7) If the conclusion of the collective agreement is also not possible based on Subsection (6), it will be concluded jointly by the representative interest representatives of the side.
(8) If it is not possible to conclude a collective agreement based on Subsection (7), the representative sectoral interest representations on each side are entitled to conclude it, which together obtained two-thirds of the total score of the representative interest representations on the side.
(9) The conditions contained in Subsections (5)-(8) must be taken into account separately for the sides of the ÁPB. A collective agreement can also be concluded if the parties are not authorized to sign based on the conditions of the same subsection.
(10) Point c) of Subsection (1) and Subsection (2) of Section 13 are not applicable in the case of concluding the collective agreement in the ÁPB.
(11) The collective agreement – in the absence of a different agreement – enters into force on the first day of the following month, fifteen days after its conclusion. The employer's representation is obliged to facilitate the knowledge of the collective agreement by the employees employed by its members.

Section 15(1) The scope of the collective agreement concluded in the ÁPB covers the member of the employer's interest representation that concluded the collective agreement and the employees who have an employment relationship with it.
(2) The collective agreement concluded in the ÁPB covers the employers belonging to the employer's interest representation that joins the ÁPB later, as well as the employees who have an employment relationship with them, in the event that the employer's interest representation that joins the ÁPB after the conclusion of the collective agreement declares that also joins the collective agreement concluded in the ÁPB, furthermore
a) the trade union or trade unions working at the employer that is a member of the employer interest representation and entitled to enter into a collective agreement agree in advance to join the collective agreement, or
b) in the absence of a trade union specified in Point a) the employees vote on joining the collective agreement. Voting is valid if more than half of the employees employed by this employer participate. Joining requires the yes vote of more than half of the participants.
(3) In contrast to Subsection (1), if the advocacy activities of the binding employer's interest representation extend to several sectors (sub-sectors, specialized sectors), the collective agreement may stipulate that the rules specified in Subsection (1) of Section 17 only apply to that sector - according to their main activity, they are effective for employers belonging to the ÁPB according to which the collective agreement was concluded.

Section 16(1) If the collective agreement in the ÁPB was concluded by several trade unions and it is terminated by any of the trade unions, the collective agreement loses its effect if the collective agreement could not have been concluded without the participation of this trade union. On the basis of this provision, a trade union represented by a member employer of an employer interest representation that later joined the collective agreement does not have the

right to terminate. In case of termination, the scope of the collective agreement ends after a six months' notice.
(2) If the collective agreement was concluded in the ÁPB by several employer interest representatives and any of them - including the employer interest representative who later joined the collective agreement - terminates it, taking into account Sections 280 and 283 of the Mt., the collective agreement loses its effect only for the employers belonging to the employers' interest representation that terminates it.
(3) The collective agreement also loses its effect if, as a result of a change that occurred after its conclusion, none of the conditions described in Subsections (5)-(8) of Section 14 exist."

Legal criteria for employer-side membership of Sectoral Dialogue Committees

The Ápbtv. determines in what form employers/employer interest representatives can participate in sectoral dialogue committees.

"Section 7(1) The following can participate in the social dialogue at the sectoral level:...
b) the employer's representation (hereinafter referred to as sectoral employer's representation)
ba) whose members – classified in the given sector according to their main activity – employ at least five percent of the sector's employees, or
bb) of which, or whose member organizations have at least forty employers, who are classified in the sector based on their main activity as members.
(2) If the activity of the sectoral interest representation covers several sectors, it shall declare in writing that the data specified in Subsection (1) between the individual sectors – according to their actual sector presence – in what proportion they are distributed. Representation of interests can be considered sectoral in the sector in respect if the shared data corresponds to the measure in Subsection (1).
(3) If
a) the employer is a member of several employer interest representatives, sectoral interest representatives, and
b) the employer interest representative is also a member of several sectoral interest representatives,
he must declare in writing which proportion of his data will be taken into account for which employer interest representatives. This rule must be properly applied even if the trade union is a member of several trade union confederations.
(4) In addition to the provisions of Subsections (1)-(3), a member of the ÁPB may be a sectoral interest representation that has continued its activity for at least two years. It means compliance with this condition, if
a) the legal succession affecting the interest representation - in particular transformation, separation, merger - and b) in the case of the establishment of an interest representation association, at least one legal predecessor or member of the interest representation shall carry out this activity for at least two years immediately before the date of the legal succession or the establishment of the interest representation association continued without interruption.
*(5)**
(6) In order to achieve the conditions for participation in the social dialogue at the sectoral level, the interest representatives of employees and employers may form a coalition with each other.

Section 8 Contrary to the provisions of Sections 6-7, based on this law, the employer or a group of employers with the combined number of employed persons reaching eighty percent of the number of employees in the sector, provided that in order to establish an employer's interests

representation, concerning the minimum number of founding members, due to the proven lack of fulfillment of the condition according to a separate law, has the rights of employer representation.

Section 9(1) At least one sectoral employer interest representation and at least one sectoral trade union may jointly request the establishment of an ÁPB, provided that ÁPB does not operate in the given sector, or the procedure for its creation is not in progress..."

Legal criteria for membership of the employer side of the National Economic and Social Council

The consultative forum based on the most comprehensive and broadest basis of social dialogue is the National Economic and Social Council (hereinafter referred to as the Council), which i was established in accordance with the provisions of the Act XCIII of 2011 on the National Economic and Social Council (hereinafter referred to as NGTT). The Council operates with the participation of employer and employee interest representation organizations and interest representation associations, national chambers of commerce, civil organizations active in the field of national politics, established churches, domestic and foreign Hungarian representatives of science, and domestic and foreign Hungarian representatives of art.

Participation of the employer side in the NGTT

Section 4(1) The members of the Council are the organizations defined in this paragraph, which participate in the work of the Council through their representatives and delegates (hereinafter collectively referred to as representatives). Council members create sides. The Council consists of the following sides:
1. the representatives of the economy
a) the presidents of the national employer interest representatives and interest representation associations according to this law,
b) the presidents of the national economic chambers, and
c) the representatives of civil organizations according to the law on the right of association, the purpose of which is the representation of interests related to the economy, as stated in their founding document, and which its members have a significant market share or economic weight in their field of activity, and the representatives under points a) and b) agree to their participation;"

"Section 4 (8) of the NGTT May participate in the activities of the Council...
b) the employer association,
ba) which has member organizations active in at least two branches of the national economy and at least six sub-sectors, and
bb) whose member organizations have territorial organizations operating in at least ten counties, furthermore
bc) which, or whose member organizations consist of at least one thousand employers or enterprises, or whose member organizations employ at least one hundred thousand people.
(9) In order to achieve the conditions set out in paragraph (8), the interest representative organizations of employees and employers may enter into a coalition with each other."

Permanent Consultative Forum of the Government and the Competitive Sector

The Permanent Consultative Forum of the Government Competitive Sector and (hereinafter referred to as VKF) was established in 2012 as a tripartite macro-level interest reconciliation forum. The VKF was established as agreed between the most important national employee interest representatives (trade union confederations), the most important employer interest representatives and the Government.

c) Please explain the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. Please provide information:

- ***on the status and prerogatives of minority trade unions;***
- ***the existence of alternative representation structures at company level, such as elected employee representatives.***

There are no specific provisions in the Mt. or the Ápbtv. on the status and rights of trade unions with a smaller membership or on alternative representation structures.

Regulation of the Mt. on the participation of employees in labour relations

Chapter XIX of the Mt. records along with the general regulations the following:

Section 230 With a view to protecting the social and economic interests of employees and to maintaining peace in labour relations, this Act shall govern the relations between trade unions, works councils and employers, and their interest representation organizations. Accordingly, it shall guarantee the freedom of organization and the employees' participation in the formation of working conditions, furthermore, it shall regulate collective bargaining negotiations, as well as the procedures for the prevention and settlement of employment-related conflicts.

Section 231(1) In accordance with the conditions prescribed by law, employees and employers shall have the right to establish together with others, without any form of discrimination whatsoever, interest representation organizations for the promotion and protection of their economic and social interests, and, at their discretion, to join or not to join an organization of their choice, depending exclusively on the regulations of such organization.
(2) Interest representation organizations shall be entitled to establish associations or to join such, including international federations as well.
(3) Employees shall be entitled to set up trade unions at their place of employment. Trade union shall be entitled to set up organs at the employers, and to involve their members in the operation of such."

Mt. - Works council/works representative

The Mt. provides for the participation rights for the cooperation of the employer and the employee community, and for the participation of employees in the employer's decisions. It ensures the exercise of the employees' right to participation at all decision-making levels that may affect the working conditions and the social situation of the employees. To this end, in addition to a works representative and a works council, it also provides the opportunity to form a works council at the level of the company group.

Section 235(1) Cooperation between employers and employees, and taking part in the employers' decisions shall be governed by the provisions of this Chapter.

(2) As regards the rights of employees covered by this Chapter, employees shall be represented by the shop steward, the works council, central works council, or the corporate-level works council.
Section 236(1) A shop steward, or a works council shall be elected if, during the half-year prior to the date when the election committee was established, the average number of employees at the employer or at the employer's independent establishment or division (hereinafter referred to as "fixed establishment"), is higher than fifteen or fifty, respectively.
(2) A fixed establishment of the employer shall be considered independent if the head of the establishment is vested with competence in respect of the works council's rights of participation.
(3) Works councils are elected for terms of five years.

The Mt. wants to strengthen the legal sources of labour law based on agreements by using several tools. In order to do this – under precisely defined conditions and limitations, i.e. only as long as the employer does not have a trade union with the ability to enter into a collective agreement – it enables the conclusion of a work agreement with the exception of the provisions on remuneration for work, regulates the rights and obligations arising from the employment relationship.

<u>The provisions of the Mt. on the legal conditions for concluding collective agreements of trade unions</u>

The ability to enter into collective agreements is tied to the number of trade union members, previously in effect Act XXII of 1992 on the Labour Code trade union representativeness applied under the scope of the Act no longer has a legal background under the scope of Mt. Under the scope of Mt., trade unions with 10% coverage or more have the ability to enter into collective agreements.

Section 276(8) of the Mt. provides the right to consultation to a trade union that acquires the ability to enter into a collective agreement after the conclusion of the collective agreement.
The trade union (trade union confederation) that meets the conditions set out in Subsection (2) after the conclusion of the collective agreement is entitled to initiate the amendment of the collective agreement and to participate in the negotiation related to the amendment.

"Section 276(1) Collective agreements may be concluded:
a) by employers, and by employers interest groups by authorization of their members; and
b) trade unions or trade-union confederations.
(2) A trade union shall be entitled to conclude a collective agreement if its membership of employees at the employer reaches ten per cent:
a) of all employees employed by the employer;
b) of the number of employees covered by the collective agreement concluded by the employers interest group.
(3) A trade-union confederation shall be entitled to conclude a collective agreement if at least one of its local trade union branch members meets the requirements set out in Subsection (2) and if so authorized by its members.
(4) The trade unions with entitlement to conclude a collective agreement under Subsection (2) may do so collectively.
(5) An employer may enter into one collective agreement. Where a collective agreement is concluded by more than one employer, an employer may conclude the collective agreement, of which the employer shall also be a party, under authorization given in such collective

agreement. The collective agreement concluded by several employers shall be construed to have a broader scope in the application of Subsection (4) of Section 277.
(6) In the application of Subsection (2) hereof, the average statistical number of employees for the half-year period before the date of conclusion of the contract shall be taken into consideration.
(7) Entering into negotiations upon an offer for the conclusion of a collective agreement may not be refused.
(8) Any trade union (trade union confederation) that meets the requirements set out in Subsection (2) after the collective agreement is concluded shall be able to request an amendment of the collective agreement, and to participate in the negotiations relating to the amendment in an advisory capacity."

Legal criteria for employee side membership of Sectoral Dialogue Committees

Act LXXIV of 2009 on sectoral dialogue committees and some issues of medium-level social dialogue (hereinafter referred to as Ápbtv. act.) defines the form in which employee interest representatives can participate in sectoral dialogue committees.

"Section 7(1) of the Ápbtv. The following may participate in the social dialogue at the sectoral level: ...
a) the employee representation (hereinafter referred to as sectoral trade union) which
aa) operates a body entitled to represent at least ten employers in the given sector according to its articles of association, or has an official and the number of interest representation members employed by employers reaches one percent of the number of employees in the sector, or
ab) for at least three employers where the interest representation operates a body authorized to represent it according to the statutes, or has an official, the number of interest representation members reaches ten percent of the number of employees in the sector, or
ac) at the time of submitting the application to the Committee for Establishing Sectoral Participation at the operating sites of those employers where according to its articles of association, it operates a body entitled to represent it, or has an official, in the last works council elections within the previous five years, the number of reduced votes obtained by its candidates together reaches five percent of the number of employees in the sector. From the point of view of this condition, the number of employees employed by employers where a works council or representative cannot be elected according to legal regulations must be ignored;
(4) In addition to the provisions of paragraphs (1)-(3), a member of the ÁPB may be a sectoral interest representation that has continued its activity for at least two years. It means compliance with this condition, if
a) the legal succession affecting the interest representation – in particular transformation, separation, merger – and
b) in the case of the establishment of an interest representation association, at least one legal predecessor or member of the interest representation shall carry out this activity for at least two years immediately before the date of the legal succession or the establishment of the interest representation association continued without interruption.
(6) In order to achieve the conditions for participation in the social dialogue at the sectoral level, the interest representatives of employees and employers may form a coalition with each other."

Legal criteria for membership of the employee side of the NGTT

Section 4(1) of the NGTT The members of the Council are the organizations defined in this paragraph, which participate in the work of the Council through their representatives and delegates (hereinafter collectively referred to as "representatives"). Council members create sides. The Council consists of the following sides:
(...)
2. the presidents of national employee interest representatives and interest representative associations pursuant to this Act;
(4) A member of the Council according to Subsection (1) point 1) a) and point 2 can only be a national interest representation association that meets the conditions specified in Subsections (5)-(8).
(5) In the application of this law, an interest representation or an interest representation association is a civil organization established in accordance with Act V of 2013 on the Civil Code or the Act on the right of association,
a) whose primary purpose in its founding document is to promote and protect the interests of employees related to the employment relationship, or
b) whose goals defined in the founding document include the protection and representation of the employers' interests related to the employment relationship.
(6) Interest representation according to subsection (1) point 1) a) and point 2) is national, which has membership consisting of
a) trade unions, trade union confederations, or
b) interest representations, confederations or employers' organizations that bring together employers, and organises its activities on a national level.
(7) For the purposes of this section, member organization shall mean trade unions, trade union confederations or interest representatives, associations or employers' organizations bringing together employers.
(8) May participate in the activities of the Council...
a) trade union confederation
aa) which has member organizations active in at least four branches of the national economy and at least twelve sub-sectors, and
ab) whose member organizations have territorial organizations operating in at least eight counties, furthermore
ac) which, or whose member organizations consist of at least one hundred and fifty employers with an independent workplace organisation or a workplace organisation within the meaning of the member organization
(9) In order to achieve the conditions set out in subsection (8), the interest representative organizations of employees and employers may enter into a coalition with each other."

II. Sector-specific rules

- **Rules for civil servants**

Trade union representativeness is a term currently governed by Act XXXIII of 1992 on the legal status of public employees (hereinafter referred to as Kjt.).

The mandatory establishment of representativeness for a given period guarantees that in labour relations in the field of public employees, mandatory consultation with interest representatives that meet the legal conditions can be realized. In addition to the National Labour Council of Public-Sector Employees (hereinafter referred to as KOMT), participation in regional interest conciliation forums is linked to trade union representativeness.

Section 5(1) of the Kjt. The National Labor Council of Public-Sector Employees (hereinafter referred to as KOMT) is a national-level, cross-sector interest reconciliation forum for labour, employment, wage and income policy issues affecting public employees and public education employment.
Section 6(1) Regarding labour relations and the legal relationship of civil servants
a) in matters of sectoral importance (those affecting labour relations and the legal relationship of public employees), the sector minister (hereinafter referred to as the minister) is representative of the relevant sector, sub-sector, and specialist sector (hereinafter collectively referred to as the sector) with the involvement of the national self-governing interest-representation organizations with trade unions in the KOMT or in the sectoral interest conciliation forum according to paragraph (6),
b) in matters of regional (county) or settlement importance, including the legal relationship of public employees belonging to certain sectors, the conservator shall be the conciliator at the conservator level with the trade unions representative at the regional or settlement level agreed in the forum.
Section 6/A.(1) The rights defined in Section 5 and 6 are exercised by the trade union that is representative in the given circle.
(2) At the territorial (county) or settlement level, the trade union shall be considered representative,
a) which, in terms of the number of its members who are civil servants, reaches the territorial (county) or 10% of the number of public employees employed by employers maintained at the settlement level, or
b) which, in terms of the number of its members in the legal relationship of civil servants, reaches 10% of the number of public employees employed in the given sector at employers maintained by the employer at the territorial (county) or settlement level.
(3) At the sectoral (sub-sector, specialist) level, the trade union must be considered representative if, in terms of the number of its members who are civil servants, it reaches 10% of the number of public employees employed in the sector (sub-sector, specialist).
(4) At the national level, the national trade union confederation must be considered representative, with at least three representative trade unions as members, and whose member organizations represent at least 5% of public employees.
(5) The representativeness according to Subsections (2)-(4) must be determined again on March 31, 2014, and on March 31 of every sixth year thereafter.
(6) If a dispute arises on the question of representativeness, the procedure specified in Section 289 of the Mt. is applicable."

- **Rules for government officials**

Pursuant to Section 195 (1) of Act CXCIX of 2011 on Civil Servants (hereinafter referred to as Kttv.), government officials are entitled to form a trade union in the public administration. It is forbidden to terminate a government official's government employment or otherwise discriminate against a government official because of their trade union membership or trade union activities. [*Section 197(3) of the Kttv.*]

The Trade Union has the right to represent government officials in their dealings with the public administration or its representative body in relation to their financial, social, living and working conditions. To promote freedom of association for employees, the consent of the immediate superior trade union body is required for the termination of the government service of a government official holding an elected position in a trade union and designated by the trade union by the public administration body, with the exception of the exception provided for by

law. For the performance of their duties, government officials holding elected office in a trade union having a membership of at least 10% of the government officials of the public administration, but at least thirty government officials, and designated by the trade union, shall be entitled to a working time allowance equal to 10% of the monthly working time of the official's post. In addition, they are exempted from the obligation to work for the duration of the consultation. [*Sections 200(8), 201(1), 202(1) of the Kttv.*]

Chapter XXIII of Act CXXV of 2018 on Government Administration (hereinafter referred to as Kit.) lays down the main principles of the relations between the trade union and the government administration and interest representation organisations in order to protect the social and economic interests of the government official and to maintain industrial peace. Within this legislative framework, the legislator ensures that government officials are personally involved in the development of their working conditions through trade unions and interest representation organisations, and also mentions the main rules of procedure for the prevention and resolution of any labour conflicts that may arise. The Kit. recognizes the right of government officials to form and operate a trade union in the government administration. Trade union rights under the law are granted to the local union represented in the government administration.

The reconciliation of interests in the civil service continues to take place at two levels: the central and the (working) local level, in relation to the government service regulated by Sections 171 and 172 of the Kit. The central, i.e. national, forum for the reconciliation of the interests of government officials is the Civil Service Interest Reconciliation Forum, which brings together the Government, the national municipal interest representation organisations and the negotiating groups of the national employee representation organisations of government officials and civil servants. The Kit. stipulates that the National Civil Service Interest Reconciliation Council, established by Act XX of 2003 amending Act XXII of 1992 on the Labour Code and related acts for the purpose of harmonisation, can also be considered as a national-level interest reconciliation forum for government officials covered by the personnel.

From 1 March 2019, the Hungarian Government Officials' Association (hereinafter referred to as by the Hungarian acronym “MKK”) will be established by the Kit. Chapter XII. All persons in government service as government employees become members of the MKK. The Kit. stipulates that the MKK operates on the basis of compulsory membership, i.e. a government official automatically becomes a member upon appointment. One of the most important objectives of its activities is to establish cooperation between the employer and the government officials and, on this basis, to provide appropriate protection of their interests. The MKK works to achieve a balance of interests. It currently has nearly 68,000 members.

The Kit. does not recognise a separate, directly elected participation forum for government employees (such as the works council in the competitive sector, under the Mt.), so it partly entitles the MKK and partly the trade unions as channels for participation in the decisions of government administrative bodies (employers). The tasks carried out by the MKK are of an advocacy nature on the one hand and an ethical nature on the other. The former includes the classical advocacy and lobbying functions.

- **Rules applicable to national defence force employees**

National defence force employees

As far as the trade union is concerned, the rules of the Mt. apply to national defence force employees. There is a national-level interest reconciliation forum (the National Civil Service Interest Reconciliation Council) and a sectoral interest reconciliation forum (the Defence Force Interest Reconciliation Forum) for national defence force employees on labour, employment, pay and income policy issues. The rights of participation shall be exercised on behalf of the Defence Force Staff Association by the Defence Force Staff Council, or the Defence Force Staff Representative directly elected by them.

- **Rules for health workers**

The relevant provision of Act C of 2020 on the Employment Status of Health Workers:
"Section 15 [Employment relations]
(1) A Health Service Interest Reconciliation Forum (hereinafter referred to by the Hungarian acronym as "ESZÉF") shall be established for the purpose of reconciling the interests of health service providers and persons in the health service, settling disputes through negotiations and developing appropriate agreements, taking into account the principle of the safe provision of health care, with the participation of the Government, national sectoral interest representation organisations and national employee interest representation organisations of persons in the health service.
(2) In the ESZÉF, the Government shall consult with representatives of national trade union confederations and national municipal interest representation organisations, as defined in the statutes."

- **Rules applicable to the staff of the National Tax and Customs Administration**

At the National Tax and Customs Administration, there are no restrictions on trade union membership and no disadvantages for the employees because of their trade union membership.

Provisions of Act CXXX of 2020 on the Legal Status of the Staff of the National Tax and Customs Administration (hereinafter referred to as NAV Szjtv.)

"Section 223 of the NAV Szjtv. [Representation of interests]
(1) 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 the National Tax and Customs Administration and their representative organisations. Within this framework, it ensures freedom of association, the participation of employees in the shaping of working conditions, and defines the procedure for the prevention and resolution of labour conflicts.
(2) Employees and the National Tax and Customs Administration have the right, under the conditions laid down by law, to form, together with others, an interest representation organisation, to join or to stay away from the organisation of their choice, solely depending on the rules of the organisation, in order to promote and protect their economic and social interests, without any discrimination.
(3) Representative organisations have the right to form or join associations, including international associations.
(4) Employees have the right to form a trade union at the National Tax and Customs Administration. The trade union may operate bodies at the National Tax and Customs Administration and involve its members in their operation.
(5) The rights granted to a trade union under this Act shall be vested in the local trade union represented at the National Tax and Customs Administration.

(6) The National Tax and Customs Administration and the trade union must inform each other in writing of the person authorised to represent them and of the identity of the representative.

Section 224 of the NAV Szjtv. [Information, consultation]
(1) By application of this Chapter
a) information: the provision of information relating to employment relations or the employment relationship, in such a way as to enable the employee to know, examine, formulate an opinion on and defend their position,
b) consultation: an exchange of views, dialogue between the National Tax and Customs Administration and the trade union, which must be conducted in such a way as to ensure adequate representation of the parties, direct, personal exchange of views and substantive negotiation, with a view to reaching an agreement, in accordance with the objective stated in the initiative.
(2) The National Tax and Customs Administration is not obliged to provide information or carry out consultations if this could result in the disclosure of facts, information, solutions or data that would jeopardise the interests or operation of the public service or the legitimate interests or operation of the National Tax and Customs Administration.
(3) A person acting on behalf of or in the interest of a trade union shall not disclose in any manner whatsoever any fact, information, solution or data which the National Tax and Customs Administration has brought to their knowledge by reference to the treatment as confidential or classified data in order to protect its legitimate interests or its operation, or the interests or operation of the public service, and shall not use it in any manner whatsoever in any activity other than for the purposes set out in this Act.
(4) A person acting on behalf of or in the interests of a trade union may disclose information obtained in the course of their duties only without jeopardising the legitimate interests or functioning of the National Tax and Customs Administration, the interests or functioning of the public service or without infringing the rights of the individual.

Section 225 of the NAV Szjtv. [Prohibition of discrimination]
(1) The National Tax and Customs Administration may not oblige the employee to declare whether they are a member of a trade union.
(2) The employment of an employee shall not be made conditional upon whether or not they are a member of a trade union, or whether or not they cease to be a member of a trade union or agree to join a trade union designated by the National Tax and Customs Administration.
(3) It is forbidden to terminate an employee's employment or otherwise discriminate against them because of their trade union membership or trade union activities.
(4) No entitlement or benefit may be made conditional on membership of or abstention from membership of a trade union.

Section 226 of the NAV Szjtv. [Trade union membership fee]
Contrary to Act XXIX of 1991 on the voluntary payment of union membership fees by workers, the employer may not deduct or transfer trade union or other interest group membership fees from the employee's salary.

Section 227 of the NAV Szjtv. [Centralised reconciliation of interests]
The Civil Service Interest Conciliation Forum governed by Act CXXV of 2018 on Government Administration (hereinafter referred to as Kit.) and the National Civil Service Interest Conciliation Council governed by Act XXXIII of 1992 on the legal status of public employees (hereinafter referred to as "Pub.") are also the interest conciliation forum of the employees of the National Tax and Customs Administration.

Section 46 of the NAV Szjtv. [Membership of the Hungarian Government Official Corps, the Hungarian Law Enforcement Faculty]
(1) The employee with the status of a civil servant becomes a member of the Hungarian Government Official Corps pursuant to the Kit, while the employee with the status of a finance officer becomes a member of the Hungarian Law Enforcement Faculty pursuant to Act XLII of 2015 on the Service Status of Professional Staff of Bodies Performing Law Enforcement Tasks (hereinafter referred to as Hszt.).

Section 228 of the NAV Szjtv [The representation of employees' interests at the workplace]
(1) Workplace service issues are dealt with through the workplace employee interest representatives. The President of the National Tax and Customs Administration and an elected representative of the trade union take part in the workplace employee representation. Negotiators may also involve experts in the negotiation of disputed issues.
(2) The president of the National Tax and Customs Administration must seek the opinion of the trade union on the regulations concerning the work, working and leisure time, remuneration and benefits of employees that are referred to the competence of the National Tax and Customs Administration.
(3) In addition to the provisions of Subsection (2), the trade union shall have the right to communicate its opinion to the National Tax and Customs Administration on any measures or decisions of the employer or draft thereof affecting the group of employees, and to initiate consultations on this matter.
(4) The trade union may request information from the National Tax and Customs Administration on the economic and social interests of employees in connection with their employment, in particular:
(a) to obtain drafts, statistical data on numbers and salaries, calculations, analyses and guidelines in the fields listed in Subsection (2),
(b) the implementation of the legislation on service,
(c) compliance with local agreements,
(d) at least every six months on the situation of part-time and fixed-term employment.
(5) The trade union may make proposals:
(a) to the National Tax and Customs Administration on measures affecting employees,
(b) to make the interpretation of local regulations affecting employees uniform, and
(c) for local regulatory issues affecting employees.
(6) The trade union is entitled to inform employees on matters relating to labour relations or employment.
(7) The National Tax and Customs Administration, after consultation with the trade union, ensures the possibility for the trade union to publish information about its activities at the National Tax and Customs Administration.
(8) The trade union has the right to represent employees in their dealings with the National Tax and Customs Administration or its representative organisation in relation to their financial, social and living and working conditions.
(9) The trade union has the right to represent its members before the courts, public authorities and other bodies, on the basis of a power of attorney, in matters concerning their employment and in defending their economic and social interests.

Section 229 of the NAV Szjtv [Right of defence]
(1) The consent of the immediate higher trade union body is required for the reassignment or transfer of an employee holding an elected office in the trade union and designated by the trade union for a period of up to fifteen working days, for the change of their place of work, for the

termination of their employment by the National Tax and Customs Administration with a discharge [except for the discharge provided for in paragraph 70 (2)], and for the employer's measure of temporary employment other than the appointment, which does not require the consent of the employee.
(2) In applying Subsection (1), the trade union shall be entitled to designate a maximum of one employee per body of the National Tax and Customs Administration.
(3) A trade union shall be entitled to designate another employee to replace an employee entitled to protection under Subsection (1) if the employee's employment or position has been terminated.
(4) The trade union shall communicate its position on the employer's measure under paragraph (1) in writing within eight days of receipt of the written information from the National Tax and Customs Administration. If the trade union disagrees with the proposed measure, the information must include the reasons for the disagreement. The justification is justified if the implementation of the planned measure would result in discrimination on the grounds of the trade union's participation in the trade union's representative activities. If the trade union does not notify the National Tax and Customs Administration of its opinion within the above deadline, it is deemed to have agreed to the proposed measure.
(5) The trade union shall at the same time inform the National Tax and Customs Administration of the body entitled to exercise the right of agreement pursuant to Subsection (1), indicating the name of the member entitled to protection.

Section 230 of the NAV Szjtv [Working time allowance, right of access]
(1) For the performance of their duties, an employee who holds an elected office in a trade union of which at least 10% of the employees of the National Tax and Customs Administration are members and who has been designated by the trade union pursuant to Section 229 (2) shall be entitled to a working time allowance equal to ten percent of their monthly working time according to their position. In addition, they are exempted from the obligation to work for the duration of the consultation. The working time allowance cannot be combined. At least ten days' notice is required to claim the working time allowance. If, for reasons beyond the employee's control, the reason for claiming the benefit comes to the employee's knowledge later than this, they must notify their intention to claim the working time allowance immediately after becoming aware of it. The National Tax and Customs Administration may only refuse to grant the working time allowance in particularly justified cases.
(2) Absence allowance is paid for the duration of the working time allowance. The working time allowance cannot be redeemed in cash.
(3) A person acting on behalf of a trade union who is not in a service status, if the trade union has a member in a service status at the National Tax and Customs Administration, may enter the territory of the National Tax and Customs Administration. When entering and staying at the workplace, the person representing the trade union must comply with the rules of the National Tax and Customs Administration."

At the National Tax and Customs Administration, two trade unions represent the interests of employees both having equal rights.

- **Rules applicable to the professional staff of law enforcement bodies**

The relevant provisions of Act XLII of 2015 on the Service Status of Professional Staff of Bodies Performing Law Enforcement Tasks (hereinafter referred to as Hszt.):
"Section 24(1) Members of the uniformed staff may establish and join interest-representing bodies on the basis of the right of association, within the limits specified in this Act.

A member of the uniformed staff shall have the right to form, under the conditions laid down by law, an interest representation organisation with others, without any discrimination, in order to promote and protect his economic and social interests, and to join or to remain outside the organisation of his choice, subject only to the rules of that organisation.
(2) Interest representation bodies may freely operate and exercise their powers within the framework of this Act. However, they may not organise strikes and their activities, including those that jeopardise the maintenance of public confidence in the functioning of the law enforcement agency, may not prevent the lawful and proper functioning of the law enforcement agency or the performance of the duty of a member of the uniformed staff to carry out orders and measures.
(3) A member of the uniformed staff may not join an organisation whose activities are contrary to the tasks of the law enforcement agency.
(4) If a member of the unformed staff infringes the provision of Subsection (3), his conduct shall be subject to disciplinary proceedings.
(5) A member of the uniformed staff shall notify in writing in advance to the commander in charge of the staff their membership relationship with an organisation not related to their profession, and which is subject to the Act on the Right of Association, on Public Benefit Status and on the Operation and Support of Civil Organisations, as well as any new membership relationship. The second-in-command may prohibit in writing the maintenance or establishment of membership if it is incompatible with the profession or the post held or if it is prejudicial or endangers the interests of the service. The second-in-command shall state the reasons for his decision.
(6) A member of the uniformed staff may be a member of the competent chamber in the case of activities subject to membership of a chamber.

Section 25 The provisions of Section 24 shall be applied accordingly to joining and participating in the activities of an organization or foundation engaged in organized political activity established on the basis of right of association."

Chapter XXX of the Hszt. provides for the functioning of employee interest representation bodies, the legal protection of membership and the system of interest conciliation. Pursuant to Section 309 to Section 313 of the Hszt. the rights granted to a trade union under this Act are vested in the trade union represented in the body performing law enforcement tasks. Members of professional staff have the right to form a trade union in the body performing law enforcement tasks. The trade union may operate bodies within the body performing law enforcement tasks and may involve its members in their operation. The body performing law enforcement tasks may not require a professional staff member to declare their membership of a trade union. The establishment and maintenance of a service status may not be made conditional on whether the applicant or member of the professional staff is a member of a trade union, whether they terminate their previous trade union membership or whether they agree to join a trade union designated by the body performing law enforcement tasks. Members of the professional staff may not be dismissed or discriminated against 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 abstention from membership of a trade union.

In the body performing law enforcement tasks, the designated representative of the body performing law enforcement tasks and the elected official of the trade union take part in the representation of interests in the context of the employment status. Negotiators may also involve experts in the negotiation of disputed issues. The deputy commander shall communicate their position on the comments and proposals made by the trade union and their response to the

information within thirty days at the latest, together with the reasons for their position. The trade union may request information from body performing law enforcement tasks on the economic and social interests of members of the professional staff in connection with their service. The trade union has the right to communicate its opinion to body performing law enforcement tasks on any employer's measure, decision or draft decision affecting a member of the professional staff. The trade union is entitled to inform the members of the professional staff on matters relating to the representation of interests and the service status.

Part of the reconciliation of interests is the Hungarian Law Enforcement Board (hereinafter referred to as MRK), which is a public chamber of professional rank, of which all professional staff and law enforcement administrative employees are members on the basis of their service status with body performing law enforcement tasks or their law enforcement administrative service status pursuant to Section 291(2) of the Hszt.

In order to strengthen the common value-based, unified law enforcement professional system, the MRK – as a municipal, public law enforcement professional public body, a national organisation – performs tasks related to the self-regulation of the professional and law enforcement administrative staff of bodies performing law enforcement tasks, professional training and improving the quality of the activities of bodies performing law enforcement tasks.

- **Rules applicable to staff of public education**

In the field of public education, a legal framework is in place to ensure the rights of employee representatives.
The trade union is entitled to:

- conclude a collective agreement, the offer to negotiate a collective agreement cannot be refused;
- inform employees and request information from the employer on the economic and social interests of public education employees;
- communicate its opinion on a measure, decision or draft decision of the employer to the employer, to initiate consultations in this regard;
- represent public education employees in their dealings with the employer or the employer's representative body in relation to their financial, social, living and working conditions and their rights and obligations;
- represent its members by proxy before courts, authorities and other bodies;
- use the employer's premises for the purpose of representation of interests, and for the person acting on its behalf to enter the workplace;
- defend the employment rights of an elected trade union official (also within 6 months after the termination of the post);
- working time allowance for the employee in order to carry out trade union representation activities and for the duration of the consultation with the employer [Sections 146-148 and Section 149(7) of Act LII of 2023 on the New Career Paths of Teachers (hereinafter referred to as Púétv.)]

The trade union with the right of opinion, agreement and consultation in the representation of interests at the sectoral and maintenance level of public education is the trade union which

(a) at sector level, the number of members in an employment relationship under the Mt. and in an employment under broader terms[1] and in the public education sector reaches,
(b) at the level of the maintainer, the number of members of the public education system in employment relationship under the Mt, and in an employment relationship under broader terms reaches the number of members of the public education system maintained by the state and by the non-state maintainer at the territorial (county) or municipal level,

10 % of the number of persons employed under the Mt. in public education by public education employers and employed in public education under broader terms.

In the case of state-run institutions, specific rules apply: several school district centres at the county or capital level perform the functions of employer and maintainer for the schools belonging to them. In this case, the trade union with the right of opinion, agreement and consultation is the trade union whose members at the district or county level have an employment contract under the Mt. or are employed in public education under broader terms equal to 10% of the number of employees employed in public education under the Mt. and those employed in public education under broader terms at the district or county level.

By way of an auxiliary rule, if there is no trade union with a 10% membership requirement at the level of the maintainer or employer, the trade union with the largest membership at that level has the right to give its opinion, to give its agreement and to be consulted [Section 144 (1)-(3) of the Púétv.].

A trade union has the right to conclude a collective agreement if the number of its members who are employed by the employer in public education and who are in employment reaches

(a) employed by the employer as a member of the public education staff and in an employment relationship under the Mt. and in an employment relationship under broader terms,
(b) in the case of a collective agreement concluded by an employers' representative body, the collective agreement to which it applies

10 % of the number of people employed in public education [Section 149(2) of the Púétv.].

If there is no trade union with a 10% membership requirement at the level of the maintainer or employer, the trade union with the largest membership at that level has the right to give its opinion, to give its agreement and to be consulted [Section 144(1)-(3) of the Púétv.].

The Púétv. does not regulate provisions on elected officials (works councils).

d) Please indicate whether and to what extent members of the police and armed forces are guaranteed the right to organise.

No trade union may be formed and operate in connection with the status of a professional member of the Hungarian Defence Forces. Other interest representation organisations operating

[1] NB: In Hungarian there are two types of employment relationship. One is *munkaviszony* when the terms of one's employment relationship falls under the provisions of the Mt. The other one is *foglalkoztatotti jogviszony* when other rules apply to one's employment relationship, if through their work they are directly involved in nurturing and education at all levels (including kindergarten as well) [Section 3(17) of the Púétv.]. Persons working as a nanny, a librarian, a pedagogical assistant, a remedial assistant, a child and youth protection support worker, a physiotherapist, a nurse, an administrator, a laboratory an assistant institutional secretary in kindergartens, schools, student accommodation, specialised pedagogical services [Points a)-j) of Section 3(25) of the Púétv.].

in connection with the legal status of professional members of the Hungarian Defence Forces may be formed and operate in accordance with specific rules laid down by Government decree.

The rules on the right to organise for professional law enforcement personnel are explained in the answers to question (c).

ARTICLE 6 – RIGHT OF COLLECTIVE BARGAINING

ARTICLE 6(1) – JOINT CONSULTATION

a) Please state what measures are taken by the Government to promote joint consultation.

Members of the major national interest reconciliation forums [such as the National Public Service Multi Stakeholder Council and the Permanent Consultative Forum of the Competition Sector and the Government (VKF)] receive regular operating support from the government in the form of budget support, which can be used by member organisations for advocacy and professional activities within the framework of the forum and the organisation concerned. The subsidy for VKF members is HUF 100 million per member organisation.

In addition to the above, the technical and administrative background necessary for the operation of the national forums is provided by the government. For wage negotiations, the government regularly provides macroeconomic data to the social partners to enable them to better inform their positions.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

A significant annual topic revisited in Hungary's system of tripartite reconciliation of interests is the determination of the minimum wage and guaranteed minimum wage for the coming year. Negotiations on this topic within the framework of the VKF begin in early autumn each year and conclude in December of the same year (except in 2020, when the agreement was reached in 2021). During these negotiations, the social partners align their positions with each other and with the government regarding the wage increase for the following year. The government also seeks to facilitate the agreement by reducing taxes and other contributions for employers, depending on the budget’s capacity.

Agreements on the minimum wage and guaranteed minimum wage are typically valid for one year, though there have been instances where a three-year wage agreement was signed by mutual consent of the social partners. As part of the wage agreement's implementation, the government sets the minimum wage and guaranteed minimum wage amounts by law (via government decree) based on the agreed figures.

Wage negotiations not only involve the conclusion of a wage agreement between the parties, but may also include wage offers, as was the case in 2019, 2021, and 2022. These offers are legally non-binding recommendations and cannot be enforced by the government in the traditional sense.

In addition to the above, a new standing committee, called the Ad-hoc Committee, was established as a result of ongoing VKF negotiations in spring 2023. The Committee's purpose is to consult with the government and social partners on changes to employment legislation, draft labor market programs, employment support within non-labor market initiatives, strategic documents in the field of employment, and documents to be submitted for consultation due to EU membership.

In October 2024, Government Decree 308/2024 (X. 24.) established the detailed rules for consulting on the mandatory minimum wage and guaranteed minimum wage, as well as amendments to certain government regulations transposing Directive (EU) 2022/2041 of the European Parliament and Council, dated 19 October 2022, regarding the minimum wage to be guaranteed in the European Union. The legislation was drafted by the government after several rounds of consultation with the social partners who are members of the VKF and was then submitted to the government. The decree now legally formalizes the organization and functioning of the VKF and sets the rules for minimum wage consultations.

c) ***Please state if there has been any joint consultation on matters related to***
- ***the digital transition, or***
- ***ii) the green transition.***

On 19 July 2022, the members of the VKF consulted on the Framework Agreement on Digitalisation, which was concluded by the European social partners. During the consultation, the government representative informed the social partners that EU funding for digital skills development would be available through DIMOP Plus (Digital Agenda for Innovation Operational Programme) projects in the 2021-2027 programming period.

ARTICLE 6(2) - COLLECTIVE BARGAINING

a) ***Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on*:**
- ***the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;***
- ***the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.***

Section 279 of Act I of 2012 on the Labour Code (hereinafter referred to as Mt.) outlines the scope of the collective agreement as follows:

Section 279(1) of Mt. states that
„(1) The effect of a collective agreement shall apply to any employer who:
a) is a party to the collective agreement; or
b) is a member of the employers' interest group that concluded the collective agreement.
(2) The provisions of the collective agreement governing the relationship between the parties shall apply to those parties.(
(3) The employment provisions of the collective agreement shall apply to all employees employed by the employer.
(4) In the case of an employment relationship involving more than one employer, the employee shall be covered by the collective agreement concluded by the employer as defined in Section 195(2), unless otherwise agreed.
(5) The collective agreement shall enter into force upon its publication."

The provisions on the extension of the scope of the collective agreement are set out in Articles 17-18 of Act LXXIV of 2009 on Sectoral Dialogue Committees and Certain Issues of Intermediate Level Social Dialogue (hereinafter referred to as Ápbtv.). Section 17(1) to (4) of the Ápbtv. outline the conditions for the extension as follows:

“Section 17(1) The scope of the provisions of the collective agreement concluded in the ÁPB concerning the rights and obligations arising from the employment relationship, the manner of their exercise and performance, and the procedure in this respect shall be determined by the Minister, in accordance with the joint request of the representatives of the two sides of the ÁPB, in accordance with the provisions of the National Economic and Social Council Act 2011. XCIII of 2011, and the competent sectoral minister, may extend the scope of the Agreement to employers classified in the sector on the basis of their main activity. If the collective agreement was not concluded in the SSE, the extension may be made, at the joint request of the organisations which concluded the agreement, by applying the rules of this Act.
(2) The condition for the extension is that the employers who are members of the employers' representative bodies signing the collective agreement must together employ a majority of the employees in the sector, and the trade unions concluding the extension must include at least one representative body that is deemed representative in accordance with Section 12(2)(a). These provisions shall apply even if the collective agreement to be extended was not concluded in a ÁPB.
(2a) By way of derogation from section (1), the scope of a collective agreement concluded in a sectoral dialogue committee for a sector as defined in Article 26(14) may be extended to the employees of an employer who carries out an activity in the sector referred to in Article 26(14) as a secondary activity, provided that the employer is not covered by a collective agreement extended to the sector in which its principal activity is carried out.
(3) The scope of a collective agreement may not be extended if the collective agreement contains a provision which is contrary to law or which is less favourable to the employee than the provisions of a sectoral collective agreement with a broader scope of personnel previously extended in the sector, unless the broader collective agreement expressly permits a derogation.
(4) The Minister shall act as an authority in the procedure for extending a collective agreement to a sector and for withdrawing an extension. The decision of the Minister may be challenged in an administrative action by the employer whose legitimate interest is affected by the decision, in the absence of the interest representation organisation of the employer concerned. The court may not reverse the decision.

Section 18(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 to extend.
(2) If, on the basis of a notification received by the register of collective agreements, the Minister becomes aware of the termination of a collective agreement with an extended scope, including the case where the collective agreement is terminated pursuant to paragraphs (1) or (3) of Article 16, or if the conditions of Section(2) of Article 17 for the extension are not met, the Minister shall revoke the extension pursuant to Section (1)(b) of Article 18. The revocation shall not take effect, subject to Section(3), earlier than one year after the date of the last extension for amendment.
(2a) In the case of an extension under section 17(2a), the collective agreement shall cease to have effect for the employer to which it applies in the context of its secondary activity if the collective agreement extended to the sector of the employer's principal activity enters into force on the date of the entry into force of the latter.
(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 Official Gazette annexed to the Hungarian Gazette."

The Mt. has significantly expanded the role of employment contracts and collective agreements. As a general principle, collective agreements may depart from the law, but there are certain rules from which derogations are not allowed, and others where derogations are only permitted for the benefit of the employee.

The Mt. has sought to reduce state intervention and gives more scope for private regulation than before. The law defines what legal acts constitute employment relationship rules. The Mt. aims to encourage the conclusion of agreements.

The relationship between this legal norm and collective agreements, the possibility of derogation from the law and its nature are regulated in the "Derogating provisions" at the end of each chapter and in Article 13 as follows:

Section 13 of the Mt.
"For the purposes of this Act, the rules governing employment relations is the law, the collective agreement and the works agreement, as well as the binding decision of the conciliation committee as provided for in Article 293."

In addition, in the case of deviations from legislation or collective agreements adopted at a higher level, the provisions of Sections 277(2) to (5) of the Mt. must be taken into account. Accordingly:

"Section 277(2) Unless otherwise provided, a collective agreement may derogate from the provisions of Parts Two and Three.
(3) Collective agreement
(a) may not deviate from the provisions of Chapter XIX and Chapter XX; and
b) may not restrict the provisions of Articles 271 to 272.
(4) A collective agreement with a narrower scope may derogate from the general agreement only for the benefit of the employee, unless otherwise provided.
(5) The derogation in favour of the employee shall be assessed by comparing the related provisions."

According to the rules of the Mt., a collective agreement is, unless otherwise provided, subject to the provisions of the Mt. The provisions of the collective agreement may deviate from the provisions of Part Two and Part Three, to the benefit or detriment of the employee, except for those norms that primarily protect the employee, from which deviation is not allowed [Section 277(2) of the Mt.]. By introducing the possibility of deviation both to the benefit and detriment of the employee, the Mt. seeks to maintain a balance between the Parties and ensure an actual bargaining situation, with the collective agreement serving as the instrument for this purpose. The collective agreement may also derogate from the provisions of the Mt., if the relevant legislation permits such deviation.

With regard to derogations from the provisions of the Chapters on industrial relations and the works council, a restriction applies in the Labor Code, in order to enforce the basic collective labour law guarantees and ensure the rights of the works council and trade unions independently of each other pursuant to Section 277(3) of the Labor Code. According to this, a collective agreement may not derogate from the general rules on industrial relations (Chapter XIX) and the rules on the works council (Chapter XX), and may not restrict the fundamental rights of trade unions described in Sections 271-272 of the Labor Code.

According to Section 277(4) of the Labor Code „a collective agreement of limited effect may deviate from one with a broader scope - unless otherwise provided therein - insofar as it contains more favorable regulations for the employees".

In other words, the collective agreement with a broader scope is free to decide whether or not to allow, or to allow a derogation for, the collective agreements with a narrower scope.

Furthermore, according to Section 276(5) of the Mt., the same rule applies in the case of collective agreements concluded by multiple employers.

Furthermore, when evaluating the derogation in favor of the employee, it is necessary to take into account Section 277(5) of the Mt., according to which "the derogation in favor of the employee must be assessed by comparing related provisions.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

The organizations involved in the multi-level system of domestic social dialogue have different characteristics. One of the key determinants of their functioning is whether they perform their advocacy tasks at the workplace, medium, or macro level. Regardless of their position within the social dialogue, these organizations can develop their capacity primarily through membership fees, as well as through tenders and other forms of support. However, the membership of social partners has been steadily declining in recent years, leading to a reduction in their representativeness and capacity.

This has also partly affected collective bargaining, as unions with a union density of 10% or more have the capacity to bargain collectively. At the same time, the fact that collective bargaining by trade unions covers all employees – members and non-members alike, regardless of their union affiliation – likely does not encourage higher union density. (This phenomenon is commonly referred to by trade unions as the 'free rider syndrome').

c) Please provide specific details on:

- ***the measures taken or planned in order address those obstacles;***
- ***the timelines adopted in relation to those measures;***
- ***the outcomes achieved/expected in terms of those measures***

In the current situation, social partners need support in building their capacity to regain representativeness and participate more effectively in policy formulation and implementation. When it comes to capacity-building support, social partners should be given considerable flexibility to ensure that the support is tailored to the specific needs of the stakeholders involved, taking into account the different organizational specifics at both the workplace and central/national levels.

Taking all of this into account, the GINOP PLUS programme was launched in the second quarter of 2024 to strengthen the capacity of social dialogue organizations and promote cooperation. The project offers several opportunities for social partners:

- wage subsidies for the employment of employees: to extend the scope of tasks related to the classic advocacy activities and to the functional operation of the organisation. For the recruitment of a new employee or for the extension of an existing employee's duties. Where new employee(s) are recruited, the average statistical number of employees in the subsidised employment must be increased by the number of new employee(s) compared with the period preceding the subsidy.
- participation in trainings, support for organizing training: the provision of various training courses for the benefit of employees and members of the social partners, or the organisation of such courses by the social partners in the country or in the European Union (*e.g.: management, financial accounting, labour law or specifically collective labour law training, digital switchover, language, conflict management, other sector-specific training*)
- support for the organisation of events (national and international): for events other than training events. This includes:
  - Organizing or funding participation in thematic events related to advocacy and professional activities (e.g., green transition, digital transition, labor law).
  - Funding the organization of promotional events and campaigns aimed at increasing membership, both online and offline.
  - Networking events between organizations, including the organization of a series of joint professional events based on collaboration between organizations.
  - Organizing professional events to promote the status of collective agreements in the country. These events will support sectoral and employer-level activities aimed at promoting the institutional framework of collective agreements and raising awareness among a broad range of employers and employees, with the goal of increasing the number of single-employer, multi-employer, and extended collective agreements.
- **study trips:** funding is available for study trips abroad. Participation is conditional on the study visit being organised at the initiative of the European social partners or in the framework of existing cooperation between the parties.

The aim of the programme is to ensure that interest representatives are able to represent the interests of workers and employers effectively and are prepared to channel their opinions and proposals effectively into the labour and policy-making process and decision-making. The increase in capacity is expected to lead to an increase in representativeness, with a further target to increase the number of collective agreements.

ARTICLE 6 (4) - COLLECTIVE ACTION

a) Please indicate:

- ***the sectors in which the right to strike is prohibited;***
- ***those sectors for which there are restrictions on the right to strike;***
- ***sectors for which there is a requirement of a minimum service to be maintained.***

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

I. General rules

Article XVII of the Fundamental Law of Hungary declares the right to collective bargaining and the right to strike.

Act VII of 1989 on strikes (hereinafter referred to as the Strike Act):
"Article 3(2) Strikes shall not be permitted in the judiciary, the Hungarian Defence Forces, law enforcement, law enforcement agencies and civil national security services. The right to strike may be exercised in state administration bodies under specific rules laid down in an agreement between the Government and the trade unions concerned, but employees holding the post of tax and customs officer at the National Tax and Customs Administration shall not be entitled to exercise the right to strike.
(3) Strikes shall not be permitted if they would directly and seriously endanger life, health, physical safety or the environment, or prevent the prevention of damage to property.

Article 4(2) In the case of an employer who carries out an activity which substantially affects the public, in particular in the field of public transport and telecommunications, and in the case of bodies providing electricity, water, gas and other energy services, a strike may be exercised only in such a way that it does not prevent the provision of services which are still adequate.
(3) The extent and conditions of the service which is still sufficient may be laid down by law. In the absence of a statutory provision, the extent and conditions of the service still to be provided shall be agreed upon in the course of the pre-strike consultation; in this case, the strike may be maintained if the parties have concluded the agreement or, failing this, if, at the request of either of them, a final decision of the court hearing the labour dispute has established the extent and conditions of the service still to be provided."

Section 4(2) of the Strike Act provides examples of activities that significantly impact the population. Under Paragraph (3) of Article 4, the extent and conditions of the minimum level of service required may be determined by law, rather than by the Strike Act itself. If it is established that an activity affects the population to a substantial extent, the determination of the minimum required service is to be made by sectoral laws.

II. Sector-specific rules

- **Rules applicable to civil servants**

Pursuant to the provisions of the Central Interest Reconciliation Chapter of Act CXCIX of 2011 on Civil Servants (hereinafter referred to as Kttv.), a Public Service Stakeholder Forum is established to reconcile the interests of public administration bodies and civil servants, resolve disputes through negotiations, and develop appropriate agreements. This forum involves the Government, national self-government interest representation organizations, and national employee interest representation organizations for government officials and civil servants. The competence of the Public Service Stakeholder Forum covers matters related to the living and working conditions, as well as the terms of employment, of government officials and civil servants employed in public administration [cf. Article 198(1) of the Kttv.]

Pursuant to Section 200(1) of the Kttv., the reconciliation of interests of government officials at the workplace serves to settle government service issues at the workplace. The Kttv. stipulates that the head of the state administration body is obliged to seek the opinion of the trade union on the regulations concerning the work, working and rest time, remuneration and benefits of government officials which are referred to the employer's competence, and the trade

union is also entitled to communicate its opinion to the state administration body on the employer's measure (decision) or draft thereof affecting a group of government officials, and to initiate consultations in this context. [Sections 200(2) and (3) of the Kttv.].

- **Rules applicable to professional staff in law enforcement agencies**

Pursuant to Paragraph (2) of Article 24 of Act XLII of 2015 on the Service Relationship of the Professional Staff of Law Enforcement Bodies Performing Law Enforcement Functions, interest representation bodies are prohibited from organizing strikes or obstructing the lawful and proper functioning of law enforcement bodies, as well as from preventing professional staff members from fulfilling their duty to carry out orders and measures.

- **Rules for healthcare workers**

Pursuant to Section 15(11) of Act C of 2020 on Healthcare Service Relationship, the right to strike may be exercised in state-owned health care service providers under specific rules agreed between the Government and the labour unions concerned.

- **Rules applicable to staff in the field of public education**

The right to strike in public education is permitted and not restricted. However, the level of service necessary to ensure the right of children to healthy development and education is regulated by law (Act V of 2022 on Regulatory Issues Related to the End of the Emergency). The conditions for holding a lawful strike in relation to the level of service still sufficient are as follows:

- childcare in the original institution (not consolidated) between 7 am and 5 pm (may vary by type of institution),
- the provision of at least 1 supervisor with specific qualifications,
- meals, 1 hour of fresh air per day and attendance at a scheduled dental, eye or general check-up,
- compulsory attendance: normally 50% of lessons, except in the case of school-leavers, only 100% of lessons in school-leaving certificate subjects, and 100% of lessons for pupils with special educational needs, integration, learning and behavioural difficulties,
- in kindergarten: no activities, only childcare,
- the dormitory accommodation: all-inclusive.

In the field of public education, the general rules regarding the right to strike apply to the declaration of a strike as illegal.

ARTICLE 20 – RIGHT TO EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN

a) Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

III. General rules

Hungary recognises and promotes equality between women and men in accordance with the Fundamental Law of Hungary and the primary law, principles and values of the European Union, as well as the obligations and principles arising from international law. Equality between women and men is enshrined as a fundamental value in the founding Treaties of the European Union.

Under Article XV of the Fundamental Law of Hungary, which entered into force in Hungary on 1 January 2012, Hungary has special measures to protect families, children, women, the elderly and people with disabilities. Family policy and women's policy cannot be separated, 72% of the 4.4 million women aged 15 and over in Hungary are mothers.[2]

Article XV of the Fundamental Law also states that women and men have equal rights, that Hungary shall take special measures to promote equal opportunities and social inclusion, and that Hungary shall take special measures to protect families, children, women, the elderly and the disabled. To achieve these goals, the Government supports the implementation of the strategic principle of equality between women and men.

In recent years, a number of important legislative measures, programmes and initiatives have been introduced, including the promotion of work-life balance and better work-life balance through affordable, accessible and quality care services, and the promotion of women's economic empowerment and social protection.

The Fundamental Law further states that *"Hungary shall guarantee fundamental rights to all without distinction of any kind, such as race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or other status."*[3]

The government is committed to women's rights, with a focus on creating and strengthening conditions for balanced cooperation between women and men, and promoting women's empowerment in society.

Employment of women

The labour market situation of women has improved significantly over the past 10 years. The employment rate of women aged 15-64 has increased from 54.3% in 2010 to 70.6% in 2023, according to the data provided by Eurostat. [4] Meanwhile, the unemployment rate for women

[2] Hungarian Central Statistical Office (https://www.ksh.hu/infografika/2023/anyak-napja-2023.pdf)

[3] Article XV (2) of the Fundamental Law

[4] https://ec.europa.eu/eurostat/databrowser/view/LFSI_EMP_A__custom_13739804/default/table?lang=en

will fall from 9.9% in 2010 to 4.2% in 2023. Hungary, together with Ireland and Bulgaria, has the 7th lowest female unemployment rate of the 27 EU Member States.[5]
The employment rate of women aged 25-49 with a young child under 3 years of age in their own household also improved by 11.7 percentage points between 2010 and 2023 (from 66.6% to 78.3%), according to the Hungarian Central Statistical Office.[6]

The primary means of increasing women's employment is to break down the barriers that currently discourage women, especially those with children, from re-entering the labour market. Among these, atypical and flexible forms of employment and family-friendly employment in general play a key role. Efforts to encourage companies to use the instruments defined in the context of responsible business conduct and social responsibility, such as the increased use of atypical forms of employment for women with young children or the introduction of crèches at the workplace, also contribute to increasing female employment.

The dual role of women – in the labour market and in child-rearing – is rewarded by the government with different opportunities. These include personal income tax exemptions for mothers with four or more children, reduction/waiver of student loan debt for having children, or the possibility for women to receive old-age pension before retirement age with 40 years of eligibility ("women 40"). In addition, the government has increased the infant care allowance to 100% of gross wages in 2021, so that mothers will receive a higher benefit than their previous net income for the first six months of childcare - an exception in Europe - because Hungary values women. And as a result of one of our latest measures to support women, from 1 January 2023 mothers who have children before the age of 30 will also be exempt from paying personal income tax until the age of 30, up to the sum the average wage.

Hungary has the legal framework to implement the requirements of equal treatment, especially with regard to remuneration for work, and our laws regulate the implementation of non-discrimination in line with international standards, and there are legal remedies available in case of violation.

Work-life balance

Supporting work-life balance is a priority for the Hungarian government as part of the development of a family-centred and work-based society. To this end, the Hungarian government has taken exact and well-defined measures to make it easier for every woman and every individual to find a balance and make personal choices.

One of the most prominent measures expressing the principle of freedom of choice is the possibility for women to decide whether to return to the labour market 6 months after childbirth while receiving child care fee (GYED) or child care allowance (GYES), or to stay at home with their child for a longer period. Another important aspect of our approach to ensuring women's freedom of choice is the possibility to access childcare services. Despite the fact that access to childcare is not compulsory in Hungary due to the specificities of the family support system, the government has recognised that the complex development of the childcare system contributes directly to supporting work-life balance.

Since 2010, the Government has established and is continuously expanding a stable, complex, targeted and flexible family support system that protects and serves the family, the basic unit

[5] https://ec.europa.eu/eurostat/databrowser/view/une_rt_a__custom_13336425/default/bar?lang=en
[6] https://www.ksh.hu/stadat_files/mun/hu/mun0025.html

of our community, in a multi-faceted way. The objectives of family policy for the coming years are to enable young people to have children as early as possible, to strengthen the financial position of families raising children, to improve their financial situation and to ensure that they can reconcile work and private life and maintain good physical and mental health.

The main objective is to ensure that women do not have to choose between having children and working, and to this end we are promoting a better work-life balance through measures such as the following:

- Continuous improvement of the day-care system and increase in the number of places
- Child Care Fee Extra Package (GYED Extra)
- Grandparents' childcare benefit
- Women40 (early retirement scheme for women)
- Job Protection Action Plan
- 44 working days of parental leave
- Provision of additional parental leave
- Compulsory part-time employment at the request of parents with a young child, optional teleworking or part-time work up to the age of 8[Subsections (3) - (4) of Section 61 of Act I of 2012 on the Labour Code (hereinafter referred to as Mt.)]

The Child Care Fee Extra Package (GYED Extra Package)

Thanks to the measures implemented in the package, initially (from 2014) the restrictions on working while receiving childcare benefits after the child's first birthday were lifted and from 1 of January 2016, it is possible to work while receiving child care fee (GYED) (including student child care fee) or child care allowance (GYES) from the child's sixth month onwards. This is another way of supporting mothers with young children, allowing them not to have to choose between child-rearing and their careers, ensuring they have the freedom to decide. Giving them the freedom to return to work after six months if they wish, and to continue to receive childcare benefits.

Statistical data also show that year by year more and more people are taking advantage of this opportunity and working while receiving childcare benefits. In the year of introduction, more than 29,000 individuals chose to work while receiving childcare fee or child care allowance, and by 2023, this number had nearly increased by two and a half times. Looking at the data from the past two years, in 2022 nearly 65,000 while in 2023 more than 70,000 people worked while receiving childcare benefits (GYED and GYES). In terms of sex ratio, it has been characteristic in recent years that 71-72% of those working while receiving childcare benefits are women, and 28-29% are men.

Year	Working while receiving childcare benefits (persons)		
	Men	Women	**total**
2014	no data	no data	**29 117**
2015	no data	no data	**35 915**
2016	5 539	36 946	**42 485**
2017	9 537	37 995	**47 532**
2018	13 544	44 959	**58 503**
2019	16 172	42 838	**59 010**

2020	17 436	42 293	**59 729**
2021	17 639	43 745	**61 384**
2022	18 738	46 217	**64 955**
2023	19 722	50 454	**70 176**

Source: Hungarian State Treasury (MÁK)

Another measure to promote greater participation of women in the labour market is targeted **additional support for parents with children under the age of 3** for the duration of nursery care. The aim of this measure is to facilitate access to childcare services, to provide financial support for the costs of placement, and thus to help parents return to the labour market or find work after childcare (HRDO Plus_6.3.1-21).

Strengthening the Role of Women in the Family and Society (2021-2030) Action Plan (hereafter: Action Plan) is a strategic document to ensure gender equality.

Measures related to day care for children show how complex day care centre developments will be implemented based on the 2019 needs assessment and how these developments can improve the territorial coverage of day care by 2030. The experience of the new needs assessment, planned for the end of 2026, will provide the basis for setting new commitments.

The Action Plan sets specific targets and indicators for the challenges to reduce gender inequalities with regard to the criterion (addressing gender gaps in employment, pay and pensions, and promoting work-life balance for women and men, including by improving access to early childhood education and care).

Example of measures:

- promoting the gender division of labour
- the sharing of unpaid domestic and care work between women and men
- reconciliation of work and family life between women and men as regards parental leave
- helping women to become leaders
- promoting the orientation of girls and women towards STEM careers
- Support for the employment of women with children under 6
- reducing the pay gap between women and men

Promoting women's greater participation in labour market through labour law

The Hungarian laws provide that any discrimination in payment between men and women in the same workplace and in the same job violates the requirement of equal treatment. The amount of the statutory minimum wage and the guaranteed minimum wage – set by the Government – does not discriminate between women and men. Beyond this legislation, the Government does not have the right to intervene directly in wage negotiations in business in the private sector. The pay-system of the public sector does not discriminate between women and men.

As regards the organisation of working time, the Mt. contains an entire set of flexible working arrangements to adapt to the needs of the technological developments (reference period, payroll period, scheduled daily working time etc.) – with special attention to the sectoral requirements and to the small- and medium enterprises lacking the possibility of regulation by way of collective agreements.

In addition, the Section 59 of the Mt. provides as follows:
„Following the end of the leave of absence defined in Sections 127-132, the employer shall make an offer to the employee for having his wages adjusted, taking into consideration the average annual wage improvement implemented in the meantime by the employer for employees in the same position. In the absence of such employees, the rate of actual annual wage improvements implemented by the employer shall be applied."

The above legal provision obliges the employer to adjust the salary of a female employee returning from maternity leave to the salary of other employees in the same job -whether male or female - that have increased in the meantime, and if there are no other employees in the same job, the salary of the returning female employee must be adjusted to take into account the annual salary increases during the period of maternity leave.

The Mt. introduced new atypical forms of employment which enables flexibility: for instance work on call, job-sharing, employment relationship established by multiple employers and teleworking.

Family protection is served by the Mt. which provides extra paid leave for both parents annually, and also the opportunity that both parents are entitled to unpaid leave for the purpose of child-care if they intend to and paid paternity leave for fathers after childbirth.

Directive 2023/970/EU to strengthen the application of the principle of equal pay for equal work or work of equal value between women and men through pay transparency and enforcement mechanisms (hereinafter the "Pay Transparency Directive") was published on 17 May 2023 in the Official Journal of the European Union. It aims to strengthen the principle of equal pay for equal work or work of equal value between women and men. In connection with this the directive prescribes new obligations for all employers, although to different extents, and provides for responsibilities for the national governments. The Directive applies to the whole segment of the labour market along with the public sector. The Directive places significant obligations on both Member States and employers to achieve pay transparency. The Hungarian government has started to set up a working group and to assess the legislative tasks in order begin the effective transposition process.

The transposition of EU Directive 2019/1158 on work-life balance for parents and carers into Hungarian law is also important, which represents a step forward for workers raising children in line with EU law. The provisions of the Directive entered into force on 1 January 2023 and are as follows:

- *Paternity leave*

Under the amendments, the father is entitled to 10 working days of paternity leave at the latest by the end of the second month following the birth of the child or, in the case of adoption, the finalisation date of the decision authorising the adoption. Paternity leave shall be allocated on the days requested by the father in maximum two instalments. Paternity leave may not be deferred or interrupted. For the first five working days of paternity leave, the worker shall be entitled to 100 % of the absentee pay, and for the six to ten working days, 40 % of the absentee pay, thus meeting the average remuneration required by the Directive. The rules on the reimbursement of the employer's costs for the first 1-5 working days of paternity leave are governed by a government decree, under which the state provides a 100% subsidy from the

central budget up to the amount of the absentee pay and public charges paid for this period. The remuneration for the 6th to 10th working day is financed by the employer.

- *Parental leave*

The amendment introduces the right to 44 working days of parental leave up to the age of three of the child. The entitlement is subject to one year of employment. If, at the time of the birth or adoption of the child, the employment relationship has not yet been in existence for one year, but is completed later, parental leave is still granted. Parental leave shall be granted by the employer at the time requested by the employee, who shall, as a general rule, notify the employer of such request at least fifteen days in advance. The employer may postpone the granting of parental leave for a maximum of 60 days in the event of economic reasons of particular importance or any direct and consequential reason arising in connection with its operations, giving the employee the reasons in writing, and the parental leave may not be interrupted once it has begun. For the duration of parental leave, the employee shall be entitled to 10% of the absentee pay, reduced by the amount of GYED, graduate GYED or GYES paid to the employee for the period.

- *Carers' leave (Carers' worktime allowance)*

A new rule exempts employee from their obligation to be available and work for a maximum of five working days a year to provide personal care a relative who is in need of significant care or support for serious medical reasons or for a person living in the same household as the employee. The carer worktime allowance shall be granted at the time requested by the person concerned, in no more than two instalments. No remuneration shall be payable for the duration of the carer worktime allowance.

- *Flexible working conditions*

In order to ensure flexible working conditions, the employee until the age of eight of his child and the employee giving care may request to be transferred to a new place of work; changes to their working arrangements; to work in teleworking arrangement; and/or to work part time. except for the first six months of employment. The employer shall respond to the reasoned request of employees within fifteen days in writing and in the event of an unlawful refusal or failure to respond, the worker may bring an action before the courts within 30 days. In the event of an unlawful refusal or failure to make a declaration, the court shall substitute the employer's declaration of consent.

The most recent amendment to the Mt. introduced more flexibility in parental leave, so that parental leave must be granted at the time requested by the employee.

b) Please provide information on:

- ***measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;***
- ***the implementation of those measures;***
- ***progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.***

Women in decision-making positions

In the public sector, the proportion of female managers is particularly high at 66.1%, according to the Hungarian Central Statistical Office data for the period of January-May 2024. This ratio is 31.7% on average in the for-profit sector and 55.4% in the non-profit sector. Data on the proportion of female managers employed by Hungarian Standard Classification of Occupations (FEOR) occupational group are available from the Hungarian Central Statistical Office.

According to the data for the year of 2023, the percentage of women employed in the judiciary is 63.4%, and women employed in the courts is 77.7%. This represents an increase of 3.7 and 1.5 percentage points respectively compared to 2010. Looking at the period January-May 2024, the proportion of women employed in academic and scientific organisations (which includes higher education and scientific research and development) is 55.9%.

In summary, more women than men are working in these fields, which are prominent in terms of both social prestige and the skills required.

An example of women's training and mentoring is the Mathias Corvinus Collegium Women's Public Leadership Programme, which since its launch in 2018 has aimed to nurture talented young women who have ambition to become public leaders, want to do something for their communities and are committed to improving the future of their communities. In addition to traditional forms of education, this programme will also focus on skills development and practical experience. Participants will be asked to complete project tasks and will have the opportunity to meet respected Hungarian and foreign leaders, professionals and politicians.

The free post-graduate course is open to young women aged 23-37 with Hungarian and English language skills, who already have a degree and the ambition to become public figures.

Our country is not thinking in terms of quotas to increase women's participation in political and public life. The right way to achieve this goal is to replace mandatory quantitative quotas (top-down) with bottom-up measures such as motivating, training and mentoring women, which are more effective in the long term.

Women entrepreneurs

Among Hungarian women entrepreneurs, there are many mothers (24 000) running their own business[7] . The share of women entrepreneurs (7.5%) is high compared to the countries of the region (Poland: 1.6%, Slovenia: 6.2%, Slovakia: 5%). The number of women entrepreneurs is in the middle internationally, close to the German figure (> 40%), compared to Poland and Slovakia, which perform below the Hungarian figure. [8]

According to the World Bank's Women, Business and The Law 2024 Index[9], the business environment in Hungary is good for women compared to much of the world. The index assesses the situation of women in 8 dimensions (mobility, employment, pay, marriage, parenthood, entrepreneurship, wealth and retirement). Hungary ranks 32nd with 93.8 out of a maximum score of 100.

[7] https://www.opten.hu/kozlemenyek/tobb-mint-80-ezer-vallalkozas-mukodik-ma-magyarorszagon-tisztan-holgyekbol-allo-menedzsmenttel

[8] Global Entrepreneurship Monitor 2021/22 Women's Entrepreneurship Report: from Crisis to Opportunity
https://www.gemconsortium.org/report/gem-202122-womens-entrepreneurship-report-from-crisis-to-opportunity

[9] https://openknowledge.worldbank.org/entities/publication/853a55af-f1ba-4979-949c-61979af2fbb9

c) ***Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.***

In the public sector, the proportion of female managers is particularly high at 66.1%, according to the Hungarian Central Statistical Office' data for the period of January-May 2024. This ratio is 31.7% on average in the for-profit sector and 55.4% in the non-profit sector. Data on the proportion of female managers employed by Hungarian Standard Classification of Occupations (FEOR) occupational group are available from the Hungarian Central Statistical Office.

According to the data for the year of 2023, the percentage of women employed in the judiciary is 63.4%, and women employed in the courts is 77.7%. This represents an increase of 3.7 and 1.5 percentage points respectively compared to 2010. Looking at the period January-May 2024, the proportion of women employed in academic and scientific organisations (which includes higher education and scientific research and development) is 55.9%.

In summary, more women than men are working in these fields, which are prominent in terms of both social prestige and the skills required.

The largest public limited companies in Hungary	Percentage of women in company management
4iG PMt.	10%
Alteo PMt.	13%
ANY PMt.	15%
Magyar Telekom PMt.	31%
MBH PMt.	25%
MOL PMt.	4%
OTP Bank PMt.	12%
Richter Gedeon PMt.	35%
Waberer's International Nyrt.	11%
Zwack Unicum Nyrt.	15%

IV. Sector-specific rules and data

- **Rules applicable to civil servants**

Act CXCIX of 2011 on Civil Servants (hereinafter referred to as Kttv.) sets out the requirement of equal treatment among the general provisions, according to which the requirement of equal treatment in the civil service, in particular in relation to salary, must be observed. Under the Kttv., in determining the equal value of work, account must be taken in particular of the nature, quality and quantity of the work performed, the working conditions, the necessary qualifications, physical or mental effort, experience, responsibility and labour market conditions [Section 13(1) and (3) of the Kttv.]

- **Rules for government officials**

Act CXXV of 2018 on Government Administration does not specifically mention the requirement to comply with the rules on equal treatment, given that Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities also applies to government

employees. The prohibition of discrimination in all employer's declarations and measures is also duly applied in the system of the Government Administration Act. Based on the "principle of professionalism" enshrined in the Act, the employer shall determine the salary of a government official on the basis of professional ability, qualifications, experience and performance within the limits set by the Kttv.

- **Rules applicable to national defence forces employees and soldiers**

The Hungarian Defence Forces provide an opportunity for a wide section of society to work in the service of their country. The Hungarian Defence Forces do not discriminate between male and female employees, and women are also provided with a wide range of support and career opportunities, including a wide range of benefits.

In the Hungarian Defence Forces, women are active in both civilian and military personnel, holding managerial and executive positions at all organisational levels. Women can hold any military and/or civilian position, provided they meet the suitability requirements for the military branch and specialisation. In the Hungarian Defence Forces, the proportion of women among civilian and military personnel combined is 29.71%, and this is broken down as follows: officers 22.94%, non-commissioned officers 23.63 and enlisted personnel 12.6%.

Hungary has the highest proportion of female active duty soldiers among NATO allies, at 20.17% in 2023.

According to data from June 2024, the proportion of female leaders in the Hungarian Defence Forces is 12.5% of the total number of senior staff in the organisation. The proportion of female leaders in the military is 18.19%. In the Ministry of Defence, the percentage of female military leaders in the total military leadership is 27.8%.

In the Women, Peace and Security (WPS) Action Plan 2024-2028, adopted by the Minister of Defence, specific strategic objectives and plans have been set out to support women's increased participation and representation in decision-making mechanisms.

- **Data on employment in the field of public education**

In public education, the participation of women in the labour market is above average. According to the most recent statistics (October 2023), the number of people employed in public education in Hungary is 141 720, of which 120 437 are women (85%) and 21 283 men (15%).

The number of decision-makers - i.e. those with a managerial mandate - is in line with their overall employment rate. According to the latest statistics (October 2023):

- The total number of people in managerial positions is 14 525, of which 12 191 (83.9%) are women and 2 334 (16.1%) are men.
- The total number of heads of institutions (directors) is 5606, of which 4473 are women (79.8%) and 1133 are men (20.2%).

- **Data on the staff of the National Tax and Customs Administration**

At the NAV, 62.2% of employees are currently women, compared to 62.6% in 2020, so the figure has remained essentially unchanged.

Currently 49.5% of managers are women, compared to 48.2% in 2020.

- **Rules applicable to professional staff in law enforcement agencies**

Chapter XI of Act XLII of 2015 on the Service Status of Professional Members of Law Enforcement Agencies (hereinafter referred to as the Hszt.) regulates the classification and promotion of professional staff members of law enforcement agencies uniformly, regardless of gender.

Section 364 (1) (6) of the Hszt., together with the regulations issued pursuant to it, serves to comply with Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

In the National Defence Service, the percentage of female managers is 21% (79% for men).

The National Disaster Management Service of the Ministry of the Interior (hereinafter referred to as BM OKF) has published an Equal Opportunities Plan to promote equal treatment and equal opportunities.

The BM OKF, as the employer, ensures that discrimination between employees takes place only on the basis of the qualifications, skills and expertise relevant to the job. The employer shall observe the requirements of equal treatment and equal opportunities with regard to the remuneration of employees. Women in the same post shall receive the same pay as men. Some of the reasons for the gender pay gap are related to differences in seniority, qualifications and length of service. In order to promote equal opportunities, the BM OKF supports women as a priority target group for the application of the Equal Opportunities Plan in vocational training and learning opportunities.

The Equal Opportunities Plan promotes and ensures equality between women and men. Women are usually the main users of childcare and sometimes face difficulties in re-entering the labour market. The employer pays particular attention to the reintegration of staff returning from childcare and to the timing of leave for staff with children under 16. The employer shall maintain contact with women in childcare during the childcare period, thus helping to promote effective equality between women and men.

The National Command of the Penitentiary System (hereinafter referred to as BVOP) has issued an Equal Opportunities Plan (BVOP Instruction 60/2020 (XII.10.)) in order to fully implement the requirements of equal treatment and equal opportunities. The BVOP, as an employer, undertakes to respect the principle of equal treatment and to promote equal opportunities by not discriminating between staff members as regards the establishment of employment, salary, career development, training opportunities, working conditions, benefits under the employer's internal rules and benefits in relation to childcare and parenthood. Exceptions to this rule are made for cases of discrimination which are clearly necessary by reason of the nature or the nature of the employment.

The employer undertakes to prevent discrimination against the staff member. In this context, it shall primarily apply the means of prevention, including the establishment of the employment relationship, the determination of salaries during the employment relationship, the benefits that may be granted under the employer's internal rules, career development, training, further

training and other incentive instruments and methods, transfers, other matters relating to the employment relationship and termination of the employment relationship.

Summary:

Measures to increase women's labour market participation and reduce gender segregation are having a positive impact. Progress in leadership positions has also been significant and efforts in this area should be continued in the future to achieve full equality.